

presented in opening are to the best of my belief accurate. However, to expand upon it just a little bit, in the original regulations that were drawn up to implement the Title 194 funding, there was a January 1, 1989 deadline to receive applications for the distribution of the \$300,000 that was to go at a rate of \$100,000 per county, distributed under the formula on the application basis, and so there was a deadline of January 1, 1989. However, DEC and the State of Nebraska did not receive notification as to which counties were being selected, had been officially selected as a proposed site until mid-January of 1989. On May 8, 1989, without solicitation by the department, DEC received a grant request from the City of Auburn. Earlier than that, after mid-January, the department had been receiving telephone requests concerning how application should be made. They responded to these requests by referring the person who had called to the provisions of Title 194 and agreeing that application should be by letter form. The first application was that was received from the City of Auburn on May 8, 1989. The department, in the interest of fairness and equity, determined to view this as a good faith attempts by the applicants to follow the application provisions of Title 194, Chapter 12. It was also apparent to DEC at that time that the whole fund distribution mechanism was being debated by the Legislature with a potential to being significantly changed. On May 11 they determined the letters should be sent to all governmental subdivisions informing them of the opportunities that they possessed to apply for grant funding of the 300,000 or the 100,000 per county under the Title 194 application process since that was a process that was in effect at that particular time. And then the sequence becomes pretty much as it is detailed in the letter. The Department of Environmental Control's position is that although the funding was...the distribution was all made after the enactment of 761 and the changing of the formula that those applications that had been received prior to that time should be done under the Title 194 funding mechanism and those where there were no application, which was Nuckolls County, was done under the funding that was provided in the change...funding mechanism provided in the change of law. There will be a...

PRESIDENT MOUL: One minute.

SENATOR COORDSEN: ...a continuing exposure to the fund. I don't know if there is any money left in the fund after the events of the last week or so, but if this amendment is adopted