

April 10, 1975

that we reappropriated the existing funds from the pervious year. Therefore, we only authorized \$250,000. Of that amount of money \$175,000, approximately, has been spent. So there is less than \$75,000 remaining, according to our Fiscal Staff. If this is true, then I think we should seriously check to determine if this disaster fund is adequate. I know that Senator Carpenter moved to re-appropriate those disaster funds. But I'm not sure that the motion was successful. I'd suggest, at this time, that the Governor of the State of Nebraska has the final authority to use that disaster money as he sees fit. He can start piling sandbags this afternoon, if he chooses to do so. If I were Governor, or anyone else here were Governor, and thought that the emergency was sufficient to justify that action that's what they should be doing. It's much better than to wait until the water runs through the homes again, then you call out the National Guard, and you call out the Civil Defense, and you call out the . . . and they spend eight or ten million dollars. You try to patch up a disaster. So I want to make these points, first of all remember we're going on private property to save private property. We're establishing a precedent. Secondly, there is some money in the Governor's disaster fund. It may be totally inadequate. Third, the Governor has the authority granted to him, I believe, by this body to do that which he deems necessary for the protection of lives and property in the State of Nebraska. Fourth, if we need, as a body, to add . . . I shouldn't say starch to the Governor's backbone to do what he thinks is right, but I'm going to say it, then let us do it. Lastly, let's take a serious look at the Governor's disaster fund and see if we think it's adequate to meet the emergency that might occur upon all the rivers of the State of Nebraska, and all of the disasters in the State of Nebraska. I just have a new balance figure available here, \$471,000, from the Fiscal Staff. That should take care of any dike work. I want to point out again, we've established a precedent. It's a serious precedent. It's one which we should face up to and face up to knowingly and willingly. If we've done that then we must recognize that when those situations occur again the State of Nebraska is going to have to come forth and meet that responsibility. I would hope that the Legislature will vote for the resolution, when we do then we come back again to the point we talked about this morning in the matter of land use and other related items. Because this is where the decision making really has to begin. We have to face some hard decisions and make some hard facts known to people because once you've built in the middle of the river this probably is not going to be resolved, it will not be resolved by one repair of the dike. It's going to happen again, and again, and again.

SPEAKER: Chair recognizes Senator Dworak. Chair recognizes Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature, this resolution, in my opinion, is a very far reaching resolution in that it may reputeiate LB 108, which we passed on March 5, 1975, 46 to nothing with the emergency clause. LB 108, as we all know, is to keep control of the Platte River local. In that bill it says that an artificial obstruction shall mean any obstruction which is not a natural obstruction. It says that an obstruction shall be an embankment, a levy, a dike which is along or out into the