

SENATOR KRISTENSEN: Okay, now, let's go back, just so I have this clear in my mind, after we get done with LB 340 this session, and let's say it passes, and we have certain items that go back and certain items that don't, and let's say that I, for example, am a member of the tribe and I don't like the resolution (interruption)...

SENATOR LABEDZ: Thirty seconds, Senator Kristensen.

SENATOR KRISTENSEN: Thank you. Can I go and use this Administrative Procedures Act to go and get a second crack at those pieces?

SENATOR BERNARD-STEVENS: You would have to...if you disagreed with the decision that something was not a burial good that is defined to a specific bone and you disagreed with that because you have new information or you want to disagree, certainly, you could do so. However, I suspect that, knowing the ways of the tribe, you are not going to have just an individual member coming up and do so. The tribe would act as a unit.

SENATOR LABEDZ: Time is up, Senator Kristensen.

SENATOR KRISTENSEN: Thank you. Senator Schmit, on the amendment to LB 340.

SENATOR SCHMIT: Mr. President and members, I created the Office of Public Counsel in 1969 and the duties of the public counsel under that statute are well defined. I have some of the concern expressed by Senator Warner as to whether or not it might encompass the entire scope of responsibility of that would be possible under this kind of an arbitration. I guess my principle concern is that the original scope of responsibility was limited to certain state offices. I would guess that if the Attorney General, as Senator Bernard-Stevens has indicated, indicates that we can properly assign this responsibility to the Office of Public Counsel, then I would have no difficulty with it. What I would want to preclude would be any disagreement or any dissension that might arise after the bill becomes law and we really got into some kind of an arbitration procedure where there was difficulty to determine what would happen. I do want something to happen at that time that would say that the Office of Public Counsel was not legitimately empowered to carry out this responsibility. So I would hope that Senator