

reviewing the appropriate not for profit body to do so, however, in the event you have some language, perhaps Select File would be a good place to offer it, in the event you are not satisfied with that definition.

SENATOR BEUTLER: Okay, I think perhaps I will do that but what you are saying for the present is that even though they show they are capable and responsible the city can nonetheless deny their request?

SENATOR LANDIS: Yes, and that is because in essence, transportation is a public function. It is the responsibility of the city or the county and just as, for example, now, no private organization could force the city or county to name them as the delegatee of a city function. I think the principle would be the same in this situation. It is a matter of the discretion of the decision maker to whom they delegate their authority.

SENATOR BEUTLER: It seems to me it would be wise to have perhaps some criteria set out there.

SENATOR LANDIS: In discussions we may find some language that would be amenable and could offer on Select File.

SENATOR BEUTLER: My second question is with regard to the CAP, if you have a million dollar CAP, once you get to the million dollars, then how are the funds divided up? That is, is it first come, first served or then are they prorated based upon the number of approved organizations or how would that work?

SENATOR LANDIS: I believe the fund would operate then in consistence with the language that it has now, the Bereuter language which allows for full funding of the rural systems followed by then full funding of the urban systems.

SENATOR BEUTLER: But if then the urban systems would in total take you over the million CAP, how do you decide which urban systems will be funded?

SENATOR LANDIS: Well that problem exists...

SENATOR CLARK: You have one minute, Senator Beutler.

SENATOR LANDIS: ...presently although in that situation a prorated result might be the best and perhaps Select File is the place to offer such a formula. My answer to the question is that the existing language, existing mechanism for that kind of determination would be used that has been