

SENATOR BRASHEAR: I have done so.

SENATOR CHAMBERS: Okay. Now if you look in line...starting in line 21, the department shall administer the fund under the guidelines established by the Governor with the advice of the commission. Who ultimately has the authority to establish guidelines?

SENATOR BRASHEAR: I think a reasonable interpretation, Senator Chambers, would be that the Governor does.

SENATOR CHAMBERS: Right, and we agree that advice in the way it is written here does not compel him to heed what they say. Would you agree?

SENATOR BRASHEAR: No, the phrase to do that would be with the advice and consent.

SENATOR CHAMBERS: Thank you. Do you see anything in here which says...okay, let me turn to page 4, if you will, starting in line 14. Do you see anything in that language, lines 14 through 19 and I'll give you the opportunity to read it, which indicates that there is any limitation which this commission can place on how the Governor, which projects the Governor decides to approve and which ones the Governor decides not to approve?

SENATOR BRASHEAR: Senator Chambers, I believe that the first sentence embodied in lines 14 through 17 does give the commission the power to establish the principles and processes, but at line 17, the second sentence makes it clear that the Governor and the Governor alone has the authority to give the final approval so you could tend to have a little bit of debate between the two.

SENATOR CHAMBERS: But would you agree that it does give the Governor tremendous discretion?

SENATOR BRASHEAR: I think there's no question that it gives the Governor some discretion.

SENATOR CHAMBERS: Now where in the bill does it say that the commission can override a decision by the Governor.

SENATOR BRASHEAR: I don't believe there is such a provision.