

allow in Nebraska would be negotiable, and variety...and various types or methods of how that gambling operation occurs would be available for negotiation. What we are simply saying is, for example, video slots which are prohibited by Nebraska law, we are saying to anybody that goes...not just to the Governor, I am sure the Governor will negotiate within the framework of the law, that's not the issue. But it's the Legislature's job to determine public policy. The public policy of our state is not...is not to permit negotiation on video slots. When we prohibit those types of activities under law, we are stating public policy. On the other side is the federal requirement, under the federal law, to bargain in good faith. That means the Governor has to sit down with the Indian tribes and negotiate a contract. It is not bad faith if the Governor says I cannot negotiate a particular type of gambling activity, Class III gambling activity, because we don't allow it in Nebraska. That's not bad faith bargaining. So it is either...either we, if it were bad faith, then that...what difference does it make, Senator Hohenstein, if the Governor doesn't negotiate it or if the Legislature tells him not to negotiate it. It would be bad faith in both cases. Our job, as a Legislature, is to determine public policy. We are doing that with the amendment. Again, it is language that was given to me to introduce to try to solve the problem, to give the Governor leeway to negotiate within the parameters that we have in our law to do, to give the Indian tribes the ability to operate gambling establishments, and finally I would like to talk about the sovereignty issue. I agree with Senator Chambers that if we were going to be consistent with this issue, the Federal Congress would negotiate directly with, through its representatives would negotiate directly with the Indian tribes on this issue. But because of the pressure from the states, the Congress passed the Indian Gaming Regulatory Act, which interjects into the process the state negotia...the Governor as the negotiator, the Governor as the negotiator. That's why we are here in the first place. It is terribly ironic to me, and silly, if the federal government puts us in there, if we pull ourselves out, if we say we can't even, we, as a state, can't even establish or put our own public policy into statute,...

SPEAKER BAACK: One minute.

SENATOR ASHFORD: ...when the federal government gave us, put us in the middle of this negotiating process. If we were really talking about sovereignty as an issue here, which is what