



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2007 Senate Bill 197

**Senate Substitute
Amendment 1 and Senate
Amendment 3 to Senate
Substitute Amendment 1**

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Senate Bill 197

Senate Bill 197 establishes restrictions on the use and retail display and sale of lawn fertilizers containing phosphorous.

Senate Substitute Amendment 1

Definitions

For purposes of the restrictions in the substitute amendment described below, the substitute amendment creates the following definitions:

- “Fertilizer” is defined to be a subset of “fertilizer” under the general fertilizer statute (s. 94.64, Stats.), excluding from the general definition manipulated animal or vegetable manure and finished sewage sludge products.
- “Finish sewage sludge product” is defined the same as in the general fertilizer statute, that is a product consistent in whole or in part of sewage sludge that is distributed to the public and that is disinfected by one of the specified means. An example of this type of product is Milorganite produced by the Milwaukee Metropolitan Sewerage District.
- “Manipulated,” as used in the phrase “manipulated animal or vegetable manure,” is defined to mean treated by mechanical drying, grinding, or palletizing.
- “Turf” is defined to mean land, including residential property, golf courses, and publicly owned land, that is planted and closely mowed, managed grass. The following are excluded from this definition:

- Pasture, land used to grow grass for sod, or any other land used for agricultural production.

Restrictions on Use

The substitute amendment, in general, prohibits any person from applying turf fertilizer that is labeled as containing phosphorous. The substitute amendment authorizes the application of fertilizer to establish grass during the first growing season and to areas deficient in phosphorous based upon the specified soil tests.

The substitute amendment also prohibits any person from applying fertilizer, manipulated animal or vegetable manure, or finish sewage sludge product to turf when the ground is frozen or intentionally applying any of these materials to an impervious surface. A person who accidentally applies one of these materials to an impervious surface must immediately remove it.

Restriction on Retail Sale

The substitute amendment generally prohibits any person from selling at retail turf fertilizer that is labeled as containing phosphorous. The substitute amendment specifies exceptions to this prohibition for the following purposes:

- Establishing grass during its first growing season.
- Application to an area that is deficient in phosphorous based upon the specified soil test.
- Application to land use for agricultural production.

Restriction on Retail Display

The substitute amendment prohibits any person who sells fertilizer at retail from displaying turf fertilizer that is labeled as containing phosphorous. The substitute amendment authorizes a person who sells fertilizer at retail to post a sign advising customers that turf fertilizer containing phosphorous is available upon request for the uses permitted under the substitute amendment.

Penalty

The substitute amendment establishes that any person who violates its provisions may be required to forfeit not more than \$50 for the first violation and not less than \$200 nor more than \$500 for a second or subsequent violation.

Delayed Effective Date

Upon enactment, the substitute amendment takes effect one year after its publication.

Senate Amendment 3 to Senate Substitute Amendment 1

Senate Amendment 3 establishes that, in general, a city, village, town, or county may not regulate any of the following:

- The distribution or labeling of finished sewage sludge or manipulated animal or vegetable manure.
- The use of finished sewage sludge or manipulated animal or vegetable manure when that use is in accordance with agronomic directions on the labeling.

These prohibitions do not apply to regulation under an ordinance by one of these political subdivisions in effect on the effective date of this provision.

The amendment also establishes that these prohibitions are an enactment of statewide concern for the purpose of providing uniform regulation of finished sewage sludge products and manipulated animal and vegetable manure.

Legislative History

On December 3, 2007, Senator Miller offered Senate Substitute Amendment 1. On December 4, 2007, the Senate Committee on Environment and Natural Resources adopted Senate Substitute Amendment 1 by a vote of Ayes, 5; Noes, 0; and recommended passage of Senate Bill 197, as amended, by a vote of Ayes, 4; Noes, 1.

On January 15, 2008, Senators Plale and Taylor offered Senate Amendment 3 to Senate Substitute Amendment 1 to Senate Bill 197. On January 15, 2008, the Senate adopted Senate Amendment 3 to Senate Substitute Amendment 1, Senate Substitute Amendment 1, as amended, and passed Senate Bill 197, as amended, on separate voice votes.

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