



2017 SENATE BILL 607

November 30, 2017 - Introduced by Senators RISSER, L. TAYLOR and CARPENTER, cosponsored by Representatives JACQUE, C. TAYLOR, HORLACHER, BOWEN, MURSAU, BROSTOFF, BRANDTJEN, ALLEN, SINICKI, BERCEAU, SUBECK, ANDERSON, CONSIDINE, KREMER and SARGENT. Referred to Committee on Insurance, Housing and Trade.

1 **AN ACT** *to create* 292.11 (9) (g) of the statutes; **relating to:** the responsibility of
2 a property owner for discharge of a hazardous substance by another.

Analysis by the Legislative Reference Bureau

This bill exempts a property owner that is not a corporate entity from responsibility relating to the discharge of a hazardous substance on or originating from the owner's property if all of the following apply: 1) the owner acquired the property prior to September 1, 1992; 2) the owner demonstrates that the discharge was caused by another person without the owner's knowledge; and 3) the property was not listed in the database of contaminated properties maintained by the Department of Natural Resources when the owner acquired the property.

The bill also exempts a county that takes a tax deed on property contaminated by a hazardous substance, or any person who subsequently acquires the property from the county and meets certain requirements, from responsibility relating to the discharge of the hazardous substance.

Under current law, a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance is required to take the actions necessary to restore the environment and minimize the harmful effects from the discharge. In *State v. Mauthe*, 123 Wis. 2d 288, 366 N.W.2d 871, the Wisconsin Supreme Court held that the owner of property containing contaminated soil from which a hazardous substance was being discharged was in possession and

