

SENATOR WICKERSHAM: Thank you, Madam President. I think I hear kind of a theme running through something that Senator Beutler is saying and a few others are saying. What essentially they are telling us is in this case we need to jealously guard our legislative prerogatives and our legislative oversight, jealously guard. Well, normally that is good advice, but quite frankly that isn't what we're doing here and that isn't what the federal law is going to allow us to do. Contrary to what Senator Moore says, we're not making state policy about casino gambling or anything else in this state, we're simply trying to find a way to implement a federal law which is very probably badly flawed and certainly badly flawed as it has been interpreted by federal judges, but that's all we're doing. We're simply attempting to figure out a way to implement federal law, federal law. And I think quite frankly we have very, very few options as we struggle and try to do that. We're not jealously guarding legislative prerogatives, we're implementing federal law and I think that federal law won't allow us to do what Senator Beutler suggests. The federal law is rather specific as it has been interpreted by the courts and in fact I think Senator Beutler's process will very quickly bring us into the federal courts where we'll have a mediator appointed, the mediator will make a choice between the proposal of the tribe and the proposal of this state and then finally if that is rejected, then as I read the law, then we could have the Secretary of the Interior adopting regulations and allowing activities on tribal lands that the Legislature or 25 members of the Legislature anyway, might not approve of. We are simply struggling to find a way to implement federal law, nothing more, nothing less and I think we have very few options.

PRESIDENT MOUL: Thank you, Senator Wickersham. Senator Ashford.

SENATOR ASHFORD: Thank you, Madam President. Again, I get up and say again that it's difficult for me to understand. It would actually be a very enviable position to be in where all I needed to do was to stand up and say, the federal law says this and if we don't do this we're going to be in federal court and, therefore, we have to pass this bill as amended with taking out a considerable part of the substance of the bill. And if I could get up and say, you know, we have to adopt the Beutler amendment because the federal court says we have to and then everybody voted to adopt it. The opposite is being said. If we