

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

March 4, 2003 LR 11

SENATOR SCHIMEK: Yes.

SENATOR SMITH: Senator Schimek, I have a great deal of concern that the state will have no part in gambling that will take place within state boundaries, as a result of section...of subsection (b) of this amendment, specifically relating to the tribes. Is that accurate?

SENATOR SCHIMEK: What do you mean by "no part", Senator?

SENATOR SMITH: Well, where it says that nothing in the Constitution of Nebraska shall be construed to prohibit or restrict gaming with the tribes.

SENATOR SCHIMEK: Well, actually we didn't need to include that. It's pretty automatic. The national Indian Gaming Regulatory Act requires that once you open up Class III gaming, that the tribes have the right to compact with the state. So in that compacting process, we would be able to negotiate the kinds of requirements that we might have and that they might have. And that is federal gaming law.

SENATOR SMITH: Okay. So...and I understand that, and I'll accept that. When we hear about various challenges that come about as a result of expanded gambling and where those casinos might be on Indian lands, now, where...or how is it set out that that gambling would only take place on a reservation, and not necessarily land owned by Indian reservations, perhaps, in downtown Omaha?

SENATOR SCHIMEK: That also is in the federal Indian Gaming Regulatory Act.

SENATOR SMITH: Okay. So that...

SENATOR SCHIMEK: That's covered.

SENATOR SMITH: It must be on the reservation itself?

SENATOR SCHIMEK: Yes. And it...do you mind if I take one more second to...?