

1999 SENATE BILL 358

February 1, 2000 – Introduced by Senators CLAUSING, SCHULTZ, BURKE, ERPENBACH, DECKER, JAUCH, FITZGERALD, MOEN, RUDE, HUELSMAN, BAUMGART, BRESKE, A. LASEE, ROESSLER and DRZEWIECKI, cosponsored by Representatives OTT, PLOUFF, LASSA, REYNOLDS, MUSSER, URBAN, KESTELL, SPILLNER, SCHNEIDER, HASENOHRL, HAHN, OLSEN, HUTCHISON, HUNDERTMARK, GRONEMUS, KREUSER, AINSWORTH, LADWIG, BRANDEMUEHL, TURNER, PETTIS, HUEBSCH, KLUSMAN, PETROWSKI, RHOADES, KAUFERT, GUNDERSON, FREESE, SYKORA and ALBERS. Referred to Agriculture, Environmental Resources and Campaign Finance Reform.

1 **AN ACT** *to repeal* 93.07 (15m) and (16); and *to create* 15.915 (1), 20.285 (1) (fj),
 2 20.285 (1) (j), 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.

Analysis by the Legislative Reference Bureau

Under current law, the department of agriculture, trade and consumer protection (DATCP) operates two laboratories that provide animal health testing and diagnostic services, one in Madison and one a regional laboratory in the city of Barron. Some of the positions for the laboratories are funded with state general purpose revenue and some are funded with program revenue from fees charged for laboratory services.

This bill transfers the animal health laboratories and their employes to the University of Wisconsin (UW) System on July 1, 2000, and creates a veterinary diagnostic laboratory board (VDLB), attached to the UW System, to oversee the laboratories. The bill authorizes 18 additional positions for the laboratories. Under the bill, all of the positions for the laboratories are funded from state general purpose revenue. The bill requires the laboratories to participate in research and in the provision of field services, consultation services and education in cooperation with DATCP and the UW school of veterinary medicine, in addition to providing testing and diagnostic services.

The bill authorizes VDLB to set fees for the services provided by the laboratories. The bill prohibits the veterinary diagnostic laboratories from charging

SENATE BILL 358

fees for diagnostic and testing services conducted for DATCP's division of animal health.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 15.915 (1) VETERINARY DIAGNOSTIC LABORATORY BOARD. (a) There is created a
3 veterinary diagnostic laboratory board attached to the University of Wisconsin
4 System under s. 15.03.

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

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

9 2. The chancellor of the University of Wisconsin–Madison or his or her
10 designee.

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

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

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

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

SENATE BILL 358

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

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

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

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

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

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

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

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

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

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

SENATE BILL 358

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

4 **(3m)** APPOINTMENT OF DIRECTOR. After consultation with the veterinary
5 diagnostic laboratory board, the chancellor of the University of Wisconsin–Madison
6 shall appoint an individual who has received the degree of doctor of veterinary
7 medicine as the director of the veterinary diagnostic laboratory.

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

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

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

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

25 **SECTION 8. Nonstatutory provisions.**

SENATE BILL 358

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

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

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

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

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

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

19 (4) TRANSFER OF LABORATORIES.

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

SENATE BILL 358

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

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

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

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

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

SENATE BILL 358

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

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

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

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

22 (1) LABORATORY TRANSFER; GENERAL PROGRAM REVENUE DECREASE. In the schedule
23 under section 20.005 (3) of the statutes for the appropriation to the department of
24 agriculture, trade and consumer protection under section 20.115 (2) (a) of the
25 statutes, as affected by the acts of 1999, the dollar amount is decreased by \$1,733,800

SENATE BILL 358

1 for fiscal year 2000–01 to reflect the transfer of the animal health laboratories to the
2 University of Wisconsin System and to decrease the authorized FTE positions of the
3 department by 25.5 GPR positions related to the laboratories.

4 (2) LABORATORY EQUIPMENT AND SUPPLIES AND SERVICES. 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 increased by \$520,000
8 for fiscal year 1999–00 to increase funding for equipment and supplies and services
9 related to the animal health laboratories.

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

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

22 (5) UNIVERSITY OF WISCONSIN SYSTEM; GENERAL PURPOSE REVENUE LAPSE. On June
23 30, 2001, \$813,900 is lapsed from the appropriation account under section 20.285 (1)
24 (f) of the statutes, as created by this act, to the general fund.

