

# WASHINGTON UNIVERSITY JOURNAL OF URBAN AND CONTEMPORARY LAW

---

---

Volume 38

Fall 1990

---

---

## TABLE OF CONTENTS

### ARTICLES

- SCENIC PROTECTION AS A LEGITIMATE  
GOAL OF PUBLIC REGULATION ..... *Norman Williams* 3
- OUT-OF-STATE TRASH: SOLID WASTE AND THE  
DORMANT COMMERCE CLAUSE ..... *Bradford C. Mank* 25
- IMPACT FEES: THE "SECOND  
GENERATION" ..... *Brian W. Blaesser* 55  
*Christine M. Kentopp*
- FACILITY FINANCING IN THE 1990s:  
THE SECOND STEP IN URBAN  
GROWTH MANAGEMENT ..... *John W. Witt* 115  
*Janis Sammartino*

### NOTES

- FOR BETTER OR FOR WORSE? MANDATORY  
AIDS TESTING FOR MARRIAGE  
LICENSE APPLICANTS ..... *C. Dirk Peterson* 159
- EXTINGUISHING SMOKING IN THE  
WORKPLACE ..... *Nancy Kornblum* 183
- THE INCORPORATION OF THE IMPLIED  
WARRANTY OF HABITABILITY IN  
PUBLIC HOUSING PROGRAMS ..... *Rachel Camber* 205

## COMMENTS

- INTERPRETING "OWNER" AND "OPERATOR" LIABILITY  
UNDER CERCLA: *EDWARD HINES LUMBER COMPANY  
V. VULCAN MATERIALS COMPANY*,  
861 F.2d 155 (7th Cir. 1988)..... *Julie Mendel* 229
- OSH ACT HAZARD COMMUNICATION STANDARD  
PREEMPTION OF STATE RIGHT TO KNOW LAWS UNDER  
*NEW JERSEY CHAMBER OF COMMERCE V. HUGHEY*,  
868 F.2d 621 (3d Cir. 1989) ..... *Charles A. Horowitz* 243
- SUSPENSION OF INMATE'S VISITING PRIVILEGES  
DOES NOT MANDATE DUE PROCESS PROTECTION:  
*KENTUCKY DEPARTMENT OF CORRECTION V. THOMPSON*,  
109 S. Ct. 1904 (1989)..... *Robyn Simon* 259
- MUTING THE COMMERCIAL SPEECH DOCTRINE:  
*BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF  
NEW YORK V. FOX*, 109 S. Ct. 3028 (1989).... *David Rownd* 275
- EXCLUDING THE POLLUTION EXCLUSION:  
*CITY OF JOHNSTOWN, NEW YORK V. BANKERS  
STANDARD INSURANCE COMPANY*,  
877 F.2d 1146 (2d Cir. 1989) ..... *Christine F. Ericson* 287

## RECENT DEVELOPMENTS

- MAKING ROOM AT THE INN: RENT CONTROL  
AS A REGULATORY TAKING ..... *Neal Stout* 305
- WHEN WORKERS SAY "NO" TO DRUG  
TESTING: ISSUES IN THE PUBLIC AND  
PRIVATE SECTORS ..... *Ellen Hoelscher* 337
- NO MORE RELIGIOUS PROTECTION: THE  
IMPACT OF *LYNG V. NORTHWEST INDIAN  
CEMETERY PROTECTION ASS'N* ..... *Camala Collins* 369

## **ARTICLES**

