

Kristensen had talked to me earlier about wanting some specific language that defined what we meant by nameplate capacity as we near the end of the qualifying deadline, which is, of course, the end of this year, 1995. So with that, I would also answer any questions you might have, but support amendment...the Kristensen amendment to 1076.

SPEAKER WITHEM: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. Senator Kristensen, would you yield to a couple of questions. And while you are getting ready to do so, I rise in tentative, I think, support of the amendment, and if I understand the amendment, even a case like Sutherland, which is doubtful that it would be up by the deadline anyway and operational, but if it would be, this amendment would not prohibit the Sutherland plant for getting the credit as long as they met the criteria of the six months, would that be correct?

SENATOR KRISTENSEN: As long as they were at 25 percent of their designed...nameplate design capacity by the end of the year and could maintain that for six months after that period of time when they became eligible for the credit, they are home free.

SENATOR BERNARD-STEVENS: Now what happens, is there anything in the amendment that you have that allows for...well, let me refer to it this way, a new plant, some of those that are just coming on line in Nebraska, if they get...if they meet the criteria, but then they have a breakdown somewhere, and in that breakdown of the part, they have to ship in a part. There is a strike, and you know, it takes awhile for that part to get in, so is it an average during the six months, or does your amendment say, hey, listen, every day for six months, they need to be at capacity, and if for any reason they fall below that line, they don't receive any credit?

SENATOR KRISTENSEN: The way the amendment and my intent would be, if they maintained their production rate, so that is production rate, that doesn't mean that every day they've got to produce 25 percent because they may be down during that period of time for maintenance, routine maintenance. You know, an ethanol plant may take a month off, I think Hastings does that, where they take a month because they do run 24 hours a day, seven days a week, but that you've got to maintain that production rate for at least six months.