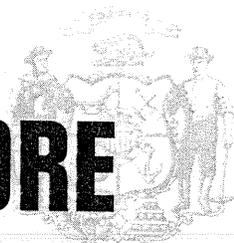


State Senator GWENDOLYNNE MOORE



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Testimony of State Senator Gwendolynne Moore
Assembly Bill 208
Assembly Committee on Housing
Thursday, April 5, 2001
10:00 a.m.
Assembly Parlor

I would first like to thank the Representative Sykora and the members of the Committee for holding a public hearing on this legislation. I apologize that I could not be here in person to testify on behalf of Assembly Bill (AB) 208. As a member of the Joint Finance Committee, I am in Peshtigo today for a public hearing on the 2001-2003 biennial budget.

As many of you may know, I am the Senate author of AB 208 and its Senate companion bill, Senate Bill 87. AB 208/SB 87 would make a slight but much needed change to our laws controlling drug and gang activity statewide. Current law allows property owners to terminate a tenancy with a 5-day eviction notice if the property owner receives written notice from a law enforcement agency of a city, village, or town that the rental unit is a nuisance. **AB 208/SB 87 would expand the definition of law enforcement officials who can issue nuisance letters to include any law enforcement agency of the state or of a political subdivision of the state.**

I authored the original drug abatement law, which granted law enforcement agencies of a city, town, or village the authority to give notice to a property owner that a rental unit is a nuisance because of drug activity. The definition of nuisance for these purposes was later expanded to include gang activity.

However, it was later brought to my attention that this language unintentionally exempted certain rental units located on property not protected by a city, town, or village law enforcement agency. Rental properties in many rural areas fall under the jurisdiction of county sheriffs and their deputies. In Dane County, for example, there are numerous areas where the Sheriff's Office provides exclusive law enforcement protection. As a result of the current language of the statute, county sheriffs, their deputies, and other law enforcement agencies of the state who conduct drug investigations lack the authority to issue nuisance letters and, ultimately, to enforce the full power of the drug abatement law. AB 208/SB 87 will eliminate this loophole by granting all law enforcement agencies of the state the authority to issue nuisance letters.

Furthermore, AB 208/SB 87 stipulates that any law enforcement agency issuing a nuisance letter is granted immunity from liability as long as the agency has acted in good faith in its investigation. The legislation also exempts Milwaukee County, since all areas of the county are already covered by the jurisdiction of a city, town, or village law enforcement agency.

I introduced this bill last session as 1999 Senate Bill 43. While the bill failed to pass out of Committee, it garnered wide support among legislators and the community at large. That support has not waned. Seven State Senators and twenty two Representatives from both parties co-sponsored AB 208/ SB 87 this session and several groups have given us their support, including: the Wisconsin Apartment Association, the Wisconsin Professional Police Association, the Wisconsin Sheriff's and Deputy Sheriff's Association, the Wisconsin County Police Association, Milwaukee County Sheriff's Office, the Milwaukee County Deputies Association, and the Dane County Gang and Narcotics Task Force.

This legislation is necessary to level the playing field for all Wisconsin law enforcement agencies in their battle to eradicate drug and gang activity from our state. More importantly, AB 208/ SB 87 would provide greater security to those affected by the influence of drugs and gangs in their neighborhood.

Once again, I would like to thank Representative Sykora and the Committee for holding today's hearing and encourage members of the Committee to support this important legislation.