

been relied upon over and over again that says that we in Nebraska must agree to type III gambling beyond what is permitted under state law is not what it says. That's not what it says. That's not what the case law says. Let me just...and then I will, let me ask Senator Hohenstein one question because I...Senator Hohenstein, and maybe this will answer the whole thing for me. Do you think, is it bad faith bargaining for the Governor to tell the Indian tribes that he as Governor of the State of Nebraska cannot negotiate terms and conditions of a compact which would permit gambling beyond what is permitted under state law? Is that bad faith for the...

SENATOR HOHENSTEIN: Yes, in the Eighth Circuit, yes.

SENATOR WICKERSHAM: And what do you rely on for that?

SENATOR HOHENSTEIN: The Supreme Court case...

PRESIDENT MOUL: One minute.

SENATOR ASHFORD: I mean is it the Wisconsin case or is it the...

SENATOR HOHENSTEIN: No, it isn't. The South Dakota case and the Supreme Court case.

SENATOR ASHFORD: All right, but...

SENATOR HOHENSTEIN: Those two to me mean that if you take any part of Class III gaming off the table in advance of negotiations, which is the effect of this amendment, you don't have good faith negotiations.

SENATOR ASHFORD: Okay. My opinion stays the same and I would urge that we support the Beutler amendment. Thank you.

PRESIDENT MOUL: Thank you, Senator Ashford. Senator Dierks. We have a request for calling the question. Do we have sufficient seconds? We do. We now have a motion...a vote on the motion to cease debate. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 1 nay to cease debate, Madam President.