

June 1, 1993

LB 231

SENATOR HOHENSTEIN: I move that LB 231E be advanced to E & R for engrossing.

PRESIDENT MOUL: Heard the motion to advance LB 231. All those in favor please say aye. Opposed nay. LB 231 is advanced.

CLERK: Madam President, Senator Chambers would move to return the bill for a specific amendment. (See page 2590 of the Legislative Journal.)

PRESIDENT MOUL: Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, this is the language that would be inserted: "Such compact negotiations shall be conducted pursuant to the provisions of 25 U.S.C. 2710 of the Federal Indian Gaming Regulatory Act." The requirements of that act would have to be complied with anyway because if something is negotiated to by way of agreement that is out of compliance with the federal law, it's null and void anyway. This is just, in a sense, a restatement in a capsule form of what is required to be done under that act. I don't think any of those specific things or this amendment would really have to be attached to the bill. My understanding from listening to the discussion was that some desired to make it clear that the Governor would be the person, the Governor or his or her representative or representatives, would be the entity to negotiate in good faith with the tribes in order to arrive at a tribal state compact governing the conduct of Class III gaming as defined in the federal act. So, if you made reference to the act in Section 1 as was done, and the Governor is the one designated to negotiate for the state in that capacity, anything other than that is "surplusage". Now the last sentence of Section 2, Section 1, may have some significance. That sentence says, "A compact which is negotiated pursuant to this Section shall be executed by the Governor without ratification by the Legislature." That may add something from the state end of it which the state can do. But as far as anything following that, I don't think it's necessary. But the prior amendment did leave intact this language of Section 2, "It shall be the policy of this state that any compact negotiated pursuant to Section 1 of this act shall protect the health, safety, and welfare of the public; and promote tribal economic development, tribal self-sufficiency, and strong tribal government." Then this sentence that I would like to add, "Such compact negotiations shall be conducted