

in the current emergency fund to make those repairs, then before it entered into a contract it had to have some kind of reliance that the money would be there to pay that contract, I don't understand that process fully. How does the agency head know from the Legislature that there will be this kind of an appropriation to pay those contracts at the appropriate time?

SENATOR WARNER: There is no official way that they could know as such. In the case of the Grand Island situation, first there is an emergency fund for disaster which was established some years ago other than the Governor's emergency fund for which I think we have only appropriated money once or twice in the last ten years. So under existing appropriations and existing practices if this kind of a situation arises they have to utilize some operating funds which they could legally do to make those emergency repairs. Specifically in the Grand Island case they did make some initial repair that was relatively inexpensive, comparatively inexpensive, and then as I recall, there was a second storm that came along, not a tornado, but a storm of sufficient violence to destroy some of the temporary work and then there was substantial damage or possible potential damage. There was communications at that time between the Department of Administrative Services and myself and I believe, as I recall, to the Appropriations Committee during that same process which we all acknowledged that no one had the authority to make a commitment that the funds would be picked up, if they used the operating money, but obviously it was a good and necessary decision to make the repairs immediately and I think the Senators on the Appropriations Committee during, and this is over a month and a half or so, probably made an individual concurrence that they felt it was the proper thing to do and would in fact support replacement of that operating money. And then when the request comes through, that, of course, is what we are suggesting to you. If the Legislature refuses to do it, the agency is just out of that of their operating money.

SENATOR BEUTLER: Okay, so, for example, if I understood the chronology of the events in Grand Island properly, there was a point in time when they could have entered into contracts prior to the storm of August that caused further damage and some of the executive branch people indicated that the contracts were not entered into and the work begun before that second storm because they had no assurances with regard to appropriations. Given the history of deficit appropriations and the method that has traditionally been used in Nebraska, is that a valid reason for not proceeding to enter into contracts for immediate