

do you think? Do you think the Governor should go beyond keno and lottery in this negotiation?

SENATOR HOHENSTEIN: The Gov...

PRESIDENT MOUL: Time. Thank you, senators. Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, Senator Beutler, I think the Governor would have to negotiate on everything that is included within the parameter or perimeter of the items that are to be negotiated, whatever they might be. And I answer it...you didn't ask me the question because we can see there are differences of opinion as to what is going to be considered here. But to me, the issue to be resolved by us as a Legislature is not what are the things that are going to be negotiated, but who is to conduct that negotiating on behalf of the state, and what is the consequence of the results of that negotiation. When they sit down at the table, there might be arguing back and forth as to whether or not a particular type of gambling falls within what must be talked about under the terms of the federal law. If the Governor says one thing is out and the tribes believe that it is in, then maybe they'll reach an impasse. The negotiation will break down because the state will not yield and the tribes will not yield. So when you reach an impasse, somebody, a third party, has to make the determination. I presume that third party would be some aspect of the federal court system. I don't know that anything is really needed in this bill other than Section 1. And that is the section which declares the Governor or his or her designated representatives to be the one to negotiate with the tribes for the purpose of arriving at a tribal state compact relative to this Class III gambling. And as to what is included in that class, there could be differences of opinion. Differences of opinion can exist even if the law makes it clear because some people will say, I'm not going to accept what the law says. So you can show me Supreme Court decisions all you want, if they don't say what I want them to say, I don't accept them. So if you had a Governor who took that position, and that Governor would say, I don't even believe keno is to be included in Class III, I don't believe lotteries should be included, that wouldn't make what he or she said so. I don't, I'm kind of losing Senator Beutler's point. If his main point is that the Legislature should have something to say about it, that's one thing. And I disagree with it, but I can understand that. The other part, about what the negotiations