

a third party, then the Office of Public Counsel...and I want to be specific how I mention this, the gentleman who holds the office of Public Counsel, whomever he or she may be, now or in the future, would be designated as the third party. The legislative intent on this, at least my intent on it, as it was written, was that the person would be holding the position of the third party, not the office; not the office, but the person would be holding that designated third party position. They then would look at all the information and a decision would be made. Basically the amendment boils down to three points, I think, for the body to consider, and I think Senator Kristensen will have some comments on it, possibly others as well. But it says, listen, if you can agree upon a third party, the committee will take care of the situation and that committee's decision would be basically final. If you can't agree upon a third party, then the Legislature puts in a procedure that there will be a designated third party. Once that decision is reached, and I should say once the opinion is reached, and the three parties then get together, they will come up with a decision about whether the burial good or item should be returned or should be maintained with the person or entity that holds it. There is in the third point that there is going to be an appeals process, but the appeals process, and I bring your attention to the second page, at the bottom, the decision may be appealed by either party and such appeal shall be in accordance with Section 25-1937, which is already a section that we have which allows for a de novo review, a de novo review. I would like to go ahead and clarify, if I can. There is some question as to...there is no question, there is a particular statute and the statute that many people are referring to is 81-8253, where it states that "No proceeding, opinion, or expression of the Public Counsel shall be reviewable in any court." And that is why in particular I am laying the history that the person who occupies the position of the Ombudsman will be the person that will be designated as the third party if either side can not agree to a third party within 15 days. If you get to district court and the opinion of that committee which had voted is asked to be used, it could be challenged, I would assume, in a court of law and that would be a question of fact, or excuse me, a question of law that the judge would have to decide whether or not to allow that opinion based upon...or that was made by the committee. In my opinion, the opinions could be allowed. If for some reason, however, the judge decided not to allow because of Section 81-8253, then both sides of a de novo case would be presenting all the evidence and all the information they felt