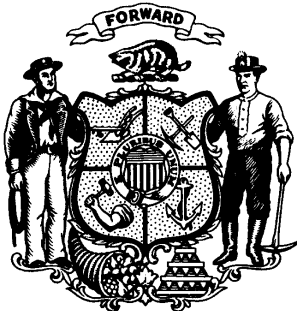


# State of Wisconsin



1995 Senate Bill 470

Date of enactment: **March 22, 1996**

Date of publication\*: **April 5, 1996**

## 1995 WISCONSIN ACT 176

AN ACT to repeal 98.20; and to amend 94.64 (1) (g) and (p), (2) (e) 1. and (3m) (a) (intro.) and 94.65 (6) (a) 3. and 4. of the statutes; relating to: substituting “phosphate” for “phosphoric acid” in the fertilizer control law, prohibited practices in installing, servicing, testing or calibrating weights and measures and due dates for payment of tonnage fees (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of agriculture, trade and consumer protection and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

**SECTION 1.** 94.64 (1) (g) and (p), (2) (e) 1. and (3m) (a) (intro.) of the statutes are amended to read:

94.64 (1) (g) “Grade” means the percentage guarantee of total nitrogen, available phosphorus or available phosphoric acid phosphate, and soluble potassium or soluble potash stated in the same order as listed in this paragraph.

(p) “Plant nutrient” means boron, calcium, chlorine, copper, iron, magnesium, manganese, molybdenum, nitrogen, phosphorus or available phosphoric acid phosphate, potassium or potash, sodium, sulfur, zinc or any other chemical element recognized as a plant nutrient by department rule.

(2) (e) 1. Guaranteed analysis for the primary nutrients of nitrogen, phosphorus and potassium shall be expressed on the label in the following order and form:

Total Nitrogen (N) . . . . . %  
Available Phosphoric Acid Phosphate (P<sub>2</sub>O<sub>5</sub>) . . %  
Soluble Potash (K<sub>2</sub>O) . . . . . %  
(3m) (a) (intro.) No person may distribute mixed fertilizer in which the sum of the guarantees for nitrogen, available phosphoric acid phosphate and soluble potash totals less than 24% unless:

NOTE: This SECTION changes references to “phosphoric acid” in s. 94.64, the fertilizer control law, to “phosphate”. This change will conform references in s. 94.64 to a recommendation of the American Plant Food Control Officials that references to “phosphoric acid” be changed to “phosphate” to respond to industry and environmental concerns that fertilizer materials could be mistaken for corrosive acid during transport, spills and handling if labeled as “phosphoric acid”.

**SECTION 2.** 94.65 (6) (a) 3. and 4. of the statutes are amended to read:

94.65 (6) (a) 3. Annually by March ~~15~~ 31, pay to the department a research fee of 10 cents for each ton of soil or plant additive distributed as described in the tonnage report filed under subd. 1. The minimum research fee is \$1 for 10 tons or less.

4. Annually by March ~~15~~ 31, pay to the department a groundwater fee of 10 cents for each ton of soil or plant additive distributed, as described in the tonnage report filed under subd. 1. The minimum groundwater fee is \$1

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

for 10 tons or less. All groundwater fees shall be credited to the environmental fund for groundwater management.

NOTE: Currently, each person who holds a permit for distribution of a soil or plant additive under s. 94.65 (3) is required to file with the department of agriculture, trade and consumer protection a tonnage report on additives distributed during the previous year by March 31 of the following year. However, the person is required to pay a research fee of 10 cents for each ton distributed and a groundwater fee of 10 cents for each ton distributed by March 15 of the following year. This SECTION makes the date for the report and payment of all fees consistent by changing the research and groundwater fee due dates to March 31.

**SECTION 3.** 98.20 of the statutes is repealed.

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NOTE: Section 98.20 provides that no person engaged in the business of installing, servicing or testing weights or measures may install or adjust a weight or measure so as to make it incorrect or to cause it to violate ch. 98 or administrative rules promulgated under that chapter, or to misrepresent that a weight or measure is correct. Section 98.18 (3), as created by 1993 Wisconsin Act 16, creates broader prohibitions applicable to persons who install, service, test or calibrate weights and measures. The prohibited practices include not only those described above, but include using any test weight or measure that has not been inspected, tested and approved by the department or by a laboratory certified by the national institute of standards and technology. This SECTION repeals the older, less inclusive statute.