

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3853/P1dn
RCT:cmh:jf

November 12, 1999

1. This is a preliminary version of the animal disease diagnostic service draft. Please review it carefully to ensure that it complies with your intent.

2. Please let me know when you wish to have this proposal take effect. Effective dates are often stated in terms of a number of months after a bill takes effect, but a specific date may also be used if it is sufficiently far in the future that it cannot pass before the legislation is enacted.

3. As requested, this draft makes the USDA area veterinarian in charge a (voting) member of the animal disease diagnostic service (ADDS) board. However, when the legislature authorizes a nonstate entity to essentially appoint a member of a body with powers, such as the board, it raises a question of whether there is an invalid delegation of power. As far as I can tell, none of the other boards or similar entities created in ch. 15 has a federal official or employee designated as a member. There are two alternatives that I can think of. One would be to have the governor appoint a member representing the USDA. The other would be to have the area veterinarian in charge be a nonvoting member of the board. See, ss. 15.105 (16) (c), 15.135 (4) (c) 2. and 15.255 (1) (a) 9. There can also be problems with using in state statutes federal titles that are not specified in federal statutes and, thus, can be changed easily. I recall that the legislature had to amend s. 15.135 (4) (c) 2. when USDA reorganized itself.

4. As drafted, the members of the board that are appointed by the governor serve three-year terms. Please let me know if you would prefer different terms. Also, the draft does not require Senate confirmation.

5. For this draft, I have included a GPR appropriation but have specified "\$-0-" for expenditure in fiscal years 1999-00 and 2000-01. When you know the dollar amounts that you need to include in the proposal, contact me and I will either redraft the proposal or draft an amendment, whichever is appropriate. I imagine that the amount that you will want appropriated will depend on when you want the proposal to take effect.

6. Should some of the funds in the appropriation account under s. 20.115 (2) (g) be transferred to the program revenue appropriation of the ADDS?

7. I am not certain what the status of the employees of the ADDS would be. See ss. 230.08 (2) (d), 36.05 (1) and (8), 36.09 (1) (i) and 36.15 (1) (a) and (b) and (2).

8. Should any changes be made to s. 93.06 (1f) or (1p)?

9. This draft does not refer to the division of animal health by name because the division is not created in the statutes. DATCP may reorganize itself or change the name of the division at any time, so the division should be referred to by its function rather than by its name. An alternative would be to simply refer to DATCP.

10. This draft does not contain any language about a new facility. New facilities are usually authorized in the biennial building program in the state budget through a process involving the building commission. Please let me know if you intend to have this proposal authorize a new facility.

11. Provisions transferring DATCP positions to the UW System and transferring the incumbents in those positions, if that is what you intend, will need to be added in a later version of this draft. There should also probably be provisions specifying the terms of the initial appointees to the board so that they do not all expire at the same time.

12. When you have any questions about this draft or when you have redraft instructions, please do not hesitate to contact me.

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