

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senator Dyson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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

1 Section 9-1707(b) and (d)
 2 Annotated Code of Maryland
 3 (1996 Replacement Volume and 2005 Supplement)

4 BY repealing
 5 Article - Environment
 6 Section 9-1707(c)
 7 Annotated Code of Maryland
 8 (1996 Replacement Volume and 2005 Supplement)

9 BY adding to
 10 Article - Environment
 11 Section 9-1707(c)
 12 Annotated Code of Maryland
 13 (1996 Replacement Volume and 2005 Supplement)

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

16 **Article - Environment**

17 9-1707.

18 (a) (1) In this section: the following words have the meanings indicated.

19 (1) (2) (I) "Newsprint" means paper of the type generally used in the
 20 publication of newspapers or commercial advertising inserts printed by the publisher
 21 that are made primarily from mechanical woodpulp combined with some chemical
 22 woodpulp; ~~and.~~

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

25 (3) "REPORTING PERIOD" MEANS:

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

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

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

34 (2) In the year following any ~~year~~ REPORTING PERIOD in which the
 35 Secretary determines, based on the reports submitted under subsection (e) of this

1 section, that the ~~3-YEAR~~ recycled content percentage requirements specified in
 2 subsection (c) of this section have not been met on a statewide basis, each newspaper
 3 shall:

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

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

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

14 (2) The recycled content percentage requirement is:

15 (i) 12% for 1992;

16 (ii) 12% for 1993;

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

18 (iv) 25% for 2000;

19 (v) 30% for 2001 and 2002;

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

21 (vii) 40% for 2005 and all subsequent ~~calendar years~~ REPORTING
 22 PERIODS.]

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

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

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

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

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

4 ~~(2)~~ ~~(I)~~ ~~IF A PUBLISHER CANNOT DETERMINE A RECYCLING CONTENT~~
5 ~~PERCENTAGE FOR EITHER OF THE PREVIOUS 2 CALENDAR YEARS, THE NEWSPRINT~~
6 ~~RECYCLING INCENTIVE FEE FOR THE CALENDAR YEAR IS \$10 FOR EACH TON OF A~~
7 ~~PUBLISHER'S RECYCLED CONTENT DEFICIENCY FOR THE CALENDAR YEAR, AS~~
8 ~~DETERMINED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.~~

9 ~~(II)~~ ~~A PUBLISHER'S RECYCLED CONTENT DEFICIENCY FOR A~~
10 ~~CALENDAR YEAR UNDER THIS PARAGRAPH IS THE DIFFERENCE BETWEEN:~~

11 ~~1-~~ ~~THE PRODUCT OF MULTIPLYING THE TOTAL TONS OF~~
12 ~~NEWSPRINT USED BY THE PUBLISHER FOR THE CALENDAR YEAR TIMES 0.4; AND~~

13 ~~2-~~ ~~THE ACTUAL TONNAGE OF RECYCLED MATERIAL~~
14 ~~CONTAINED IN THE NEWSPRINT USED BY THE PUBLISHER FOR THE CALENDAR~~
15 ~~YEAR.~~

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