

invasion of the property. They started also to ask the question of whether the regulation really promotes a valid public purpose and that question became more focused, as did the question of whether the character of the government action was appropriate for the circumstance, that is, did the government need to act in this particular way in order to protect a valid public purpose or could it have been done in some other way that would have been less onerous to the property owner. So that was another advantage to the property owner that this question began to be asked. Then, in 1978, the Penn Central case started to change again in favor of the property owner, how the principle is used and how this whole question was viewed and I have no more time now but I will take up the decisions of the Penn Central case and the decisions of the 1980s to demonstrate to you that this...

PRESIDENT ROBAK: Time.

SENATOR BEUTLER: ...this suggestion that the rights of property owners are eroding is actually contrary to what is really happening. Thank you.

PRESIDENT ROBAK: Thank you, Senator Beutler. Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, Senator Beutler's discussion is pointing out that many times when we discuss these matters if they're allowed to just slide across without analysis, many statements will be made well-intentioned which are erroneous, which are not factual, which are not reflective of history or the state of the law. But because it's one of those issues about which people are not that interested, challenge will not be made of these statements other than by those of us who are concerned about what is in our legislative record on these matters that we consider. Senator Beutler is very capable of continuing to explain and discuss the matters that he raised but I want to keep talking about the right to peaceably assemble. This is not something which should lightly be dismissed. If you look at what is being viewed today on the news, television and in the papers, you will see the mention of Kent State, a university. You will see a front-page article in the World-Herald by Ronald Roskens who formerly worked for the University of Nebraska and worked at Kent State. It involved a situation where some students, on campus, were upset about the war in Vietnam, they were demonstrating and they put a lot of these what they...they would be militias