

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

(i) For newspapers distributed in the State, satisfy the ~~2-YEAR~~ recycled content percentage requirement under subsection (c) of this section for the ~~calendar year~~ REPORTING PERIOD; or

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

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

(2) The recycled content percentage requirement is:

(i) 12% for 1992;

(ii) 12% for 1993;

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

(iv) 25% for 2000;

(v) 30% for 2001 and 2002;

(vi) 35% for 2003 and 2004; and

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

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

~~(d) (1) (4) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE newsprint recycling incentive fee for any calendar year REPORTING PERIOD is \$10 for each ton of a publisher's recycled content deficiency for the [year] 2-YEAR MEASURING PERIOD REPORTING PERIOD, as determined under [ paragraph (2) of this subsection.] SUBPARAGRAPH (II) OF THIS PARAGRAPH.~~

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

~~[(i)] ± The product of multiplying the total tons of newsprint used by the publisher for the [year] 2-YEAR MEASURING PERIOD REPORTING PERIOD times [the required percentage for that year] 0.4 REPORTING PERIOD; and~~