

General's Opinion questioned the constitutionality of that statute so, as a result, a year ago we then enacted 764 which seemed to be in compliance with what the court order is as well as what the Constitution limited the legislative role in this whole process. Under the provisions of that act, the office of Governor was to submit to the Legislature what was referred to as a predisbursement plan which does not identify individual projects as such but rather is a broad guideline of which will be used for the disbursement of those funds. So the basis of the legislative review is really to provide a public forum for public reaction to that plan and determine whether the...the impact of these disbursements on the use of other appropriated state funds and that on that basis a hearing was held. A number of individuals appeared, which is included and we are submitting six broad guidelines for the...as suggestions or guidelines to the office of Governor in the distribution of these funds. They included projects that were funded from the Nebraska Energy Settlement Fund, should be complete with themselves and that they should not result in the necessity of future General Fund support during the period which the project is in operation, nor should they assume a General Fund pickup at some future date; secondly, that the projects include the demonstration loan programs should be directed toward individuals and institutions that do not have the resources otherwise to undertake needed conservation projects. And one of the criteria which several of these recommendations would have reference to that are conditions...the disbursement of these funds is that there can be some need based criteria as far as individual's ability to provide energy saving type of installations or the use of funds as well as the reduction of the consumption of energy in itself. The third was that the funds allocated to the general public should be allocated on a need basis again, as I indicated. Four, the projects should be designed to recognize the fact that some political subdivisions may fiscally be unable to provide either matching funds or the necessary subsequent financing, so the projects should be designed to minimize fiscal impact upon political subdivisions while maximizing the potential benefit to the political subdivision. And, five, this one gets a little specific and perhaps a little more specific than what the statute would call for but the wording is such that it is not that specific. But of the various projects that were discussed at the hearing, the committee would encourage that consideration by the Energy Office be given to the project at Peru State College and at Chadron State College in gasification projects as being feasible and desirable uses for a portion of the reserve