

permitted in the negotiation of any Nebraska compact with any tribes. I expressed my concern at that time that I thought that the federal act, as it is being interpreted by courts around the country and in the U.S. District Court, and also the Eighth Circuit Court, which is the circuit that we would have to follow if a case were filed, appeared to indicate that if, in fact, that language stayed in the bill, that may constitute a bad faith argument under the federal act which would mean that the state would lose any negotiating authority. The Indian tribes could walk in, look at that language, and make a case for bad faith, and whether you like that result or not, it appeared to indicate that the state officials, and that's the intent of 231 would be to authorize the Governor to negotiate on behalf of the State of Nebraska with any Indian tribes, would lose control over that negotiation and the federal court and the federal mediator would end up deciding exactly what would happen in terms of Nebraska negotiations with the Indian tribes. I think the intent was to make it clear that we didn't want casino gambling, and I think...I spoke with Senator Ashford about that, particularly casino gambling, on tribal trust lands that possibly could be established in the City of Omaha. The effect, however, I think is to ensure the fastest route to a court decision, and probably a loser court decision in the Eighth Circuit. We have had extensive discussions about this and I think the amendment would simply put the bill back to where the Governor is going to negotiate with the tribes consistent with federal law. You can argue all you want about whether you like federal law or whether it's fair or whether the states should have more control over federal law or not, but the simple fact is that federal law is the federal law, and as it has been interpreted in the Eighth Circuit, we have to follow it. Now putting this provision...leaving this provision in LB 231 I think is going to cause us some substantial problems in federal court, and that is exactly where we are heading. That's where we are heading. This is not a vote for casino gambling, make it clear about that. This is not a vote for casino gambling. If you move this bill back to Select File and adopt the amendment, you are not approving casino gambling. What you are doing is insisting that Nebraska comply with the federal act in their negotiations on the compact with the Indian tribes. That is simply our obligation and we must do that, and we would essentially require and authorize the Governor to negotiate the compact. Now the Governor would negotiate the compact based upon what he feels is in the best interest of the State of Nebraska, and I think the Governor has got a clear message,