

year, and, basically, be operating at 25 percent of their nameplate design capacity, and that's the ability to be eligible for that production credit. All my amendment does and says that they will get the credit providing that the facility maintains that production rate for at least, 25 percent of its nameplate design capacity, for six months after they first become eligible for the credit. So in other words, once they get up, if they can meet that threshold by the end of the year, they become eligible for it, but what I don't want to have happen is that for an afternoon, for four or five hours, a plant comes on line, produces just enough to gain the credit, and then becomes eligible for the remaining period of time to get that credit. And so what I propose to do is that this doesn't change who is eligible in terms of coming up to capacity, but it says that you've got to maintain that production level for six months to receive the credit, and I think it goes to the spirit of what we were doing, I had examined, perhaps saying, look, a plant should be in operation three months, six months before they get the credit, decided that would be changing the rules in the middle of the game, and what I would rather do is just say, look, if you become eligible by the end of the year, the only addition is that you've got to maintain that production level for six months. If you do that, we are probably real assured that that plant is viable, it is going to be working and operating, and they should be eligible for the production credits. What could happen otherwise is a plant would be operational for an afternoon, shut back down and get their production credit or begin to, over a period of years, with less than 25 percent of capacity, and really I think take advantage of the situation. Plus, it adds to our fiscal woes on this bill, and what this would do is protect that, and would provide some cutoff point or at least some assurance that we are giving the production credit to viable, operating, and producing plants. With that, I would urge the adoption of this amendment and would be happy to try and answer any questions.

SPEAKER WITHEM: Thank you, Senator Kristensen. Senator McKenzie.

SENATOR MCKENZIE: Thank you, Mr. President and members of the body. I rise in support of the Kristensen amendment. This has been an issue I think we spent some time on last year in talking about the ethanol funding problem and what exactly we mean by 25 percent of nameplate design capacity. Did that mean for a day, for an hour, for a week, for a month? And Senator