

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 20, 2004 LB 479

SENATOR KREMER: ...how do you qualify for that? Thank you.

SENATOR BEUTLER: But it's clarifying after the fact.

PRESIDENT HEINEMAN: Time has expired. Thank you, Senator Beutler. Senator Bourne.

SENATOR BOURNE: Thank you, Mr. President, and members. I just kind of want to continue this conversation and perhaps add a little clarity because I think as we go on it gets confusing. I listened to Senator Beutler's comments regarding, you know, this terrible accusation against Loran Schmit. And it really wasn't necessarily a terrible accusation as such. I mean I suppose you could construe that as clever reading of a statute, and that's what clever people do. When the law says to do one thing, and you can find a way to go around it, if you're an attorney, you would say that is good lawyering. Find a way to get this done, that's good lawyering. So it's not necessarily a criticism of Senator Schmit, but I do believe it's inappropriate to advise your clients to circumvent the law and bring in a portable still to generate 8,600 gallons worth of ethanol that will obligate the state to the tune of 20 or 30 million dollars over a 20-year period. I don't think that's appropriate. That is not what the Legislature intended in LB 536, that we passed a few years ago, and this committee amendment cleans that up. And it says...it makes it very clear that this has to be a permanent plant. So if Senator Beutler is offended because of my comments about Loran Schmit, well, I'm sorry but I stand by them. I have heard that. I've talked to other senators involved in the ethanol industry. They have heard the exact same thing that I articulated to you on the floor, that that is going on and that's wrong. And I think that we, as legislators, have an obligation to protect the state's coffers and stop that practice, if it's truly going on. Earlier we had talked about Senator Baker's amendment, and I want to just make very clear what his amendment is doing. And, hopefully, Senator Chambers will continue his discussion with the 15 and the 20 million dollar figure that's on page 11 because I don't quite understand that either. But, basically, what Senator Baker's amendment does is strike Section 7, which is the section that allows for a