

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

(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 ~~3-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 ~~3-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) (A) [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] ~~3-YEAR MEASURING PERIOD~~ REPORTING PERIOD, as determined under [paragraph (2) of this subsection] ~~SUBPARAGRAPH (II) OF THIS PARAGRAPH.~~~~