



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa1421/1  
KP:klm

**SENATE AMENDMENT 1,  
TO ASSEMBLY BILL 753**

March 16, 2020 - Offered by Senator JACQUE.

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

2           **1.** Page 1, line 4: on page 1, line 2 of the material inserted by assembly  
3 amendment 3, delete “of fertilizer” and substitute “and labeling of fertilizers and soil  
4 or plant additives produced from manure”.

5           **2.** Page 3, line 8: before the material inserted by assembly amendment 2 and  
6 assembly amendment 3, after that line insert:

7           “**SECTION 5c.** 94.64 (1) (a) of the statutes is renumbered 94.64 (1) (ar).

8           **SECTION 5d.** 94.64 (1) (ag) of the statutes is created to read:

9           94.64 (1) (ag) “Beneficial substance” means a substance other than a plant  
10 nutrient that improves the nourishment of cultivated plants or improves the  
11 physical, chemical, or biological properties of soil.

12           **SECTION 5e.** 94.64 (1) (u) of the statutes is created to read:

1           94.64 (1) (u) “Vermicompost” means a mixture of composted materials and  
2 worm castings produced from a composting process that uses earthworms.

3           **SECTION 5f.** 94.64 (2) (f) of the statutes is created to read:

4           94.64 (2) (f) Notwithstanding pars. (a) 3. and 4., (b) 5. and 6., and (e), all of the  
5 following apply to a label or written or printed invoice or statement pertaining to a  
6 fertilizer produced from converting unmanipulated animal or vegetable manure into  
7 compost or vermicompost and their derivatives:

8           1. The label, invoice, or statement is not required to contain a grade or  
9 guaranteed analysis for a plant nutrient.

10          2. The label, invoice, or statement may make representations about the amount  
11 of plant nutrients contained in the fertilizer if the truthfulness of the representations  
12 is substantiated by a typical analysis, as defined in s. 94.65 (1) (fm), or other  
13 scientifically validated analytical method.

14          3. The label, invoice, or statement may make representations about the amount  
15 of beneficial substances contained in the fertilizer if the truthfulness of the  
16 representations is substantiated by a typical analysis, as defined in s. 94.65 (1) (fm),  
17 or other scientifically validated analytical method.

18           **SECTION 5g.** 94.64 (3m) (a) (intro.) of the statutes is amended to read:

19           94.64 (3m) (a) (intro.) No person may distribute mixed fertilizer in which the  
20 sum of the guarantees for nitrogen, available phosphate, and soluble potash totals  
21 less than 24 percent unless any of the following applies:

22           **SECTION 5h.** 94.64 (3m) (a) 1. of the statutes is amended to read:

23           94.64 (3m) (a) 1. The mixed fertilizer is exempted from this requirement by  
24 department rule; ~~or~~ under sub. (9) (g).

25           **SECTION 5i.** 94.64 (3m) (a) 3. of the statutes is created to read:

1           94.64 (3m) (a) 3. The mixed fertilizer is produced from converting  
2 unmanipulated animal or vegetable manure into compost or vermicompost and their  
3 derivatives.”.

4           **3.** Page 3, line 8: before the material inserted by assembly amendment 2 and  
5 after the material inserted by assembly amendment 3, after that line insert:

6           “**SECTION 5o.** 94.64 (9) (c) of the statutes is amended to read:

7           94.64 (9) (c) Governing methods of sampling, testing, examining and analyzing  
8 fertilizer, except that no rule under this paragraph may exclude the use of typical  
9 analysis, as defined in s. 94.65 (1) (fm), or other scientifically validated analytical  
10 methods for substantiating the truthfulness of representations made under sub. (2)  
11 (f) 2. or 3.

12           **SECTION 5q.** 94.65 (1) (bm) of the statutes is created to read:

13           94.65 (1) (bm) “Compost-based soil or plant additive” means a soil or plant  
14 additive that is produced from converting unmanipulated animal or vegetable  
15 manure into compost or vermicompost, as defined in s. 94.64 (1) (u), and their  
16 derivatives.

17           **SECTION 5s.** 94.65 (1) (fm) of the statutes is created to read:

18           94.65 (1) (fm) “Typical analysis” means an analysis of contents that is based  
19 on the average amount of substances contained.

20           **SECTION 5u.** 94.65 (4) (a) (intro.) of the statutes is amended to read:

21           94.65 (4) (a) (intro.) As a condition to the issuance of a permit or amended  
22 permit under sub. (3), the department, subject to sub. (5m), may require that the  
23 applicant substantiate, by scientific evidence:

24           **SECTION 5w.** 94.65 (4) (b) of the statutes is amended to read:

