

1991 Assembly Bill 853

Date of enactment: **April 27, 1992**

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1991 WISCONSIN ACT 245

AN ACT to create 895.46 (6) of the statutes, relating to: liability of state officers or employes for the storage, transportation, treatment or disposal of hazardous substances.

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

SECTION 1. 895.46 (6) of the statutes is created to read:

895.46 (6) The protection afforded by this section applies to any criminal action under s. 144.74 (2) or 144.93 (2) or under 7 USC 136L (b), 15. USC 2616 (b), 33. USC 1319 (c), 42 USC 2284, 6928 (d) and (e), 6973 (b), 6992 (b) and (c), 7413 (c), 9603 (b), 9606 (b) and 11045 (b) or 49. USC appendix 1809 (b) that is commenced against a state officer or state employe who is proceeded against in his or her official capacity or as an individual because of acts committed in the storage, transportation, treatment or disposal of hazardous sub-

stances, as defined in s. 144.01 (4m), if that officer or employe is found to be acting within the scope of his or her employment and if the attorney general determines that the state officer or state employe acted in good faith. Regardless of the determination made by the attorney general, the protection afforded by this section applies if the state officer or agent is not found guilty of the criminal action commenced under this subsection. This protection includes the payment of reasonable attorney fees in defending the action and costs or fines arising out of the action.

SECTION 2. Initial applicability. This act first applies to criminal actions commenced against a state officer or employe on the effective date of this SECTION.
