

SENATOR WARNER: Well, obviously, Mr. President, this amendment is a much more workable thing than what was adopted the other day and appears at least to address some of the concerns that I felt existed with that amendment. And I'll probably support this amendment just because what is in there is, I'm sure, has numerous difficult technical problems at a minimum. I'm not sure when this appeal process takes place. I was adding up the time line in here for action. It appears it could be a maximum of 195 days. I don't know when it commences, but I would assume it would most likely commence during that 90-day period of...from the time that an institution or a museum had to, upon request, submit a list of skeletal remains and burial goods that they felt they had in their possession and at that point I would assume, or shortly thereafter, dispute could arise. And, obviously, you couldn't have a mechanism of 195 days of an arbitration process squeezed into 90 days allowed by statute, so there, obviously, may need to be further adjustment once all this is put together. I would merely like to ask, however, I believe I heard the Chair say Senator Kristensen was following. There is on page 2 an indication that a decision may be appealed by either party in accordance with Section 25-1937 and I am wondering, with these time frames, what happens to disputed items during this appeal process? What are they...by whom would they be held during that time period of dispute? And I assume Senator Kristensen who has already pushed his button may have a response.

SPEAKER BARRETT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President. I'd like to respond to some of the things that Senator Warner brought up. It's my opinion, and I believe the intent of this amendment, that during the period of appeal it is like any other court proceeding. In that case, possession is nine-tenths of the law and here it's going to be all the law. So if the articles in dispute, let's say that this board renders a decision and the party who is not in possession wins, and they say you've got to give it to the tribe, for example, and whatever remains or goods are still in the Historical Society, they are going to remain there until the appeal process is run. That is in accordance with every...they could go to court and get a protective order as well on appeal. Some of the other things I wanted to talk about, I've handed out a copy of Section 25-1937. This is what we're referencing, and, for the record, you will note that this section of the law doesn't go into effect until July 1 of 1989.