

1999 Senate Bill 358

Date of enactment: **April 28, 2000**
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1999 WISCONSIN ACT 107

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

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

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

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

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

1. The secretary of agriculture, trade and consumer protection or his or her designee.
2. The chancellor of the University of Wisconsin-Madison or his or her designee.

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

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

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

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

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

		1999-00	2000-01
20.285	University of Wisconsin system		
(1)	UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE		
(fj)	Veterinary diagnostic laboratory	GPR A -0-	4,267,100

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

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

* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

36.58 Veterinary diagnostic laboratory. (1)

DUTIES OF THE VETERINARY DIAGNOSTIC LABORATORY BOARD. The veterinary diagnostic laboratory board shall do all of the following:

(a) Prescribe policies for the operation of the veterinary diagnostic laboratory.

(b) Develop biennial budget requests for the veterinary diagnostic laboratory.

(c) In accordance with sub. (3), set fees for services provided by the veterinary diagnostic laboratory.

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

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

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

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

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

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

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

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

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

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

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

(4) SUBMISSION OF BUDGET. Notwithstanding s. 15.03, the board of regents of the University of Wisconsin System shall process and forward to the department of administration all personnel and biennial budget requests of the veterinary diagnostic laboratory board without change.

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

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

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

SECTION 8. Nonstatutory provisions.

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

(2) POSITION AUTHORIZATION; UNIVERSITY OF WISCONSIN SYSTEM. The authorized FTE positions for the University of Wisconsin System are increased by 80.5 GPR positions on July 1, 2000, to be funded from the appropriation under section 20.285 (1) (fj) of the statutes, as created by this act, for the veterinary diagnostic laboratory.

(2v) EXPENDITURE LIMITATION. In fiscal year 2000-01, the board of regents of the University of Wisconsin System may expend funds from the appropriation

account under section 20.285 (1) (fj) of the statutes, as created by this act, only for salaries and fringe benefits of up to 65.5 FTE positions.

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

- (a) One member for a term expiring on May 1, 2002.
- (b) Two members for terms expiring on May 1, 2003.
- (c) Two members for terms expiring on May 1, 2004.
- (4) TRANSFER OF LABORATORIES.

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

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

(c) *Employe status.* A transfer under paragraph (b) does not change the rights or status that an employe enjoyed under subchapter V of chapter 111 and chapter 230 of the statutes in the department of agriculture, trade and consumer protection immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

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

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

(f) *Contracts.* All contracts entered into by the department of agriculture, trade and consumer protection in effect on the effective date of this paragraph that are primarily related to the functions of the animal health laboratories, as determined by the secretary of administra-

tion, remain in effect and are transferred to the University of Wisconsin System. The University of Wisconsin System shall carry out any obligations under those contracts unless modified or rescinded by the University of Wisconsin System to the extent allowed under the contract.

(g) *Rules and orders.* All rules promulgated by the department of agriculture, trade and consumer protection in effect on the effective date of this paragraph that are primarily related to the animal health laboratories remain in effect until their specified expiration date or until amended or repealed by the veterinary diagnostic laboratory board. All orders issued by the department of agriculture, trade and consumer protection in effect on the effective date of this paragraph that are primarily related to the animal health laboratories remain in effect until their specified expiration date or until modified or rescinded by the veterinary diagnostic laboratory board.

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

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

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

(2) LABORATORY EQUIPMENT AND SUPPLIES AND SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of agriculture, trade and consumer protection under section 20.115 (2) (g) of the statutes, as affected by the acts of 1999, the dollar amount is increased by \$520,000 for fiscal year 1999-00 to increase funding for equipment and supplies and services related to the animal health laboratories.

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

department by 4.0 PR project positions and 33 PR positions related to the laboratories.

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

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

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

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

(1) The treatment of sections 20.285 (1) (fj), (je) and (kg), 36.58 and 93.07 (15m) and (16) of the statutes and SECTION 8 (4) and (5) of this act take effect on July 1, 2000.
