

SENATOR BERNARD-STEVENS: Well, how...

SENATOR KRISTENSEN: So what you are going to do is take that...you know, if they are at 100 percent and they are running for all but three or four days, obviously, they are easily going to make that.

SENATOR BERNARD-STEVENS: Oh, okay, so it would be only...they still would only have to maintain at 25 percent for the six months or their actual...if I'm geared...give me a level, for example, that I would have to maintain in percentages, just 25 percent for six months, or it would be what my total capacity that I was nameplated for which might be like 80 percent, which one would that be?

SENATOR KRISTENSEN: It has got to be 25 percent of the nameplate design capacity.

SENATOR BERNARD-STEVENS: And if there was some major difficulty beyond the control of the company that would make them fall down to 24.9 percent during that six month period, then they would receive not a nickel, is that would be your intent by the amendment?

SENATOR KRISTENSEN: They cease not to become eligible for that credit.

SENATOR BERNARD-STEVENS: With that understanding, I rise in support of the amendment, though I do get a little bit nervous when we have a contract, and we have goals that companies meet, and we do change that as we are doing at this point. I still think the intent of what Senator Kristensen is trying to do makes sense, so it is not a two-day and out type of concept, and with that, I support the amendment.

SPEAKER WITHEM: Thank you, Senator Bernard-Stevens. Senator Bromm, followed by Senator Elmer.

SENATOR BROMM: Thank you, Mr. Speaker. Senator Kristensen, if you would be near your microphone would you yield. And I think Senator Bernard-Stevens may have cleared up what I had a question about also. Would it help any to word, to word this, Senator Kristensen, to say that if the ethanol facility maintains an average production at the rate of at least