

2007 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB197)

Received: 11/28/2007

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: Mark Miller (608) 266-9170

By/Representing: Beth Bier

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Add. Drafters:

Subject: Agriculture - soil and water
Environment - water quality

Extra Copies:

Submit via email: YES

Requester's email: Sen.Miller@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes concerning which fertilizers are covered

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 11/30/2007	kfollett 11/30/2007		_____			
/1			jfrantze 11/30/2007	_____	sbasford 11/30/2007	sbasford 11/30/2007	

FE Sent For:

<END>

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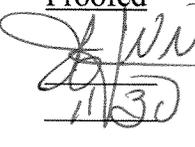
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/?	btradewe	11/15/07 11/30	 11/30	 11/30			

FE Sent For:

<END>

**SENATE AMENDMENT ,
TO 2007 SENATE BILL 197**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 1: delete “lawn fertilizer” and substitute “fertilizer for application to
3 turf”.

4 **2.** Page 3, lines 2 and 3: delete “lawn fertilizer” and substitute “fertilizer for application
5 to turf”.

6 **3.** Page 3, line 9: delete lines 9 and 10.

7 **4.** Page 3, line 12: delete “lawn fertilizer” and substitute “fertilizer for application to
8 turf”.

9 **5.** Page 3, line 13: delete “lawn fertilizer” and substitute “fertilizer for application to
10 turf”.

NOTE: Senate bill 197 defines turf as follows:

“Turf” means land, including residential property, golf courses, and publicly owned land, that is planted in closely mowed, managed grass, except that “turf” does not include pasture, land used to grow grass for sod, or any other land used for agricultural production.

The bill prohibits the application of fertilizer to turf if the fertilizer is labeled as containing phosphorous. However, elsewhere in the bill, the bill refers to “lawn fertilizer” without defining that term. (See page 3, lines 1, 2, 12, and 13.)

Rather than defining the term “lawn fertilizer”, this amendment deletes all references in the bill to “lawn fertilizer” and substitutes the phrase “fertilizer for application to turf. This change is not meant to make a change in the substantive effect of the bill, but rather to use the defined terms consistently.

Senate bill 197 prohibits retail sales of fertilizer for application to turf that is labeled as containing phosphorous, with certain exceptions. One of the exception is application to pasture, land used to grow sod, and other land used for agricultural production. (See page 3, lines 9 and 10.) This portion of senate bill 197 is deleted by the amendment, because that activity is excluded from the definition of "turf", and is therefore not subject to the retail sale prohibition of fertilizer for application to turf.

1

(END)

**SENATE AMENDMENT ,
TO 2007 SENATE BILL 197**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 4: delete that line and substitute:

3 “(a) “Animal or vegetable manure” means animal or vegetable manure which has been
4 treated by mechanical drying, grinding or pelletizing.

5 (ab) “Fertilizer” means any substance, containing one or more plant nutrients, which
6 is used for its plant nutrient content and which is designed for use or claimed to have value
7 in promoting plant growth, except that this term does not include animal or vegetable manure,
8 or finished sewage sludge product. “Fertilizer” includes fertilizer materials, mixed fertilizers,
9 custom mixed fertilizers, nonagricultural fertilizers and all other fertilizers or mixtures of
10 fertilizers, regardless of type or form.

11 (am) “Finished sewage sludge product” has the meaning given in s. 94.64 (1) (fm).

12 (ar) “Sewage sludge” has the meaning given in s. 94.64 (1) (pm).”.

13 **2.** Page 2, line 18: after “fertilizer” insert “, animal or vegetable manure, or finished
14 sewage sludge product”.

15 **3.** Page 2, line 19: delete “lawn fertilizer” and substitute “fertilizer, animal or
16 vegetable manure, or finished sewage sludge product”.

17 **4.** Page 2, line 20: delete “lawn fertilizer” and substitute “fertilizer, animal or
18 vegetable manure, or finished sewage sludge product”.

19 **5.** Page 2, line 21: delete “the fertilizer” and substitute “it”.

NOTE: Senate bill 197 uses the current statutory definition of “fertilizer” by cross-reference. The current statutory definition of “fertilizer” includes both animal or vegetable manure that has been treated by mechanical drying, grinding, or pelletizing (such as Chickety Doo Doo) and finished sewage sludge product (such as Milorganite).

The consequence of using the cross-referenced definition in senate bill 197 is that both the animal or vegetable manure products and the finished sewage sludge products are subject to the sale and use prohibition in the bill.

This amendment separates out the definition of animal or vegetable manure and the definition of finished sewage sludge product from the definition of fertilizer. The amendment provides that all 3 types of product (fertilizer, manure, and sludge) may not be applied to frozen ground or an impervious surface. (See items 2. to 5. of the amendment.) The amendment does not make changes in the restrictions on sale or restrictions on display, which apply to “fertilizer” in the bill. (See page 3, lines 1 to 14 of the bill.) Therefore, the amendment makes these provisions of the bill apply only to fertilizer and do not apply to animal or vegetable manure or finished sewage sludge product.

50185/1
LRB-2674/1
RCT:jld:jf
vmostrum + jf

Today

Senate Substitute Amendment

To 2007 SENATE BILL 197

Note

May 31, 2007 - Introduced by Senators MILLER, BRESKE, COWLES, HANSEN, JAUCH, A. LASEE, LEHMAN, RISSER and SULLIVAN, cosponsored by Representatives BIES, BALLWEG, BERCEAU, BLACK, BOYLE, HUBLER, JORGENSEN, LOTHIAN, MOLEPSKE, RICHARDS, SHERMAN, SMITH, TAUCHEN and VAN ROY. Referred to Committee on Environment and Natural Resources.

Regen

- 1 AN ACT to create 94.643 of the statutes; relating to: restrictions on the use and
- 2 sale of fertilizer containing phosphorus and other ^{turf} lawn fertilizer and providing
- 3 a penalty. analysis insert A

substitute amendment

Analysis by the Legislative Reference Bureau

substitute amendment

This bill generally prohibits the application of fertilizer that contains phosphorus to lawns, golf courses, and other mowed grassy areas (turf). The prohibition does not apply to land used for agricultural production. The bill authorizes the use of fertilizer that contains phosphorus to establish grass during the first growing season. The bill also authorizes the application of fertilizer containing phosphorus to an area if a soil test shows that the soil in the area is deficient in phosphorus. The bill prohibits the application of fertilizer to turf when the ground is frozen. The bill also prohibits the application of lawn fertilizer to an impervious surface and requires a person who spills lawn fertilizer onto an impervious surface to immediately remove the fertilizer.

Analysis insert B

turf

Analysis insert B

Analysis insert C

This bill prohibits the retail sale of lawn fertilizer containing phosphorus unless the fertilizer is sold for one of the purposes for which it is authorized to be used. The bill prohibits a retailer from displaying lawn fertilizer that contains phosphorus, but authorizes a retailer to post a sign stating that lawn fertilizer containing

turf

SENATE BILL 197

substitute amendment

phosphorus is available upon request for the purposes for which the bill allows it to be used.

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

1 SECTION 1. 94.643 of the statutes is created to read:

2 **94.643 Restrictions on the use and sale of fertilizer containing**
3 **phosphorus. (1) DEFINITIONS.** In this section:

Insert 2-4-A

2-4-b
Insert

4 (a) "Fertilizer" has the meaning given in s. 94.64 (1) (e)

5 (b) "Turf" means land, including residential property, golf courses, and publicly
6 owned land, that is planted in closely mowed, managed grass, except that "turf" does
7 not include pasture, land used to grow grass for sod, or any other land used for
8 agricultural production.

9 (2) RESTRICTIONS ON USE. (a) Except as provided in par. (b), no person may apply
10 to turf fertilizer that is labeled as containing phosphorus.

11 (b) 1. Paragraph (a) does not apply to a person who applies fertilizer in order
12 to establish grass, using seed or sod, during the growing season in which the person
13 began establishing the grass.

14 2. Paragraph (a) does not apply to a person who applies fertilizer to an area if
15 the soil in the area is deficient in phosphorus, as shown by a soil test performed, no
16 more than 36 months before the application, by a laboratory that is certified by the
17 department to conduct tests for soil phosphorus.

18 (c) No person may apply fertilizer to turf when the ground is frozen.

Insert 2-18

19 (d) No person may intentionally apply lawn fertilizer to an impervious surface.

Insert 2-19

20 A person who accidentally applies lawn fertilizer to an impervious surface shall

Insert 2-20

21 immediately remove the fertilizer.

it

Analysis insert A

no # The prohibition also does not apply to the use of manure that is mechanically dried, ground, or pelletized, or to a finished sewage sludge product.

Analysis insert B (used twice)

* no # , manure that is mechanically dried, ground, or pelletized, and finished sewage sludge product

Analysis insert C

any of these substances

Insert 2-4-A

no # , except that "fertilizer" does not include manipulated animal or vegetable manure or finished sewage sludge product

Insert 2-4-b

(ag) "Finished sewage sludge product" has the meaning given in s. 94.64 (1) (fm).

(ar) "Manipulated" means treated by mechanical drying, grinding, or pelletizing.

Insert 2-18

, manipulated animal or vegetable manure, or finished sewage sludge product

Insert 2-19

, manipulated animal or vegetable manure, or finished sewage sludge product

Insert 2-20

, manipulated animal or vegetable manure, or finished sewage sludge product

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0185/1dn

RCT...*kgf*

Date

X
X This is the substitute amendment to SB 197. To try to avoid ambiguity about a retailers obligations, I took a little different approach than that in the WLC amendment drafts to the concern about using the defined term "turf" rather than using "lawn" to describe the kind of fertilizer to which the restrictions on sale and display apply. ✓

Please let me know if you have any questions or want any changes to this draft.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0185/1dn
RCT:kjf:jf

November 30, 2007

This is the substitute amendment to SB 197. To try to avoid ambiguity about a retailer's obligation, I took a little different approach than that in the WLC amendment drafts to the concern about using the defined term "turf" rather than using "lawn" to describe the kind of fertilizer to which the restrictions on sale and display apply.

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