

that, as I read the amendment. I don't see where the commission is given the authority under the language that is before us in Senator Engel's amendment to make that decision. I see where they establish the principles and the processes, and if you go up I think on page 1, it says that the department establishes guidelines, or actually it is the Governor who establishes the guidelines and the department administers the fund, but it doesn't say anything in relation to who would ultimately... I think what you do is you take out any authority to approve by striking this provision. I understand that you want the commission to do it, but I believe that you have to give them the authority through an amendment to do that to this language because I don't believe it exists. And I'm just, in terms of a... it is just a technical issue in terms of how it is going to work. I oppose the amendment, or the change that would allow for it to work the way you want it to work anyway. I am just raising that as a technical issue because I don't think there is any authority, then, for the funds to be distributed, because as I understand it, your desire is to make the shift from the Governor to the commission for purposes of allowing for the grants and the loans, is that correct?

SENATOR BERNARD-STEVENS: That's correct.

SENATOR HALL: Okay, and I just think that there needs to be a change made to allow for the commission, then, in order to, basically, get to where you want to be. Again, I would rise in opposition to that amendment, as well as the one that is before us. Thank you, Madam President.

PRESIDENT ROBAK: Thank you, Senator Hall. Senator Engel.

SENATOR ENGEL: I'd like to respond to Bernard-Stevens' last amendment here, and the way I understand it, this would be in violation of what the members of the Banking Committee indicated was needed in order for the... to provide the Governor the flexibility that he needs to provide the funds necessary to supplement businesses interested in expansion or relocation. We have also added the additional language regarding only projects that meet the principles and processes determined by the members of the commission shall be approved by the Governor with the advice and consent of the commission. And in checking what this verbiage really means, advice and consent, it means exactly what I thought it did. I checked with my attorney friends, and I do have a couple of them. Consent means exactly what it means,