

any other condemnation and there is not that protection.

SENATOR SCHMIT: Thank you very much, Senator. I would just like to say this. I believe I support the Lamb-Wickersham amendment. I think that I have no real problem with support of the bill, Senator Kristensen, except that I think that we are getting into an area where chicanery can prevail...

PRESIDENT MOUL: Time.

SENATOR SCHMIT: ...and I really don't like that kind of, that part of the bill. Thank you very much.

PRESIDENT MOUL: Thank you, Senator Schmit. Senator Ashford, followed by Senators Haberman and Beutler. Senator Ashford.

SENATOR ASHFORD: Thank you, Madam President and members. I guess I need to ask Senator Kristensen, if I might, a question, a couple of questions.

SENATOR KRISTENSEN: Yes.

SENATOR ASHFORD: Senator Kristensen, let me start out by saying that this is an area that I'm not very familiar with and I'm not familiar with the federal rules and regulations, though I am concerned about the issue as are you obviously, or you wouldn't have it here. Under the way the bill was originally drafted there was no restriction on the type of substitute wetlands or mitigation lands, lands used for mitigation that could be purchased by the state. Is that correct? For composite wetlands purposes?

SENATOR KRISTENSEN: Yes, that's right. We relied on the federal people because that's who we're trying to please is the federal permit.

SENATOR ASHFORD: And I guess, is it a problem when you put a 150...when you put a restriction of 150 percent of the reasonably anticipated wetlands utilization, I guess is what you're saying here, how and who makes the determination, well who makes the determination of what the reasonably anticipated amount of land is?

SENATOR KRISTENSEN: That burden, I assume, in condemnation is upon the Department of Roads to show that they have made that