

HOUSE BILL NO. 446

INTRODUCED BY D. MOOD

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA NEWSPRINT RECYCLING ACT; REQUIRING THAT MONTANA NEWSPAPER PUBLISHERS ESTABLISH NEWSPRINT RECYCLING SERVICES FOR THEIR SUBSCRIBERS AND OTHERS; PROVIDING DEFINITIONS; ESTABLISHING MANDATORY NEWSPRINT TARGET RECYCLING RATES; AUTHORIZING CIVIL PENALTIES; PROVIDING FOR A SCHOOL LIBRARY ACCOUNT; AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ADOPT RULES; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Legislative findings -- purpose.** (1) The legislature finds that the current

disposal of newsprint is costly, that newsprint is a major portion of the waste stream in state landfills, and that the improper disposal of newsprint has consistently contributed to the deterioration of the visual environment of Montana's roads and parks.

(2) The production and use of newsprint:

(a) represents an archaic technology that originated in the 1400s for the dissemination of information that now threatens our constitutional right to a clean and healthful environment;

(b) contributes to the destruction of natural landscapes, old-growth forests, and pristine watersheds; and

(c) threatens sensitive and endangered species of fish and wildlife.

(3) A newsprint distribution system is currently in place that should be utilized as a return system to ensure recycling of the newsprint.

(4) The purpose of [sections 1 through 9] is to establish a recycling system for a significant and meaningful portion of the newsprint distributed in Montana, to reduce the destruction of forests and forest ecosystems, and to minimize the need for taxpayer-supported disposal of recyclable wastes.

NEW SECTION. **Section 2. Short title.** [Sections 1 through 9] may be cited as the "Montana



1 Newsprint Recycling Act".

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3 **NEW SECTION. Section 3. Definitions.** For the purposes of [sections 1 through 9], unless the  
4 context requires otherwise, the following definitions apply:

5 (1) "Department" means the department of environmental quality established in 2-15-3501.

6 (2) "Environmental quality council" means the council established in 5-16-101.

7 (3) "Forest stewardship council" means the international association domiciled in Oaxaca, Mexico,  
8 and organized under bylaws ratified in 1994 to promote environmentally appropriate forest management.

9 (4) "Newsprint" means the paper product used in the printing or publishing of newspapers,  
10 including newspaper advertising inserts and advertising tabloids for want ads.

11 (5) (a) "Person" means the owner of a proprietorship, partnership, or corporation, including the  
12 parent corporation to multiple publishing entities, that annually distributes more than 2,000 tons of printed  
13 or published newsprint to consumers within the state.

14 (b) The term does not include a manufacturer or wholesale dealer of raw unprinted newsprint.

15 (6) "Recycled" means collected from consumers and delivered to certified recycling facilities or  
16 to appropriate manufacturing facilities for the purpose of recycling and reuse.

17 (7) "Recycling target" means the annual tonnage of newsprint collected and recycled divided by  
18 the annual tonnage of newsprint used, expressed as a percentage, for each newsprint publication  
19 distributed.

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21 **NEW SECTION. Section 4. Mandatory recycling -- use of virgin fiber.** (1) A person who is subject  
22 to [sections 1 through 9] shall:

23 (a) provide means and methods to ensure that the recycling targets in [section 5] for the newsprint  
24 used by the person are achieved;

25 (b) offer newsprint collection services to all regular subscribers and provide newsprint drop boxes  
26 or other collection devices at any location that is either a point of retail purchase or a point of free  
27 distribution of the printed or published newsprint; and

28 (c) submit a report to the department on a monthly basis, beginning January 1, 2003, that  
29 provides the information described in [section 6].

30 (2) Virgin fiber used in newsprint distributed by a person subject to the provisions of [sections 1

1 through 9] must originate from forests certified by the forest stewardship council as meeting all  
2 requirements of sustainable ecosystems.

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4 NEW SECTION. **Section 5. Mandatory recycling targets.** A person who is subject to [sections 1  
5 through 9] shall meet the following newsprint recycling targets:

6 (1) by July 1, 2003, 50% of the person's total tonnage of newsprint used annually must be  
7 recycled;

8 (2) by July 1, 2004, 70% of the person's total tonnage of newsprint used annually must be  
9 recycled; and

10 (3) by July 2005, 85% of the person's total tonnage of newsprint used annually must be recycled.

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12 NEW SECTION. **Section 6. Reporting.** (1) A person subject to [sections 1 through 9] shall, by the  
13 10th day of each month, report to the department:

14 (a) the total number of tons of newsprint used during the previous month;

15 (b) the total number of tons of newsprint collected during the previous month;

16 (c) the total number of tons of collected newsprint that was recycled during the previous month;

17 (d) the percent of recycled newsprint content, if any, of the newsprint distributed during the  
18 previous month;

19 (e) the total number of tons of recycled newsprint, if any, used in the printing or publication of  
20 the person's newsprint operation during the previous month;

21 (f) the total cost of newsprint purchases for the previous month; and

22 (g) the total cost of the newsprint recycling program for the previous month.

23 (2) The department shall report the results of the newsprint recycling program annually to the  
24 environmental quality council and make recommendations designed to encourage the recycling of  
25 newsprint and to further compliance with [sections 1 through 9].

26 (3) By July 1, 2003, and by July 1 of each succeeding year, each person subject to [sections 1  
27 through 9] shall report in that person's newsprint publication the results of the person's compliance with  
28 [sections 1 through 9].

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30 NEW SECTION. **Section 7. Civil penalties.** (1) A person who violates [sections 1 through 9],

1 except [section 5], or who violates a rule of the department is subject to a civil penalty not to exceed  
2 \$10,000. Each day of violation is a separate penalty.

3 (2) Penalties collected under this section must be deposited and distributed in accordance with  
4 [section 8].

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6 NEW SECTION. **Section 8. School library special revenue account.** There is a school library  
7 account in the state special revenue fund established in 17-2-102 that is to be administered by the  
8 department. All penalties assessed pursuant to [section 7] must be deposited in the account. Money in the  
9 account is available to the department by appropriation and must be distributed to benefit school libraries  
10 in the state. Funds must be distributed through a lottery process that the department shall develop by rule.  
11 A minimum of 50% of the funds must be distributed to school libraries in counties of the fifth, sixth, and  
12 seventh class, as defined in 7-1-2111.

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14 NEW SECTION. **Section 9. Department rules.** The department is authorized to adopt rules  
15 necessary for the implementation of [sections 1 through 9], including rules:

- 16 (1) for the reporting of newsprint recycling information;  
17 (2) for the distribution of penalties collected under [section 7]; and  
18 (3) that describe qualifying and appropriate newsprint recycling efforts.

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20 NEW SECTION. **Section 10. Codification instruction.** [Sections 1 through 9] are intended to be  
21 codified as an integral part of Title 75, chapter 10, and the provisions of Title 75, chapter 10, apply to  
22 [sections 1 through 9].

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24 NEW SECTION. **Section 11. Effective date.** If approved by the electorate, this act is effective  
25 January 1, 2003.

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27 NEW SECTION. **Section 12. Submission to electorate.** This act shall be submitted to the qualified  
28 electors of Montana at the general election to be held in November 2002 by printing on the ballot the full  
29 title of this act and the following:

30 [] FOR requiring the recycling of newsprint by newspapers.

