SENATOR CUDABACK: Senator Baker, would you respond?

SENATOR BAKER: Yes.

SENATOR BOURNE: Senator Baker, you know, as we started down this road and gathered additional information, I was convinced that--and I'm speaking specifically of the language on page 11 of your amendment--I was convinced that you were right that to prevent the portable stills from coming in here and then later expanding, I was convinced that one of the ways to stop that conduct was to prevent them from accessing LB 775 credits for a later expansion, qualifying at a minimal level for LB 536 credits, and then a year, year and a half down the road then expanding the plant and qualifying for LB 775. Well now I'm not quite so sure that that's the right direction. Can you tell me...in you language it says that an ethanol plant has to be producing 15 million gallons or more on an annual basis by October 1 of this year, October 1 of this year. Can you tell me how many plants are in existence in Nebraska that are permitted or...permitted for or are producing less than 15 million gallons already?

SENATOR BAKER: Senator Bourne, I think there's...

SENATOR CUDABACK: Senator...

SENATOR BAKER: ...one maybe that's...and I'm going to have to check on it. I think there's one small producer up in northeast Nebraska that's producing--and I'm going to need some help on this--but one I think is producing at an annual rate of like a quarter of a million gallons per year.

SENATOR BOURNE: Okay. And so you're aware...and that plant did not necessarily qualify under the LB 536 program.

SENATOR BAKER: No, it did not. Nor, I don't think it qualified under...obviously didn't make the investment LB 775 either.

SENATOR BOURNE: Well, but this amendment would prevent them from doing that in the future.