

Legislative History for Connecticut Act

SB 1036	PA 294	1989
House	7856-7865, 11175-11180	(16)
Senate	2222-2224, 2226-2227	(5)
Government Administration and Elections	1024-1028	(5)
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GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1989

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7840-8194

abs

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House of Representatives

Saturday, May 20, 1989

In the affirmative, please.

SPEAKER BALDUCCI:

Representative Dyson, in the affirmative.

Clerk, please announce the tally.

CLERK:

SB985, as amended by Senate Amendment	
Schedule "A" and House Amendment Schedule "A":	
Total Number Voting	139
Necessary for Passage	70
Those Voting Yea	133
Those Voting Nay	6
Those absent and not Voting	12

SPEAKER BALDUCCI:

The bill as amended is passed.

CLERK:

Page 9, Calendar 584, Substitute SB1036. AN
ACT CONCERNING THE STATE-WIDE FACILITY AND CAPITAL
PLAN. (As amended by Senate Amendment Schedule "A").

Favorable Report of the Committee on FINANCE,
REVENUE AND BONDING.

DEPUTY SPEAKER SMOKO:

Representative Miles Rapoport of the 18th District.

REP. RAPOPORT: (18th)

I move acceptance of the Committee's Favorable
Report and passage of the bill.

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DEPUTY SPEAKER SMOKO:

The question is on acceptance and passage of this bill. Will you remark, sir?

REP. RAPOPORT: (18th)

Yes, briefly, Mr. Speaker. This bill is AN ACT, CONCERNING THE STATE-WIDE FACILITY AND CAPITAL PLAN. What it does is require that the Office of Policy and Management, with the assistance of the State Property Review Board and other agencies, develop a five year plan for the ownership of state buildings, for looking at where we have state owned property that can be converted in effective office space. These plans then have to be submitted. These plans then have to be submitted. It gives a calendar for the submission of these plans from each state agency to OPM, to the Governor's Office, and then the plans have to be updated each year.

Generally, the purpose of the bill was to make sure that we are doing the best job that we can in looking at state-owned buildings, making sure they are energy-efficient, making sure they meet certain criteria, where it is appropriate, getting away from leased facilities and into owned facilities, and to make sure that these plans are comprehensive and correspond to a set of criteria that OPM is responsible

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for enforcing.

I think it's a very good bill. It will make sure that our facilities planning is cost efficient and meets state criteria as we have set the map up legislatively and from the Governor's Office. At this time, I would like to yield to Representative Belden for a couple of amendments, which I think improve the bill.

DEPUTY SPEAKER SMOKO:

Representative Belden, will you accept the yield, sir?

REP. BELDEN: (113th)

Yes, Mr. Speaker. If I might, I believe I need to yield back to the gentleman. There's a Senate Amendment, which I don't think has been.

DEPUTY SPEAKER SMOKO:

Representative Rapoport, will you accept the yield as Senate "A" is pending?

REP. RAPOPORT: (18th)

Yes, Representative. Yes, sir. First let me ask that the Senate has an amendment, LCO 7607, designated Senate "A". Could the Clerk call and I be permitted to summarize?

DEPUTY SPEAKER SMOKO:

Will the Clerk please call LCO 7607, designated

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Senate "A"?

CLERK:

LCO 7607, Senate "A", offered by Senator DiBella.

DEPUTY SPEAKER SMOKO:

Representative Rapoport has asked permission of the Chamber to summarize. Is there objection? Seeing none, Representative Rapoport proceed, sir.

REP. RAPOPORT: (18th)

Mr. Speaker, thank you. Senate "A" just tightens up a little bit on the wording of who can approve when there's an emergency, requires that it be OPM and the State Property Review Board, and I think this is a helpful tightening, and I think we should accept Senate "A".

DEPUTY SPEAKER SMOKO:

Will you remark further on Senate "A"? Will you remark? If not, all those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.)

DEPUTY SPEAKER SMOKO:

Those opposed. Senate "A" is adopted, and ruled technical. Will you remark further on this bill as amended by Senate "A"? Representative Belden of the 113th.

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REP. BELDEN: (113th)

Mr. Speaker, just speaking on the bill a moment. This requiring a five year capital plan is a good idea. What it does, it requires people to think ahead a little bit, and allows time for people to make rational choices of where we, in fact, want the State of Connecticut to move forward in terms of facilities.

I do have a couple of minor amendments. The first one is LCO 7719, if the Clerk would please call and read.

DEPUTY SPEAKER SMOKO:

We are in possession of LCO 7719 which we will designate House "A". Will the Clerk please call and read the amendment?

CLERK:

LCO 7719, designated House "A", offered by Representative Belden.

Delete line 406 in its entirety and insert the following in lieu thereof:

"(5) THE ENCOURAGEMENT OF THE OWNERSHIP OR LEASING OF MODERN"

In line 407, delete the word "LEASED" and insert the word "OBSOLETE" in lieu thereof

REP. BELDEN: (113th)

Does Speaker move adoption?

abs

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DEPUTY SPEAKER SMOKO:

Questions on adoption of House "A". Will you remark, sir?

REP. BELDEN: (113th)

Very briefly. The file copy indicates that we should encourage the use of state buildings to replace leased buildings, and what the language does is kind of modify that, so that we can look at both leasing or owning and look at what's best financially for the state. Thank you.

DEPUTY SPEAKER SMOKO:

Thank you, sir. Will you remark further on House "A"? Will you remark further? Representative Rapoport.

REP. RAPOPORT: (18th)

Mr. Speaker, I think that Representative Belden's amendment raises a good point. That is that there may be circumstances in which leasing is a cheaper in the long run alternative due to various possibilities. I think there are other portions of the bill that do tilt us, and I think it's appropriate towards ownership which in the long term will cost the state less money, but I think in point of fact, given those other sections, saying in this one to broaden it to make sure that the emphasis is on getting rid of obsolete

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buildings, and either through ownership or leasing is appropriate, and I think we should accept it.

DEPUTY SPEAKER SMOKO:

Will you remark further on House "A"? Will you remark? If not, all those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SMOKO:

Those opposed. House "A" is adopted, and is ruled technical. Will you remark further on this bill?

Representative Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. Will the Clerk please call and read LCO 7718?

DEPUTY SPEAKER SMOKO:

The Chair is in possession of LCO 7718, which we will designate House "B". Will the Clerk please call and read the amendment?

CLERK:

LCO 7718, designated House "B", offered by Representative Belden, et al.

In line 405, delete the word "AND"

In line 411, before the period insert the following: "; AND"

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(6) THE ENCOURAGEMENT OF THE ESTABLISHMENT OF CHILD DAY CARE FACILITIES OF THE CHILDREN OF STATE EMPLOYEES."

DEPUTY SPEAKER SMOKO:

Representative Belden.

REP. BELDEN: (113th)

Mr. Speaker, I move adoption.

DEPUTY SPEAKER SMOKO:

Questions on adoption of House "B". Will you remark?

REP. BELDEN: (113th)

Yes, Mr. Speaker. I felt, as did some of my colleagues that if, in fact, we're looking at long range planning, that one of the considerations in any building that we're considering building or leasing should be facilities for child day care.

DEPUTY SPEAKER SMOKO:

Thank you, sir. Will you remark further on House "B"? Representative Rapoport.

REP. RAPOPORT: (18th)

Mr. Speaker, I certainly agree, and I think the point is very well taken. I would support the amendment.

DEPUTY SPEAKER SMOKO:

Thank you, sir. Will you remark further on House

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"B"? If not, all those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SMOKO:

Those opposed. House "B" is adopted, ruled technical. Will you remark further on this bill, as amended? Representative Rapoport of the 18th.

REP. RAPOPORT: (18th)

Just in summary, I think that the bill is a helpful way of making coherent our policies, the state's policies toward purchasing, owning and leasing property and I think we ought to adopt it.

DEPUTY SPEAKER SMOKO:

Will you remark further on this bill as amended? Will you remark? If not, will all staff and guests please come to the Well of the House? The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members, please report to the Chamber. The House of Representatives is voting by roll call. Members, report to the Chamber, please.

SPEAKER BALDUCCI:

Have all the members voted, and is your vote

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properly recorded? If so, the machine will be locked.
 Clerk, take a tally. Clerk, please announce the tally.

CLERK:

SB1036, as amended by Senate "A" and House "A" and "B".

Total Number Voting	138
Necessary for Adoption	70
Those Voting Yea	138
Those Voting Nay	0
Those absent and not Voting	13

SPEAKER BALDUCCI:

The bill, as amended, is passed.

CLERK:

Calendar 430, page 20, Substitute for HB7445, AN
 ACT CONCERNING GLOBAL WARMING.

Favorable Report of the Committee on ENERGY AND
 PUBLIC UTILITIES.

REP. MUSHINSKY: (85th)

Mr. Speaker?

SPEAKER BALDUCCI:

Representative Mushinsky.

REP. MUSHINSKY: (85th)

Thank you, Mr. Speaker. I move acceptance of the
 Joint Committees Favorable Report and passage of the
 bill.

SPEAKER BALDUCCI:

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9:30; Room 2D, for the purpose of taking up two contracts that have been sent to us. That's tomorrow in Room 2D at 9:30.

In addition, the Appropriations Committee will be meeting in conjunction with the Education Committee on Monday, June 5th at 9:30 in Room 2E, for purposes of dealing with an educational improvement block grant. So, there are two meetings: Friday and Monday. Friday at 9:30, Monday at 9:30. Friday in Room 2D; Monday in Room 2E. Thank you.

DEPUTY SPEAKER POLINSKY:

Are there any other announcements or points of personal privilege at this time? If not, Clerk will please return to the Call of the Calendar.

CLERK:

Please turn to page 12, Calendar 584, Substitute SB1036. AN ACT CONCERNING THE STATE-WIDE FACILITY AND CAPITAL PLAN. (As amended by Senate Amendment Schedules "A" and "B" and House Amendment Schedules "A" and "B").

Favorable Report of the Committee on FINANCE, REVENUE AND BONDING.

DEPUTY SPEAKER POLINSKY:

Representative Rapoport of the 18th.

REP. RAPORORT: (18th)

Madam Speaker, I move acceptance of the Joint

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Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER POLINSKY:

Motion is on acceptance and passage. Will you
remark, sir?

REP. RAPOPORT: (18th)

Yes, Madam Speaker. This is a bill that, on the
state-wide facility and capital plan that we have had
before us. We adopted-- It is originally a Senate
Bill. We adopted a Senate "A" amendment and two of our
own amendments, sent it back to the Senate. The Senate
placed one additional amendment on it, which is Senate
"B". And I would ask that the Clerk call and that I be
permitted to summarize LCO8140.

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LCO8140, which is
designated Senate Amendment "B"?

CLERK:

LCO8140, Senate "B", offered by Senator DiBella.

REP. RAPOPORT: (18th)

Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Rapoport.

REP. RAPOPORT: (18th)

The only change that this amendment makes is that
it changes the date that the state-wide facility and

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capital plan shall be submitted to the General Assembly from the, to March 1st annually, as opposed to with the Governor's budget message. The reason for this is that the Office of Policy and Management, which is the lead agency for developing this plan, given everything that has to be submitted at that earlier date all at once, requested the additional brief period of time to get this together.

So, the Senate saw fit to adopt it, and I would move that we adopt Senate "B", in concurrence with the Senate.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption of Senate "B". Will you remark on the amendment? Representative Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Madam Speaker. I suppose I will ask a Point of Parliamentary Inquiry, Madam. As I am looking at the Calendar on page 12, there is a reference to previously amended House "A" and "B". There is no reference to anything else. And through you, through you, Madam Speaker, I am just wondering how we got here.

DEPUTY SPEAKER POLINSKY:

As I understand it, Representative Krawiecki, it was left off of the Calendar. When the Clerk called

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it, he called it correctly by referring not only to House "A" and "B"; but to Senate "A" and "B". It was incorrectly left off of the Calendar. In essence, "A", Senate "A" has already been adopted by this Chamber, and Representative Rapoport is urging us all to adopt Senate "B".

REP. KRAWIECKI: (78th)

And, Madam Speaker, is Senate "B"-- I see. Senate "A" is presumably rolled into the new file, 827, and Senate "B" is simply amending File 827, Madam Speaker? Is that correct again, as a Parliamentary Inquiry?

DEPUTY SPEAKER POLINSKY:

Representative Krawiecki, as I look at the file, File No. 827, Senate "A", House "A" and of course House "B" are included in this file.

REP. KRAWIECKI: (78th)

Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Will you remark further on Senate "B"? Will you remark further on Senate "B"? If not, let us try our voices for the morning. All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

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Those opposed, nay. Senate "B" is adopted and ruled technical. Will you remark further on the bill as amended by House "A" and "B" and Senate "A" and "B"? Will you remark further? If not, will all members please take their seats? Will staff and guests come to the Well of the House? The machine will be opened.

CLERK:

The House of Representatives is now voting by roll call. Members, please report to the Chamber. The House is voting by roll. Members, to the Chamber, please.

DEPUTY SPEAKER POLINSKY:

Have all members voted, and is your vote properly recorded? Have all members voted? If all members have voted, the machine will be locked, and the Clerk will take a tally. Clerk will announce the tally.

CLERK: .

SB1036, as amended by Senate Amendment
Schedules "A" and "B" and House Amendment
Schedules "A" and "B", in concurrence:

DEPUTY SPEAKER POLINSKY:

The bill is passed.

CLERK:

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SB1036, as amended by Senate Amendment
Schedules "A" and "B" and House Amendment
Schedules "A" and "B", in concurrence:

Total Number Voting	145
Necessary for Passage	73
Those Voting Yea	145
Those Voting Nay	0
Those absent and not Voting	6

DEPUTY SPEAKER POLINSKY:

I think that makes the bill passed twice. The bill
is passed:

Will the Clerk return to the Call of the Calendar?

CLERK:

- Page 13, COMMITTEE ON CONFERENCE, Calendar 129,
Substitute HB7126. AN ACT CONCERNING THE AVAILABILITY
OF COMMUNITY ANTENNA TELEVISION SERVICE IN MULTIFAMILY
DWELLINGS. (As amended by House Amendment Schedule "A"
and Senate Amendment Schedule "A").

Favorable Report of the Committee on JUDICIARY.

House re-adopted Senate "A" on May 24th.

REP. JOYCE: (25th)

Madam Chairman.

DEPUTY SPEAKER POLINSKY:

Representative Ray Joyce, the distinguished
Chairman of the Energy Committee.

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Aye.

THE CHAIR:

Opposed. Senate "A" is re-adopted. Senator
DiBella.

SENATOR DIBELLA:

If there's no further discussion, I move for this
to be placed on the Consent Calendar.

THE CHAIR:

Any objections? The item is placed on the Consent
Calendar.

THE CLERK:

Returning to the Calendar, Page 15, matter
previously marked Passed Temporarily, Calendar #454,
File #688, Substitute SB1036, AN ACT CONCERNING THE
STATEWIDE FACILITY AND CAPITAL PLAN. Favorable Report
of the Committee on FINANCE, REVENUE AND BONDING.

Clerk is in possession of one amendment.

SENATOR DIBELLA:

Mr. President, I move adoption of the Committee's
Joint Favorable Report and urge passage of the bill. I
would move adoption.

THE CHAIR:

Motion is to adopt. Excuse me, Senator DiBella,
have you moved for adoption of the bill?

SENATOR DIBELLA:

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I move adoption of the Committee's Joint Favorable Report and urge passage of the bill.

THE CHAIR:

The Clerk has an amendment. Please call the amendment.

THE CLERK:

LC07607, designated Senate Amendment Schedule "A" offered by Senator DiBella of the 1st district.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. I move adoption of the amendment.

THE CHAIR:

Wish to remark.

SENATOR DIBELLA:

Yes, Mr. President. What this does is basically clean up the statute in terms of it would delete the Commissioner of the Department of Public Works in emergency designations of leases and constructions. It would still retain the Office of Policy and Management and the Properties Review Board.

It would also clean up some of the questions with respect to justifying exceptions. It would require that the law not imply, but the law does state that no

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capital project on state owned land or state leased facilities may be undertaken if it is not included in this five year plan.

Mr. President, the five year plan is a move, I think, a very definitive move in strategic planning, and I would support the I'm sorry, the amendment I'm on. I would move adoption of the amendment.

THE CHAIR:

Further remarks on the amendment. All those in favor of the amendment, signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed. The amendment is adopted.

SENATOR DIBELLA:

Thank you, Mr. President. If there are no further questions on the bill, it's a five year strategic plan and I think it's a good bill and ask that it be placed on the Consent Calendar, if there's no further discussion.

THE CHAIR:

Any objection? The item is placed on the Consent Calendar.

THE CLERK:

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MR. President, it's my understanding that completes those items that are prepared to go forward.

THE CHAIR:

Senator O'Leary.

SENATOR O'LEARY:

Thank you, Mr. President. I move that any items not reached on today's Calendar be marked Passed Retaining their place.

THE CHAIR:

Clerk, please make an announcement for an immediate roll call on the third Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Please give your attention to the Clerk who will read the items that have been referred to the Consent Calendar.

THE CLERK:

First Consent Calendar I believe starts on Page 9, Calendar #419, SB1052.

Calendar Page 16, correction. Calendar Page 15,

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Calendar #454, Substitute SB1036.

Calendar Page 16, Calendar #456, Substitute SB1031.

Calendar Page 23, Calendar #162, SB922.

Calendar Page 24, Calendar #308, Substitute SB486.

Calendar Page 25, Calendar #325, Substitute SB1046.

Calendar Page 26, Calendar #137, Substitute SB825.

Calendar #189, Substitute HB5113.

Calendar Page 27, Calendar #311, Substitute SB757.

Calendar Page 28, Calendar #352, Substitute HB7491.

Calendar #116, Substitute HB6328.

Calendar Page 29, Calendar #188, Substitute HB5241.

Calendar Page 30, Calendar #429, HB7407.

Mr. President, I believe that that completes the third Consent Calendar.

THE CHAIR:

Are there any changes or omissions?

The machine is open, please record your vote.

Excuse me, the Clerk has indicated that he neglected to mention another item that was referred to the Consent Calendar. Would you read that?

THE CLERK:

The last item to be placed on the third Consent Calendar, Mr. President, appears on Page 25, Calendar #136, SB892.

THE CHAIR:

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Are there other changes or omissions?

The machine is open, please record your vote.

Has everyone voted? The machine is closed.

Clerk, please tally the vote.

The result of the vote:

32 Yea

0 Nay

The third Consent Calendar is adopted.

Mr. Clerk.

THE CLERK:

Mr. President, I would like to just make an announcement to the Senators that as we head towards the end of this session, the Clerk's Office will be passing out amendments only once, so that if there are amendments on bills that have not been called today, it is not our intention to pass out amendments once again the next time we're in session, so if you could please keep track of the amendments that you do have.

THE CHAIR:

The Chair wishes to announce, for the record, the Committee on Conference on Substitute SB592, Senators Atkin, Maloney and Upson.

Committee on Conference on Calendar #189, HB5113,
Senators Avallone, Spellman and Eads.

Committee on Conference on Calendar #311,

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HORACE BROWN: Honorable Chairman, members of the Committee, my name is Horace Brown, Undersecretary for Comprehensive Planning in the Office of Policy and Management and I am here in support of SB1036, AN ACT CONCERNING THE STATEWIDE FACILITY AND CAPITAL PLAN, which we commonly refer to as FACCAP.

I have submitted written testimony to the Committee and in light of the hour I would suggest I would just comment very briefly on several highlights of the bill, noting however, that the bill came out of work by our office in analyzing the results of a consultant's study by the firm of Arthur Anderson hired with funds you provided to evaluate the existing FACCAP process.

The changes generally that I would note to you would establish a program planning process as a basis for the facility planning and that would be done on a schedule to be established by OPM that would gradually phase in those program plans depending on agency size, needs and capabilities thus minimizing the impact. It would change the date that agencies have to submit their request from August 1 to September 1 which will smooth matters generally. It would change the submittal date to the General Assembly to March 1. It would change the title of the plan from Statewide Facility Capital Plan to simply State Facility Plan.

It would provide for the definition of facilities and facility plans. It would remove the requirement that a draft of the plan be submitted to the State Policy Review Board for their review and they have indicated concurrence in that removal. Those are generally some of the highlights of the proposed changes in this particular statute. Thank you.

REP. KINER: Thank you Mr. Brown. Are there any questions from the Committee members?
Representative Schmidle, I believe has one.

REP. SCHMIDLE: Thank you. What would you say is the single most major change in this proposal?

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HORACE BROWN: I guess I would suggest that over time the requirement that we gradually obtain program plans from agencies as a basis for the facility plans. However, I say over time because we do not want to unduly burden agencies to do that. We would establish guidelines as to the content of those plans and as scheduled to gradually develop them. But I don't minimize the other changes in terms of timing of the input and the preparation of the plan. I think it will make for a better plan for all of us in both branches.

REP. SCHMIDLE: Is there a cost fact involved in this proposal to...either to your Department or to local agencies?

HORACE BROWN: State agency. We believe that by phasing it in over time it can be handled without any major cost, but that is something that I do emphasize. We would go at it very carefully so that we do not unduly burden agencies, some of which have good program plans now and some of which would have to work at it.

REP. SCHMIDLE: It seems to me I had a recollection at one time that everyone was supposed to do the program planning, you know, as a budgetary proposal. That's not happening.

HORACE BROWN: I guess that is a question better given to the budget division of OPM, but you may be addressing program budgeting. Certainly there is work related to it there. We have in mind a longer program plan, I think than they would, however.

REP. SCHMIDLE: Thanks.

HORACE BROWN: You're welcome...

REP. KINER: Representative Torpey.

REP. TORPEY: As I understood your answer was that the cost that it wouldn't be that great as you went along, but just in glancing...I did read the bill, but just glancing through it, it seems to me we would be up in the billions of dollars if we are

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replacing buildings, leased buildings with state owned property and making all these corrections? That isn't what this bill is?

HORACE BROWN: This is simply to improve on the facility planning process that now exists. And it does suggest certain goals to aim toward. For example, to aim gradually toward the use of state owned rather than leased facilities, it does not demand that at all, Representative. That's not the intention, no.

REP. TORPEY: I didn't mean to imply it was demanding, but that's the goal, so we are talking about a lot of money if this...if we were...

HORACE BROWN: Well, there is a lot of money spent on leased facilities too. But this would not demand it. This would just say in doing your long range planning you ought to look to work in that direction, but right now, every year, agencies submit both their capital and their leased requests which in turn are put together into a statewide facility and capital plan which is then submitted to you and is used by the Executive Branch.

These proposed changes are intended to simply improve on that process to provide a better product. It is not aimed at making a major shift in direction.

REP. TORPEY: Well it mentions in here also about space, comfortable space efficient environment. And as I looked through a few of the buildings, I do go around checking them, but just a few that I have been in we...again, we are far from luxury type buildings considering the position the State is in, you say what happened. But it would seem to me that the space that is needed in some of the buildings would almost be doubled the space that they have. Maybe not doubled, but certainly much more.

HORACE BROWN: Again, if you are going to do some kind of planning you have to have some standards to work against. Agencies now submit requests for space of all kinds. Those are evaluated by the Public Works Department and by OPM and in turn a plan is

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produced which very often does not contain recommendations comparable to what agencies are requested.

That would continue to be the case. We simply would make the judgments, both the Budget Division of OPM and the Planning Division as to what indeed is realistic and what is feasible. That has been the case all along. It would continue to be the case.

REP. KINER: Representative Schmidle.

REP. SCHMIDLE: One more question. On the State Properties Review, we have always viewed this to be an extremely important part of this program and many of the other things we do in the General Assembly. Could you elaborate a little bit more on your position about the State Properties Review Board and do I understand correctly that they don't object to being excluded as a part of this?

HORACE BROWN: We have been preparing this plan. The plan has been prepared annually since 79. We, as a Division, have been involved in it since 81. Every year the draft has been submitted to the Property Review Board. They have looked at it. They have met with our staff. I think it is fair to say they have been satisfied with the document and they in turn have now said that they are now satisfied not to review the plan in its preparation process.

Now, that does a couple of things. Number one, it gains time for us to prepare that plan because we take out a segment of time that is set aside for their review and the time is always tight and difficult to prepare the plan. So that is the selfish plus for us not to do that. I should emphasize, however, that the plan, the completed plan will very much go to the Property Review Board and they will use it in their ongoing work. But they have advised Dick Simons of our staff, who is the principle person responsible for this, that they are satisfied not to see the plan in its preparation stages.

Dick, is that fair to say? Would you add anything to that? No.

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I should also say to you that given the schedule that we have to submit it to the Property Review Board; the reality is that we often have to submit information which is then amended subsequent to delivery and printing of the plan, especially as it relates to the first year. And the first year of the plan is always consistent with a capital budget submittal. So there is a very awkward timing problem here. And they feel satisfied with the way the plan is now constituted. The way it is approached and they feel they don't need to see it at that stage. Is that fair?

REP. SCHMIDLE: And is this an agreement that you have with them in writing or is it just a verbal agreement?

HORACE BROWN: Verbal. Right Dick?

REP. KINER: Thank you sir. Judge Ment and Faith Mandell followed by Wayne Seaburg.

JUDGE AARON MENT: Good morning Mr. Chairman. I will be very brief. I would like to first join in the remarks made by Jack Cronan with respect to the timing on SB1035. And for the Committee's information, I would point out one change that I believe is substantive. If you take a look at line 31, the word "committee" is used. When you go to Line 135, 136, it's not. The word "body" is also excluded in the revision.

I think there is a difference between committees and bodies as opposed to agencies and if you recall at the outset I did say I was joining with Mr. Cronan in his remarks. This is simply a single example that we were able to detect in the two or three days that we have had to look at this prior to this morning's hearing. I would point out that that is a substantive change in my opinion. I don't know how many others there may be.

REP. KINER: Thank you Your Honor. Representative Schmidle, followed by Senator Atkin.

REP. SCHMIDLE: Thank you. Are you flat out opposing this particular rendition or are you just asking for more time?