

Bond Case Briefs

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10 U.S. Supreme Court Cases That Matter for State and Local Governments.

The U.S. Supreme Court will hear cases this term related to religious freedom in state prisons, taxes on railway carriers, traffic stops and more.

Gregory Holt, an inmate at the Arkansas Department of Corrections, wants to grow his beard as a practicing Salafi Muslim. But Arkansas Corrections restricts beard length to a quarter of an inch. In protest, Holt filed a petition, arguing that the policy is a violation of his religious liberties under the federal Religious Land Use and Institutionalized Persons Act. Holt's case is one of many scheduled to be heard by the U.S. Supreme Court in its next term, which begins Oct. 6.

Justices have already agreed to hear a host of cases that could affect state or local government. The disputes cover a range of issues, from a small town sign code that could be restricting free speech to a state regulatory board alleged to be violating federal antitrust laws.

In the Holt case, scheduled for a hearing Oct. 7, attorneys general from 18 states have written to support Arkansas, contending that "uniform grooming policies serve compelling interests in security, order, hygiene and discipline." Judges should defer to prison officials in balancing religious rights with public health and safety, the attorneys general say.

The attorneys general supporting Arkansas note that in other state prisons, inmates have hidden shanks, wire, rocks, razor blades and handcuff keys in their hair and beards. They also say that when inmates are allowed to grow facial hair and then shave it, the dramatic change in appearance poses a security risk, as prison guards might not recognize the inmate. If the court sides with Holt, the ruling will probably have narrow implications for prison grooming policies, but it could have larger meaning in terms of how prisons and jails balance safety concerns with religious liberties.

The State and Local Legal Center (SLLC) has [identified 10 cases](#), including Holt's, that might affect state and local government. The center files amicus briefs with the Supreme Court on behalf of the National Governors Association, the Council of State Governments, the National Association of Counties, the National League of Cities and the International City/County Management Association. Below is an initial list of Supreme Court cases already scheduled for the next term that could matter for state and local government.

Lisa Soronen, the executive director at SLLC, also has curated a [separate list](#) of other relevant cases that the Supreme Court could decide to hear this term. For an even more in-depth review of upcoming cases with implications with states and localities, [SLLC is hosting a free webinar Oct. 16.](#)

North Carolina Board of Dental Examiners v. Federal Trade Commission

A state regulatory board composed mostly of dentists sent cease-and-desist orders to non-dentists performing teeth-whitening procedures and businesses selling teeth-whitening products. The Federal Trade Commission brought legal action against the board, arguing it was not immune from federal antitrust law. Two factors that may affect the court's ruling are the composition of the board

(almost all private-sector professionals from the industry being regulated) and the lack of state supervision of the board's activity. The case could have implications for state and local government boards across the country.

Case No.: 13-534

Oral arguments: Oct. 14

Reed v. Town of Gilbert, Ariz.

A pastor at a local church posted temporary signs that the town manager said violated the sign code ordinance. The sign code imposes different restrictions on different types of signs, with greater flexibility for political or ideological messages than for notices of church gatherings. The court will have to decide whether local laws restricting speech based on content — but not on particular viewpoints — violate either the Free Speech Clause of the First Amendment or the Equal Protection Clause of the Fourteenth Amendment.

Case No.: 13-502

Oral arguments: To be determined

Integrity Staffing Solutions v. Busk

Former employees of Integrity Staffing Solutions, a warehouse company for clients like Amazon.com, say they should have been compensated for security screenings they had to endure as workers at the end of each work day, which could take up to 25 minutes. The petitioners argue that the unpaid time they spent going through security each day violated the federal Fair Labor Standards Act. While the dispute involves private workers at a private company, governments could be affected because security screenings are also common in courthouses, jails, prisons, state capitols and other public buildings.

Case No.: 13-433

Oral arguments: Oct. 8

Heien v. North Carolina

A county police officer in North Carolina pulled over a driver for having a broken rear brake light, based on a misunderstanding of state law. He thought the state required two functioning brake lights, but he was wrong. The traffic stop resulted in the officer finding a bag containing 54.2 grams of cocaine in the car. The court will have to decide if a traffic stop is permissible based on an officer's reasonable but mistaken understanding of the law.

Case No.: 13-604

Oral arguments: Oct. 6

T-Mobile South, LLC v. City of Roswell

The city council in Roswell, Ga., voted to deny an application by T-Mobile South to build a 108-foot cell tower in a residential neighborhood. The question before the court is whether a letter relying on council minutes as a rationale for denial meets a federal requirement for state or local government to justify in writing why it denied the construction of a wireless service facility.

Case No.: 13-975

Oral arguments: Nov. 10

Alabama Democratic Conference v. Alabama

Petitioners in Alabama claim that the purpose and effect of the state's latest redistricting was to dilute and isolate the strength of black and other minority voters. The question before the court is whether the state's redistricting amounted to an unconstitutional racial quota and racial gerrymandering in violation of the Voting Rights Act and the 14th Amendment's Equal Protection Clause. The case is combined with Alabama Legislative Black Caucus v. Alabama.

Case No.: 13-1138
Oral arguments: Nov. 12

Comptroller v. Wynne

A couple living in Howard County, Md., earned income in multiple states, but faced a county tax for money earned outside of Maryland.* The question before the court is whether the U.S. Constitution allows a state or locality to tax all the income of its residents, including income earned in other states. In general, states provide a tax credit for earnings from other states. The couple believes they are owed a credit for both state and county taxes. The Maryland comptroller says that a partial credit is warranted for state, but not county taxes.

Case No.: 13-485
Oral arguments: Nov. 12

Perez v. Mortgage Bankers Association

The question before the court in Perez is whether a federal agency must engage in a notice-and-comment procedure before it can make a major change to an agency rule. "Because state and local governments are often regulated by federal agencies or regulate in the same space as federal agencies," Soronen wrote, "they generally prefer more opportunity to be informed of and comment on significant alterations to interpretive rules."

Case No.: 13-1041
Oral arguments: Dec. 1

Kansas v. Nebraska and Colorado

The three states formed an agreement in 1942 for apportioning use of water from the Republican River Basin. Kansas argues that Nebraska has violated that agreement by using more than its share of water and owes Kansas money. The court will decide if Nebraska did violate the agreement and if so, what kind of relief is appropriate.

Case No.: 126, Orig.
Oral arguments: Oct. 14

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