

April 4, 1991

LB 850

of the body might have, and would ask for the advancement of LB 850.

SENATOR CONWAY: Thank you, Senator Coordsen. Mr. Clerk.

CLERK: Mr. President, Senator Morrissey would move to amend the bill. (Morrissey amendment appears on page 1510 of the Legislative Journal.)

SENATOR CONWAY: Senator Morrissey.

SENATOR MORRISSEY: Thank you, Mr. Speaker and members. Folks, my amendment would move to pay a claim that the Johnson-Brock School Board, School District 23, of Nemaha County filed against the Department of Environmental Control for \$34,064.87, because of improper distribution of low-level radioactive waste Community Improvement Cash Funds. The claim was denied by the Claims Board basically because I guess they said their reasons are if the department agrees to pay out of their own budget that they'll pay them, and otherwise they routinely turn them down because they certainly didn't look at the facts in this case. The Community Assistance Cash Fund, Community Improvement Cash Fund was created in 1988 to divide among the communities \$100,000 apiece. On May 8th, and communities include all but communities that apply within a county. On May 8th the City of Auburn applied for the full \$100,000. On May...in May of '89, May 23rd, this body changed the distribution formula and passed it with the E clause. And after that fact, on July...some time after July 10, or the first of July, over a month after the law had changed the department then distributed the funds, per a law that had been repealed. The department argued that the improvement...Community Improvement Cash Fund allocation was made pursuant to a properly filed application from the City of Auburn on May 8, 1989. Here's the application from Auburn that they sent in on May 8, 1989, it is a generic application, and per Title 194, the application must...the communities must...shall, it says the application shall indicate how the grant is proposed to be allocated between the city, the county, or the municipalities. This application didn't do that. The director shall award the grants, if he finds that the community purposes to be expended for the grant are for a public purpose. They didn't indicate how they would expend these grants. So this application was only one city, and it didn't comply with Title 194 regulations, so it was an improperly filed application. And the department realized that and sent a