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LB 479, 1065

plants, the four plants that we know will come, and then we have LB 479, which is either on Select File or on Final Reading, that in my mind kind of impedes the contracts that already have been let on a potential development of a plan. So we've got funding in LB 1065. We have, in my opinion, some restrictions in LB 1065, in the committee amendment, in that one plant can't qualify for LB 775 credits if they get EPIC credits, or they can't get Invest Nebraska, LB 620, money if they get ethanol credits. And then again we have, in LB 479, language in there that I think restricts the program. I know that we had testimony or we heard on the floor when Senator Dierks, I believe it was, introduced LB 536, that they contemplated two plants, although that wasn't an absolute, as I recall it. Some of the urban folks thought, well, if there's only 2 that's good, and some of the rural folks thought that if there was 22 that would be even better. And so what we have here is we're kind of figuring out what direction to go. I'm going to support LB 1065 because, as Senator Landis mentioned, we do have an obligation to fund these plants. So I guess boiling it all down, however, number one, I'm not sure that we can pass the committee amendment. Again, I support the amendment to the committee amendment, but I think that, given some of these plants already to receive LB 775 credits, I don't see how we can retroactively say they don't...they can't get them. And maybe that's smooth lawyer talk, Senator Loudon, but it just doesn't compute. If some plants are already getting the credits and then we pass a bill or a committee amendment, adopt that, that says that plants can't get LB 775 or LB 620, I think we're just setting ourselves up for a lawsuit. That's my opinion. Again, we have to fund these. Senator Landis is exactly right. We have four plants that we know are going to be on-line and producing ethanol and, according to the Department of Revenue, it...there is a fair chance that an additional five plants will come on-line. Now, some people want to cut off the ability for these additional five plants that may come about. They want to cut that off so that they don't get built. My thought is, is that LB 536 contemplated the funding for those plants, and by that I mean if you had a plant that was on-line and producing revenue, you have a longer period of time to get the credits, because the credits, as I understand it, and Senator Baker will correct me if I'm wrong, they got for eight years. So if a plant doesn't come