

1987 Assembly Bill 447

Date of enactment: April 7, 1988
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1987 Wisconsin Act 198

AN ACT to amend 73.01 (4) (dn) of the statutes, relating to oral decisions in small claims cases of the tax appeals commission (suggested as remedial legislation by the tax appeals commission).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the tax appeals commission, and introduced by the law revision committee under s. 13.83 (1) (c) 4 of the statutes. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 73.01 (4) (dn) of the statutes is amended to read:

73.01 (4) (dn) In connection with the hearing of any matter required to be heard and decided by the commission, except appeals arising under s. 70.64 or ch. 76, the chairperson or any member of the commission assigned to hear the matter may, with the consent of the parties, render an oral decision. ~~The commission shall~~ In small claims cases, the presiding commissioner may, without consent of the parties, either render an

oral decision at the close of the hearing or provide a written decision to all parties within 2 weeks after the hearing ~~in all small claims hearings~~. Decisions in small claims cases are not precedents. Any party may appeal such oral decision as provided in s. 73.015. Oral decisions constitute notice for purposes of determining the time in which appeals may be taken. Provisions of this section or ch. 227 in conflict with this paragraph do not apply to decisions rendered under this paragraph.

NOTE: This amendment clarifies the procedure used by the tax appeals commission to issue oral decisions in small claims cases. Under the current statute, a commissioner has discretion to issue an oral or written decision.

The amendment clarifies that an oral decision may be issued at the close of the hearing and that a written decision may be issued 2 weeks after the hearing. Also, the presiding commissioner is not required to obtain the consent of the parties to issue an oral or written decision, and a decision need only be issued by one commissioner.