

## Big Government Grows On

While most people complain about government taxes, for businesses an even bigger problem with government frequently centers on the increasingly intrusive government regulations.

A typical example is that of new rules promulgated by the Department of Transportation in 1999 regarding any property owned along a state highway – these rules are known as Trans 233. The Department has decided that any land within 50 feet of the government right of way cannot be used for signs, parking lots, driveways, wells, buildings, or retaining walls without department consent. It should be pointed out that the government right of way (land owned or for which the government has an easement) frequently extends well off the highway so they may restrict your use on a 50-foot strip of your land, which is already 50 or 60 feet from the shoulder of the road. For example, if a business owner wants to put in a new sign or expand his parking lot, he will no longer be able to do this. If a farmer wants to sell off some land along the road for his daughter to build a house, the department can now say no. In cases in which the government does grant an exception, they have required the owner to sign a document stating the government has the right to buy the land without compensating you for the improvements in the future.

Currently this rule is subject to a lawsuit declaring it unconstitutional. The Fifth Amendment (part of the Bill of Rights) states” . . .nor shall private property be taken for public use without just compensation.” A property owner may have thought he owned six acres along a highway, but all of a sudden he could only use five of the acres and the government gave him nothing in return. I should point out that the government always has the right to purchase this land. But here, the government took the use of the land without paying anything. You might wonder who would have been in favor of the government just grabbing the right to use private property. In addition to the Department of Transportation itself, which like all government agencies likes to expand its power, I have been told the environmentalists and the road builders pushed this expansion. The environmentalists are for any prohibition of building anything. The road builders are afraid that if the government expands a highway and has to buy more land they will have to pay more for the improvements. If the government pays more it might mean less money to give the road builders.

This rule banned new improvements after February 1, 1999. I opposed it at the time and with the current make up of the legislature I am in a position to work to amend this rule. Governor Doyle has also mentioned this as an example of big government gone awry. Perhaps business groups in this state will win in court after spending thousands on attorneys' fees overturn this power grab. But an interesting question is whether we will be able to get the Doyle Administration to on its own turn back this example of big government left over from past administrations.

Please let me know what you think on this issue. Contact me here in Madison---please call 1-888-534-0058.

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