



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2009 Assembly Bill 3

**Assembly Amendment 1 and
Senate Amendment 1**

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Assembly Bill 3, with certain exceptions, generally prohibits any person from applying to turf fertilizer that is labeled as containing phosphorus. The bill generally prohibits any person from selling at retail turf fertilizer that is labeled as containing phosphorous, except that a person may sell turf fertilizer labeled as containing phosphorus for purposes specified in the bill. Assembly Bill 3 also generally prohibits any person who sells fertilizer at retail from displaying turf fertilizer that is labeled as containing phosphorous.

The bill establishes that any person who violates its provisions may be required to forfeit no more than \$50 for the first violation and no less than \$200 or more than \$500 for a second or subsequent violation.

Assembly Amendment 1 does the following:

- With certain exceptions, generally prohibits any person from *intentionally* applying to turf fertilizer that is labeled as containing phosphorus.
- Generally prohibits any person from selling at retail turf fertilizer that is labeled as containing phosphorous *if the person knows that the purchaser intends to use the fertilizer for a purpose other than* one of the authorized purposes provided in the bill.

Senate Amendment 1 does the following:

- Applies the use, sale, and display prohibitions in the bill to turf fertilizer that is labeled as containing phosphorus or *available phosphate*. The references to available phosphate conform the bill to fertilizer labeling requirements in s. 94.64 (2) (e), Stats.
- Expands the definition of “manipulated” to also include “packaged; supplemented with substances, including plant nutrients, that do not contain phosphorus; or otherwise treated in

a manner designed to facilitate sale or distribution as a fertilizer or soil or plant additive.” “Manipulated” is used in certain restrictions in the bill applicable to “manipulated animal or vegetable manure.” This change conforms the meaning of manipulated manure in the bill to the basic definition of that term in the Department of Agriculture, Trade, and Consumer Protection’s (DATCP) rules on fertilizer regulations.

- Removes the requirement that the soil test necessary for certain exceptions to the use and sales prohibitions in the bill must be performed by a laboratory that is certified by DATCP to conduct tests for soil phosphorus.

Companion Bill

2009 Assembly Bill 3, as amended by Assembly Amendment 1 and Senate Amendment 1, contains the same provisions as 2009 Senate Bill 5, as amended by Senate Amendment 1.

Legislative History

Assembly Amendment 1 was offered by the Assembly Committee on Natural Resources on February 11, 2009. On the same date, the committee recommended adoption of Assembly Amendment 1 on a vote of Ayes, 14; Noes, 1, and recommended passage of the bill, as amended, on a vote of Ayes, 15; Noes, 0.

On February 24, 2009, the Assembly adopted Assembly Amendment 1 to Assembly Bill 3 on a voice vote. The Assembly passed Assembly Bill 3, as amended, on a vote of Ayes, 96; Noes, 0.

Senate Amendment 1 was offered by Senators Miller and Olsen on March 5, 2009. On March 10, 2009, the Senate Committee on Environment recommended adoption of Senate Amendment 1 and concurrence in the bill, as amended, on separate votes of Ayes, 5; Noes, 0.

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