

# HB250 INTRODUCED



1 HB250  
2 1UMVZZ3-1  
3 By Representative Robbins  
4 RFD: Economic Development and Tourism  
5 First Read: 27-Feb-24



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

Under existing law there is no provision for the issuance of credits for sale or transfer among persons who use recyclable materials to produce a product or an energy source and persons seeking to redeem credits in order to offset their solid waste disposal costs.

This bill would authorize the Alabama Department of Environmental Management to issue recycle credits to persons using recyclable materials diverted from the solid waste stream in order to produce a new product or an energy source and allow the credits to be sold and traded to persons seeking to offset the cost of solid waste disposal at public or private landfills in the state.

This bill would provide the department with the authority to establish rules and distribute funds collected from certain fees and penalties and to provide oversight of the program.

This bill would also establish a civil penalty for fraud related to the transfer of recycle credits and for falsifying recycle credit certificates.

A BILL  
TO BE ENTITLED



## HB250 INTRODUCED

AN ACT

29  
30  
31 Relating to recyclable materials; to authorize the  
32 Alabama Department of Environmental Management to establish a  
33 recycle credit program for the issuance, sale, or transfer of  
34 recycle credits; and to establish civil penalties for  
35 violation of certain provisions of this act.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. (a) As used in this section, the following  
38 terms have the following meanings:

39 (1) DEPARTMENT. The Alabama Department of Environmental  
40 Management.

41 (2) RECYCLABLE MATERIALS. Recyclable materials, as  
42 defined in Section 22-27-2, Code of Alabama 1975.

43 (3) RECYCLE CREDIT. A transferable credit initially  
44 issued by the department to a recycler for every ton of  
45 recyclable materials used by a recycler to produce a new  
46 product or an energy source.

47 (4) RECYCLE CREDIT CERTIFICATE. A certificate  
48 evidencing the owner, quantity, and acquisition date of a  
49 specified number of recycle credits.

50 (5) RECYCLE CREDIT MARKET. An open market for the  
51 transfer of recycle credits.

52 (6) RECYCLER. The initial owner of a recycle credit  
53 issued by the department.

54 (7) TRANSFER. The change of ownership of a recycle  
55 credit from one person to another, whether in exchange for  
56 money or otherwise.



## HB250 INTRODUCED

57 (b) The department shall issue recycle credits  
58 following receipt of an application on a form established by  
59 the department evidencing that an applicant used at least one  
60 ton of recyclable materials to create a new product or an  
61 energy source.

62 (c) A recycle credit expires on either the third  
63 anniversary of the date it was issued or the date it is  
64 transferred to the department by the operator of a public or  
65 private solid waste disposal facility in the state, whichever  
66 occurs first.

67 (d) (1) The price of a recycle credit shall be  
68 determined by a written agreement between the transferor and  
69 transferee. The department shall establish the form of  
70 agreement.

71 (2) A recycle credit may be transferred to any person  
72 who desires to acquire the credit.

73 (3) The owner of a recycle credit may transfer a  
74 recycle credit on the recycle credit market, or use the  
75 recycle credit as payment to an operator of a public or  
76 private solid waste disposal facility located in the state to  
77 offset its solid waste disposal fees.

78 (e) (1) The department shall adopt rules and administer  
79 all recycle credit transactions.

80 (2) The department may not issue recycle credits and  
81 corresponding recycle credit certificates of more than 50  
82 million credits or certificates per calendar year.

83 (3) A transfer of a recycle credit is not valid unless,  
84 within 30 days following the transaction, the transferee has



## HB250 INTRODUCED

85 registered the transaction with the department by filing a  
86 registration form accompanied by a registration fee. The  
87 registration form and the registration fee shall be  
88 established by the department.

89 (f) A person may not falsify a recycle credit  
90 certificate or fraudulently transfer a recycle credit or a  
91 recycle credit certificate. The department may impose a civil  
92 penalty not to exceed one thousand dollars (\$1,000) for each  
93 violation of this subsection.

94 (g) The department shall transfer all funds collected  
95 from registration fees and civil penalties under this section  
96 each month as follows:

97 (1) Forty percent shall be paid to the Solid Waste  
98 Program.

99 (2) Forty percent shall be paid to the Recycle Credits  
100 Program.

101 (3) Twenty percent shall be paid to the Recycling Fund.

102 Section 2. This act shall become effective on October  
103 1, 2024.