

is that it all comes down to is that there's a problem and the taxpayer has to ante up \$2.8 million to pay for a building we've already paid for once. That is just basically a frustration I have and so that's why I co-sponsored Senator Schmit's amendment and I also have a, if Senator Schmit's amendment would, for some reason, fail, which I actually hope it doesn't, the following amendment is simply take the total project cost and divides it in half and has the state pick up half the cost. And the reason I feel this way is I don't think we in the Legislature and in our budget process here in the 1989 Legislature, I think it's wrong that we have to come in and take total responsibility for this. And the reason I say this is twofold, and the reason I come up with this solution, this solution or this opinion I guess, is if you read a couple of Supreme Court cases, the first one is the board of regents versus the architect on this whole building and to read this, I encourage you all to take the time to read this, it's out of the advance sheets and so it's all public knowledge, but it's like a Laurel and Hardy story about the cracks were found, somebody said they were going to do something, they didn't; there really wasn't a problem with the building and bricks kept popping off and cracks kept springing up, but everybody said the building was fine and eventually the university sued and the statute of limitations and everything had ran out. It's just a whole fiasco and I really encourage you, I won't take the time yet to read this into the record, but I really, if you have not got a copy of this Supreme Court decision, they really go into detail in explaining what happened and it's very frustrating to sit there and read all this and then say that in 1989 we have to pay for it, when years ago they knew there was a problem and now all of a sudden we have to pay for it. The second reason that I support Senator Schmit's amendment goes back to another Supreme Court case in 1977, Exon v. Board of Regents. Now every time the Legislature tries to do something or tries to exercise some authority over the University of Nebraska, they weigh the board of regents, the Exon v. Board of Regents says you can't tell us what to do, you can give us money but you can't tell us what to do, we manage it by ourselves. Well, and so we're always bound by that and we always do that. We always just say here's a lump sum of money, here's what you're going to do, we can kind of put some strings attached to it, we can't actually tell you what to do, but, university, you run that place by yourself, unless, of course, they do something like close Curtis, then we come back and bail them out, but that was something we did last year. But the fact of the matter is that the last 10 years the university says