

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0047/P1dn  
RCT:kjf:md

May 1, 2009

John Anderson:

This is a preliminary draft of the substitute amendment to SB 107. I have drafted it in preliminary form because a preliminary substitute amendment draft is not jacketed, making redrafting less cumbersome.

One of the instructions for this substitute was to change the “cap” on the carry over of recycling credits so that it is based on the target weight rather than on the number of excess pounds (that is the number of pounds over the target weight). I am not certain that I have captured the intent behind this instruction.

Under the bill, the amount that a manufacturer may carry over equals 20 percent of the number of excess pounds. So, for example, if a manufacturer recycled 10,000 pounds more than its target weight (whatever the target weight), it could carry over 2,000 pounds; if it recycled 20,000 pounds more than the target weight, it could carry over 4,000 pounds; if it recycled 150,000 pounds over the target weight, it could carry over 30,000 pounds; and so forth.

Under this draft, the amount that a manufacturer may carry over equals the number of excess pounds, but not more than 20 percent of the target weight. So, for example, if a manufacturer had a target weight of 100,000 pounds and it recycled 10,000 pounds more than its target weight, it could carry over 10,000 pounds; if it recycled 20,000 pounds more than the target weight, it could carry over 20,000 pounds; and if it recycled 150,000 pounds over the target weight, it could also carry over 20,000 pounds (20 percent of the target weight). Please let me know if this is not what is intended.

Please let me know if you have questions or want changes in this draft.

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