

SENATOR MORRISSEY: No, sir.

SENATOR COORDSEN: And may I ask, why not?

SENATOR MORRISSEY: Because it was the Department of Environmental Control that blew this, not these other communities. As a matter of fact, these other communities were aware of the changes going on in law and the DEC continued to request them to changes of the application under the old law. They were doing what a state agency requested them to do. So I would say, no.

SENATOR COORDSEN: Okay, thank you.

SENATOR MORRISSEY: Senator.

SENATOR COORDSEN: Yes.

SENATOR MORRISSEY: If this were indeed taxpayer money, General Fund money, then I could support that, yes.

SENATOR COORDSEN: Okay, thank you. Although it will result in the event that this should be, this amendment should be adopted to 850 and in future years other miscellaneous claims made upon the State of Nebraska and hopefully from this fund rather than the General Fund, it would be establishing, I think, somewhat of a precedent that we might like to look at a little bit critically. DEC, I would reiterate their claim, that with respect to Boyd County and Nemaha County, that they feel that those processes for distributing the allocation of \$100,000 to each of those counties was made correctly under the then existing formula that they viewed, the letters that they received as the beginning of the grant process and that that triggered the implementation under that formula and Nuckolls County did not have any applications under that particular process before the date and, therefore, they were distributed under the old fund, although the actual distribution was all done after the passage of 761 with emergency clause. They feel that they did nothing incorrectly. They were operating certainly perhaps in confusing times, but that's my interpretation rather than the department's and that everything was done to the best of their ability correctly and that this claim should, in fact, be denied and maintain the bright line between the application of the funding under existing statute that applied until 761 was passed. The distribution formula for