

has to make in terms of negotiating any compact, accountable to this body, and accountable to the voters of the State of Nebraska. That's the intent of the bill and I think we ought to make it clear that that is exactly what we expect the Governor to do. The way to do that is to move this bill back to Select File and adopt the amendment which strikes the Ashford amendment. I will answer any questions that you have. There is no...there is no hidden agenda here, and it's simply a fact, I think that if you have this in the bill, you are headed to federal court on a loser case that is going to take out of the hands of the Governor, frankly, in the State of Nebraska, take out of his hand the option to negotiate any compact which is required by federal law we have to do. If you don't like the federal law, change it. If you don't like...if you don't like...well, elect somebody...Senator Ashford asked me how you change a federal law? I don't think you need me to answer that, Senator Ashford. Maybe you will have a chance to change a federal law someday but, in any event, if you don't like the federal law, you should change it. There has been proposals to change that. I think there was something in the paper today, frankly, about giving the cities, for instance, the City of Council Bluffs more control and then having Omaha take into consideration that something across state lines are involved. But the fastest way to federal court is not to return this to Select File, not adopt the amendment, and pass the bill. And I don't think that's where we want...where we ought to be. This is not a pro-casino vote, frankly. This is a vote in compliance with a federal Indian Act that has to be done if you want to comply with that act. With that, I would urge the body to return this to Select File, and adopt the amendment, and I'd answer any questions any of you might have.

PPRESIDENT MOUL: Thank you, Senator Hohenstein. Senator Ashford, followed by Senator Schellpeper, Beutler, Chambers, Will, Wesely, and Abboud. Senator Ashford.

SENATOR ASHFORD: Thank you, Madam President, members. I rise in opposition to the Hohenstein amendment for several reasons. The first reason is that the law in the Eighth Circuit is not clear and, quite frankly, if you read the holding in the only case that is really on point, which is the Wisconsin case, and I will read it into the record. It says that I conclude that the state is required to negotiate with plaintiffs over the inclusion in a tribal-state compact of any activity that includes the elements of prize, chance, and consideration, and,