

is that we will, with ratification Well if the Governor negotiates and then it comes back to us or the Legislature and we don't approve what he negotiated, basically we are negotiating in bad faith because the Governor really has very little authority because he has to come back to the Legislature. I don't think we're going to have casino gambling any sooner just as Senator Hall stated. We're going to be into court. This is an amendment that sounds good and it makes a person want to support it because it's something that I would like to do. I think I would like to see us have that authority, but we just can't do it and not be liable in courts and we would lose because that's the way that the federal Indian gaming law is set up. Now if we don't like it, we have to go and get our federal law changed, but we're not going to do that here this afternoon. But the way that the federal law is set up, there is so much emphasis put on good faith, that by adopting an amendment like this, our good faith is no longer there in negotiating. So even though I personally would like to support it, knowing how and some of the background of the Indian negotiation and the Indian tribal treaties, we just can't do that. This is something that the Legislature should not be doing at this time. Thank you.

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

SENATOR CHAMBERS: Madam President and members of the Legislature, I'd like to ask Senator Beutler a question. Senator Beutler, what becomes of the proposed compact if the Legislature fails to ratify it? The Governor and the tribes agree, the Legislature fails or refuses to ratify, what becomes...what then?

SENATOR BEUTLER: Well I suppose there are a number of situations, Senator Chambers. Are you hypothecating or...?

SENATOR CHAMBERS: If it went to court, could the court say that since this is what had been negotiated to by the parties who were authorized to negotiate, this will be what the court would put in place. Could that be done?

SENATOR BEUTLER: Yeah, as you well know there is an elaborate procedure here involving an initial 100-day, 180-day period and then on to mediation and ultimately everything in this bill gets down ultimately to the federal courts.