
By: **Senator Dyson**

Introduced and read first time: January 30, 2006

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2006

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 indicated.

11 (4) (2) (I) "Newsprint" means paper of the type generally used in the
 12 publication of newspapers or commercial advertising inserts printed by the publisher
 13 that are made primarily from mechanical woodpulp combined with some chemical
 14 woodpulp; ~~and.~~

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

17 (3) "REPORTING PERIOD" MEANS:

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

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

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

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

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

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

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

26 ~~{(i)}~~ ~~+~~ 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)}~~ ~~-~~ 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) (H) 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.