

so that they, recognizing full well who is the ultimate, who is ultimately responsible, will authorize that kind of power and the University is opposed to this and the reasons are very simple. The University wants to be able to do whatever it wants to do at any time without pain or suffering or any sort of second guessing or any sort of review or any questions as to its priorities, the University wants to be all powerful and wouldn't we all? Would not we all? It would be nothing nicer, and I want to offer this for you, if this Legislature could make any decision it wanted to without ever being responsible for raising taxes. If we could do anything we wanted to without any responsibility attached to it, wouldn't that be nice? It would but it is not to be. The people of the state have clearly said that we will live by the decisions we make or die by the decisions we make, and I don't mean that literally, I hope. I mean that in terms of the context of making those kinds of decisions, but the truth of the matter is, is that this Legislature has to recognize in the short period of time the University has had all this power, it has abused it also. I want to remind you, those of you who were here when I was earlier on when the decision first came down and the University said, we will not, I swear to you, we will not abuse this power. We will listen to you and do what you want and then we have had all these exceptions. I remember the chiller. Does anybody remember the chiller? It is a capital improvement. Clearly we can authorize and have to authorize capital improvements. I mean it is clearly outside of the court purview of the decision that those capital improvements should be ours to make decisions upon and they have to come to the Legislature and its Appropriations Committee for any sort of capital improvements but in the case of the chiller, they moved one step further. They said, well we have all this other power. We might as well also take the power of deciding what our capital expenditure priorities are and so we are going to build a new chiller and they went and entered into a contract and then they came to us and they said, and now you will appropriate the monies and a few of the members of this Legislature stood up and said, now wait a minute, there is a process. You come to us, ask for the money, we appropriate the money and then you buy the chiller.

PRESIDENT: One minute.

SENATOR NEWELL: That is clearly the way it ought to be done. And this Legislature did stand up and fight with the University until we finally conceded as we always do. But I want to tell you that that was, in fact, one of the major abuses. That took the court decision one step too far and I will tell you that the University is not above going that extra step any time they would like to.