

1 SB131  
2 208877-1  
3 By Senator Jones (N & P)  
4 RFD: Local Legislation  
5 First Read: 02-FEB-21  
6 PFD: 02/01/2021

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Etowah County; to require the owner of  
14 certain animal byproduct processing facilities to compensate  
15 the owners of certain nearby properties for loss of property  
16 value; to authorize the county or a municipality to charge a  
17 fee for the use of a landfill by certain animal byproduct  
18 processing facilities; and to provide for removal of certain  
19 abandoned animal byproduct processing facilities.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall apply only in Etowah  
22 County.

23 Section 2. For purposes of this act, the following  
24 terms shall have the following meanings:

25 (1) ANIMAL BYPRODUCT PROCESSING FACILITY. A  
26 rendering facility or similar facility for processing animal  
27 parts or byproducts not meant for human consumption. The term

1 does not include a slaughterhouse, deer processing facility,  
2 butcher shop, or any other animal processing facility  
3 processing animal products meant for human consumption.

4 (2) SUBJECT FACILITY. An animal byproduct processing  
5 facility that begins operations at any time following six  
6 months prior to the effective date of this act and which is  
7 located within three miles of the corporate limits of a  
8 municipality, and the owner or owners of which have had fifty  
9 million dollars (\$50,000,000) or more in fines assessed  
10 against them since January 1, 2000, for violations of federal  
11 law or regulations. For purposes of this subdivision, "owner"  
12 includes any individual, parent company, conglomerate, or  
13 other person or entity owning, or possessing a majority of  
14 stock of, the business or real property.

15 Section 3. (a) A subject facility shall compensate  
16 the owner of any property located within three miles of the  
17 facility for diminution in the value of the property in an  
18 amount reflecting the difference between the following:

19 (1) The appraised market value of the property for  
20 the year the subject facility begins operation, as certified  
21 by a person licensed to perform real estate appraisals in this  
22 state.

23 (2) The appraised market value of the property for  
24 the third year after the subject facility begins operation, as  
25 certified by a person licensed to perform real estate  
26 appraisals in this state.

1 (b) (1) Prior to the commencement of operations at  
2 any subject facility, the facility shall ensure that the  
3 property appraisal described in subdivision (a) (1) is  
4 performed on each property within three miles of the facility  
5 and shall pay any costs for the appraisal. No later than 14  
6 days after each appraisal is performed, the subject facility  
7 shall deliver a certified copy of the appraisal to the owner  
8 of each property that was appraised, along with a written  
9 notice of the process for requesting compensation under  
10 subsection (c).

11 (2) No sooner than 30 months after, and no later  
12 than three years after, the commencement of operations at any  
13 subject facility, the facility shall ensure that the property  
14 appraisal described in subdivision (a) (2) is performed on each  
15 property within three miles of the facility and shall pay any  
16 costs for the appraisal. No later than 14 days after each  
17 appraisal is performed, the subject facility shall deliver a  
18 certified copy of the appraisal to the owner of the property,  
19 along with a written notice of the process for requesting  
20 compensation under subsection (c).

21 (c) (1) A property owner seeking compensation from a  
22 subject facility as provided in subsection (a) shall submit a  
23 written request for the compensation by certified mail to the  
24 registered agent of the subject facility or the address of the  
25 place of business of the subject facility. The request shall  
26 include certified copies of the appraisals of the property

1 provided for in subsection (a), and shall specify the amount  
2 requested.

3 (2) Within 60 days following receipt of a request  
4 for compensation as provided in subdivision (1), the subject  
5 facility shall pay the requested compensation.

6 (3) A property owner who does not receive  
7 compensation from the subject facility within the time period  
8 required in subdivision (2) may seek relief in a court of  
9 competent jurisdiction and shall be entitled to judgment in  
10 the amount of two times the compensation requested, attorney's  
11 fees, and court costs.

12 Section 4. A county or a municipality, if  
13 voluntarily operating a landfill as defined in Section  
14 22-27-2, Code of Alabama 1975, may charge a tipping fee for  
15 use of the county or municipal landfill by a subject facility.  
16 The county may deposit all or a portion of the tipping fee in  
17 the county general fund to be used for county general  
18 purposes, and a municipality may deposit all or a portion of  
19 the tipping fee in the municipal general fund to be used for  
20 municipal general purposes. This section may not be construed  
21 to grant any solid waste disposal authority or county or  
22 municipality the authority to impose a tipping fee on the  
23 processing, treatment, or disposal of solid waste at a  
24 privately-owned or privately-operated solid waste facility.

25 Section 5. A subject facility that does not operate  
26 continuously for 365 consecutive days may be deemed abandoned  
27 by the county commission of the county in which the subject

1 facility is located and shall be removed by the operator of  
2 the system. The permit holder may request that the county  
3 commission delay the designation of abandonment by submitting  
4 satisfactory proof that the system has not been abandoned and  
5 a date when the system will become operable. The decision to  
6 delay a designation of abandonment shall be at the sole  
7 discretion of the county commission.

8 Section 6. The provisions of this act are severable.  
9 If any part of this act is declared invalid or  
10 unconstitutional, that declaration shall not affect the part  
11 which remains.

12 Section 7. This act shall become effective  
13 immediately following its passage and approval by the  
14 Governor, or its otherwise becoming law.