

2009 DRAFTING REQUEST

Bill

Received: 11/07/2008

Received By: btradewe

Wanted: As time permits

Identical to LRB:

For: Mark Miller (608) 266-9170

By/Representing: Beth Bier

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Agriculture - soil and water

Extra Copies:

Submit via email: YES

Requester's email: Sen.Miller@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Restrictions on the sale and use of lawn fertilizer containing phosphorus

Instructions:

Like SSA 1 to 2007 SB 197

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 11/07/2008	bkraft 11/07/2008		_____			
/1			phenry 11/10/2008	_____	lparisi 11/10/2008	mbarman 12/17/2008	

FE Sent For: NONE

<END>

Sent to Rep. Black (see attached)

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/?	btradewe	1 bjk 11/7	11/10 ph	11/10 ph			

FE Sent For:

<END>

## **Tradewell, Becky**

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**From:** Bier, Beth  
**Sent:** Friday, November 07, 2008 11:37 AM  
**To:** Tradewell, Becky  
**Cc:** Stolzenberg, John  
**Subject:** Drafting Request - Phosphorus in fertilizers bill

Hi Becky,  
Mark would like SB 197 redrafted in the form in passed the Senate Environment Committee last session in anticipation of introduction early next year. Please let me know any questions.

Thanks,  
Beth

---

Beth Bier  
Office of Senator Mark Miller  
PO Box 7882  
Madison, WI 53707

Phone: (608) 266-9170  
Email: [Beth.Bier@legis.wisconsin.gov](mailto:Beth.Bier@legis.wisconsin.gov)

**SENATE BILL 197 (LRB -2674)**

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

**2007**

05-31.	S.	Introduced by Senators <b>Miller, Breske, Cowles, Hansen, Jauch, A. Lasee, Lehman, Risser and Sullivan</b> ; cosponsored by Representatives <b>Bies, Ballweg, Berceau, Black, Boyle, Hubler, Jorgensen, Lothian, Molepske, Richards, Sherman, Smith, Tauchen and Van Roy.</b>	
05-31.	S.	Read first time and referred to committee on Environment and Natural Resources .....	238
08-28.	S.	Public hearing held.	
12-03.	S.	Senate substitute amendment 1 offered by Senator Miller ( <b>LRB s0185</b> ) .....	446
12-04.	S.	Executive action taken.	
12-07.	S.	Report adoption of Senate Substitute Amendment 1 recommended by committee on Environment and Natural Resources, Ayes 5, Noes 0 .....	454
12-07.	S.	Report passage as amended recommended by committee on Environment and Natural Resources, Ayes 4, Noes 1 .....	454
12-07.	S.	Available for scheduling.	

**2008**

01-09.	S.	Placed on calendar 1-15-2008 by committee on Senate Organization.	
01-15.	S.	Read a second time .....	505
01-15.	S.	Placed at the foot of the eleventh order of business on the calendar of 1-15-2008 .....	505
01-15.	S.	Senator Vinehout added as a coauthor .....	503
01-15.	S.	Senate amendment 1 to Senate substitute amendment 1 offered by Senator Kanavas ( <b>LRB a1053</b> ) .....	508
01-15.	S.	Senate amendment 1 to Senate substitute amendment 1 rejected .....	508
01-15.	S.	Senate amendment 2 to Senate substitute amendment 1 offered by Senator Plale ( <b>LRB f510</b> ) .....	508
01-15.	S.	Senate amendment 2 to Senate substitute amendment 1 withdrawn and returned to author .....	508
01-15.	S.	Senate amendment 3 to Senate substitute amendment 1 offered by Senators Plale and Taylor ( <b>LRB a1077</b> ) .....	508
01-15.	S.	Senate amendment 3 to Senate substitute amendment 1 <b>adopted</b> .....	508
01-15.	S.	Senate substitute amendment 1 <b>adopted</b> .....	508
01-15.	S.	Ordered to a third reading .....	508
01-15.	S.	Rules suspended .....	508
01-15.	S.	Read a third time and <b>passed</b> .....	508
01-15.	S.	Ordered immediately messaged .....	510
01-17.	A.	Received from Senate .....	445
01-17.	A.	Read first time and referred to committee on Natural Resources .....	446
02-12.	A.	Public hearing held.	
03-10.	A.	Executive action taken.	
03-10.	A.	Assembly substitute amendment 1 offered by committee on Natural Resources ( <b>LRB s0254</b> ) .....	694
03-12.	A.	Refused to suspend rules to withdraw from committee on Natural Resources and take up, Ayes 46, Noes 51 .....	679
03-13.	A.	Report Assembly Substitute Amendment 1 adoption recommended by committee on Natural Resources, Ayes 13, Noes 0 .....	698
03-13.	A.	Report concurrence as amended recommended by committee on Natural Resources, Ayes 13, Noes 0 .....	698
03-13.	A.	Referred to committee on Rules .....	698
03-21.	A.	Failed to concur in pursuant to Senate Joint Resolution 1 .....	717

-0526/1  
LRB-0526/1  
RCT:bjk:rs  
stays

In 11/7

# 2009 BILL

SAV

regen.

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.

### *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

**BILL**

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.

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*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.

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.

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.

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

**BILL**

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).



**Parisi, Lori**

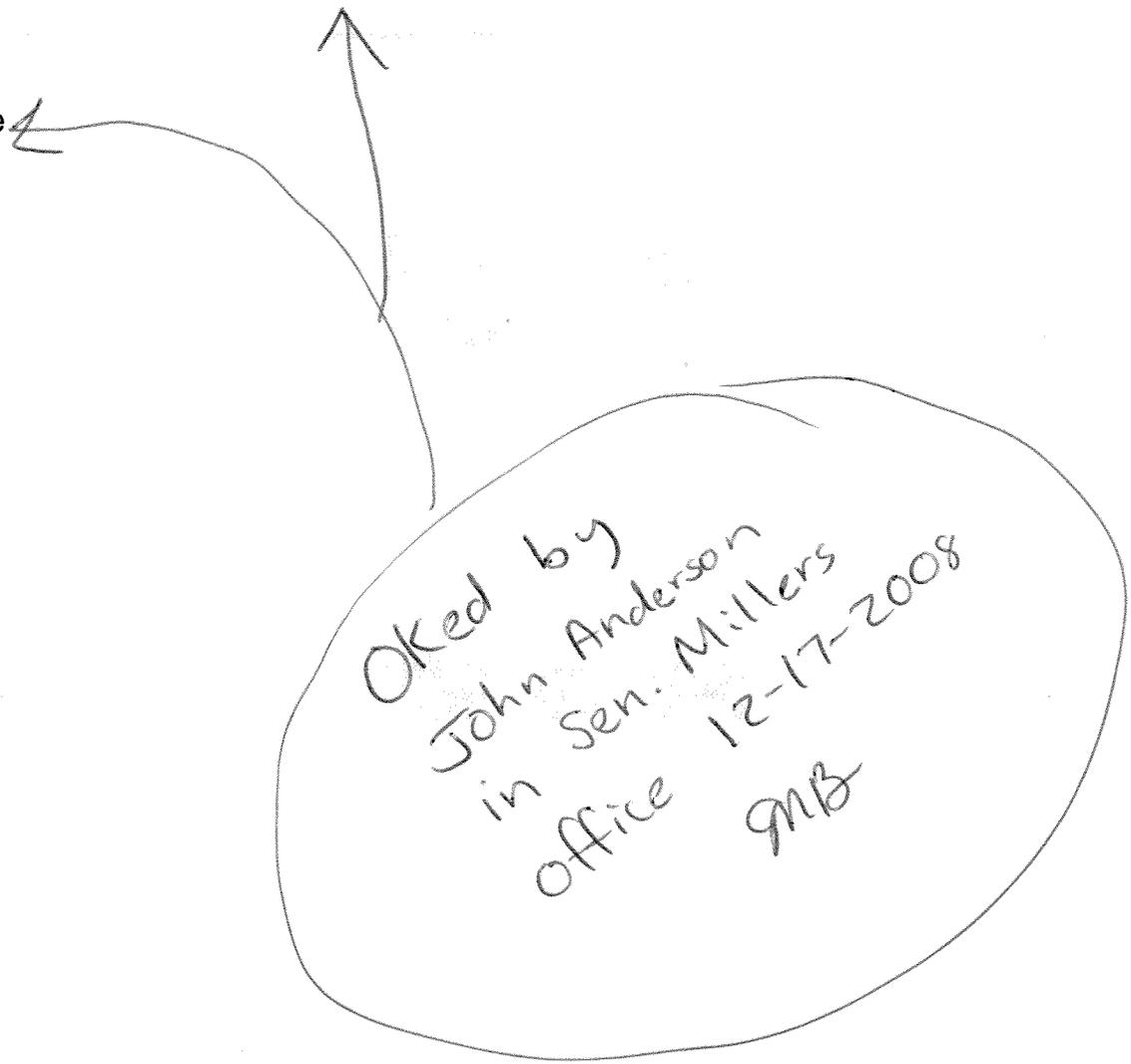
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**From:** Zimmerman, Terri  
**Sent:** Tuesday, December 16, 2008 3:45 PM  
**To:** LRB.Legal  
**Subject:** Please Jacket LRB0676/1

Please Jacket LRB 0676/1 as a 2009 Assembly bill. LRB 0676 relates to restrictions on the use & sale of fertilizer containing phosphorus and other turf fertilizer and providing a penalty.

Thank you.

Terri Zimmerman  
Rep. Black's office  
266-7521



Oked by  
John Anderson  
in Sen. Millers  
office 12-17-2008  
MB