

# ABA Government Law News

## State and Local

### A 60-Second Update on What's Happening

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Double click highlighted language or copy/paste underlined link.

**Florida School Vouchers Violate State Constitution:** The Florida Supreme Court holds that vouchers violate the state constitutional requirement for "free public schools" which precludes use of public funds for private schools. Public funds spent on private school tuition would result in dual and non-uniform schools systems as private schools are not subject to the same standards. No federal law was harmed in making that decision thus USSCT review is not possible; Florida's governor instead wants a constitutional amendment. Some believe the ruling may threaten Florida's tuition support for disabled students and for charter schools. Voucher programs in Wisconsin and Ohio have been upheld, not so in Colorado, and programs exist in Utah and the District of Columbia. See a scholarly legal discussion of school voucher programs by Professor Joseph Viteritti at [www.educationnext.org/20022/24.html](http://www.educationnext.org/20022/24.html). The case is [Bush v. Holmes](#), [www.floridasupremecourt.org/decisions/2006/sc04-2323.pdf](http://www.floridasupremecourt.org/decisions/2006/sc04-2323.pdf)

**South Dakota Ices Zoning Controversy:** Pierre, South Dakota interpreted its zoning ordinance to find that an ice-making plant is not "manufacturing" and the SD Supreme Court affirms. A residential neighbor challenged the city as the noise produced was intolerable and the facility operates year-round (she kept her windows open all year) (yes, in South Dakota). The court found that an ice-making plant was not "manufacturing" with reference not to a dictionary but to tax court opinions from Pennsylvania and Louisiana. The city's 32 year tolerance of the activity was a factor in the decision. [Atkinson v. City of Pierre](#), 706 N.W.2d 791 (S.D.2005). <http://www.sdjudicial.com/index.asp?category=opinions&nav=53101&year=2005&month=11&record=1478>

**Can U Draw This District:** The US Supreme Court on March 1 will hear several consolidated cases from a three-judge panel district court decision challenging the Texas congressional redistricting map, redrawn mid-Census term in 2003 with much controversy at the time and since (career lawyers at DOJ found Voting Rights Act violations but were overruled) and related to current indictments of Congressman DeLay. The assigned case name is League of United Latin American Citizens v. Perry.

**What's All This About Global Warming:** The [Santa Cruz Sentinel](#) reports that the sardine population off the California coast is increasing due to warmer waters. Lovers of Portuguese cuisine rejoice greatly. <http://www.santacruzsentinel.com/archive/2006/January/17/local/stories/03local.htm>

**"Chocolate" City or Mocha Latte?** As New Orleans Mayor Nagin explains what he really meant to say, read what has some N.O. residents steamed in the redevelopment commission's reports, suggesting among other things that some now-destroyed neighborhoods be "consolidated" to save on new infrastructure. [Bring New Orleans Back](#) Committee publications are available for download at [www.bringneworleansback.org](http://www.bringneworleansback.org). (see in particular the urban planning report). Another proposal by a Louisiana congressman (R) is the subject at

[www.nytimes.com/2006/01/05/national/nationalspecial/05buyout.html?ex=1138251600&en=abacfe027d8281f9&ei=5070](http://www.nytimes.com/2006/01/05/national/nationalspecial/05buyout.html?ex=1138251600&en=abacfe027d8281f9&ei=5070).  
Finally, [Common Dreams](http://www.commondreams.org/headlines06/0112-15.htm) compares English, Dutch and Italian levees with New Orleans,  
<http://www.commondreams.org/headlines06/0112-15.htm>

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