

07hr_SC-ENR_sb0197_pt01



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Environment and Natural
Resources (SC-ENR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR ... bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (~~August~~ 2012)

June - 2014

Senate

Record of Committee Proceedings

Committee on Environment and Natural Resources

Senate Bill 197

Relating to: restrictions on the use and sale of fertilizer containing phosphorus and other lawn fertilizer and providing a penalty.

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.

May 31, 2007 Referred to Committee on Environment and Natural Resources.

August 28, 2007 **PUBLIC HEARING HELD**

Present: (4) Senators Miller, Wirch, Kedzie and Schultz.
Absent: (1) Senator Jauch.

Appearances For

- Mark Miller, Monona — Senator, 16th Senate District
- Garey Bies, Sister Bay — Representative, 1st Assembly District
- Bill O'Connor, Madison — Wisconsin Association of Lakes
- Tami Jackson, Madison — Wisconsin Association of Lakes
- Greg Farnham, Hutisford — Lake Sinissippi Improvement District
- Julian Zelazny, Madison — Wisconsin Land & Water Conservation Association
- Dale Hanson, Barron — Barron County & Wisconsin Association of Land Conservation Employees
- William Schuster, Sturgeon Bay — Door County
- Charlie Marks, Princeton — Green Lake Sanitary District
- Jerry Specht, Markesan — Green Lake Sanitary District
- Mary Knipper, Delevan — Walworth County Lakes Association
- Brett Hulsey, Madison — Dane County Board
- Suzanne Wade, Monona — Rock River Coalition
- George Meyer, Madison — Wisconsin Wildlife Federation
- Sal Troia, Fitchburg — Self
- Dick Lamers, Colfax — himself
- Lisa Conley, Oconomowoc — Town and Country Resource Conservation & Development, Inc.
- Charles Dykman, Monona — himself

- Lori Grant, Madison — River Alliance of Wisconsin
- Brian Swingle, Greenfield — Wisconsin Green Industry Federation
- Thomas Crawford, Milwaukee — Milwaukee Metropolitan Sewerage District
- Paul Dearlove, Madison — Lake Ripley Management District

Appearances Against

- None.

Appearances for Information Only

- Mickey Beil, Madison — Dane County
- Sue Jones, Madison — Dane County
- Tiffany Lyden — UW-Extension Lakes
- Mike Turner, Madison — Wisconsin Crop Production Association
- Scott Manly, Madison — Wisconsin Manufacturers & Commerce

Registrations For

- Paul Mueller, Germantown — himself
- George Klaetsch, Madison — Wisconsin Agribusiness Council
- Anne Sayers, Madison — Wisconsin League of Conservation Voters
- Kurt Thiede, Madison — Wisconsin Conservation Congress
- Ken Zettlemeier, Waukesha — Waukesha County Conservation Alliance & Pewaukee Lake Sportsmen's Club
- Chris Tackett — Wisconsin Merchants Federation
- Bill Matter, Deerbrook — Greater Bass Lake Parks & Recreation District
- Terese Berceau, Madison — Representative, 76th Assembly District

Registrations Against

- None.

Registrations for Information Only

- None.

December 4, 2007

EXECUTIVE SESSION HELD

Present: (5) Senators Miller, Jauch, Wirsch, Kedzie and Schultz.
 Absent: (0) None.

Moved by Senator Wirch, seconded by Senator Schultz that **Senate Substitute Amendment 1** be recommended for adoption.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and Schultz.

Noes: (0) None.

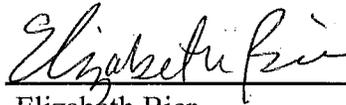
ADOPTION OF SENATE SUBSTITUTE AMENDMENT 1
RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Wirch, seconded by Senator Schultz that **Senate Bill 197** be recommended for passage as amended.

Ayes: (4) Senators Miller, Jauch, Wirch and Schultz.

Noes: (1) Senator Kedzie.

PASSAGE AS AMENDED RECOMMENDED, Ayes 4, Noes 1



Elizabeth Bier
Committee Clerk

Vote Record

Committee on Environment and Natural Resources

Date: 12/4/07

Moved by: Wuon

Seconded by: Schultz

AB _____ SB 197 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt 1 _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dale Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed

Vote Record

Committee on Environment and Natural Resources

Date: 12/4/07

Moved by: Wirch

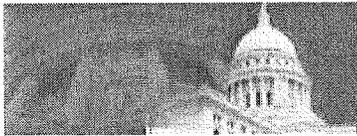
Seconded by: Schultz

AB _____ SB 197 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

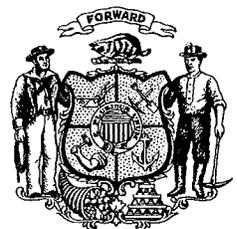
A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt 1
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dale Schultz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>1</u>	_____	_____



WISCONSIN STATE LEGISLATURE



Issue: Phosphorus Ban

Bill No: _____
LRB No: 2674

Date Sent to LRB: _____

LRB Staff: Rebecca Tradewell
Phone: _____

Draft Received: _____

SB
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Org/Groups/Individuals Concerned:

Group/Ind.	Date Notified	Date Responded	Comments

Revision No.	Date Revised	Revision
_____	_____	_____
_____	_____	_____

Co-sponsorship Memo Sent Out: 5/8
Deadline: 5/25

Co-Sponsors

Senators

• Lowles 5/9
• Lehman 5/10
• Pissar 5/17
• Lasee
• Jurch 5/22 (Katie)
• Sullivan 5/21 (Lewis)
• Hansen 5/25 (Alyssa)
• Buxle

Representatives

• Richards 5/11 (Jeff)
• Lotman
• Bullweg
• Black
• Molepske
• Berceau

Date Sent for Jacketing: 5/29

Bill Number: _____

Senate

Call to Senate Committee Name/Date: _____

Letter to Senate Committee Name/Date: _____

Public Hearing:

Hearing Date Comments/Concerns/Amendments

Exec Date and Vote: _____

Thank you Letter Sent to (Circle if yes): Chair Committee Members

Call to Majority Leader Name/Date: _____

Letter to Majority Leader Name/Date: _____

Senate Floor Date/Vote: _____

Assembly

Call to Assembly Committee Name/Date: _____

Letter to Assembly Committee Name/Date: _____

Public Hearing:

Hearing Date Comments/Concerns

Exec Date and Vote: _____

Thank you Letter Sent to (Circle if yes): Chair Committee Members

Call to Majority Leader Name/Date: _____

Letter to Majority Leader Name/Date: _____

Assembly Floor Date/Vote: _____

Governor

Date Sent to Governor: _____ Call to the Gov. _____

Signing Date: _____ Act No. _____



Bier, Beth

From: Kerry Schumann [kerry@conservationvoters.org]
Sent: Monday, May 14, 2007 5:01 PM
To: 'Kerry Schumann'
Subject: Conservation NOW: Week of May 14



SB 197
folder

Conservation Notices of the Week

Week of May 14, 2007
2007 -2008 Legislative Session

This Week's Notices:

- **Support AJR 34: Protecting Hunting and Fishing Fees**
- **Support Energy Efficiency Revenue Bonds Amendment in DPI Budget**
- **Support LRBs 1926/1 and 2674/1: Preventing Stinky Lakes**
- **Support LRBs 07-2382/1 and 07-2666/1: Removal of Waiting Period for Archery Licenses**

1 of 4



Support AJR 34: Protecting Hunting and Fishing Fees

The Wisconsin League of Conservation Voters urges you to support AJR 34, which will have an executive session in the Assembly Committee on Ways and Means on Wednesday.

Constitutionally protecting hunting and fishing fees is a component of the Hunter, Angler, Trapper Bill of Rights, which was recently selected as one of four priorities by Wisconsin's conservation community for this legislative session. Passage of AJR 34 will restore integrity to natural resource management by forbidding the raids of all segregated funds, including hunting and fishing fees. These fees are paid by hunters and anglers with the express statutory purpose of wildlife habitat restoration and, in the case of the Pheasant and Great Lakes Stamps, stocking. Raids of the fees, as in past years, is a violation of the good faith of Wisconsin's outdoorsmen and women.

1 of 4



Support "Energy Efficiency Revenue Bonds" Amendment by Sen. Miller in DPI Budget

The Wisconsin League of Conservation Voters urges you to support the "Energy Efficiency Revenue Bonds" Amendment, which Sen. Miller will introduce as an amendment to the DPI Budget in Joint Finance Committee.

Energy Efficiency Revenue Bonds would provide \$50 million to be used by Wisconsin school districts to fund energy efficiency improvements. Although energy costs are only a small percentage of a school district's total budget, they represent a significant opportunity for cost savings while reducing the need for electricity from polluting sources of energy. In fact, energy costs represent 16% of a district's "controllable costs." A statewide program aimed at reducing school energy use could provide significant benefits to local school districts. Only projects that could pay back the bond through reduced energy costs would be funded.

Support LRBs 1926/1 and 2674/1: Preventing Stinky Lakes

The Wisconsin League of Conservation Voters urges you to support LRBs 1926/1 and 2674/1, currently circulating for co-sponsorship.

Wisconsinites love their lakes. However, fishing, swimming, and even observing Wisconsin's lakes is becoming less enjoyable due to algae-choked, stinky lakes. One culprit is the runoff from phosphorous lawn fertilizers. LRBs 1926/1 and 2674/1 will prohibit the sale and residential application of fertilizer containing phosphorous to turf in Wisconsin except in certain circumstances. Banning residential fertilizer is one step in restoring the health and beauty of Wisconsin lakes.

Support LRBs 07-2382/1 and LRB 07-2666/1: Removal of Waiting Period for Archery Licenses

The Wisconsin League of Conservation Voters urges you to support LRBs 07-2382/1 and 07-2666/1, currently circulating for co-sponsorship.

This bill removes the three day waiting period between when a license is purchased to hunt deer with bow and arrow and when the license holder is allowed to hunt. The waiting period was created to address a problem that has been made irrelevant because of larger deer populations.

Conservation NOW announces to Legislators and other stakeholders the pro-conservation positions on issues before the Senate and/or Assembly in the week ahead. Some of these policies are the priorities of the conservation community and can be found on the Conservation Priorities Agenda which was delivered to legislative offices on February 21, 2007. All of these issues will be tracked on the Conservation Vote Tracker (<http://www.conservationvoters.org>). Many of the issues in Conservation NOW will be scored on the Conservation Scorecard to be released in the summer of 2008. Conservation NOW is produced and distributed by the Wisconsin League of Conservation Voters. Please contact Anne Sayers at anne@conservationvoters.org if you have any questions.

Wisconsin League of Conservation Voters
306 E. Wilson St., #2E
Madison, WI 53703
(608) 661-0845
fax (608) 260-9799
www.conservationvoters.org

Bier, Beth

From: Heinen, Paul H - DNR
Sent: Monday, May 21, 2007 2:50 PM
To: Bier, Beth
Subject: FW: Encourage legislators to co-sponsor bill to restrict use & sale of phosphorus lawn fertilizer!

SB 197 folder

FYI

Paul

From: Wisconsin Association of Lakes [mailto:wal@wisconsinlakes.org]
Sent: Monday, May 21, 2007 12:55 PM
To: Heinen, Paul H - DNR
Subject: Encourage legislators to co-sponsor bill to restrict use & sale of phosphorus lawn fertilizer!



Keeping you informed and engaged in decisions that matter to lakes

Contact your legislators!

**Working with you for clean,
safe, healthy lakes**

**Contact your
legislators**

• **Contact your legislators!**

Using phosphorus free lawn fertilizer is a simple way everyone can contribute to better water quality. For the past year, WAL has been working toward statewide legislation--based on Dane County's existing ordinance--to ban the use and sale of phosphorus lawn fertilizer (with a few reasonable exceptions).

We are pleased that a Phosphorus Lawn Fertilizer ban bill--introduced by State Senator Mark Miller (D-Monona) and Representative Garey Bies (R- Sister Bay)--is currently circulating for co-sponsorship. This bill is one positive, easy step towards better management of polluted runoff and cleaner lakes for everyone.

Please contact your legislators and encourage them to co-sponsor LRB-1926/1-2674/1. This is a great opportunity for constituents who care about lakes to participate in positive, proactive policy making. **Please contact your legislator before May 25th.**

Please let us know if your legislator is planning to co-sponsor this bill; if your legislator is already a co-sponsor, please thank them for their support.

Current co-sponsors of this bill include: Senators Mark Miller, Robert Cowles, Alan Lasee, John Lehman, Fred Risser and Representatives Garey Bies, Joan Ballweg, Terese Berceau, Spencer Black, Thomas Lothian, Louis Molepske Jr. and Jon Richards.

Background

Polluted runoff is Wisconsin's number one water quality problem, degrading or threatening an estimated 90% of our inland lakes. Excess nutrients like phosphorus can wash into our lakes and streams from lawns, streets, construction sites, and agricultural sources. Even small amounts of phosphorus runoff can cause algae blooms, water quality decline, and impact recreational use.

A growing body of research indicates that restricting the use of phosphorus lawn fertilizers can be an effective and low cost way to reduce the amount of phosphorus that is washed into our lakes from residential areas.

About this bill

1. **Bill generally prohibits application of lawn fertilizer that contains phosphorus to lawns, golf courses, and other mowed grassy areas (turf)**
 - Prohibition does not apply to land used for agricultural production
 - Consumers can use phosphorus lawn fertilizer if a soil test demonstrates phosphorus is needed, or during the first growing season when a new lawn is being established.
2. **Bill prohibits the retail sale of phosphorus lawn fertilizer unless is being sold for one of the permitted uses**
3. **The bill ensures the default fertilizer choice for consumers is phosphorus free by prohibiting retailers from displaying phosphorus lawn fertilizer.**
 - Retailers can post signs to let consumers know phosphorus fertilizer is available and consumers can request phosphorus for permitted uses.
 - Bill builds in time for retailers to sell their existing inventory of phosphorus fertilizer.
4. **Bill prohibits application of lawn fertilizer on frozen ground and impervious surfaces**

:: info@wisconsinlakes.org

::

<http://www.wisconsinlakes.org>

Talking points

Statewide policy needed

- Phasing out phosphorus in lawn fertilizer is one step to help address Wisconsin's number one water quality problem, polluted runoff.
- Many lake groups, local governments, counties and citizens are calling for a statewide phosphorus lawn fertilizer ban.
- A statewide policy would save local governments the duplicative costs of developing independent ordinances and ensure consistency across the state for consumers, retailers, and suppliers.

Regulation of phosphorus in lawn fertilizer has been successful

- Implementation of Minnesota's state law and Dane County's phosphorus lawn fertilizer ordinance has been smooth.
- A 2007 evaluation of Minnesota's state law finds:
 - phosphorus-free lawn fertilizer is readily available
 - use of phosphorus free fertilizer has increased by 82%
 - fertilizer manufacturers and retailers have adapted to the law
 - the law has not increased consumer cost
 - consumers are supportive of the law
 - and no enforcement of the law has been reported.

Phosphorus concentrations in Wisconsin soils

- Plants don't absorb more phosphorus than they can use.
- Agricultural soils in every Wisconsin county have sufficient soil phosphorus (at least 20 ppm) to support a healthy lawn.
- The average soil phosphorus concentration in agricultural soils is 53 ppm; some counties have significantly higher concentrations.
- Recent estimates of phosphorus levels in residential Wisconsin lawns have, on average, twice the amount of phosphorus (105 ppm) than the average farm field; that's 5 times more phosphorus a healthy lawn needs.
- Healthy lawns can be maintained using phosphorus free fertilizers.
- Research finds using phosphorus free lawn fertilizer is a common sense, simple, and cost effective way to reduce the amount of nutrients entering our waterways.
- A simple, inexpensive soil test tells property owners if their lawn already has enough phosphorus.

Phosphorus and water quality

- Phosphorus is main the nutrient that drives eutrophication in most lakes.
- Excess phosphorus in lakes causes algae blooms and water quality decline.
- One pound of phosphorus can produce 500 pounds of algae.
- It takes 20 parts per million (ppm) of soil phosphorus to grow healthy turf; 25 parts per **billion** (a quantity 1000 times smaller) can promote excessive algae growth in lakes.

Contact your legislators!

- ***Working with you for clean, safe, healthy lakes***

The Wisconsin Association of Lakes is the only statewide organization working exclusively to protect and enhance the quality of Wisconsin's 15,000 lakes.

We represent citizens like you who care about Wisconsin's lakes as a natural resource, and who also recognize the value healthy lakes bring to property values, tourist economies, and overall quality of life.

- Learn about our statewide voice for **strong lake policy**
- Learn about our **lake education events**
- Learn about our **lake publications**, *The Lake Connection* and E-lake Letter
- **Join Us in working for clean, safe, healthy lakes for everyone.**

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Wisconsin Association of Lakes | One Point Place, Suite 101 | Madison | WI | 53719-2809

Bier, Beth

From: Kuhn, Jamie
Sent: Tuesday, May 22, 2007 4:51 PM
To: Bier, Beth
Subject: FW: Phosphorus Lawn Fertilizer ban bill
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

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folder

From: Brad Schroeder [mailto:brad@schroederins.com]
Sent: Monday, May 21, 2007 1:37 PM
To: Sen.Miller
Subject: Phosphorus Lawn Fertilizer ban bill

I live on Lake Kegonsa and am a member of The Wisconsin Association of Lakes. Thank you for your help in protecting the quality of our lakes and I look forward to a positive outcome on bill #LRB-1926/1-2674/1.

Brad Schroeder
Schroeder & Assoc.
800-204-0163

Bier, Beth

From: Bier, Beth
Sent: Tuesday, May 29, 2007 2:50 PM
To: Nowlan, Andrew
Subject: RE: Phosphorous co-sponsors

SB 197
folder

Andrew, the only addition I had was Jauch and a spelling change for Molpeske. I'll add the full list below, in alphabetical order, to the jacket. Thanks!
Beth

From: Nowlan, Andrew
Sent: Tuesday, May 29, 2007 2:47 PM
To: Bier, Beth
Subject: Phosphorous co-sponsors

We had no requests from anyone to be second, so here are the names in alphabetical order as our chief clerk prefers.

ASSEMBLY

Bies
Ballweg
Berceau
Black
Boyle
Hubler
Jorgensen
Lothian
Molepske
Richards
Sherman
Smith
Tauchen
Van Roy

SENATE

Miller
Cowles
Hansen
Jauch
Lasee
Lehman
Risser
Sullivan

Bieske

Andrew Nowlan
Research Assistant
Office of Rep. Garey Bies