

SENATOR BERNARD-STEVENS: Senator, there are many people in the State of Nebraska after a law is enacted that are not satisfied with a particular law. I would say in this particular case, you would have to be more specific as to the dissatisfaction. If I just didn't like the intent and I didn't like the law, I guess I would say the mechanisms are in place, the law is in place, if anything, if they have a problem, they would have to go through the court procedure, I would assume.

SENATOR KRISTENSEN: Okay, that leads me to my next question, then. Is this an exclusive remedy? Can they bypass this procedure and file action directly into district court and claim that there is, let's say, for example, they are going to ask the Historical Society, through either the court or a judgment or some other legal procedure, to return items that are in dispute, or is the exclusive remedy going to be this arbitration board?

SENATOR BERNARD-STEVENS: I can answer that a "no" and a "yes", and I think a "no", after that one.

SENATOR KRISTENSEN: Would you (interruption).

SENATOR BERNARD-STEVENS: The last, bottom...I would like to bring your attention to page 1260 of the Journal, that would be the easiest page, and I think you have it in front of you, line 7 through 10, "The decision of the office of Public Counsel shall be considered final administrative action and may be appealed by either party, and such appeal shall be in accordance with the Administrative Procedure Act." So what I am, in fact, saying is that the procedure that we would adopt with my amendment would be that we are going to follow the Administrative Procedures Act. That is the procedure that will be followed if you have a dispute. In other words, you cannot bypass this procedure and go right into district court. You go through the procedure, then, however, if you disagree with that decision, the option then is still available that you can appeal to the district court.

SENATOR KRISTENSEN: Okay, and I have no problem with the Administrative Procedure Act and the appeal. I just want to get into the record the fact that you can't go directly into district court with a dispute and bypass this amendment.

SENATOR BERNARD-STEVENS: That is correct.