



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBs0539/1  
RPN;jlg:hmh

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 671**

March 23, 1998 - Offered by Representative GREEN.

1     **AN ACT to amend** 66.05 (8) (b) 1., 66.411, 102.23 (1) (c), 102.835 (14), 108.225 (14),  
2           125.12 (2) (d), 801.02 (1), 801.02 (2), 801.09 (2) (a), 801.09 (2) (b), 801.095 (1),  
3           801.095 (2), 801.095 (3), 801.095 (4), 801.15 (2) (a), 802.06 (1), 802.06 (6), 802.09  
4           (1), 893.02, 961.555 (2) (a) and 973.076 (2) (a) of the statutes; **relating to:**  
5           increasing the time to serve a summons and complaint and a responsive  
6           pleading.

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

7           **SECTION 1.** 66.05 (8) (b) 1. of the statutes is amended to read:  
8           66.05 (8) (b) 1. If an owner fails to remedy or improve the defect in accordance  
9           with the written notice furnished by the building inspector or other designated  
10          officer under par. (am) within the 30-day period specified in the written notice, the  
11          building inspector or other designated officer shall apply to the circuit court of the  
12          county in which the building is located for an order determining that the building

1 constitutes a public nuisance. As a part of the application for such order from the  
2 circuit court the building inspector or other designated officer shall file a verified  
3 petition which recites the giving of such written notice, the defect or defects in such  
4 building, the owner's failure to comply with the notice and such other pertinent facts  
5 as may be related thereto. A copy of the petition shall be served upon the owner of  
6 record or the owner's agent if an agent is in charge of the building and upon the holder  
7 of any encumbrance of record under sub. (1m) (a) and the owner shall have ~~20~~ 45 days  
8 following service upon the owner in which to reply to such petition. Upon application  
9 by the building inspector or other designated officer the circuit court shall set  
10 promptly the petition for hearing. Testimony shall be taken by the circuit court with  
11 respect to the allegations of the petition and denials contained in the verified answer.  
12 If the circuit court after hearing the evidence with respect to the petition and the  
13 answer determines that the building constitutes a public nuisance, the court shall  
14 issue promptly an order directing the owner of the building to remedy the defect and  
15 to make such repairs and alterations as may be required. The court shall set a  
16 reasonable period of time in which the defect shall be remedied and the repairs or  
17 alterations completed. A copy of the order shall be served upon the owner as provided  
18 in sub. (1m) (a). The order of the circuit court shall state in the alternative that if  
19 the order of the court is not complied with within the time fixed by the court, the court  
20 will appoint a receiver or authorize the building inspector or other designated officer  
21 to proceed to raze and remove the building and restore the site to a dust-free and  
22 erosion-free condition under par. (bg).

23 **SECTION 2.** 66.411 of the statutes is amended to read:

24 **66.411 Urban redevelopment; enforcement of duties.** Whenever a  
25 redevelopment corporation shall not have substantially complied with the

1 development plan within the time limits for the completion of each stage thereof as  
2 therein stated, reasonable delays caused by unforeseen difficulties excepted, or shall  
3 do, permit to be done or fail or omit to do anything contrary to or required of it, as  
4 the case may be, by ss. 66.405 to 66.425, or shall be about so to do, permit to be done  
5 or fail or omit to have done, as the case may be, then any such fact may be certified  
6 by the planning commission to the city attorney of the city, who may thereupon  
7 commence a proceeding in the circuit court of the county in which the city is in whole  
8 or in part situated in the name of the city for the purpose of having such action,  
9 failure or omission, or threatened action, failure or omission, established by order of  
10 the court or stopped, prevented or otherwise rectified by mandamus, injunction or  
11 otherwise. Such proceeding shall be commenced by a petition to the circuit court  
12 alleging the violation complained of and praying for appropriate relief. It shall  
13 thereupon be the duty of the court to specify the time, not exceeding ~~20~~ 45 days after  
14 service of a copy of the petition, within which the redevelopment corporation  
15 complained of must answer the petition. The court, shall, immediately after a  
16 default in answering or after answer, as the case may be, inquire into the facts and  
17 circumstances in such manner as the court shall direct without other or formal  
18 proceedings, and without respect to any technical requirements. Such other persons  
19 or corporations as it shall seem to the court necessary or proper to join as parties in  
20 order to make its order or judgment effective may be joined as parties. The final  
21 judgment or order in any such action or proceeding shall dismiss the action or  
22 proceeding or establish the failure complained of or direct that a mandamus order,  
23 or an injunction, or both, issue, or grant such other relief as the court may deem  
24 appropriate.

25 **SECTION 3.** 102.23 (1) (c) of the statutes is amended to read:

1           102.23 (1) (c) The commission shall serve its answer within ~~20~~ 45 days after  
2 the service of the complaint, and, within the like time, the adverse party may serve  
3 an answer to the complaint, which answer may, by way of counterclaim or cross  
4 complaint, ask for the review of the order or award referred to in the complaint, with  
5 the same effect as if the party had commenced a separate action for the review  
6 thereof.

7           **SECTION 4.** 102.835 (14) of the statutes is amended to read:

8           102.835 (14) ANSWER BY 3RD PARTY. Within ~~20~~ 45 days after the service of the  
9 levy upon a 3rd party, the 3rd party shall file an answer with the department stating  
10 whether the 3rd party is in possession of or obligated with respect to property or  
11 rights to property of the uninsured employer, including a description of the property  
12 or the rights to property and the nature and dollar amount of any such obligation.

13           **SECTION 5.** 108.225 (14) of the statutes is amended to read:

14           108.225 (14) ANSWER BY 3RD PARTY. Within ~~20~~ 45 days after the service of the  
15 levy upon a 3rd party, the 3rd party shall file an answer with the department stating  
16 whether the 3rd party is in possession of or obligated with respect to property or  
17 rights to property of the debtor, including a description of the property or the rights  
18 to property and the nature and dollar amount of any such obligation.

19           **SECTION 6.** 125.12 (2) (d) of the statutes is amended to read:

20           125.12 (2) (d) *Judicial review.* The action of any municipal governing body in  
21 granting or failing to grant, suspending or revoking any license, or the failure of any  
22 municipal governing body to revoke or suspend any license for good cause, may be  
23 reviewed by the circuit court for the county in which the application for the license  
24 was issued, upon application by any applicant, licensee or resident of the  
25 municipality. The procedure on review shall be the same as in civil actions instituted

1 in the circuit court. The person desiring review shall file pleadings, which shall be  
2 served on the municipal governing body in the manner provided in ch. 801 for service  
3 in civil actions and a copy of the pleadings shall be served on the applicant or licensee.  
4 The municipal governing body, applicant or licensee shall have ~~20~~ 45 days to file an  
5 answer to the complaint. Following filing of the answer, the matter shall be deemed  
6 at issue and hearing may be had within 5 days, upon due notice served upon the  
7 opposing party. The hearing shall be before the court without a jury. Subpoenas for  
8 witnesses may be issued and their attendance compelled. The decision of the court  
9 shall be filed within 10 days after the hearing and a copy of the decision shall be  
10 transmitted to each of the parties. The decision shall be binding unless it is appealed  
11 to the court of appeals.

12 **SECTION 7.** 801.02 (1) of the statutes is amended to read:

13 801.02 (1) A civil action in which a personal judgment is sought is commenced  
14 as to any defendant when a summons and a complaint naming the person as  
15 defendant are filed with the court, provided service of an authenticated copy of the  
16 summons and of the complaint is made upon the defendant under this chapter within  
17 ~~60~~ 90 days after filing.

18 **SECTION 8.** 801.02 (2) of the statutes is amended to read:

19 801.02 (2) A civil action in which only an in rem or quasi in rem judgment is  
20 sought is commenced as to any defendant when a summons and a complaint are filed  
21 with the court, provided service of an authenticated copy of the summons and of  
22 either the complaint or a notice of object of action under s. 801.12 is made upon the  
23 defendant under this chapter within ~~60~~ 90 days after filing.

24 **SECTION 9.** 801.09 (2) (a) of the statutes is amended to read:



1 THE STATE OF WISCONSIN, To each person named above as a Defendant:

2 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
3 other legal action against you. The complaint, which is attached, states the nature  
4 and basis of the legal action.

5 Within ~~(20) (45)~~ 45 days of receiving this summons, you must respond with a  
6 written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the  
7 complaint. The court may reject or disregard an answer that does not follow the  
8 requirements of the statutes. The answer must be sent or delivered to the court,  
9 whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You may  
10 have an attorney help or represent you.

11 If you do not provide a proper answer within ~~(20) (45)~~ 45 days, the court may  
12 grant judgment against you for the award of money or other legal action requested  
13 in the complaint, and you may lose your right to object to anything that is or may be  
14 incorrect in the complaint. A judgment may be enforced as provided by law. A  
15 judgment awarding money may become a lien against any real estate you own now  
16 or in the future, and may also be enforced by garnishment or seizure of property.

17 Dated: ....., 19..

18 Signed: .... ....

19 A. B., Plaintiff

20 or

21 E. F., Plaintiff's Attorney

22 State Bar No.: ....

23 Address: ....

24 City, State Zip Code: ....

25 Phone No.: ....





1 law. A judgment awarding money may become a lien against any real estate you own  
2 now or in the future, and may also be enforced by garnishment or seizure of property.

3 Dated: ....., 19..

4 Signed: .... ..

5 A. B., Plaintiff

6 or

7 E. F., Plaintiff's Attorney

8 State Bar No.: ....

9 Address: ....

10 City, State Zip Code: ....

11 Phone No.: ....

12 **SECTION 13.** 801.095 (3) of the statutes is amended to read:

13 801.095 (3) NO PERSONAL SERVICE; COMPLAINT SERVED AT THE SAME TIME.

14 STATE OF WISCONSIN

CIRCUIT COURT: .... COUNTY

15 \_\_\_\_\_  
16 A. B.

17 Address

18 City, State Zip Code

File No. ....

19 , Plaintiff

20 vs.

S U M M O N S

21 C. D.

22 Address

.... (Case Classification Type): .... (Code No.)

23 City, State Zip Code

24 , Defendant

25 \_\_\_\_\_

1 THE STATE OF WISCONSIN, To each person named above as a Defendant:

2 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
3 other legal action against you. The complaint, which is also served upon you, states  
4 the nature and basis of the legal action.

5 Within 40 45 days after ....., 19.., you must respond with a written answer, as  
6 that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The  
7 court may reject or disregard an answer that does not follow the requirements of the  
8 statutes. The answer must be sent or delivered to the court, whose address is ....., and  
9 to ....., Plaintiff's attorney, whose address is ....., You may have an attorney help or  
10 represent you.

11 If you do not provide a proper answer within 40 45 days, the court may grant  
12 judgment against you for the award of money or other legal action requested in the  
13 complaint, and you may lose your right to object to anything that is or may be  
14 incorrect in the complaint. A judgment may be enforced as provided by law. A  
15 judgment awarding money may become a lien against any real estate you own now  
16 or in the future, and may also be enforced by garnishment or seizure of property.

17 Dated: ....., 19..

Signed: .... ....

A. B., Plaintiff

or

E. F., Plaintiff's Attorney

State Bar No.: ....

Address: ....

City, State Zip Code: ....

Phone No.: ....

25



1 judgment awarding money may become a lien against any real estate you own now  
2 or in the future, and may also be enforced by garnishment or seizure of property.

3 Dated: ....., 19..

4 Signed: .... ..

5 A. B., Plaintiff

6 or

7 E. F., Plaintiff's Attorney

8 State Bar No.: ....

9 Address: ....

10 City, State Zip Code: ....

11 Phone No.: ....

12 **SECTION 15.** 801.15 (2) (a) of the statutes is amended to read:

13 801.15 (2) (a) When an act is required to be done at or within a specified time,  
14 the court may order the period enlarged but only on motion for cause shown and upon  
15 just terms. The ~~60~~ 90 day period under s. 801.02 may not be enlarged. If the motion  
16 is made after the expiration of the specified time, it shall not be granted unless the  
17 court finds that the failure to act was the result of excusable neglect. The order of  
18 enlargement shall recite by its terms or by reference to an affidavit in the record the  
19 grounds for granting the motion.

20 **SECTION 16.** 802.06 (1) of the statutes is amended to read:

21 802.06 (1) **WHEN PRESENTED.** A defendant shall serve an answer within ~~20~~ 45  
22 days after the service of the complaint upon the defendant. If a guardian ad litem  
23 is appointed for a defendant, the guardian ad litem shall have ~~20~~ 45 days after  
24 appointment to serve the answer. A party served with a pleading stating a  
25 cross-claim against the party shall serve an answer thereto within ~~20~~ 45 days after

1 the service upon the party. The plaintiff shall serve a reply to a counterclaim in the  
2 answer within ~~20~~ 45 days after service of the answer. The state or an agency of the  
3 state or an officer, employe or agent of the state in an action brought within the  
4 purview of s. 893.82 or 895.46 shall serve an answer to the complaint or to a  
5 cross-claim or a reply to a counterclaim within 45 days after service of the pleading  
6 in which the claim is asserted. If any pleading is ordered by the court, it shall be  
7 served within ~~20~~ 45 days after service of the order, unless the order otherwise directs.  
8 The service of a motion permitted under sub. (2) alters these periods of time as  
9 follows, unless a different time is fixed by order of the court: if the court denies the  
10 motion or postpones its disposition until the trial on the merits, the responsive  
11 pleading shall be served within 10 days after notice of the court's action; or if the court  
12 grants a motion for a more definite statement, the responsive pleading shall be  
13 served within 10 days after the service of the more definite statement.

14 **SECTION 17.** 802.06 (6) of the statutes is amended to read:

15 802.06 **(6)** MOTION TO STRIKE. Upon motion made by a party before responding  
16 to a pleading or, if no responsive pleading is permitted upon motion made by a party  
17 within ~~20~~ 45 days after the service of the pleading upon the party or upon the court's  
18 own initiative at any time, the court may order stricken from any pleading any  
19 insufficient defense or any redundant, immaterial, impertinent, scandalous or  
20 indecent matter.

21 **SECTION 18.** 802.09 (1) of the statutes is amended to read:

22 802.09 **(1)** AMENDMENTS. A party may amend the party's pleading once as a  
23 matter of course at any time within 6 months after the summons and complaint are  
24 filed or within the time set in a scheduling order under s. 802.10. Otherwise a party  
25 may amend the pleading only by leave of court or by written consent of the adverse

1 party; and leave shall be freely given at any stage of the action when justice so  
2 requires. A party shall plead in response to an amended pleading within ~~20~~ 45 days  
3 after service of the amended pleading unless (a) the court otherwise orders or (b) no  
4 responsive pleading is required or permitted under s. 802.01 (1).

5 **SECTION 19.** 893.02 of the statutes is amended to read:

6 **893.02 Action, when commenced.** An action is commenced, within the  
7 meaning of any provision of law which limits the time for the commencement of an  
8 action, as to each defendant, when the summons naming the defendant and the  
9 complaint are filed with the court, but no action shall be deemed commenced as to  
10 any defendant upon whom service of authenticated copies of the summons and  
11 complaint has not been made within ~~60~~ 90 days after filing.

12 **SECTION 20.** 961.555 (2) (a) of the statutes is amended to read:

13 961.555 (2) (a) The district attorney of the county within which the property  
14 was seized shall commence the forfeiture action within 30 days after the seizure of  
15 the property, except that the defendant may request that the forfeiture proceedings  
16 be adjourned until after adjudication of any charge concerning a crime which was the  
17 basis for the seizure of the property. The request shall be granted. The forfeiture  
18 action shall be commenced by filing a summons, complaint and affidavit of the person  
19 who seized the property with the clerk of circuit court, provided service of  
20 authenticated copies of those papers is made in accordance with ch. 801 within ~~60~~  
21 90 days after filing upon the person from whom the property was seized and upon  
22 any person known to have a bona fide perfected security interest in the property.

23 **SECTION 21.** 973.076 (2) (a) of the statutes is amended to read:

24 973.076 (2) (a) The district attorney of the county within which the property  
25 was seized or in which the defendant is convicted shall commence the forfeiture

1 action within 30 days after the seizure of the property or the date of conviction,  
2 whichever is earlier, except that the defendant may request that the forfeiture  
3 proceedings be adjourned until after adjudication of any charge concerning a crime  
4 which was the basis for the seizure of the property. The request shall be granted.  
5 The forfeiture action shall be commenced by filing a summons, complaint and  
6 affidavit of the person who seized the property with the clerk of circuit court,  
7 provided service of authenticated copies of those papers is made in accordance with  
8 ch. 801 within ~~60~~ 90 days after filing upon the person from whom the property was  
9 seized and upon any person known to have a bona fide perfected security interest in  
10 the property.

11 **SECTION 22. Initial applicability.**

12 (1) This act first applies to actions commenced on the effective date of this  
13 subsection.

14 (END)