

federal law that puts us in a precarious position with respect to what we can and can't do as a state with respect to Indian gambling. And I think essentially what you're looking at with the Beutler amendment is simply a back door way of accomplishing exactly what the Ashford amendment had before. But with this, instead of saying we're establishing a policy up front saying, no, we are not going to have casino gambling, what we're doing with this amendment is saying, yes, go ahead, Governor, negotiate a compact and then we'll see if we like it or not. Then we'll take a look at it and see if it fits in within the niche of what 25 of us think is a reasonable form of gaming. I think that's extremely dangerous. My fear is that it will have exactly the opposite effect of what the stated purpose of the proponents of the amendment is. That stated purpose is that we may have casino gambling if the Legislature doesn't wade in and do something about it. The fact is I'm afraid that if what Senator Hohenstein outlined comes true, this may be the quickest route to casino gambling. And if this puts us in a position where the administration is unable to bargain and negotiate in good faith with the tribe, then at that point the Legislature could be circumvented entirely and perhaps much more quickly than what happened through the normal negotiating process, arrive at a point where they have a form of gambling pursuant to no negotiations whatsoever but because of a court ruling on the federal level. That's my fear with this amendment, that despite what its intention is, that it may actually have the opposite effect, that it may actually usher in forms of gambling without the state having a say in what those forms are. Again, I think if you want to have the state have a hand, the best method is to do what Senator Ashford was suggesting and make a state policy. I happen to disagree with that as well. I'd love to do it but I don't think we can under federal law and I am simply fearful that under this amendment it puts us in an even more precarious position than before. I would urge your opposition. Thank you.

PRESIDENT MOUL: Thank you, Senator Will. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Madam President and members. I also rise to oppose the Beutler amendment. It's the same amendment that we had on General File. Senator Beutler had an amendment then that would have the Legislature ratify. We discussed it then and we came to the conclusion at that time that it was something that sounded good but we could not do it because it's going to get us in bad faith with the negotiating. The amendment has nothing to do with negotiating. All it says