

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

March 5, 2004 LB 479

CLERK: Mr. President. Senator Beutler, I had FA1435 with a note that you want to withdraw, Senator.

SENATOR CUDABACK: It is withdrawn.

CLERK: Mr. President, Senator Baker would move to amend with AM2713. (Legislative Journal page 686.)

SENATOR CUDABACK: Senator Baker, to open on your amendment to LB 479.

SENATOR BAKER: Thank you, Senator Cudaback and members of the Legislature. We're going to briefly walk through this. There's been a group of us working on this particular amendment, AM2713. And I won't take all the time up here. I'll certainly let Senator Kremer, Senator Beutler, other people who have worked on this, comment on this also. But to begin with, AM2713 strikes the offending language that came back with the Attorney General's Opinion dealing with contract modification. You will find that change on page 10 of the amendment. It's actually of the AM2713, referring back to the bill now, which is on page 6, line 3, strikes "before, on, or." Simply says there will be no...this applies to contracts as of the effective date of this amendment...or bill that's when effective. The other major change says there will be no more ethanol plants constructed, and as of the effect...or I'm sorry, no more ethanol plants applications taken for the EPIC fund after the effective date of this bill. That is on page 11, there in line 25. We'll walk through the rest of this now. There is quite a little new language. Starting on the amendment, page 2713 (sic), page 2, we...obviously, the point of this amendment was to tighten up the qualifying requirements for the EPIC fund. As you know, we've had a number of other plants come in, apply. They've had some people come in and modify their agreements to say they're just going to produce 100,000 gallons on an annual basis, meaning they have to produce a little over 8,000 gallons in one month before June 30 of 2004, and so on. As we examined the issue, we found that there was actually no definition in the statutes of what is ethanol. It's not in there. So we added that. On page 2 of the amendment, we're talking about now, line 6, we defined it, which is a finished product that a