

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1800/P2dnins
RPN & JEO:.....

INSERT D-NOTE 1-A:

1. There are no exceptions to the evidentiary exclusion created for information provided to authorities under proposed s. 134.92 (2). At the same time, there *are* exceptions to the evidentiary exclusion created for year 2000 statements generally under proposed s. 904.17, as it was originally drafted. This draft combines the two exclusions and maintains the total exclusion of information provided to authorities under proposed s. 134.92 (2) as well as the exceptions to the exclusion for all other year 2000 statements. *See* proposed s. 904.17 (2) and (3). Is that your intent, or should the exceptions under proposed s. 940.17 (3) also apply to information provided to authorities under proposed s. 134.92 (2)?

Do you intend to require exclusion of the *information* provided in statements made to authorities, or do you intend only to prevent a civil litigant from getting at those statements during the civil litigation discovery process? By creating a blanket exclusion for *information* provided in statements to authorities, a person could bury all unfavorable information about its year 2000 preparations in a statement to an authority and then the information could never be used in a civil proceeding, no matter how false or misleading and no matter whether the information is available from sources other than the statement made to an authority.