



1995 SENATE BILL 470

December 27, 1995 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 **AN ACT to repeal** 98.20; and **to amend** 94.64 (1) (g) and (p), (2) (e) 1. and (3m)
2 (a) (intro.) and 94.65 (6) (a) 3. and 4. of the statutes; **relating to:** substituting
3 “phosphate” for “phosphoric acid” in the fertilizer control law, prohibited
4 practices in installing, servicing, testing or calibrating weights and measures
5 and due dates for payment of tonnage fees (suggested as remedial legislation
6 by the department of agriculture, trade and consumer protection).

Analysis by the Legislative Reference Bureau

Current law generally requires a person who distributes a soil or plant additive to obtain a permit from the department of agriculture, trade and consumer protection. A person who holds a permit must file a report by each March 31 on the amount of soil or plant additive distributed during the previous year. The person is also required to pay certain fees based on the amount of soil or plant additive distributed during the previous year by March 15. This bill changes the due date for these fees to March 31.

Current law establishes requirements concerning the labeling and content of fertilizers. This bill changes references to “phosphoric acid” in the statutes containing those requirements to “phosphate”.

This bill also eliminates redundant provisions concerning installing, servicing or testing weights and measures.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of agriculture, trade and consumer protection and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 94.64 (1) (g) and (p), (2) (e) 1. and (3m) (a) (intro.) of the statutes are
2 amended to read:

3 94.64 **(1)** (g) “Grade” means the percentage guarantee of total nitrogen,
4 available phosphorus or available ~~phosphoric acid~~ phosphate, and soluble potassium
5 or soluble potash stated in the same order as listed in this paragraph.

6 (p) “Plant nutrient” means boron, calcium, chlorine, copper, iron, magnesium,
7 manganese, molybdenum, nitrogen, phosphorus or available ~~phosphoric acid~~
8 phosphate, potassium or potash, sodium, sulfur, zinc or any other chemical element
9 recognized as a plant nutrient by department rule.

10 **(2)** (e) 1. Guaranteed analysis for the primary nutrients of nitrogen,
11 phosphorus and potassium shall be expressed on the label in the following order and
12 form:

13	Total Nitrogen (N)	%
14	Available Phosphoric Acid <u>Phosphate</u> (P ₂ O ₅)	%
15	Soluble Potash (K ₂ O)	%

16 **(3m)** (a) (intro.) No person may distribute mixed fertilizer in which the sum of
17 the guarantees for nitrogen, available ~~phosphoric acid~~ phosphate and soluble potash
18 totals less than 24% unless:

NOTE: This SECTION changes references to “phosphoric acid” in s. 94.64, the fertilizer control law, to “phosphate”. This change will conform references in s. 94.64 to a recommendation of the American Plant Food Control Officials that references to “phosphoric acid” be changed to “phosphate” to respond to industry and environmental concerns that fertilizer materials could be mistaken for corrosive acid during transport, spills and handling if labeled as “phosphoric acid”.

19 **SECTION 2.** 94.65 (6) (a) 3. and 4. of the statutes are amended to read:

1 94.65 (6) (a) 3. Annually by March 15 31, pay to the department a research fee
2 of 10 cents for each ton of soil or plant additive distributed as described in the tonnage
3 report filed under subd. 1. The minimum research fee is \$1 for 10 tons or less.

4 4. Annually by March 15 31, pay to the department a groundwater fee of 10
5 cents for each ton of soil or plant additive distributed, as described in the tonnage
6 report filed under subd. 1. The minimum groundwater fee is \$1 for 10 tons or less.

7 All groundwater fees shall be credited to the environmental fund for groundwater
8 management.

NOTE: Currently, each person who holds a permit for distribution of a soil or plant additive under s. 94.65 (3) is required to file with the department of agriculture, trade and consumer protection a tonnage report on additives distributed during the previous year by March 31 of the following year. However, the person is required to pay a research fee of 10 cents for each ton distributed and a groundwater fee of 10 cents for each ton distributed by March 15 of the following year. This SECTION makes the date for the report and payment of all fees consistent by changing the research and groundwater fee due dates to March 31.

9 **SECTION 3.** 98.20 of the statutes is repealed.

NOTE: Section 98.20 provides that no person engaged in the business of installing, servicing or testing weights or measures may install or adjust a weight or measure so as to make it incorrect or to cause it to violate ch. 98 or administrative rules promulgated under that chapter, or to misrepresent that a weight or measure is correct. Section 98.18 (3), as created by 1993 Wisconsin Act 16, creates broader prohibitions applicable to persons who install, service, test or calibrate weights and measures. The prohibited practices include not only those described above, but include using any test weight or measure that has not been inspected, tested and approved by the department or by a laboratory certified by the national institute of standards and technology. This SECTION repeals the older, less inclusive statute.

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(END)