

to.

SENATOR SCHMIT: Uh-huh. Is there anything in those requirements that would cause concern on the part of any member of this body if we were to see them?

SENATOR KRISTENSEN: Oh, Senator, that's a real broad question. I suppose people could have concerns about everything. Is there any major red flags that I'm aware of? No.

SENATOR SCHMIT: Is there anything that would protect an individual who owned property, wanted to keep it private from being a victim of condemnation for this kind of a purpose? Suppose that I had a wetland on my farm and I wanted it, I had a cabin by it, I wanted to maintain it for private purposes, is there anything that would protect me from the condemnation authority of the state in this instance?

SENATOR KRISTENSEN: No, other than just the wording of the language of the statute that it, as we've got here, that you are allowed to do that for highway...it's got to be for highway purposes would be the standard, and I assume that as an individual if you didn't like that...I mean, it's like any other condemnation, that's the reason you go through condemnation is that someone doesn't want that, but it's got to be for mitigation or replacement of wetlands because of construction. That would be the protection that I would be aware of.

SENATOR SCHMIT: I'm not talking about the fact that it could probably be a legal purpose, the condemnation would be legal, but suppose there were three of us who had...

PRESIDENT MOUL PRESIDING

PRESIDENT MOUL: One minute.

SENATOR SCHMIT: ...property, and it was all qualifying type property and none of the three of us wanted to sell. Is there any way that I can be protected from the condemnation action?

SENATOR KRISTENSEN: Senator, I think that condemnation would then take...I mean condemnation would take place, it's like anyone else that would be subject to condemnation. Once that proceeding starts, it's a matter of was it for a highway purpose, and, two, the fair market value. So this is not unlike