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By: **Delegate Arnick**

Introduced and read first time: February 10, 2006

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2006

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CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Environment - Newspapers - Recycled Content Percentage Requirement**

3 FOR the purpose of altering the method of calculating the recycled content percentage  
4 requirements for newspapers distributed in the State; altering the method of  
5 calculating the newsprint recycling incentive fee; defining a certain term;  
6 making stylistic changes; and generally relating to the recycled content  
7 percentage requirement for newspapers distributed in the State.

8 BY repealing and reenacting, without amendments,  
9 Article - Environment  
10 Section 9-1707(a)  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 2005 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Environment  
15 Section 9-1707(b) and (d)  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 2005 Supplement)

18 BY repealing  
19 Article - Environment  
20 Section 9-1707(c)  
21 Annotated Code of Maryland  
22 (1996 Replacement Volume and 2005 Supplement)

1 BY adding to  
 2 Article - Environment  
 3 Section 9-1707(c)  
 4 Annotated Code of Maryland  
 5 (1996 Replacement Volume and 2005 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Environment**

9 9-1707.

10 (a) (1) In this section: THE FOLLOWING WORDS HAVE THE MEANINGS  
 11 INDICATED.

12 (1) (2) (I) "Newsprint" means paper of the type generally used in the  
 13 publication of newspapers or commercial advertising inserts printed by the publisher  
 14 that are made primarily from mechanical woodpulp combined with some chemical  
 15 woodpulp; ~~and,~~

16 (2) (II) "Newsprint" includes paper made from old newspapers that  
 17 have been deinked, using the recycled pulp in lieu of virgin pulp.

18 (3) "REPORTING PERIOD" MEANS:

19 (I) THE CALENDAR YEAR FOR 2005 AND EARLIER; AND

20 (II) THE CALENDAR YEAR AND THE IMMEDIATELY PRECEDING TWO  
 21 CALENDAR YEARS FOR 2006 AND ALL SUBSEQUENT YEARS.

22 (b) (1) Except as provided in subsection (h) of this section, the recycled  
 23 content percentage requirements for newspapers distributed in the State shall, on a  
 24 statewide basis, be in accordance with the ~~3-YEAR~~ recycled content percentage  
 25 requirements specified in subsection (c) of this section for the ~~calendar year~~  
 26 REPORTING PERIOD.

27 (2) In the year following any ~~year~~ REPORTING PERIOD in which the  
 28 Secretary determines, based on the reports submitted under subsection (e) of this  
 29 section, that the ~~3-YEAR~~ recycled content percentage requirements specified in  
 30 subsection (c) of this section have not been met on a statewide basis, each newspaper  
 31 shall:

32 (i) For newspapers distributed in the State, satisfy the ~~3-YEAR~~  
 33 recycled content percentage requirement under subsection (c) of this section for the  
 34 ~~calendar year~~ REPORTING PERIOD; or

35 (ii) Pay the newsprint recycling incentive fee required under  
 36 subsection (d) of this section for that ~~calendar year~~ REPORTING PERIOD.

1     {(c)     (1)     To satisfy the recycled content percentage requirement of this section  
2 for a ~~calendar year~~ REPORTING PERIOD, at least the percentage specified in  
3 paragraph (2) of this subsection, by weight, of the total newsprint used by the  
4 publisher during that ~~calendar year~~ REPORTING PERIOD for newspapers distributed  
5 in the State shall be recycled materials.

6             (2)     The recycled content percentage requirement is:

7                     (i)       12% for 1992;

8                     (ii)      12% for 1993;

9                     (iii)     20% for 1994, 1995, 1996, 1997, 1998, and 1999;

10                    (iv)     25% for 2000;

11                    (v)     30% for 2001 and 2002;

12                    (vi)     35% for 2003 and 2004; and

13                    (vii)    40% for 2005 and all subsequent ~~calendar years~~ REPORTING  
14 PERIODS.}

15     ~~(C)     IN 2006 AND ALL SUBSEQUENT CALENDAR YEARS, BY WEIGHT 40% OF THE~~  
16 ~~CUMULATIVE TOTAL OF NEWSPRINT USED BY PUBLISHERS DURING THE CALENDAR~~  
17 ~~YEAR AND THE PREVIOUS 2 CALENDAR YEARS FOR NEWSPAPERS DISTRIBUTED IN~~  
18 ~~THE STATE SHALL BE RECYCLED MATERIALS.~~

19     (d)     (1)     ~~(1)     {The} EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~  
20 ~~SUBSECTION, THE~~ newsprint recycling incentive fee for any ~~calendar year~~  
21 REPORTING PERIOD is \$10 for each ton of a publisher's recycled content deficiency for  
22 the [year] ~~3-YEAR MEASURING PERIOD~~ REPORTING PERIOD, as determined under {  
23 paragraph (2) of this subsection} ~~SUBPARAGRAPH (II) OF THIS PARAGRAPH.~~

24             ~~{(2)}~~     ~~(II)~~     A publisher's recycled content deficiency for a ~~calendar year~~  
25 ~~UNDER THIS PARAGRAPH~~ REPORTING PERIOD is the difference between:

26                     ~~{(i)}~~     ~~1.~~     The product of multiplying the total tons of newsprint  
27 used by the publisher for the [year] ~~3-YEAR MEASURING PERIOD~~ REPORTING  
28 PERIOD times {the required percentage for that ~~year~~} 0.4 REPORTING PERIOD; and

29                     ~~{(ii)}~~    ~~2.~~     The actual tonnage of recycled material contained in the  
30 newsprint used by the publisher for the [year] ~~3-YEAR MEASURING PERIOD~~  
31 REPORTING PERIOD.

32             ~~(2)     (1)     IF A PUBLISHER CANNOT DETERMINE A RECYCLING CONTENT~~  
33 ~~PERCENTAGE FOR EITHER OF THE PREVIOUS 2 CALENDAR YEARS, THE NEWSPRINT~~  
34 ~~RECYCLING INCENTIVE FEE FOR THE CALENDAR YEAR IS \$10 FOR EACH TON OF A~~  
35 ~~PUBLISHER'S RECYCLED CONTENT DEFICIENCY FOR THE CALENDAR YEAR, AS~~  
36 ~~DETERMINED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.~~

1                    (H)     ~~A PUBLISHER'S RECYCLED CONTENT DEFICIENCY FOR A~~  
2 ~~CALENDAR YEAR UNDER THIS PARAGRAPH IS THE DIFFERENCE BETWEEN:~~

3                                 1.     ~~THE PRODUCT OF MULTIPLYING THE TOTAL TONS OF~~  
4 ~~NEWSPRINT USED BY THE PUBLISHER FOR THE CALENDAR YEAR TIMES 0.4; AND~~

5                                 2.     ~~THE ACTUAL TONNAGE OF RECYCLED MATERIAL~~  
6 ~~CONTAINED IN THE NEWSPRINT USED BY THE PUBLISHER FOR THE CALENDAR~~  
7 ~~YEAR.~~

8     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2006.