

All those in favor please say aye. Opposed nay. It is advanced. I would like to direct the senators now to the north side of the Chambers and I'd like to formally welcome back Senator Haberman to the Chambers. It is a joy to see you here again this morning. Thank you. We'll proceed with Select File, LB 850.

CLERK: Madam President, on LB 850, E & R amendments have been adopted. There was pending when the Legislature adjourned, an amendment to the bill by Senator Morrissey. Senator Morrissey's amendment is on page 1510 of the Journal, Madam President.

PRESIDENT MOUL: Senator Morrissey, would you like to bring us up to date?

SENATOR MORRISSEY: Yes, Madam Chair and members, thank you. I've passed out the handout one more time, if you want to get a feel on how this all went down when the Department of Environmental Control, to refresh your memories, incorrectly distributed money from the Low-Level Waste Funds to political subdivisions and thus, shorted the Johnson-Brock school district among others of \$34,000. If you read the handout, it's a two-page hangout, you can get a real good feel of how this went down. The Department of Environmental Control's defense for not paying the money under the proper formula was that they had started a process and once the process was started they had no alternative but to continue under the old law and distribute the money under the old law even though that distribution formula was repealed by this body, signed by the Governor and thus, they distributed the formula illegally, the money in the formula illegally. I'll give you a quick summary of these dates. LB 761, the new distribution formula was introduced and advanced from committee. It was introduced on January 18, advanced from committee on March 14. On May 8, the DEC received an improperly filed application from the City of Auburn for all of the money. At this point the new distribution formula was on Select File or was on General File and had moved from General to Select. It was May 8, the DEC claims that is the point of no return, that they could no longer change their distribution formula, yet on May 11 they sent out a letter to the county, Nemaha County that they had indeed received an improperly filed request per the rules and regs. So three days after they said they couldn't change their minds because they had a properly filed application on file they said sent out a letter indicating and admitting that they did not have a properly filed application on...for the