

negotiated in good faith, and that's what we're attempting to do. I think with the Ashford amendment that was put on, that the good faith probably disappeared and we probably are going to be into court a lot sooner. So I support the Ashford amend...the Ashford, the Hohenstein amendment to strike the Ashford amendment because I think it gets the bill back in the original form. Now the administration has stated that they intend to negotiate in good faith, and that they are neutral on this amendment that Senator Hohenstein is actually trying to do because it doesn't make any difference to them. They said either way, they are going to negotiate in good faith. It will not make any difference whether or not we have casino gambling in Nebraska whether this amendment is left on or not, it still is up to the Governor to negotiate in good faith. That is the key words in any negotiating with, according to the Indian Gaming Act, negotiate in good faith. Now there has been a different interpretation of what the actual Indian Gaming Act is when we changed Secretaries of the Interior. The former Secretary, Lujan, did not think it was as broad as it is right now under the Secretary of the Interior Babbitt. But whether or not that is challenged in court, I think it will be. In fact, it is going to be challenged by some other states. So right now all we need to do in order to keep from getting into the same problem that Kansas had is to right now make the Governor the individual that negotiates with the Indian tribes, and he will do it in good faith if this amendment is taken off. So I do support the Hohenstein amendment.

**PRESIDENT MOUL:** Thank you, Senator Schellpeper. Senator Beutler.

**SENATOR BEUTLER:** Madam President and members of the Legislature, I guess I am of the opinion that one of two things should be done. Either you should leave the Ashford amendment on, in which case we have given some instructions to our agent, the Governor, about what we want done. Or, two, you can take off the Ashford amendment, in which case you then should go back and provide for legislative approval of whatever it is that the Governor does. If you don't do one of those two things, you've essentially put into the hands of the Governor the sole authority to act on behalf of the State of Nebraska in a matter of our relationships with an entity outside of Nebraska. And I don't think that we've ever done that before, to my knowledge, and I would highly disapprove of doing it in this instance. It seems to me that there are two separate questions here. One is,