

**ASSEMBLY BILL 3 (LRB -0676)**

An Act to create 94.643 of the statutes; relating to: restrictions on the use and sale of fertilizer containing phosphorus and other turf fertilizer and providing a penalty.

2009

01-16. A. Introduced by Representatives **Black, Bies, Jorgensen, Roys, Tauchen, Clark, Hebl, Hraychuck, Mursau, Parisi, Berceau, Pocan, Pope-Roberts, Knodl, Benedict, Dexter, Hilgenberg, Wood, Hintz, Mason, Molepske Jr., Van Roy, Hixson, Richards, Sherman, Smith, Hubler, Soletski, Pasch, Ballweg, Lothian and Spanbauer**; cosponsored by Senators **Miller, Cowles, Holperin, Kreitlow, Lehman, Hansen, A. Lasee, Jauch, Hopper, Risser, Sullivan, Wirch, Olsen, Erpenbach and Lassa**.

01-16. A. Read first time and referred to committee on Natural Resources ..... 22

01-28. A. Public hearing held.

02-11. A. Executive action taken.

02-11. A. Assembly amendment 1 offered by committee on Natural Resources (**LRB a0039**) ..... 59

02-11. A. Assembly amendment 2 offered by committee on Natural Resources (**LRB a0036**) ..... 59

02-17. A. Report Assembly Amendment 1 adoption recommended by committee on Natural Resources, Ayes 14, Noes 1 ..... 62

02-17. A. Report passage as amended recommended by committee on Natural Resources, Ayes 15, Noes 0 ..... 62

02-17. A. Referred to committee on Rules ..... 62

02-18. A. Placed on calendar 2-24-2009 by committee on Rules.

02-24. A. Read a second time ..... 86

02-24. A. Assembly amendment 3 offered by Representative **Huebsch (LRB a0093)** ..... 86

02-24. A. Assembly amendment 1 placed after Assembly amendment 3 ..... 86

02-24. A. Assembly amendment 3 laid on table, Ayes 62, Noes 33 ..... 86

02-24. A. Assembly amendment 1 **adopted** ..... 87

02-24. A. Ordered to a third reading ..... 87

02-24. A. Rules suspended ..... 87

02-24. A. Read a third time and **passed**, Ayes 96, Noes 0 ..... 87

02-24. A. Ordered immediately messaged ..... 87

02-24. S. Received from Assembly.

02-27. S. Read first time and referred to committee on Environment ..... 90

03-05. S. Senate amendment 1 offered by Senators **Miller and Olsen (LRB a0102)** ..... 93

03-10. S. Executive action taken.

03-11. S. Report adoption of Senate Amendment 1 recommended by committee on Environment, Ayes 5, Noes 0 ..... 94

03-11. S. Report concurrence as amended recommended by committee on Environment, Ayes 5, Noes 0 ..... 95

03-11. S. Available for scheduling.

03-17. S. Senator **Carpenter** added as a cosponsor ..... 102

03-18. S. Placed on calendar 3-24-2009 by committee on Senate Organization ..... 104

03-24. S. Senator **Vinehout** added as a cosponsor.

03-24. S. Read a second time.

03-24. S. Senate amendment 1 **adopted**.

03-24. S. Ordered to a third reading.

03-24. S. Rules suspended.

03-24. S. Read a third time and **concurred in** as amended, Ayes 33, Noes 0.

03-24. S. Ordered immediately messaged.

03-24. A. Received from Senate amended and concurred in as amended (Senate amendment 1 adopted).

03-24. A. Senate amendment 1 **concurred in**.

03-24. A. Action ordered immediately messaged.

JP

2009

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ADOPTED DOCUMENTS:

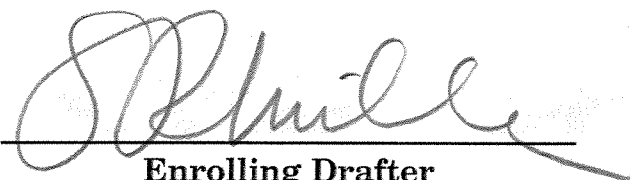
Orig     Engr         SubAmdt     

09 0676/1

Amendments to above (if none, write "NONE"): AA1 — 20039/1  
SA1 — 20102/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-25-09        
Date                      Enrolling Drafter

## 2009 ASSEMBLY BILL 3

January 16, 2009 – Introduced by Representatives BLACK, BIES, JORGENSEN, ROYS, TAUCHEN, CLARK, HEBL, HRAYCHUCK, MURSAU, PARISI, BERCEAU, POCAN, POPE-ROBERTS, KNODL, BENEDICT, DEXTER, HILGENBERG, WOOD, HINTZ, MASON, MOLEPSKE, VAN ROY, HIXSON, RICHARDS, SHERMAN, SMITH, HUBLER, SOLETSKI, PASCH, BALLWEG, LOTHIAN and SPANBAUER, cosponsored by Senators MILLER, COWLES, HOLPERIN, KREITLOW, LEHMAN, HANSEN, A. LASEE, JAUCH, HOPPER, RISSER, SULLIVAN, WIRCH, OLSEN, ERPENBACH and LASSA. Referred to Committee on Natural Resources.

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 fertilizer and providing  
3 a penalty.

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### *Analysis by the Legislative Reference Bureau*

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 prohibition also does not apply to the use of manure that is mechanically dried, ground, or pelletized, or to a finished sewage sludge product. 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, manure that is mechanically dried, ground, or pelletized, and finished sewage sludge product to turf when the ground is frozen. The bill also prohibits the intentional application of turf fertilizer, manure that is mechanically dried, ground, or pelletized, and finished sewage sludge product to an impervious surface and requires a person who spills any of these substances onto an impervious surface to immediately remove it.

This bill prohibits the retail sale of turf 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 turf fertilizer that contains phosphorus, but

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authorizes a retailer to post a sign stating that turf fertilizer containing 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:

4 (a) "Fertilizer" has the meaning given in s. 94.64 (1) (e), except that "fertilizer"  
5 does not include manipulated animal or vegetable manure or finished sewage sludge  
6 product.

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

9 (ar) "Manipulated" means treated by mechanical drying, grinding, or  
10 pelletizing. INS. SAI-1

11 (b) "Turf" means land, including residential property, golf courses, and publicly  
12 owned land, that is planted in closely mowed, managed grass, except that "turf" does  
13 not include pasture, land used to grow grass for sod, or any other land used for  
14 agricultural production. INS. AA1-1

15 (2) RESTRICTIONS ON USE. (a) Except as provided in par. (b), no person may apply  
16 to turf fertilizer that is labeled as containing phosphorus. INS. SAI-2

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

20 2. Paragraph (a) does not apply to a person who applies fertilizer to an area if  
21 the soil in the area is deficient in phosphorus, as shown by a soil test performed no

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SAI-3

1 more than 36 months before the application by a laboratory that is certified by the  
2 department to conduct tests for soil phosphorus.

3 (c) No person may apply fertilizer, manipulated animal or vegetable manure,  
4 or finished sewage sludge product to turf when the ground is frozen.

5 (d) No person may intentionally apply turf fertilizer, manipulated animal or  
6 vegetable manure, or finished sewage sludge product to an impervious surface. A  
7 person who accidentally applies turf fertilizer, manipulated animal or vegetable  
8 manure, or finished sewage sludge product to an impervious surface shall  
9 immediately remove it.

10 (3) RESTRICTION ON SALE. No person may sell at retail turf fertilizer that is  
11 labeled as containing phosphorus, except that a person may sell at retail turf  
12 fertilizer that is labeled as containing phosphorus for any of the following purposes:

13 (a) For establishing grass, using seed or sod, during the growing season in  
14 which the purchaser began establishing the grass.

15 (b) For application to an area if the soil in the area is deficient in phosphorus,  
16 as shown by a soil test performed no more than 36 months before the application by  
17 a laboratory that is certified by the department to conduct tests for soil phosphorus.

18 (c) For application to pasture, land used to grow grass for sod, or any other land  
19 used for agricultural production.

20 (4) RESTRICTION ON DISPLAY. No person who sells fertilizer at retail may display  
21 turf fertilizer that is labeled as containing phosphorus. A person who sells fertilizer  
22 at retail may post a sign advising customers that turf fertilizer containing  
23 phosphorus is available upon request for uses permitted by sub. (2) (b).

INSERT AAI-2  
AS AMENDED

INSERT SAI-5

INS. SAI-6



**ASSEMBLY AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 3**

February 11, 2009 - Offered by COMMITTEE ON NATURAL RESOURCES.

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

2 **1.** Page 2, line 15: after "may" insert "intentionally".

3 **2.** Page 3, line 11: delete the material beginning with "phosphorus," and  
4 ending with "purposes:" on line 12 and substitute "phosphorus if the person knows  
5 that the purchaser intends to use the fertilizer for a purpose other than one of the  
6 following:".

7 (END)

AAI-1

AAI-2

INSERT SAI-4



**SENATE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 3**

March 5, 2009 – Offered by Senators MILLER and OLSEN.

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

2 **1.** Page 2, line 9: delete lines 9 and 10 and substitute:

3 “(ar) “Manipulated” means ground; pelletized; mechanically dried; packaged;  
4 supplemented with substances, including plant nutrients, that do not contain  
5 phosphorus; or otherwise treated in a manner designed to facilitate sale or  
6 distribution as a fertilizer or soil or plant additive.”

7 **2.** Page 2, line 16: after “phosphorus” insert “or available phosphate”.

8 **3.** Page 3, line 1: delete the material beginning with “that” and ending with  
9 “phosphorus” on line 2.

10 **4.** Page 3, line 11: on page 1, line 4, of the material inserted by assembly  
11 amendment 1, after “phosphorus” insert “or available phosphate”.

12 **5.** Page 3, line 17: delete that line and substitute “a laboratory”.

SAI-1

SAI-2

SAI-3

SAI-4

SAI-5



