



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 5

Senate Amendment 1

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Senate Bill 5, with certain exceptions, generally prohibits any person from applying to turf fertilizer that is labeled as containing phosphorus. The bill generally prohibits any person from selling at retail turf fertilizer that is labeled as containing phosphorous, except that a person may sell turf fertilizer labeled as containing phosphorus for purposes specified in the bill. Senate Bill 5 also generally prohibits any person who sells fertilizer at retail from displaying turf fertilizer that is labeled as containing phosphorous.

The bill establishes that any person who violates its provisions may be required to forfeit no more than \$50 for the first violation and no less than \$200 or more than \$500 for a second or subsequent violation.

Senate Amendment 1 does the following:

- With certain exceptions, generally prohibits any person from *intentionally* applying to turf fertilizer that is labeled as containing phosphorus or available phosphate.
- Applies the use, sale, and display prohibitions in the bill to turf fertilizer that is labeled as containing phosphorus or *available phosphate*. The references to available phosphate conform the bill with fertilizer labeling requirements in s. 94.64 (2) (e), Stats.
- Expands the definition of “manipulated” to also include “packaged; supplemented with substances, including plant nutrients, that do not contain phosphorus; or otherwise treated in a manner designed to facilitate sale or distribution as a fertilizer or soil or plant additive.” “Manipulated” is used in certain restrictions in the bill applicable to “manipulated animal or vegetable manure.” This change conforms the meaning of manipulated manure in the bill to the basic definition of that term in the Department of Agriculture, Trade, and Consumer Protection’s (DATCP) rules on fertilizer regulations.

- Removes the requirement that the soil test necessary for certain exceptions to the use and sales prohibitions in the bill must be performed by a laboratory that is certified by DATCP to conduct tests for soil phosphorus.
- Generally prohibits any person from selling at retail turf fertilizer that is labeled as containing phosphorous or available phosphate *if the person knows that the purchaser intends to use the fertilizer for a purpose other than* one of the authorized purposes provided in the bill.

Companion Bill

2009 Senate Bill 5, as amended by Senate Amendment 1, contains the same provisions as 2009 Assembly Bill 3, as amended by Assembly Amendment 1 and Senate Amendment 1.

Legislative History

Senate Amendment 1 was offered by Senators Miller and Olsen on March 5, 2008. On March 10, 2009, the Senate Committee on Environment recommended adoption of Senate Amendment 1 and passage of the bill, as amended, on separate votes of Ayes, 5; Noes, 0.

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