

two cases they were paid out improperly. The department claimed again that they could not change their mind once they committed to a plan of distribution on six...

SENATOR WARNER PRESIDING

SENATOR WARNER: One minute.

SENATOR MORRISSEY: ...excuse me, on 5-8-89, yet they changed their mind three times after that, admitting they did not have a properly filed application, requested that properly filed application to be submitted from each of these communities twice after the law had changed. It's quite obvious that the DEC was wrong. It's quite obvious that the DEC did not follow the law and there is no way they can claim they did, and for them to try and claim or make excuses that they couldn't change their mind, after the law changed, has no credibility, folks, because they did, as I said, indeed change their mind two more times. I would urge you to adopt my amendment, pay the subdivision the money they were owed by law and figure...

SENATOR WARNER: Time.

SENATOR MORRISSEY: ...that the other subs may come back and ask the money that is also owed to them by law. I'd urge you to adopt my amendment.

SENATOR WARNER: Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body, there really isn't any need in going into a great deal more detail than what Senator Morrissey did. I think he laid out the situation as it evolved. We talked about this at some length on General File and I would refresh your memory a little bit. We're talking about a sum of \$300,000 that was to be divided equally among those counties based upon two differing sets of formula. One was that that currently existed before the passage of 761 and that that existed afterward. The Department of Environmental Control position is that since, by their interpretation, the claims process for the \$100,000 in Boyd County and Nemaha County had begun prior to the signing of 761 that the distribution of those funds should be made on the old formula, although the actual distribution was done some time after the passage of 761, and that Nuckolls County's applications were made after the effective date of 761, so that