

applications or nonapplications actually because 761 didn't receive, didn't require an application form that that bright line date for pending applications be maintained and that this claim be denied. Thank you.

PRESIDENT MOUL: Thank you, Senator Coordsen. Senator Dierks.

SENATOR DIERKS: Madam President and members of the body, I just wanted to rise in support of Senator Morrissey's amendment because this would have a reaching effect into my district also, not this amendment particularly, but the results and I think that with the passage of this amendment you have what I think is adding fairness to the process. Money doesn't come from the General Fund, it comes from the Low-Level Cash Fund so we're not affecting the actual state coffers and I think that right is right and this would be a right amendment. Senator Hefner is right about the new can of worms, but I think maybe when he says he must follow the law, I think this is what this amendment tends to do is to follow the law as it was established but we, the DEC didn't follow the law, so I think in order for us to right the rights we need to adopt this amendment. Thank you.

PRESIDENT MOUL: Thank you, Senator Dierks. Senator Morrissey.

SENATOR MORRISSEY: Thank you, Madam President and members, I agree with Senator Hefner, we should follow the law. This was the law. The bright line that Senator Coordsen refers to took place on 6-28-89, over a month after the law changed. That is when the DEC finally had properly filed applications for these communities under the repealed law. For the DEC to argue that they don't pay attention, that they could not change their process when they indeed changed it three times, again, does not hold any water. Senator Hefner says if he was in a position I was he might do what I am doing. Senator Hefner, you are in the same position as me, you are a state senator, we have oversight over these departments and we call for accountability, at least I do on these departments. If they don't, if they aren't accountable, we call them to the carpet on this. We hear these cases in Business and Labor every year and if the state does wrong to some citizen, a citizen comes in before, that's one of their options is to come before the State Claims Board and ask for we, the Legislature, to say yes, you were harmed, you were done wrong, they didn't follow the law, we'll allow that claim. Simple, that's no precedent. The precedent we are setting is we will protect our citizens when a department of this state acts