

would that fund level drop and, if so, would that have to be replaced and, if so, how?

SENATOR MORRISSEY: The fund was generated through money from the ratepayers in the past. So it's already at 500. It would drop if everyone entitled to this money legally by law drew on it, it would drop down to \$400,000. We'd take 100,000 out.

SENATOR WEHRBEIN: And then where would that be spent after that?

SENATOR MORRISSEY: The money is there to, for use to hire community people to help the DE Department to work with the communities which they failed to do and that's what it's for, so since they have failed to use the fund in the past except for minor things, I don't know that we would have to draw the fund back up to 500,000. Okay. I've had indicated that we would not have to bring it back up to 500,000.

SENATOR WEHRBEIN: Okay, thank you.

SPEAKER BAACK: Thank you, Senator Wehrbein. Anyone else wishing to speak to the motion to reconsider? Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. Speaker, members, I'm not going to argue with what Senator Morrissey has said because I'm not familiar with why the department chose not to follow the new rules. But I guess in listening to the exchange between Senator Schmit and Senator Morrissey, Senator Morrissey made it very clear that it was the department who screwed up, not the generators who paid into this Cash Fund and I'm wondering why it is we're not tapping the General Fund for these dollars since it wasn't the ratepayers who didn't comply with the law, it was actually DEC not doing what they should have done and why we shouldn't be going to the General Fund instead of the Cash Fund for these dollars? Could you answer that, Senator Morrissey?

SPEAKER BAACK: Senator Morrissey.

SENATOR MORRISSEY: Again, I guess I'm going on the fact that the funds were provided for use for such things as the liaison between the communities in hiring additional staff and I guess I equated that to being the department's responsibility, but also the five states' responsibility. They are involved intimately