

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

February 21, 2002 LR 6

that includes casino gaming. One is the largest question and that is, do you wish to have casino type gaming in the state of Nebraska? That's the big question. The second question is, if the answer to that is yes, how do you wish it to be controlled? Do you wish it to only be considered on the registered tribal grounds in the state of Nebraska? Or do you wish it to be regulated by the Legislature, that is the number, the type, the games, the payout, the taxes, all of the incumbent issues that are within gaming in every other state? Two questions: do you want casino gaming, is what we, if we're inclined to do this, should ask the voters; and the other question which is being asked...I think that question is being asked, as I understood the comments, by at least one of the petition drives. There were three...three proposals before the General Affairs Committee. The General Affairs Committee chose not to advance a proposed constitutional amendment that would grant to the Legislature, if it was passed, the full authority to regulate, tax, govern, control casino gaming and any other type of games of chance in the state of Nebraska, for whatever the good and sound reasons that they had. I believe that one of the legitimate questions to be asked of the voters is, in fact, the one that Senator Schimek presents. If you want casino gaming and only want it on Indian tribal lands, this is the way to go. I do not believe that the Beutler amendment asks the other question. The Beutler amendment could more properly be a decision by this Legislature in statute. It is my position, and certainly it's an arguable position but one that's developed over time, that language in the constitution should consist of one of two things--either prohibitions or, two, grants of authority. Now there are many exceptions where statutory language is in the constitution by amendment. In most of these cases, it presents challenges in the future because that can never be changed except by another constitutional amendment. It is my position that all of the proposals ought to be part of this mix. I have filed the other one as an amendment to the bill, not to the Beutler amendment, because I am not uncomfortable with asking the citizens of the state of Nebraska do you wish to have casino gaming controlled by the Legislature in such way as the Legislature may designate in a future session, or do you wish to have casino gaming only on reservation lands? Bear in mind, as other people have said on