



## **ABA Government Law News**

**State and Local**

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

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### **The Debate About Compensation for Government Employees Continues.**

[Read a discussion](#) here about whether state and local government employees are sharing the pain of job cuts.

### **Will View Corridors be the New "Setbacks" in Local Land Development Regulations?**

According to the [Massachusetts Supreme Judicial Court](#), impaired views can only serve as a basis for standing if the zoning law specifically provides for such protection.

### **States Struggle to Find the Best Way to Capture Lost Tax Revenue from Internet Sales**

States are trying to redefine "physical presence" to tax online retailers. [New York Times Article](#). [Read more here](#).

### **Couple Forces Court to Take Sides in Schooling Dispute**

Divorced parents with equal parenting rights went to court over whether their daughter should be home schooled or attend public school, and the New Hampshire Supreme Court resolved the dispute in favor of the public school option. [Opinion linked through the news story](#).

### **How Permitting Woes Turned a Good Deal Into a Nightmare**

One house, two cities: "Moving the house to the lot on 62nd Street required White and Belser to obtain a series of permits from various city agencies: forestry, public works, police, fire, building, traffic and land use. The couple's misadventures with the Berkeley permit office have spurred them to ask for an overhaul of the process..." [The move](#).

### **Texas Supreme Court Decides to Rehear Beachfront Takings Case**

The Texas Supreme Court recently granted a rehearing in a beachfront takings case, Severance v. Patterson, which held that Texas does not recognize rolling easements. One commentator opined, "it's not every day that a federal appellate court certifies questions to the highest court of a State, the state court proceeds to answer the questions, and then some four months later the state high court grants rehearing..." [Read here](#).

### **Pittsburgh Shows Off its Old School Style**

Check out this great online mapping tool that lets people geotag Pittsburgh's historic photos using

Google Maps. [More cities should have this!](#)

### **New York State Court Upholds Tradition of Recognizing Out-of-State Marriages**

In this New York probate case, the court determined that an out-of-state, same-sex marriage should be afforded comity. [Read more here.](#)

### **Is it Still Stripping if Dancers are Fully Clothed?**

The Fourth Circuit just struck down a Maryland adult entertainment statute as overbroad. The court agreed with the strip club plaintiffs that the statute would prohibit any entertainment that simulates sexual behavior, even if the performers are fully clothed and the performance has clear artistic or literary value. [Read here.](#) [More here.](#)

### **Bodywrappers, Auctioneers and Land Surveyors Find Common Ground**

All find themselves included in a sweeping deregulation proposal currently under consideration by the Florida legislature. The Florida House has proposed a bill to eliminate licensing and training requirements for thirty-five different industries, most of which adamantly oppose eliminating the requirements. Despite the significant opposition the bill is said to be making its way rapidly through the Florida House and could become law as soon as July 1st. [Read here.](#)

### **Portland, Oregon will be buzzing with State & Local Government Lawyers May 12-15.**

Join us for CLE programs about "Sex, Drugs and Government?" --- "Green Building" --- "Cyberbullying" --- "Ethics of Social Networking" ---- "Judicial Review of Local Land Use Decisions" --- and "Regionalism." Don't miss the CLE programs, the business meetings and the great camaraderie at our Spring Section meeting.

[Details to register are here.](#)

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