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Preserving our
Property Rights

Our republic limits government to securing individual unalienable rights to life, liberty, and property. These rights are eroded by legislatures, and by courts complicit with them. To encourage wise jurists and journalists to help, *Freedom Matters* dedicates itself to the fight to restore that republic.

Should We Repeal Wisconsin's "Comprehensive Planning" Law

by Bob Bowman

On Wednesday, April 19, State Representative Mary Williams, chair of the Assembly Committee on Rural Development, convened a public hearing on Assembly Bill 645, written specifically to repeal Wisconsin's comprehensive planning law. That planning statute was originally adopted in 1999 in the state budget bill, without public hearings on it, in which various special interest groups were given access to rewriting portions of the bill without general public access to the process.

That process itself may have been illegal, if special interests are not supposed to have access to legislative lobbying not open to the public at large. This special interest legislation has not resulted in public censure because the mainstream press is in favor of what those special interests did. That's how corrupt the press is.

At the hearing, there were 47 people who registered in favor of the bill, or spoke in favor of it. Only one registered in opposition, and he was a planner in one of the northern counties of Wisconsin. Well, one might expect planners to be opposed to repeal of a planning law.

Yet, the reason for so little opposition was because the above hearing was held in Ladysmith, Wisconsin, far from urban hotbeds of central planning, and central planners don't think AB645 has even a ghost of a chance.

Note that *planning* is one of those words like *Mom* or *flag* or *apple pie*. It's a code word. Its real meaning is not *planning*. It's *control*. In that sense, the repeal of "comprehensive planning" would constitute the repeal of central control; i.e., a repeal of the overbearing powers of government. However, it is not the elected governmental officials who would mainly exercise those powers. It is appointed officials, plus certain non-governmental organizations. The latter are collectively known as NGOs, and while that term loosely might be applied to any non-governmental organization, the acronym was developed for those NGOs recognized by the United Nations.

Sadly, from the viewpoint of individual freedom, this repeal effort does not have the legislative support needed for passage. Thus, the bill's proponents are acting simply to keep it alive, working for next session, or later, in the hopes it can eventually be passed.

The creation of this bill, AB645, does however assemble in one document all the parts of the statutes that are in the clutches of the comprehensive planning law. Those persons dubious of the extensive reach of the comprehensive planning law can thus see how invasive it is.

Note below what a supporter of civil liberties can do, in the face of the confiscation inherent in Wisconsin's "comprehensive planning" law. Also, do not overlook that this law was passed because Governor Tommy Thompson put it in the 1999 budget bill and let it pass.

Libertarians have two possible courses of action. One is to seek ways for local government to function without adopting a comprehensive plan. Interestingly, the only penalty in law for not having a "comprehensive plan" is that the **local government** cannot make certain land use decisions. Happily, such local government can also prevent higher governments from making those local land use decisions. This permits two further strategies.

One further strategy is to amend the comprehensive planning law in only one simple particular: merely change the law to take away the above penalty for not having a "comprehensive plan;" i.e., *let governments continue to operate as at present*. If enough governments do so, it would let Wisconsin continue to be prosperous. Those locals that opt to adopt a comprehensive plan will smother their economies and find comprehensive planning to be, as Hayek termed it, a "fatal conceit."

Even without the proposed amendment, locals can still control land use to the extent of banning abuses of land use. Local government by its general police powers has the authority to adopt laws preventing material harm. This might not satisfy "viewshed" people, but it is the viewshed people who destroy our civil rights, and our prosperity, all to satisfy their own odd form of greed.

The city of Houston, Texas, is an example of a metropolis which operates without government zoning and land use planning, and the people there have twice rejected referenda that tried to adopt zoning. In Houston, people operate by buyer-seller deed covenants. That is true "local control." It is **homeowner associations** which administer the deed restrictions. People buy into these agreements via an arms-length, free market choice, and can sell and move out if they later do not like it. Such individual freedom and individual responsibility produces natural social growth, the most robust kind. Thus, it exemplifies F.A. Hayek's ideal social compact.

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