



## Bluegrass Beacon BY JIM WATERS

### **Pointing the finger at loony laws and lawmakers**

By Jim Waters

I considered writing a predictable end-of-year column.

But then I got annoyed.

The Brighton (Mich.) City Council passed a law making it illegal to “seriously annoy another person.”

At first, I balked at writing about this out of fear that some addled batch of Kentucky politicians might try the same thing. Their ability to grasp at any way to get their way precedes them. For example, look at the Hopkins County Fiscal Court magistrates. They allowed an unelected county health-department board to enact and enforce an unconstitutional smoking ban.

This tramples on the private-property rights of law-abiding citizens. Some of them spent thousands of dollars to install ventilation units in their businesses to comply with earlier smoking restrictions.

I am sure these magistrates would consider anyone who complained about their back-door smoking ban “annoying.” With a law like Brighton’s, they could come after me.

I would use my one phone call to contact Tim Keller, a lawyer for the Institute for Justice. He recently argued brilliantly for Arizonans who want to keep scholarships to help special-needs students. The successful state scholarship program created by Arizona’s legislature has operated since 2005. It helps special students get the education and services they need.

But People for the American Way, the American Civil Liberties Union and (what a shocker) the state teachers union filed suit to end the program, claiming it’s an affront to Arizona’s constitution. They want to take away a ray of hope for parents who cannot afford the specialized education their children need. That axis of annoyance got a state appeals court to agree with them.

So, Keller took it to the state Supreme Court, where he certainly annoyed lawyers from the other side, who probably wished the Brighton City Council could hear the case.

One of Keller’s opponents, lawyer Don Peters, told the justices that “the intent of the whole (state constitution) is – this is your vehicle for publicly funded education and thou shalt have no other masters. This is what you will serve.”

And all this time, I thought constitutions created a government “for the people,” not “by the central school district.” I wish Peters had been around when Moses needed something on which to crack those tablets in two.

Back home, Rep. Stan Lee pre-filed a bill on Dec. 19 that would allow special-needs students in Kentucky to obtain a scholarship comprised of only a portion of tax dollars going to public schools. Along with that, perhaps Lee could file a bill making Peters-like annoying behavior illegal in Kentucky.

You see, annoyance – like beauty – is in the eye of the beholder.

A story in the Livingston (Mich.) Daily, reported that Dana Foster, Brighton’s city manager, said, “enforcement would be a subjective call made by police officers.” However, Foster said the rules take aim at those who “interfere in public areas as opposed to residents who are simply annoying for annoyance’s sake.”

Would Hopkins County health nannies consider my opposition to them annoying?

Why not? They threatened private-property owners without even so much as a vote by cowardly elected officials. Who’s going to keep them from coming after me for embracing my freedom?

I wonder if a certain one-finger “motion” offered the other day by an impatient driver designed to “insult” another driver in downtown Louisville would meet the threshold of annoyance for the dimwits in Brighton.

I’m sure it would for the unelected bureaucrats running the Hopkins County Health Department — and I bet it’s one with which they are familiar.

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