



Montana Board of Livestock Meeting Minutes

(This Meeting was Virtual to the Public)

May 5, 2021

MT Department of Livestock Board Room #319
301 N. Roberts, Helena, Montana

Board Members Present

Gene Curry, Chairman (cattle producer)
Alan Redfield (cattle producer)
Jake Feddes (cattle producer)
Nina Baucus (cattle producer)

(Ed Waldner attended the meeting virtually)

Sue Brown (dairy and poultry)
Greg Wichman (sheep producer)
Ed Waldner (swine producer)

Staff Present

Mike Honeycutt, EO
Evan Waters, Centralized Services
Tom Shultz, Centralized Services
Dale Haylett, Centralized Services
Ethan Wilfore, Brands Administrator
George Edwards, Livestock Loss Board
Nick Wormgoor, Meat & Poultry Inspection

Donna Wilham, Adm. Assistant to EO
Dr. Marty Zaluski, State Veterinarian
Dr. Tahnee Szymanski, Animal Health
Dr. Gregory Juda, MVDL Director
Gary Hamel, Meat & Poultry Inspection
Alicia Love, Meat & Poultry Inspection

Public Present

Don Waldner
Lindsey Simon, Agency Legal Services
Dr. Kerry Pride, DPHHS
Cody Oxarart, Phillips County Livestock Assn
Rachel Cone, MT Farm Bureau Federation
John Pavao, MT Department of Administration

Jenny Bloomquist, MVMA
Raylee Honeycutt, MSGA
John Steuber, USDA Wildlife Services
Lauri Hanauska-Brown, MT FWP

MEETING CALLED TO ORDER

8:03 AM

Chairman Gene Curry called the meeting to order at 8:03 AM

BOARD APPROVAL OF BOL MEETING MINUTES

(0:06) 8:03 AM

Chairman Gene Curry requested approval of the minutes for the March 31, 2021 BOL meeting:

- It was requested that when motions were made and seconded that those persons identify themselves
- There was a problem hearing who voiced the second on one of the motions from the March 31, 2021 meeting, but, after discussion, it was found that Alan Redfield had made the second and his name was added to the minutes

MOTION/VOTE

(1:35) 8:04 AM

Nina Baucus moved to approve the minutes from the BOL March 31, 2021 meeting. Sue Brown seconded. The motion passed.

BOL ROLL CALL

(2:08) 8:05 AM

Chairman Gene Curry requested that BOL members, whether present in Helena or attending by ZOOM, introduce themselves and comment if they desired:

- Nina Baucus, Cattle Representative, was present in the BOL conference room and said that she believed their last cow had calved, but that she thought there was one ewe that had her legs crossed and was waiting for next year
- Sue Brown, Dairy & Egg Representative, was present in the BOL conference room and reported that they were done seeding and that their yearlings had started to kid. They had about 45 yet to kid
- Greg Wichman, Sheep Representative, was present in the BOL conference room and reported that they were down to about 30 ewes left to lamb, but, he wasn't sure about how many cows were left to calve. He said they were thinking about starting on some farming
- Jake Feddes, Cattle Representative, was present in the BOL conference room and reported that they were done calving and were now into AI-ing, embryo transplant and field work
- Alan Redfield, Cattle Representative, was present in the BOL conference room and reported that calving was done, but that the moisture they had received slowed down all the farming
- Ed Waldner, Swine Representative, attended the meeting by ZOOM and reported that they were about done seeding and the winter wheat was turning green. He added that everything looked good around their place and that milk prices were fairly good
- Gene Curry, Cattle Representative, was present in the BOL conference room and said that they are not done seeding and he doesn't believe they are done calving either. He added that their fertilizer spreader was buried up past the frame and so they had an excavator coming that day

DOL STAFF ROLL CALL

(5:16) 8:08 AM

Mike Honeycutt named all staff currently attending the BOL meeting by ZOOM and also announced himself, being present in the BOL conference room:

- Mike Honeycutt reported that staff currently present on the call were: himself, Donna Wilham, Dr. Marty Zaluski, Dr. Tahnee Szymanski, Evan Waters, Ethan Wilfore, Gary Hamel and also Lindsey Simon, DOL Legal Counsel
 - Mr. Honeycutt said that Brian Simonson would not be joining the meeting because he had been down in the back that week

DOL PUBLIC ROLL CALL

(6:00) 8:09 AM

Mike Honeycutt announced the names of members of the public currently attending the BOL meeting by ZOOM call:

- Mike Honeycutt reported that Jenny Bloomquist, representing the Montana Veterinary Medical Association and Rachel Cone from the Montana Farm Bureau Federation were currently attending the BOL meeting by ZOOM

OLD BUSINESS

(7:19) 8:10 AM

(7:24) 8:10 AM – UPDATE ON COVID-19 DOL RESPONSE & CONTINUITY

Mike Honeycutt announced that there was some light at the end of the tunnel on how the DOL is having to respond to COVID-19:

- Mr. Honeycutt reported that it appeared the DOL would be able to bring staff back to work in the near future
 - Because many State workers had been working remotely for so long, a consultant might have to help in looking at options for how to return employees to work
 - According to Mr. Honeycutt, the Governor's office wanted to look at policies and see whether or not the majority of State employees needed to be sitting in an office in Helena working or if there were other ways for that to be done
 - Down the road, Mr. Honeycutt said there might be policy changes and changes in building footprints
 - Mr. Honeycutt assumed that by the next BOL meeting at least the Helena staff would be back to normal
 - Regarding COVID vaccinations, they are not mandated for State employees, but strongly encouraged
- Mr. Honeycutt explained that normally, the location of where a job is located is specified in the job description
 - Some DOL workers, according to Mr. Honeycutt, are remote all the time, with their vehicle and home being their place of work, but usually, it is required a worker live within 30 miles of a specific location
 - Typically, District Investigators are required to live in the district they serve
- Concern was raised regarding the Bozeman Meat Inspector position being advertised and how finding housing could be an issue, not only for availability of housing, but also for the cost of housing in that area
 - Mr. Honeycutt explained that occasionally, in certain locations, Bozeman being one of those, additional pay is offered due to the higher cost of living

- Salaries at the MVDL are some of the DOL's highest, not only because they are professional and certified types of individuals employed there, but also because of the location of the job being in Bozeman

(15:46) 8:19 AM – UPDATE ON PROCESSES FOR 2021 LEGISLATURE

Mike Honeycutt reported that the 2021 Legislative Session was over, but, because it had not been in session the full 90 days, it could reconvene at some point

(16:46) 8:20 AM – Review Legislative Bill Drafts

Mike Honeycutt covered a few points of interest coming out of the 67th Legislative Session:

- HB302 – Require County Approval to Relocate Bison
 - This bill had passed the Legislature and had been transmitted to the Governor for his signature
- HB318 – Clarify Definition of Bison
 - This bill had passed the Legislature and had been transmitted to the Governor for his signature
 - A Western Ag Reporter article regarding bison had raised questions from Legislators, according to Mike Honeycutt
 - Mr. Honeycutt said that based on HB302, if bison were moved from the APR to the CMR, the County Commissioners in counties bordering the CMR would have to approve of that before a move could take place
 - Mr. Honeycutt also said that because APR bison had already been subject to paying per capita, according to HB318, they could not be considered “wild” bison if they were moved to the CMR from the APR
 - HB318 also states that “wild bison” cannot be the offspring of a bison that has been subject to the per capita fee
 - Should FWP ever establish wild bison in an area, according to current State law, there would have to be a fence around the area
- HB336 – Interstate Cooperative Meatpacking Compact
 - This bill had passed the Legislature, but not before being amended with two contingencies that the DOL felt would make it more palatable to USDA. It had been transmitted to the Governor for his signature
- SB199 – Montana Local Food Choice Act
 - This bill had passed the Legislature and had been transmitted to the Governor for his signature. Once signed, Mr. Honeycutt thought the bill became effective immediately
 - Mr. Honeycutt felt that the meat issues that were included in the original bill were resolved through amendments
 - The sale of raw milk was legalized through this bill, but required self-testing, with records of those tests to be kept by the seller
 - Mr. Honeycutt reported that since the passing of the bill, a lot of people had reached out to the DOL, asking if the MVDL could do the testing on their raw milk

- Dr. Juda and staff were working on a non-regulatory test form for the raw milk tests, so those records were not confused with regulatory testing being done for Grade A dairies
- Concerns were raised by the BOL regarding liability of the DOL for testing an individual's raw milk at the MVDL
 - If pathogens were found in raw milk tested at the MVDL and due to privacy laws, would the MVDL be allowed to disclose the findings to the public
 - Jake Feddes said that if the public knew the MVDL ran the tests on the raw milk and a person got sick from it, no matter whose responsibility it was to inform the public about problems with the milk, the seller or the MVDL, it would come back on the Department and ultimately on the Grade A dairies who also get tested by the MVDL
 - Ed Waldner said that even if the milk is perfect and safe when it gets to the MVDL, the handling of it afterwards is where a problem can arise. He felt those selling raw milk should use a private lab so the MVDL is not involved
 - Sue Brown commented that there was nothing put into place in the bill for monitoring the raw milk testing, so, there was no guarantee that anybody would do the testing
 - Mike Honeycutt said that SB199 prohibits the DOL from doing any type of rulemaking on the raw milk portion of the bill

MOTION/VOTE

(29:58) 8:33 AM

Alan Redfield moved to put a moratorium on any testing of raw milk at the MVDL until the BOL had clarification from legal counsel on the liability concerns and responsibilities of the DOL regarding raw milk testing. Ed Waldner seconded. The motion passed.

- Gene Curry reported that he had spoken with Mike Foster at the Department of Agriculture and that Mr. Foster wanted to promote agricultural products in Montana, but, did not want to be in the regulatory phase of it
- SB26/SB27/SB58 – Clarify Use of Tribal Agreements for Livestock Producers on Reservations/Allow Multiplier Reimbursement for Loss of Livestock/Provide Fund Transfer for Livestock Losses
 - All three of these bills were signed into law
- SB131 – Provide Milk Price Forward Contracts
 - This bill had passed the Legislature and the Board of Milk Control had already started working on rules to put forward contracting options into place
 - This bill, according to Mr. Honeycutt, needed to be passed to allow for the forward contracting options to Dairy Farmers of America (DFA) producers. DFA now owns the plants in Great Falls and Billings

- HB628 – Revise Certain Livestock Inspection, Transportation, Permit Fees
 - Representative Kassmier’s bill addressed producers having to pay inspection fees both ways on seasonal grazing permits. Mr. Honeycutt reported that the bill was tabled during the final two weeks of the Session

(49:48) 8:51 AM – Review Budget Request Progress

Mike Honeycutt reported that the DOL was in great shape on the budget side, with HB2 making its way to the Governor and the DOL budget left pretty well intact:

- All new packages and decision packages the DOL submitted to be part of HB2 carried forward except for a .5 FTE Labeling Specialist request from the Meat and Poultry Inspection Bureau
- The appropriation for purchasing a different helicopter for the DOL also moved forward, but a check couldn’t be cut to purchase one until July 1, 2021
 - The DOL has their sights on a USDA-owned helicopter in Utah to purchase
- An additional appropriation was added to the DOL’s budget in HB2 by the Legislature, adding \$200,000 of authority (a mix of Federal and State authority) to pursue the Cooperative State Shippers program
 - The DOL must apply to USDA for the Cooperative State Shippers program, and if successful, would be able to offer that level of inspection to the meat and poultry business in Montana, allowing businesses to market their product across state lines
 - Additional training would be required for current inspectors to get them up to the same training that Federal Inspectors receive
 - Mr. Honeycutt recognized that Senator Osmundson was instrumental in pushing the additional funding for the DOL for this program through the Session

Mr. Honeycutt reported that HB14, initially a bonding bill, was now a cash bill, and the projects attached to it from the DOL had been moved forward to the Governor’s desk:

- Construction of a new MVDL was initially submitted as a bonding bill in HB14, but the DOL was awaiting word on whether or not Federal funds from the American Rescue Plan Act (ARPA) could be used to fund the project instead
- HB632, already signed by the Governor, allocates the American Rescue Plan Act Federal funds for several projects in Montana, including funding that must be spent on COVID-related capital projects, which would include funding for the construction of the new MVDL, which would increase the State’s capacity to deal with that type of situation
- Mr. Honeycutt explained that the construction of the \$26 million new MVDL would move forward, either covered with HB14 funding or HB632 funding. The \$10 million portion of that new building dedicated to the Montana Department of Agriculture’s Ag Analytical Laboratory would not be covered with the HB632 funding
 - Mr. Honeycutt announced that the DOL is making a request to the Office of Budget and Planning to go ahead and start building the new MVDL, but, with so many capital projects able to be done now because of the American Rescue Plan Act funds, Architecture & Engineering, in the

Department of Revenue, will need to prioritize which projects would be started first

- Montana State University, according to Mr. Honeycutt, had already been talking to the Facility Services people about the actual site location of the new MVDL and he was hoping they would find out soon so that the soil samples could be taken and site graphs made
- John Scully's efforts in moving the new MVDL effort forward were recognized

(1:02:36) 9:05 AM – UPDATE ON GOVERNOR'S OGSM STRATEGIC MANAGEMENT IN RELATIONSHIP TO BOL AND EXECUTIVE OFFICER STRATEGIC GOALS

Mike Honeycutt updated the BOL on the Governor's OGSM (Objectives, Goals, Strategies and Measures) program, which aims for State agencies to become more metric-focused and able to deliver quantifiable results to the public:

- Mr. Honeycutt reported that the DOL's monthly operations review to the Governor, his Chief of Staff and the head of the Department of Administration was scheduled for May 6, 2021
- Another meeting was scheduled for the following week, according to Mr. Honeycutt, to discuss putting together dashboards and ways to present the OGSM information to the public on the DOL website
- Mr. Honeycutt highlighted some of the items he would be presenting during the DOL's monthly operations review, scheduled for the next day
 - The DOL was close to 50% of brands rerecorded, a goal that had been set to be met by mid-year
 - Big progress had been made in livestock dealer processing and training of District Investigators, with one just finishing a basic law enforcement course and another finishing in June
 - The DOL needed to continue working on the Governor's directive in looking at brands recording policies
 - Legislative successes would be reported on, including the new MVDL, DOL helicopter and the Cooperative Interstate Shippers
 - The Milk Control Bureau was working on their rules for forward price contracting for milk
 - The MVDL accreditation had been received, a big deal for AAVLD
 - The DOL needed to prepare establishments and the Meat & Poultry Inspectors for a Federal audit that would be coming in late summer and also get moving on the Cooperative Interstate Shippers application
 - The DOL needed to make sure that a helicopter was purchased
 - Livestock per capita reporting was in its last month and so that would tell the DOL what kind of financial help was needed moving forward and also provide insight on what was going on in the industry
- It was suggested by Nina Baucus to perhaps have a specialist in fraud, particularly fraudulent forms, speak to DOL staff
- Mr. Honeycutt commented that he did not want to be heavy-handed, but said that the DOL should probably be doing more spot-checking at fairs, rodeos and other

shows for CVIs. Alan Redfield agreed with Mr. Honeycutt, especially spot-checking at rodeos, adding that the horse thing is a big issue

- Sue Brown expressed her thoughts on the importance of using RFID tags for traceability
- Gene Curry suggested, because of the retention issue of RFID tags, to use implants in the ear instead. A comment was made about the concern of those implants migrating throughout the body of the animal
- Mr. Honeycutt said that a Federal ruling had been delayed requiring that interstate shipments would require RFID by 2023, but, he said that is probably what is going to happen at some point on certain movements
- Although Mr. Curry commented that the BOL had gotten off of the subject of OGSM, Mike Honeycutt said, he thought he had gotten some ideas to add to the DOL's December horizon

NEW BUSINESS

(1:27:56) 9:31 AM

(1:27:56) 9:31 AM – RECOGNITION OF 1st QUARTER EMPLOYEE YEARS OF SERVICE MILESTONES

Mike Honeycutt announced that he wanted to come back every few months or so to remind the BOL of some of the milestones DOL employees were hitting:

(1:28:41) 9:32 AM – 10 years

- Nick Wormgoor, the Southwest Regional Supervisor in the Meat and Poultry Division
- Steve Kiewatt, Lewistown Market Supervisor

(1:29:18) 9:32 AM – 15 years

- Kathy Ortega, MVDL

(1:29:28) 9:32 AM – 25 years

- Tom Reinhardt, Brands Enforcement Division
- Warren Anderson, Brands Enforcement Division

Mike Honeycutt reported that about a quarter of the DOL staff had reached retirement eligibility with the State because of years of service, but some were not Social Security or Medicare eligible, as of yet

(1:34:45) 9:37 AM – RECESS

(1:34:58) 9:55 AM – RECONVENE

CENTRALIZED SERVICES DIVISION REPORTS

(1:35:04) 9:56 AM

(1:35:13) 9:56 AM– PREDATOR CONTROL

(1:35:13) 9:56 AM– Update on Activities of USDA Wildlife Services

John Steuber gave an update on the latest activities of USDA Wildlife Services:

- Mr. Steuber reported that there were only five predation investigations in March, other than coyotes, but that April had been a big month
 - In April, there were 26 investigations conducted on private property on calves killed by grizzly bears, 14 of which were in Glacier County and 9 investigations were on calves killed by wolves
 - 13 investigations in April on private property were for mountain lion killings – 10 goats, 2 horses and 1 calf
- Powell County was having a big blow up right now with wolves killing calves, which started happening just over the weekend and have continued to happen
- Regarding the helicopter DOL is wanting to purchase, Mr. Steuber said that the difficulty has been finding out how the DOL can purchase it from the USDA Wildlife Services Nevada program who had purchased it from the Army for \$180,000 and because of unforeseen circumstances were not going to be able to use it. The helicopter currently is in a USDA facility in Cedar City, Utah
 - Mr. Steuber said that the General Services Administration (GSA) restriction is that the USDA Wildlife Services cannot sell the helicopter for at least a year and then must take the proceeds from the sale to purchase another helicopter, which they do not want to do
 - A possible scenario is that if the DOL was not intent on owning the USDA Wildlife Services helicopter, Mr. Steuber offered that USDA Wildlife Services could continue owning the helicopter and the DOL could pay for modifications to be done on it and all the maintenance for the next year or so and it could be used for DOL predation work
 - Several modifications would need to be done to the helicopter to be made usable for predation work in Montana, such as adding a high landing gear, a different console, different radios and possibly more, depending on how many hours were on it already, all at a cost that could go beyond \$100,000
 - Mr. Steuber said that the USDA-owned helicopter in Utah is a good helicopter as their pilot had a chance to fly it from Alabama to Utah
 - Mr. Steuber was not certain that the DOL could lease the USDA-bought helicopter because they need to be reimbursed for the helicopter's purchase
- There is a possibility, according to Mr. Steuber, that more Army helicopters may come available for sale in July, with four currently being held onto at their training facility
- Mr. Steuber explained that the DOL-owned helicopter, located in Helena, doesn't have anything major coming up for repairs on it, but it does have a lot of hours on the airframe

- The helicopter loaned to the DOL by the LESO program and located in Billings, was a little ways out on time left, according to Mr. Steuber, but it was going to get difficult to find parts for it
- Mr. Steuber said that it becomes difficult when the helicopters go in for their 300-hour maintenance, which take about two weeks to complete, and they are down on their ability to go out on predation calls, especially during the busy season
- Mike Honeycutt explained that the helicopter one-time-only appropriation, passed by the Legislature is biennial, meaning it can be used any time in the next two years

BOARD OF LIVESTOCK TRAINING

(1:54:07) 10:15 AM

(1:54:07) 10:15 AM – TRAINING ON SEXUAL HARASSMENT, DISCRIMINATION AND HUMAN RIGHTS IN STATE GOVERNMENT AND THE WORKPLACE, PROVIDED BY JOHN PAVAO, DEPARTMENT OF ADMINISTRATION

John Pavao, State Americans with Disability Act (ADA) Coordinator and Diversity Coordinator for Montana State Government, provided the training and presentation to the BOL:

- Mr. Pavao explained that he provides guidance and expertise to State agencies on Title I of the ADA of the employment provisions and also Title II of the ADA, which is access to programs and services throughout the State government
- Mr. Pavao said that he is also the Equal Opportunity Officer, providing guidance and expertise to State agencies on different civil rights legislation on both Federal and State Law
- Mr. Pavao explained that in his role as Diversity Coordinator, he provides guidance and expertise to State agencies on hiring and retaining people from various backgrounds
- Mike Honeycutt explained that trainings like this were important because when the BOL sit together they are classified by law as the Director of the DOL and with so many new members, it is good to be aware of State and Federal policies when the BOL takes supervisory employment actions
- Mr. Pavao provided the training and because of time, offered his email and phone numbers if there were any other specific questions that the BOL might have regarding any information he gave in his presentation.

LEGAL COUNSEL UPDATE (Legal Update from BOL Legal Counsel, Lindsey Simon)

(2:59:48) 11:20 AM

Because Lindsey Simon did not have any general Legal Counsel updates, she suggested addressing the Phillips County Livestock Association situation Mike Honeycutt had brought to her attention earlier in the week

(3:01:17) 11:22 AM– Receipt Discussion of Packet Received from Phillips County Livestock Association Concerning Department Response to APR Diagnostic Testing (Some portions may require Executive Session)

Mike Honeycutt reported that in the last week, a packet was received from the Phillips County Livestock Association:

- A copy of the packet received from the Phillips County Livestock Association was shared with the BOL
- Mr. Honeycutt said that the packet had raised several issues in regards to existing issues between Phillips County Conservation District and the APR subsequent testing that occurred of their herd, the results of which was talked about during the last BOL meeting, which he thought prompted the letter
- According to Mr. Honeycutt, several requests were made in the letter and several points were raised by the Phillips County Livestock Association
- Gene Curry said that because there were some questions with employees and their response to what was requested of them by the Conservation District, to make sure that none of their rights were jeopardized, he would call an Executive Session

(3:04:25) 11:25 AM – RECESS

(3:04:25) 11:32 AM – RECONVENE

(3:04:25) 11:32 AM – EXECUTIVE SESSION

(3:04:35) 1:13 PM – RECONVENE

LEGAL COUNSEL UPDATE (Continued)

(3:04:35) 1:13 PM

MOTION/VOTE

(3:04:46) 1:14 PM

Alan Redfield moved that Mike Honeycutt send a letter to the Phillips County Livestock Association to clarify what issues they have and also to respond to their questions received in a recent correspondence to the DOL from them. Jake Feddes seconded. The motion passed.

PUBLIC COMMENT REGARDING APR

(3:06:10) 1:16 PM

Gene Curry opened the floor for public comment from Cody Oxarart:

- Cody Oxarart said he had issues with what the APR had going on and their diseases, such as blue tongue and anaplasmosis, and the impact it could have if our cattle and even the wildlife population would start getting those diseases and how critical it would be to our livelihood
- Gene Curry told Mr. Oxarart that the DOL would be sending the Phillips County Livestock Association a letter early next week that would explain the DOL's

thoughts on their Association's concerns and would also ask for clarification on some of the issues

- Mr. Curry requested that Mr. Oxarart look through the information and discuss it and then bring back a reply to the BOL

(3:10:25) 1:20 PM – LUNCH

(3:10:35) 1:46 PM – RECONVENE

BRANDS ENFORCEMENT DIVISION

(3:10:49) 1:46 PM

(3:11:02) 1:47 PM– RERECORD UPDATE

With just under two months until the halfway point on rerecord is reached, Ethan Wilfore updated the BOL on how the rerecord process was going:

- Mr. Wilfore reported that about 49% of the 55,500 brands had been rerecorded in the state
- The Brands Enforcement Division was completely caught up with processing rerecord requests and was now processing applications as they are received
 - Turnaround time to process a rerecord application is one to two weeks from the time it is received until it is received in the mail by the producer
- New brands and transfers are way ahead of where they were at this time last year, and with the increase, there is five-week backlog for the Brand Recorder for processing new brand applications
- Gene Curry relayed a story to Ethan Wilfore about how impressed his hired man was with his treatment by Brands Enforcement Division staff when applying for a new brand
- Mr. Curry said he had received a text from a producer who commented that the rerecord fees are way too high

(3:14:56) 1:50 PM – REQUEST TO HIRE MARKET AUDITOR/REQUEST TO HIRE RAMSAY MARKET SUPERVISOR

Ethan Wilfore had two requests to hire in the Brands Enforcement Division, one in Helena and one in Ramsay:

- The Market Auditor resigned effective April 2, 2021
 - Mr. Wilfore explained that the Market Auditor monitors the financial condition of the markets and dealers, audits and conducts special investigations at his request and also at the request of the District Investigators
 - With market dealer licensing going on right now, Mr. Wilfore said he has had to absorb that task, which is normally done by the Market Auditor
 - Mr. Wilfore said it was critical to fill the Market Auditor position prior to summer so that person could be trained up and be able to conduct audits

during the summer, which is when things slow down a bit and travel is easier

- Mr. Wilfore said that the position has already been opened as a Helena position, but no one had been hired
- The Ramsay Market Supervisor submitted a resignation and her last day was today, May 5, 2021
 - The Ramsay Market Supervisor supervises all sales there and supervises one Market Inspector and one short-term Market Inspector
 - With that position vacant, the District Investigator will be coming down to run those sales

MOTION/VOTE

(3:18:03) 1:53 PM

Greg Wichman moved to approve the hire of a Market Auditor and a Ramsay Market Supervisor in the Brands Enforcement Division. Sue Brown seconded. The motion passed.

(3:18:40) 1:54 PM –BRAND POLICY DISCUSSION/UPDATE

Pertaining to the Governor's directive, Ethan Wilfore said he was looking for some discussion on current brand policy:

- Mr. Wilfore said he had already sought out feedback from staff on the current brand policy and asked if any of them would be interested in serving on a committee to discuss it
 - Some ideas from Brands field staff and Helena office staff regarding the current character conflicts, particularly reworking regional character conflicts, had already been received
 - Some ideas on characters to be added back in were rafters, spears, arrows, spades, clubs and a lot of the traditional brand characters that are allowed in other states, but not in Montana
 - Mr. Wilfore said that some market people and District Investigators in Helena are interested in helping out and being members of a Brands Policy Committee to provide their perspective from the regulatory angle of things
- Mr. Wilfore requested that the BOL help him in filling out the rest of the Brands Policy Committee and setting up a timeline so that he could get started in drafting policy
- Gene Curry said that he had already reached out to the Montana Stockgrowers Association and the Montana Farm Bureau for names of people who would be interested in being a part of a Brands Policy Committee. He added that because he had gotten a letter from the Governor regarding the current brand policy, he would be chairing the Brands Policy Committee and thought that a committee of 15-20 people would be very effective
 - Because Ethan Wilfore had been collecting feedback from Brands staff already, Mike Honeycutt said there didn't have to be a lot of staff involved. He said the DOL's role would be to support the Committee and provide information to help make decisions or recommendations

- Mike Honeycutt reported that two Legislators were wanting to serve on that Committee as well
 - Representative Brandon Ler from Savage initiated the Brands policy legislation during this Legislative Session
 - Representative Josh Kassmier, who served as Chair of House Ag this Session, should probably be given a seat at the Brands Policy Committee table, Mr. Honeycutt said, because he asked if he could be included on the Committee
- Mr. Wilfore said that since discussions previously with the BOL about the brand policy changes, he had put together a working draft of administrative changes and ideas
- Mr. Honeycutt reported that he had been asked by the Lieutenant Governor the day before about when the DOL was going to start on the changes, and so he said he did not think there would be an opportunity to wait until after rerecord was completed to begin discussions
- One of the main issues the Brands Policy Committee will be taking up, according to Mike Honeycutt, is the term, “with reasonable certainty” when considering which characters to allow
 - Mr. Honeycutt said that the Committee will also need to decide whether the internal brand policies should remain that way or be put on the website or be put into Administrative Rule
- Mr. Wilfore said that there are very few registered brands for llamas and alternative livestock, but, there are some notes listed about them in the brands policy
- Regarding freeze brands, Mr. Wilfore said that to get a freeze brand, the hot iron brand has to already be owned by the one requesting the freeze brand, and both are listed on the same certificate

(3:45:55) 2:21 PM– REQUEST FOR OUT-OF-STATE TRAVEL

(3:45:55) 2:21 PM– International Livestock Identification Association Symposium

Ethan Wilfore requested that the BOL approve out-of-state travel for two Brands Enforcement Division staff be able to attend the annual International Livestock Identification Association Symposium:

- The International Livestock Identification Association Symposium is scheduled for July 11-14, 2021 in San Diego
- Ethan Wilfore requested that Ty Thomas, Assistant Brands Administrator and Dan Bugni, Western Area Supervisor, be allowed to attend the Symposium, which is a collection of different states and Canada coming together to network and get updated on identification of livestock, traceability, livestock crimes, etc., in the US & Canada
- Mike Honeycutt said that this particular symposium is one done annually and so, it is something that is contemplated in the base budget each year, but with the

COVID situation last year, and no DOL staff attending it, there was a lot of money saved

MOTION/VOTE

(3:47:40) 2:23 PM

Nina Baucus moved to approve travel for two Brands Enforcement Division staff, Ty Thomas and Dan Bugni, to attend the International Livestock Identification Association Symposium in San Diego in July 2021 with the caveat that one of them make a complete report to the BOL upon their return. Alan Redfield seconded. The motion passed.

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS

(3:51:12) 2:26 PM

(3:51:30) 2:27 PM - ANIMAL HEALTH BUREAU

Dr. Tahnee Szymanski announced that she had updates on two animal diseases in Montana

(3:51:47) 2:27 PM – Importation of Rabbit Hemorrhagic Disease Vaccine

Dr. Tahnee Szymanski updated the BOL on the introduction of Rabbit Hemorrhagic Disease into Montana:

- Dr. Szymanski said that Rabbit Hemorrhagic Disease was diagnosed in Yellowstone County in four feral domestic rabbits in early February of this year
 - Since the February diagnosis, there was a domestic rabbit diagnosed as well as a cottontail diagnosed in Yellowstone County
 - All diagnoses of Rabbit Hemorrhagic Disease in Montana have been in Yellowstone County
- Rabbit Hemorrhagic Disease, according to Dr. Szymanski, is considered a foreign animal disease because it is not typically present in the United States. But, in March of 2020, the disease was confirmed in about a dozen, primarily western, states
 - Because the disease is highly fatal to all rabbit species and is highly contagious, Dr. Szymanski said that the DOL had been alerting veterinarians and rabbit owners in the state to precautions they should be taking
- With no commercially-licensed vaccine available in the United States, Dr. Szymanski said that the USDA Center for Biologics will approve importation of two products available in the EU for states that have confirmed cases
 - One veterinarian recently imported 275 doses of the vaccine into Montana, which had been dispensed to the corps of veterinarians that had requested the vaccine. A second importation of the vaccine is hopefully coming to the state in the next month or two, so individuals who are interested in having their rabbits vaccinated can do so
- Dr. Szymanski reported that the disease is hardy and long-lived, but it is not known how it is spread, especially among the domestic rabbit populations

- There is some concern that rabbit transporters could be moving animals of high risk and State Animal Health Officials are discussing how to educate those transporters
- Insects are even being considered as playing a possible role in the spread of the disease
- The diseased rabbits can transmit the disease even when they aren't yet showing clinical signs of it. The bedding in their cages can become contaminated and the landscape where a deceased animal has been laying can be contaminated as well
- There have been significant die-offs of rabbits in other states, with some rebound of populations. But, with the weather warming up, there has been an uptick of cases again. There have not been significant reports of die-offs, however, in and around Yellowstone County
- Dr. Szymanski said that there is no risk to human health from this disease

(4:01:07) 2:26 PM – Response to Increase in *Brucella canis* Cases in Montana

Dr. Tahnee Szymanski reported on the uptick in cases of *Brucella canis* in Montana:

- *Brucella canis*, according to Dr. Szymanski, is a disease of dogs that has some zoonotic potential
- Although there have been 26 confirmed cases of *Brucella canis* in Montana over the last five years, 21 of them have happened in the last 16 months
- Because the diagnosed cases of *Brucella canis* in Montana have common histories, Dr. Szymanski said that the DOL had started communication with the shelter and rescue network in the state to implement some level of surveillance of dogs in those networks before they're adopted into homes
 - Dogs that are given the *Brucella canis* diagnosis are mostly euthanized
- Dr. Kerry Pride, from the Public Health and Safety Division of DPHHS, said that *Brucella canis* is a nationally notifiable condition with the Centers for Disease Control and Prevention that has been recognized as a human health hazard
 - Although there have been just 52 cases of the disease reported since 1967, Dr. Pride said that diagnosis is complicated because it has very non-specific clinical signs and is not high on the list for physicians to check. The only way to diagnose it is through culture. Antibody tests detect Brucellosis, but not necessarily the species of it
 - Dr. Pride said the CDC has been getting more concerned about *Brucella canis* and is working on developing a test to detect and get a better understanding of the disease and the prevalence of it in humans
 - Dr. Pride added that in the United States, it is known that the disease is zoonotic and even in testing, is most likely missed, under-reported and under-diagnosed
- Ravalli and Roosevelt Counties are two counties that the DOL is looking at defining that the dogs originating from those counties as being high risk
- Dr. Szymanski said the DOL is working with Montana shelters to help them implement testing protocols for *Brucella canis* without negatively impacting those networks in Montana because of finite resources they may have. She said they are looking at external funding resources to help offset the cost of testing

- The primary test the DOL recommends for *Brucella canis* is a two-test series that is run at the MVDL at a cost of \$26 with a turn-around time of 1-2 business days. Occasionally, a culture is requested from the National Veterinary Services Laboratory as well
- If a shelter does not have the resources to test every dog, Dr. Szymanski said that the DOL is working with them to try and prioritize the population of animals that should be tested

(4:13:49) 2:49 PM – MEAT & POULTRY INSPECTION BUREAU

(4:13:53) 2:49 PM – Regulatory Control Actions for Humane Handling

Mike Honeycutt explained that he had asked Gary Hamel to report on this subject to educate the BOL on the issues and what protocols the DOL takes in these instances:

- Mr. Hamel reported that the Meat & Poultry Inspection Bureau recently took regulatory control actions in two official establishments for violations of humane handling regulations
- In both establishments, Mr. Hamel said that a stunning attempt failed to render the animal insensitive to pain, and once a failed stun occurs, a non-compliance record is issued and the next 19 animals are monitored for stunning effectiveness to document that the 95% first stun attempt standard is met
 - Both establishments missed additional stuns within that 20-animal window, and the inspector then stopped slaughter activity as required by regulation
 - A notice of intended enforcement letter was then sent to each establishment from the Bureau, that outlined the issue and requesting that they provide corrective action of the failed stuns
- The Bureau worked closely with each establishment owner to work through the issues and minimize any down time. Only slaughter activity was stopped in these establishments; and they could continue to apply the mark of inspection to carcasses and parts
 - One establishment was out of slaughter production for less than 24 hours and the other establishment, although the issue was resolved just as quickly, didn't resume slaughter for two days
- Over the next six months, Mr. Hamel said that both establishments will undergo additional scrutiny and recordkeeping to ensure that the corrective actions put into place remain effective
- Mr. Hamel did point out that if an establishment is unable to slaughter and animals have to remain overnight, they have to be provided with food, water and shelter from inclement weather
- Because one of the instances of a failed stun was done by an untrained employee, some of the corrective actions proposed by the entities are training and retraining employees on correct shock placement
- Another corrective action that the establishments are making is capital improvements, adding head catchers to their chutes and high calibers, bigger bullets, that perhaps would render the animal unconscious more quickly

(4:22:19) 2:58 PM – VETERINARY DIAGNOSTIC LABORATORY

(4:22:19) 2:58 PM – Amended Rules Request for Fees Associated With New Tests/Administrative Charges

Dr. Greg Juda put forth an amended rules request for the BOL to consider for publication and public comment, associated with additional test offerings and administrative charges at the MVDL. He said to note that some of the items included on this rules request had already been approved by the BOL previously. Both requests were put into one amended rules document:

- One suggested change was to remove the 50% surcharge assessed on out-of-state submissions
 - This change was requested, according to Dr. Juda, because in monitoring those charges over the past year, there were only two submitters impacted and there was no effective means of flagging or identifying out-of-state submission or enforcing the fees charged because the invoices were generated directly out of the LIMS system.
 - Dr. Juda added that because it is not a significant impact in terms of economics, it would be easier to eliminate the administrative overhead it takes to attempt to flag submissions by doing away with the surcharge
 - Dr. Juda said that removing the surcharge makes the MVDL more consistent with the regional market because in looking at Wyoming, South Dakota, North Dakota, Illinois and Colorado, none of those labs publish or charge an out-of-state submission fee. However, the Washington State Lab (WADDL) does charge a bit of a surcharge for those out-of-state submissions
- Dr. Juda explained that laboratory results are sent out immediately upon completion of testing, but if payment is not made for those test results within 90 days, the MVDL has the ability to withhold recent test results until payment is received
- After-hours carcass receiving cost was changed from \$25 to \$50 to make that charge more commensurate with the MVDL's cost to pay a Pathologist, who is usually the one to cover carcass receiving after hours or during the weekend
- It is possible, according to Dr. Juda, to bring all of the requested new tests on board, with existing personnel, working into the existing workflow, and the only investment would be minimal for additional primers and probes for the PCR tests and kit costs for the Virology tests, which is consistent with what is already being done for all the tests offered within those sections
- Dr. Juda said that based on the recommendation from Veterinary Microbiologist, Dr. Schwarz-Collins, having a more comprehensive suite of services for the MVDL's veterinary clients would add a potential increase in fee revenue
- Dr. Juda reminded the BOL that with the professional expertise now available at the MVDL with a PhD-trained Veterinary Microbiologist on staff, things are looked at in a little bit different diagnostic light than maybe a Pathologist did in the past, and he felt the BOL should consider that expertise

- Having additional NAHLN test offerings at the MVDL goes into the rating the MVDL receives, which is tied to funding received from NAHLN as well

MOTION/VOTE

(4:49:14) 3:24 PM

Sue Brown moved to approve all amendments to ARM 32.2.403, including adding nine new diagnostic test offerings at the MVDL and adding/modifying administrative and supply fees previously not adopted into ARM, as written and presented by Dr. Greg Juda. Jake Feddes seconded. The motion passed.

To answer a question from the BOL, Dr. Zaluski explained that Q Fever is a zoonotic disease that can be, in lambing situations, aerosolized when it is on the dust and people inhale it. It can also be passed through milk, he said, with previous studies finding that a high percentage of bulk tank milk has Q fever as well, even though Dr. Zaluski didn't believe it was a routine disease tested for in milk

(4:54:46) 3:30 PM – NAHLN Financial Plan for FY21

Dr. Greg Juda presented the NAHLN FY21 Financial Plan, which he explained works out to be in the DOL's FY22:

- Dr. Juda explained that the NAHLN (National Animal Health Laboratory Network) funding cycle is based on the Federal funding cycle, which this year, runs June 1, 2021 – May 31, 2022
 - The NAHLN funding received must be used for items related to the activities that are performed on behalf of NAHLN
- According to Dr. Juda, the MVDL is currently considered a Level 2 laboratory, that doesn't receive as much NAHLN funding as a Level 1 laboratory would, but more than a Level 3 laboratory would. NAHLN funding this year is listed at \$133,000 for the MVDL
 - Dr. Juda said, that once the new MVDL is in place, it would then gain a rating as a Level 1 Laboratory, and typically, that would bump the annual NAHLN funding to around \$320,000/year
 - Holding the MVDL back now from receiving a Level 1 rating, according to Dr. Juda, is primarily infrastructure. The new MVDL is expected to have BSL3 testing capability and bio-containment, both rated pretty high in the eyes of NAHLN. The MVDL could also improve in the eyes of NAHLN by improving in a theoretical capacity test during a disease outbreak or surge in testing and how many people are trained to complete that testing
- Dr. Juda explained that to fall in the scope of NAHLN testing, the MVDL focused on utilizing the annual funds for updating aging equipment, such as water baths, incubators, centrifuges, refrigerators and freezers that are used on a daily basis
 - An evolution homogenizer is a "big ticket" piece of equipment utilized for CWD testing which was added to the NAHLN Financial Plan. The MVDL already has one of these units, but during last year's CWD testing, there were some performance issues with it. With the number of CWD tests the MVDL will be performing in a short amount of time during this fall hunting season, they needed a backup if the current homogenizer would go down

- Cost of preventative maintenance contracts were added to the NAHLN Financial Plan, mostly to cover equipment in the Molecular Diagnostics section of the MVDL
- Normally added to the MVDL's biennium budget, Dr. Juda added in the cost of pipettes, calibrations, pH meter, centrifuge, spectrometer preventative maintenance, microscope cleaning and Pathology scope maintenance to the NAHLN Financial Plan
- Two more items added to the NAHLN Financial Plan were a LIMS upgrade and a boiler unit for the autoclave that Dr. Juda said could have stood to be replaced during the last year
- Although an ultra-low freezer had been purchased recently for the Serology Lab section, another one was requested to replace a very outdated unit in the Virology Lab section, Dr. Juda said
- Dr. Juda explained that the MVDL has the ability to amend or revise the NAHLN Financial Plan, for example, if a quote received on a piece of equipment increased by the time the funds were ready to be spent
- Dr. Juda said he would prioritize the items on the NAHLN Financial Plan, per the request of Nina Baucus

(5:10:36) 3:46 PM – RECESS

(5:10:47) 4:00 PM – RECONVENE

CENTRALIZED SERVICES DIVISION REPORTS (Continued)

(5:10:50) 4:00 PM

(5:11:32) 4:27 PM – FISCAL BUREAU

Mike Honeycutt said that he and Evan Waters would be presenting today's Fiscal Bureau Report, as Brian Simonson was not able to be in due to a back injury

(5:11:32) 4:27 PM – Request to Hire Milk Control Bureau Chief

Mike Honeycutt announced that Chad Lee, Milk Control Bureau Chief, had accepted an offer for another position in the Office of the Commissioner of Higher Education:

- Chad Lee had been with the Milk Control Bureau for seven years and his last day would be May 21, 2021
- Currently, the Milk Control Bureau was tailored down to 2 FTEs, as a person in a third position there retired about a year ago and had never been replaced
- The Board of Milk Control is an attached agency, and, as such, the DOL provides staff for them to get their work done
- Until another Bureau Chief is hired, Brian Simonson will be monitoring what is going on in the Milk Control Bureau and will be working with Mark Curtis, an accountant who has been with the Bureau around 8 years
- Sue Brown expressed her thanks to Chad Lee for his service and his excellency through all the changes that happened with the milk industry during his time with

the Milk Control Bureau. She complimented his fairness and honesty in the position

- Ed Waldner said that Mr. Lee had done some good service to the industry and added that he needed to be replaced with an accountant

MOTION/VOTE

(5:15:20) 4:05 PM

Ed Waldner moved to fill the Milk Control Bureau Chief position. Alan Redfield seconded. The motion passed.

- Mike Honeycutt explained that the assessment for the milk pricing calculation is up to the Board of Milk Control and with a pretty hefty fund balance, they are very financially stable on that piece
- Mr. Honeycutt explained that the assessment has only been in a gradual decline because the volume of milk production, which is what it is based on, has stayed relatively stable, even though the number of dairies has gone down. Some quota has been lost, along with some cows out of state, but, a lot of times, the cows are sold when a dairy closes, but they remain in the state
- As far as inspection fees go, Mr. Honeycutt reminded the BOL that there were two people that retired from the Milk & Egg Bureau that hadn't been replaced, and that helped keep that portion steady. And, he felt that the DOL would probably, for the upcoming biennium, be in great shape financially by not hiring back everybody
- Ed Waldner reported that even with new colonies coming on board, they are quitting the dairy industry as they can't make it on \$14 milk

(5:19:23) 4:09 PM – Per Capita Fee Collections Update

Evan Waters reported that this year's per capita fee collection had been doing a lot better than it did last year:

- There was discussion of why there were increased per capita fee collections this year
 - Evan Waters felt that having the question on the rerecord form asking if you own livestock; then you are required to pay per capita fee, helped increase per capita reporting
 - Mike Honeycutt said that the FSA Livestock Forage Program could have also triggered extra per capita filers because to receive those payments the producers had to provide proof that they owned the animals, and that was done through per capita filing
 - Mr. Honeycutt felt pretty firm that the horse numbers that were reported was a direct result of a cross-checking project the DOL did about a year ago on horses, checking lifetimes, inspections and CVIs against the per capita roster and sending a teaser up saying, it looks like you own horses, so, you should be paying per capita
- To date, Mr. Waters said there were about 1700 more per capita filers this year than last year

- Mike Honeycutt said that he wanted to see how the month goes to be sure that people weren't just reporting earlier than they normally do, adding that 2021 per capita was going to be hard to assess because he was sure there was a lot of COVID impact in the head count number of cattle with marketing being delayed
- Mr. Waters reported that last year there were 1,916,000 cattle reported
- Mike Honeycutt explained a GIS mapping page displayed on the DOL website, showing numbers of animals being reported by county in Montana

(5:30:23) 4:20 PM – March 31, 2021 State Special Revenue Report

Evan Waters reported that the revenues for New Brands and Transfers was considerably higher than those in the previous year at this time:

- Mr. Waters explained that the \$491,000 listed under New Brands and Transfers does not include those new brands purchased from January 2021 on because they are part of the new rerecord period, and are put into an unearned revenue account, which is amortized over the next 10 years
- Mr. Waters reminded the BOL that Ethan Wilfore had reported 578 more brand transfers this year than last year and just since January 1, 2021, those have added up to \$101,000

Evan Waters reported that Inspection Fees were up as well, compared to last year:

- Market Inspection fees were up \$77,605, and Mr. Honeycutt said that equated to around 38,000 more head of cattle running through the consignment markets

There was more discussion about the per capita figures in the report:

- The Indirect Cost Recovery listing under Per Capita is an indirect expense that the Federal program pays the DOL's Centralized Services Division for helping to run the accounting side of the programs
- The Department of Revenue (DOR), according to Mr. Waters, either had or would be that week, sending out bills for those who had not yet paid their per capita, a total of about \$2.8 million still due to the DOL
- If the per capita bills were still not paid by September 1st, the DOR would be turning them over to the collection system where income tax refund money was held and paid to agencies where it is owed
- Mr. Honeycutt said that because year-over-year numbers are strongly positive and reporting is stronger than last year, he felt that the DOL would, before they got done, be able to reach and even go over the \$4.9 million budgeted for per capita, even though, at the end of March only a little over half of that figure had been collected

Investment Revenue was way down, according to Mr. Waters because the return was only about an eighth of what it was a year ago

In the Milk and Egg Bureau, inspection fees were up in some areas and down in other areas:

- Milk Inspection Fees were down around \$12,000 from the prior year, not only because of the loss of dairies, according to Mr. Waters, but also because of the \$1050 cap on what large dairies are required to pay each month for that service

- Egg Inspections were up \$32,000 from the previous year, not just because of an increase in chickens, but because a Federal mandate which required that the DOL increase inspection fees

Evan Waters reported the reasons he felt there had been a \$484,000 increase in Lab Fees revenue over last year at this time:

- The MVDL increased the fee charged to the Federal programs for each Brucella test performed
- The addition of CWD testing to the MVDL added to revenue
- There was a regular test fee increase implemented about a year ago in the MVDL

Regarding the Wolf Mitigation account, Mr. Waters reported that as of March 31, 2021, there was about \$19,000 in the account. However, it just recently rose considerably higher than that, the reason, he thought, was because of people applying for their special permits at this time of year

(5:47:12) 4:37 PM – March 31, 2021 Budget Status Report

Looking at the total overall projected outlook for the DOL, Evan Waters said the DOL was sitting in a pretty good financial position:

- Currently, the DOL is showing about \$300,000 excess budget over projected expense
 - Personal Services was projected to be about \$8,300 in excess
 - There was an unexpected payout for employees
 - There was a payout for banked holiday that was paid out in April
 - Mike Honeycutt commented that the overtime number was a challenge with a lot of overtime reported this year compared to last year
 - Mr. Waters said the overtime hours were mainly in the markets and out in the field with Brands
 - With 40,000 to 50,000 more head running through the sales markets than were the previous year, Mr. Honeycutt said there were more hours worked by staff at the sales
 - There was also overtime reported in the Meat & Poultry Bureau
 - Mr. Waters said that with CSD running an accountant short, he had been putting in some overtime as well
- In Operations, Mr. Waters said that he had to make an adjustment to other expenses that included the indirect percentage rate that the Federal program pays, and that had gone up, he thought, about 4%
- Under Budgeted Funds, for general fund, it showed about \$62,000 short, but no shifting of funds had taken place as of yet, and overall, the DOL was \$314,000 to the good
- Lab Fees were showing a \$146,000 negative, and being a proprietary fund, once that figure gets over the budgeted mark of \$1.2 million, more dollars can be amended in, bringing that number down, if the fees stay strong
- Mike Honeycutt said that most everything was good on the general fund side with the exception of the Meat & Poultry Inspection Bureau, where general fund would have to be shifted, possibly from DSA general fund and from the Lab when the

books are closed, to bring that number in the Meat & Poultry Inspection Bureau to zero

- The books will close on July 24, 2021 for the DOL and Mr. Waters said that he will not be able to do any work in the accounting system on the July 26th or July 27th
- Mr. Waters said he will soon have more information for the BOL on Budget Control Documents (BCDs), the documents that request permission from the Governor's Office of Budget and Program Planning (OBPP) to do any budgeting changes
- Mr. Honeycutt said that carryforward authority is another tool the DOL has at year end to balance the budget
- The Brands Enforcement Division, according to Evan Waters, has almost \$300,000 to carry forward into this budget, but not much general fund
- Mr. Honeycutt pointed out that should the new MVDL be paid for with ARPA funds, it would save the DOL around \$7 million in per capita fees that is sitting in cash reserves right now
- The Livestock Loss Board is projected to be about \$1,300 over budget that could be mitigated either by use of Livestock Mitigation Fund monies or from the license donation fund from the LLB specialty plates
 - The negative in the LLB is on the Salaries and Benefits
 - Mr. Honeycutt said that a challenge the LLB deals with is vacancy savings because there is just one FTE in that budget and so there are no vacancy savings to be had
 - George Edwards pointed out that their board is fully aware of the shortfall that happens every year and they have elected to take 10% from the rollover funds to mitigate it
- Mr. Waters pointed out a mistake he made in the Brands Enforcement Division figures on pages 12 and 22. There was actually a \$14,000 employee termination amount in 2020 and a \$54,000 employee termination amount in 2021
- Mike Honeycutt explained that when someone separates from the DOL they have to be paid out immediately on their last day for ¼ of their sick balance, the balance of any unused exempt or non-exempt comp time, any banked holiday time and vacation time
 - Hourly-wage employees are capped at 120 hours of non-exempt comp time; vacation caps vary with number of years worked and sick time continues to build

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS/COMMENTS FROM PRODUCER ORGANIZATIONS

(6:18:03) 5:07 PM

Mike Honeycutt said that it appeared that just one person was left from the public on the ZOOM call:

- Rachel Cone, from the Montana Farm Bureau Federation, introduced herself and announced that their summer meeting was scheduled for June 8, 2020
- Gene Curry requested that the selection for a Vice-Chair for the BOL be added to the next meeting's agenda

SET DATE FOR THE NEXT BOARD MEETING

(6:20:02) 5:09 PM

Gene Curry requested that the date for the next BOL meeting be set:

- Mike Honeycutt said that the Montana Stockgrowers Association mid-year meeting was scheduled for June 10-11, 2021 and that he was scheduled to be there on the 11th. He added that he was scheduled to be at the Montana Farm Bureau Federation meeting on June 8, 2021 in Great Falls
- The Montana Beef Council Meeting was scheduled for May 21, 2021 and Mike Honeycutt, the BOL, Ethan Wilfore and some Brands Enforcement Division staff had been invited to attend their meeting and lunch in Helena at the Delta Colonial Inn
- Mike Honeycutt said that he would be out of the office June 14-18, 2021 and Dr. Marty Zaluski would be out of the office the week of June 21, 2021
- The next BOL meeting was scheduled for June 30, 2021

MEETING ADJOURNED

(6:25:44) 5:15 PM


Gene Curry, Chairman