

## 1999 SENATE BILL 358

1     **AN ACT** *to repeal* 93.07 (15m) and (16); and *to create* 15.915 (1), 20.285 (1) (fj),  
2             20.285 (1) (je), 20.285 (1) (kg) and 36.58 of the statutes; **relating to:** animal  
3             health testing and diagnosis, creating a veterinary diagnostic laboratory board  
4             and making an appropriation.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5             **SECTION 1.** 15.915 (1) of the statutes is created to read:

6             15.915 (1) VETERINARY DIAGNOSTIC LABORATORY BOARD. (a) There is created a  
7             veterinary diagnostic laboratory board attached to the University of Wisconsin  
8             System under s. 15.03.

9             (b) The veterinary diagnostic laboratory board shall consist of the following  
10            members:

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1 1. The secretary of agriculture, trade and consumer protection or his or her  
2 designee.

3 2. The chancellor of the University of Wisconsin–Madison or his or her  
4 designee.

5 3. The dean of the school of veterinary medicine or his or her designee.

6 4. A veterinarian employed by the federal government, to serve at the pleasure  
7 of the governor.

8 5. Five other members representing persons served by the veterinary  
9 diagnostic laboratory, at least one of whom is a livestock producer, at least one of  
10 whom represents the animal agriculture industry and at least one of whom is a  
11 practicing veterinarian who is a member of the Wisconsin Veterinary Medical  
12 Association, appointed for 3–year terms.

13 6. The director of the veterinary diagnostic laboratory, who shall serve as a  
14 nonvoting member.

15 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
16 the following amounts for the purposes indicated:

17 **1999–00                      2000–01**

18 **20.285 University of Wisconsin system**

19 (1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC  
20 SERVICE

21 (fj) Veterinary diagnostic laboratory    GPR    A                      –0–    4,267,100

22 **SECTION 3.** 20.285 (1) (fj) of the statutes is created to read:

23 20.285 (1) (fj) *Veterinary diagnostic laboratory.* The amounts in the schedule  
24 for general program operations of the veterinary diagnostic laboratory.

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1           **SECTION 4.** 20.285 (1) (je) of the statutes is created to read:

2           20.285 (1) (je) *Veterinary diagnostic laboratory; fees.* All moneys received  
3 under s. 36.58 (3), other than from state agencies, to be used for general program  
4 operations of the veterinary diagnostic laboratory.

5           **SECTION 5.** 20.285 (1) (kg) of the statutes is created to read:

6           20.285 (1) (kg) *Veterinary diagnostic laboratory; state agencies.* All moneys  
7 received from other state agencies on account of the veterinary diagnostic laboratory  
8 to be used for general program operations of the veterinary diagnostic laboratory.

9           **SECTION 6.** 36.58 of the statutes is created to read:

10           **36.58 Veterinary diagnostic laboratory. (1) DUTIES OF THE VETERINARY**  
11 **DIAGNOSTIC LABORATORY BOARD.** The veterinary diagnostic laboratory board shall do  
12 all of the following:

- 13           (a) Prescribe policies for the operation of the veterinary diagnostic laboratory.  
14           (b) Develop biennial budget requests for the veterinary diagnostic laboratory.  
15           (c) In accordance with sub. (3), set fees for services provided by the veterinary  
16 diagnostic laboratory.

17           **(2) DUTIES OF THE VETERINARY DIAGNOSTIC LABORATORY.** The veterinary  
18 diagnostic laboratory shall do all of the following:

19           (a) Operate a laboratory that does all of the following:

20           1. Provides testing and diagnostic services for all types of animals, including  
21 fish, in this state, with emphasis on services for farm animals.

22           2. Provides the diagnostic services necessary to meet the requirements for  
23 accreditation by the American Association of Veterinary Laboratory Diagnosticians.

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1           3. Provides the testing and diagnostic services needed by the department of  
2 agriculture, trade and consumer protection to discharge the department's  
3 responsibilities related to disease control and animal health.

4           (b) Maintain a regional laboratory in the city of Barron.

5           (c) In cooperation with the school of veterinary medicine and the department  
6 of agriculture, trade and consumer protection, participate in research and in the  
7 provision of field services, consultation services and education as determined to be  
8 appropriate by the veterinary diagnostic laboratory board.

9           **(3)** FEES. (a) Except as provided in pars. (b) and (c), the veterinary diagnostic  
10 laboratory shall charge fees for testing and diagnostic services.

11           (b) The veterinary diagnostic laboratory may not charge a fee for any testing  
12 or diagnostic service conducted for the subunit of the department of agriculture,  
13 trade and consumer protection that is responsible for animal health or for the  
14 subunit of the federal department of agriculture that is responsible for animal  
15 health.

16           (c) The veterinary diagnostic laboratory board may identify services that are  
17 necessary to protect human health and safety for which the veterinary diagnostic  
18 laboratory may not charge fees.

19           **(3m)** APPOINTMENT OF DIRECTOR. After consultation with the veterinary  
20 diagnostic laboratory board, the chancellor of the University of Wisconsin–Madison  
21 shall appoint an individual who has received the degree of doctor of veterinary  
22 medicine as the director of the veterinary diagnostic laboratory.

23           **(4)** SUBMISSION OF BUDGET. Notwithstanding s. 15.03, the board of regents of the  
24 University of Wisconsin System shall process and forward to the department of

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1 administration all personnel and biennial budget requests of the veterinary  
2 diagnostic laboratory board without change.

3 **(5) TREATMENT OF CERTAIN EMPLOYES.** Notwithstanding ss. 36.09 (1) (i), 36.13  
4 and 36.15, when a position at the veterinary diagnostic laboratory is held by a person  
5 who held a position in the classified service at the animal health laboratories at the  
6 department of agriculture, trade and consumer protection on the day before the  
7 effective date of this subsection .... [revisor inserts date], the position may not be  
8 designated as a position outside of the classified service without the consent of the  
9 person.

10 **(6) CONFIDENTIALITY OF PARATUBERCULOSIS RECORDS.** Any information kept by  
11 the veterinary diagnostic laboratory that identifies the owners of livestock herds  
12 infected, or suspected of being infected, with paratuberculosis is not subject to  
13 inspection or copying under s. 19.35 except as the veterinary diagnostic laboratory  
14 determines is necessary to protect the public health, safety or welfare.

15 **SECTION 7.** 93.07 (15m) and (16) of the statutes are repealed.

16 **SECTION 8. Nonstatutory provisions.**

17 **(1) FACILITY PLANNING.** Notwithstanding section 13.48 (4) of the statutes, the  
18 department of agriculture, trade and consumer protection may report a proposed  
19 project for the construction or expansion of a facility in Madison for the veterinary  
20 diagnostic laboratory to the building commission at any time during the 1999–01  
21 fiscal biennium and may request the building commission to allocate moneys from  
22 the appropriation under section 20.867 (2) (r) of the statutes for planning for that  
23 project.

24 **(2) POSITION AUTHORIZATION; UNIVERSITY OF WISCONSIN SYSTEM.** The authorized  
25 FTE positions for the University of Wisconsin System are increased by 80.5 GPR

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1 positions on July 1, 2000, to be funded from the appropriation under section 20.285  
2 (1) (fj) of the statutes, as created by this act, for the veterinary diagnostic laboratory.

3 (2v) EXPENDITURE LIMITATION. In fiscal year 2000–01, the board of regents of the  
4 University of Wisconsin System may expend funds from the appropriation account  
5 under section 20.285 (1) (fj) of the statutes, as created by this act, only for salaries  
6 and fringe benefits of up to 65.5 FTE positions.

7 (3) INITIAL APPOINTMENTS TO VETERINARY DIAGNOSTIC LABORATORY BOARD.  
8 Notwithstanding the length of terms specified in section 15.915 (1) (b) 5. of the  
9 statutes, as created by this act, the governor shall appoint the initial members of the  
10 board under that provision for the following terms:

11 (a) One member for a term expiring on May 1, 2002.

12 (b) Two members for terms expiring on May 1, 2003.

13 (c) Two members for terms expiring on May 1, 2004.

14 (4) TRANSFER OF LABORATORIES.

15 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
16 liabilities of the department of agriculture, trade and consumer protection primarily  
17 related to the functions of the animal health laboratories, as determined by the  
18 secretary of administration, shall become the assets and liabilities of the University  
19 of Wisconsin System.

20 (b) *Employee transfers.* On the effective date of this paragraph, all incumbent  
21 employes holding positions in the department of agriculture, trade and consumer  
22 protection that are primarily related to the animal health laboratories are  
23 transferred to the University of Wisconsin System.

24 (c) *Employee status.* A transfer under paragraph (b) does not change the rights  
25 or status that an employe enjoyed under subchapter V of chapter 111 and chapter 230

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1 of the statutes in the department of agriculture, trade and consumer protection  
2 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
3 no employe so transferred who has attained permanent status in class is required to  
4 serve a probationary period.

5 (d) *Tangible personal property.* On the effective date of this paragraph, all  
6 tangible personal property, including records, of the department of agriculture, trade  
7 and consumer protection that is primarily related to the functions of the animal  
8 health laboratories, as determined by the secretary of administration, is transferred  
9 to the University of Wisconsin System.

10 (e) *Pending matters.* Any matter pending with the department of agriculture,  
11 trade and consumer protection on the effective date of this paragraph that is  
12 primarily related to the animal health laboratories, as determined by the secretary  
13 of administration, is transferred to the University of Wisconsin System. All  
14 materials submitted to or actions taken by the department of agriculture, trade and  
15 consumer protection with respect to the pending matter are considered as having  
16 been submitted to or taken by the University of Wisconsin System.

17 (f) *Contracts.* All contracts entered into by the department of agriculture, trade  
18 and consumer protection in effect on the effective date of this paragraph that are  
19 primarily related to the functions of the animal health laboratories, as determined  
20 by the secretary of administration, remain in effect and are transferred to the  
21 University of Wisconsin System. The University of Wisconsin System shall carry out  
22 any obligations under those contracts unless modified or rescinded by the University  
23 of Wisconsin System to the extent allowed under the contract.

24 (g) *Rules and orders.* All rules promulgated by the department of agriculture,  
25 trade and consumer protection in effect on the effective date of this paragraph that

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1 are primarily related to the animal health laboratories remain in effect until their  
2 specified expiration date or until amended or repealed by the veterinary diagnostic  
3 laboratory board. All orders issued by the department of agriculture, trade and  
4 consumer protection in effect on the effective date of this paragraph that are  
5 primarily related to the animal health laboratories remain in effect until their  
6 specified expiration date or until modified or rescinded by the veterinary diagnostic  
7 laboratory board.

8 (5) FEES. Notwithstanding section 36.58 (1) (c) of the statutes, as created by this  
9 act, from July 1, 2000, to the day after publication of the 2001–03 biennial budget act  
10 or July 1, 2001, whichever is later, the fee charged by the veterinary diagnostic  
11 laboratory for a service may be equal to the fee established under section 93.07 (15m)  
12 or (16m), 1997 stats., for that service that is in effect on the day before the effective  
13 date of this subsection.

14 **SECTION 9. Appropriation changes; agriculture, trade and consumer**  
15 **protection.**

16 (1) LABORATORY TRANSFER; GENERAL PROGRAM REVENUE DECREASE. In the schedule  
17 under section 20.005 (3) of the statutes for the appropriation to the department of  
18 agriculture, trade and consumer protection under section 20.115 (2) (a) of the  
19 statutes, as affected by the acts of 1999, the dollar amount is decreased by \$1,733,800  
20 for fiscal year 2000–01 to reflect the transfer of the animal health laboratories to the  
21 University of Wisconsin System and to decrease the authorized FTE positions of the  
22 department by 25.5 GPR positions related to the laboratories.

23 (2) LABORATORY EQUIPMENT AND SUPPLIES AND SERVICES. In the schedule under  
24 section 20.005 (3) of the statutes for the appropriation to the department of  
25 agriculture, trade and consumer protection under section 20.115 (2) (g) of the



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1 statutes, as affected by the acts of 1999, the dollar amount is increased by \$520,000  
2 for fiscal year 1999–00 to increase funding for equipment and supplies and services  
3 related to the animal health laboratories.

4 (3) LABORATORY TRANSFER; PROGRAM REVENUE DECREASE. In the schedule under  
5 section 20.005 (3) of the statutes for the appropriation to the department of  
6 agriculture, trade and consumer protection under section 20.115 (2) (g) of the  
7 statutes, as affected by the acts of 1999, the dollar amount is decreased by \$2,903,700  
8 for fiscal year 2000–01 to reflect the transfer of the animal health laboratories to the  
9 University of Wisconsin System and to decrease the authorized FTE positions of the  
10 department by 4.0 PR project positions and 33 PR positions related to the  
11 laboratories.

12 (4) PROGRAM REVENUE TRANSFER. The balance in the appropriation account  
13 under section 20.115 (2) (g) of the statutes on June 30, 2000, is transferred to the  
14 appropriation account under section 20.285 (1) (je) of the statutes, as created by this  
15 act.

16 (5) UNIVERSITY OF WISCONSIN SYSTEM; GENERAL PURPOSE REVENUE LAPSE. On  
17 June 30, 2001, \$813,900 is lapsed from the appropriation account under section  
18 20.285 (1) (fj) of the statutes, as created by this act, to the general fund.

19 (6) UNIVERSITY OF WISCONSIN SYSTEM; PROGRAM REVENUE LAPSE. On  
20 June 30, 2001, \$1,519,400 is lapsed from the appropriation account under section  
21 20.285 (1) (je) of the statutes, as created by this act, to the general fund.

22 **SECTION 10. Effective dates.** This act takes effect on the day after publication,  
23 except as follows:

