

# State of Wisconsin



2023 Senate Bill 316

Date of enactment:  
Date of publication\*:

## 2023 WISCONSIN ACT

AN ACT *to amend* 23.24 (3) (c); and *to create* 23.24 (1) (je), 23.24 (3) (d), 23.24 (4) (b) 5. and 23.24 (4) (b) 6. of the statutes; **relating to:** aquatic plant management plans and permit exemptions.

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

**SECTION 1.** 23.24 (1) (je) of the statutes is created to read:

23.24 (1) (je) "Private pond" means a surface water less than 10 acres in size that is surrounded by the private property of one or more owners, with no public access to the water, and that has either no surface water discharge or surface water discharge that can be controlled.

**SECTION 6.** 23.24 (3) (c) of the statutes is amended to read:

23.24 (3) (c) The department may promulgate a rule to establish fees for aquatic plant management permits. Under the rule, the department may establish a different fee for an aquatic plant management permit to manage aquatic plants that are located in a body of water that is entirely confined on the property of ~~one~~ private property ~~owner~~ owners.

**SECTION 6m.** 23.24 (3) (d) of the statutes is created to read:

23.24 (3) (d) A permit issued under this subsection for aquatic plant management in a private pond that is greater than 5 acres in size shall be valid for a period of not less than 5 years.

**SECTION 7.** 23.24 (4) (b) 5. of the statutes is created to read:

23.24 (4) (b) 5. A person who applies a chemical treatment to a private pond that is less than 5 acres in size to suppress or eradicate invasive or nuisance aquatic plants if all of the following apply:

a. The person is certified as a commercial applicator by the department of agriculture, trade and consumer protection in the aquatic and mosquito pest control category.

b. The person uses only those chemicals that have been labeled and registered for aquatic plant control by the U.S. environmental protection agency.

c. The person follows U.S. environmental protection agency label directions for appropriate application methods and rates.

d. If the private pond abuts multiple parcels, the owners of all parcels that abut the private pond have been notified of the application of the chemical treatment to the private pond.

e. The person retains for a period of not less than 2 years a record of any pesticide the person applies to the private pond. All records retained under this subd. 5. e. shall be made available to the department for inspection upon request.

**SECTION 8.** 23.24 (4) (b) 6. of the statutes is created to read:

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\* Section 991.11, WISCONSIN STATUTES: 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."

23.24 (4) (b) 6. A person who applies to a private pond a biological agent to improve water quality at a concentration that does not cause acute or chronic toxicity

for aquatic organisms or a dye that is not labeled for herbicide use.

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