

something that was declared unconstitutional, someone was challenging it, the Supreme Court decided to pay whatever costs they decided to do, where would that particular monies come from?

SENATOR MOORE: Well in this case, unless there was arguably some agency, there was a cash fund it could come from, but I think...I don't know how it deals with that, but in all likelihood it would have to come out of the General Fund, Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Right. Would that be through the State Claims Board?

SENATOR MOORE: Well assuming the State Claims Board, you may remember last year when the Supreme Court awarded damages in the case surrounding the Commonwealth case where we actually had to pass a resolution and that's a question I'm pondering myself as how exactly it would come to us. But either one, it would have to come before the Legislature in some fashion, we'd have to appropriate the General Fund money.

SENATOR BERNARD-STEVENS: Now, Senator Moore, on state claims or I guess I'm just talking about state claims at this point, we do not know from year to year exactly how much money they will need because we do not know the actual number of claims. Would that be a fair statement?

SENATOR MOORE: That would be an accurate statement, yes, Senator.

SENATOR BERNARD-STEVENS: So what we do, what we have traditionally done is appropriated just an amount that if, for example, the amount is needed, it is there. If they need more than that, then they come in with a deficit appropriation and we have to spend it through General Fund and if there is less than that, we can either lapse it or we could either carry it over until next year. Is that kind of the process that we follow?

SENATOR MOORE: Well, no. On the claims process, I'm trying to think if we actually appropriate a dollar amount, but as you...those come actually through the Business and Labor Committee and when there are instances where it is a cash funded agency where we have to give budgetary authority on the Cash Fund side, that comes through the appropriations process. The