

average rate. It would be the average, and so on the Kristensen amendment on line, it is on page 2, line 6, you add the words "average rate" and on line 7 you cross out the words "and the" I believe. But so it simply says that the average rate is 25 percent, and that is the nature of the amendment. I urge its adoption.

SPEAKER WITHEM: Thank you, Senator Bernard-Stevens. For discussion on the Bernard-Stevens amendment, Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. President, members of the Legislature. I do have...well, I don't have any problem, I guess, with the way the amendment is drafted. I think it probably explains that that's an average. I assume that that's what would have been interpreted anyway, but to the extent it makes it clearer, I think that is probably the intent of everybody who wants to make sure that these facilities are operating at least at that 25 percent level. And, obviously, you don't want a one-day operation or one-day glitch in their operation to kick them out of the credits. But at the same time, you also don't want them operating at two or three gallons a day here and there and it sort of being a hit and miss. So I would urge the adoption of this amendment.

SPEAKER WITHEM: Any further discussion? Senator Bernard-Stevens waives closing. The question is the adoption of the Bernard-Stevens amendment. All those in favor vote aye, opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Bernard-Stevens' amendment.

SPEAKER WITHEM: The amendment is adopted. Anything further on the bill, Mr. Clerk?

CLERK: I have nothing further at this time, Mr. President.

SPEAKER WITHEM: Senator Maurstad.

SENATOR MAURSTAD: Mr. Speaker, I'd move to advance LB 377 to E & R for engrossing.

SPEAKER WITHEM: You've heard the motion. Any discussion? Seeing none, all in favor say aye. Opposed. It is advanced. Mr. Clerk, LB 68.