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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-045

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. Consideration should be given to locating the first two sentences of the rule in a new subsection to s. RL 2.13, relating to discovery. The remainder of the rule, relating to admitting or excluding the evidence, might be placed in an appropriate location in s. RL 2.15, relating to the conduct of a hearing.

b. In the second sentence of s. RL 2.145 (intro.), “only” and “rather than on mailing” should be deleted.

4. Adequacy of References to Related Statutes, Rules and Forms

Section RL 2.07 (1) contemplates situations in which notice of a hearing is provided as little as 48 hours in advance of the hearing. Should the rule address s. RL 2.07 (1)?

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. RL 2.145 (intro.), the phrase “under s. RL 2.15” should be inserted after the phrase “the hearing.”

b. In s. RL 2.145 (2), reference to “that party” is vague. It is assumed that the reference is to “the party against whom the evidence is being offered.”

c. In s. RL 2.145 (3), “waiver of the requirement” should be deleted and replaced by “admitting the evidence.”

d. It is suggested that an initial applicability provision be included in the rule to indicate to which proceedings the rule first applies; e.g., proceedings commenced on the effective date of the rule.