



2023 ASSEMBLY BILL 44

February 20, 2023 - Introduced by Representatives MURSAU, ARMSTRONG, BEHNKE, BROOKS, DITTRICH, SPIROS and WICHGERS, cosponsored by Senators JACQUE and TAYLOR. Referred to Committee on Environment.

AUTHORS SUBJECT TO CHANGE

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

