

1 HB553
2 185646-1
3 By Representative Williams (P)
4 RFD: State Government
5 First Read: 25-APR-17

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, certain employers who
9 relocate their business out of the State of Alabama
10 are not required to report the relocation to the
11 Secretary of the Department of Labor.

12 This bill would establish the Alabama
13 Employer Fairness Act.

14 This bill would require each employer who
15 does any business with this state, a state agency,
16 or any political subdivision of this state or
17 receives any tax credit, tax incentive, loan, or
18 grant from the state, a state agency, or any
19 political subdivision of this state to report the
20 relocation to the Secretary of Labor.

21 This bill would require the Secretary of
22 Labor to provide a list containing the names of
23 each relocating employer and each employer who
24 fails to meet the stated commitments of the tax
25 credit, tax incentive, loan, or grant received from
26 the state, a state agency, or any political

1 subdivision of this state to certain public and
2 elected officials.

3 This bill would provide for civil penalties
4 against any employer who fails to provide
5 appropriate relocation notice.

6 This bill would prohibit any employer who
7 appears on the reporting list from receiving any
8 direct or indirect tax credit, tax incentive, loan,
9 or grant in the future.

10 This bill would require any employer who
11 appears on the list to remit the unamortized value
12 of any tax credit, tax incentive, loan, or grant,
13 or any other governmental support.

14 This bill would also provide for exceptions.

15
16 A BILL

17 TO BE ENTITLED

18 AN ACT

19
20 Relating to economic development; to establish the
21 Alabama Employer Fairness Act; to require each employer that
22 does any business with this state, a state agency, or any
23 political subdivision of this state or receives any tax
24 credit, tax incentive, loan, or grant from the state, a state
25 agency, or any political subdivision of this state to report
26 any relocation of their business outside of this state to the
27 Secretary of Labor; to require the Secretary of Labor to

1 provide a list containing the names of each relocating
2 employer and each employer who fails to meet the stated
3 commitments of the tax credit, tax incentive, loan, or grant
4 received from the state, a state agency, or any political
5 subdivision of this state to certain public and elected
6 officials; to provide civil penalties for any employer who
7 fails to provide an appropriate relocation notice; to prohibit
8 any employer who appears on the reporting list from receiving
9 any direct or indirect tax credit, tax incentive, loan, or
10 grant; to require any employer who appears on the list to
11 remit the unamortized value of any tax credit, tax incentive,
12 loan, or grant, or any other governmental support; and to
13 provide exceptions.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act shall be known and may be cited
16 as the Alabama Employer Fairness Act.

17 Section 2. For the purposes of this act, the
18 following words and phrases shall have the following meanings:

19 (1) PART-TIME EMPLOYEE. An individual employed for
20 an average of fewer than 20 hours each week or for fewer than
21 six of the 12 months before the date on which a determination
22 to relocate is made.

23 (2) POLITICAL SUBDIVISION. The local political
24 jurisdiction immediately below the level of state government,
25 including, but not limited to, municipalities and counties.

1 (3) PRINCIPAL OFFICE. The office in this state of an
2 employer in which the decision makers for the employer within
3 this state conduct the daily business affairs of the employer.

4 (4) SECRETARY. The Secretary of the Alabama
5 Department of Labor.

6 (5) STATE. The State of Alabama.

7 (6) STATE AGENCY. Any agency, institution,
8 authority, department, board, commission, bureau, or council
9 of the state.

10 Section 3. An employer that does any business with
11 this state, a state agency, or any political subdivision of
12 this state or receives any tax credit, tax incentive, loan, or
13 grant from this state, a state agency, or any political
14 subdivision of this state that intends to relocate any
15 operation or facility from within this state to outside of
16 this state shall notify the secretary at least 120 days before
17 the relocation is scheduled to take place if it employs any of
18 the following:

19 (1) Fifty or more individuals, excluding part-time
20 employees.

21 (2) Fifty or more individuals who, in the aggregate,
22 work at least 1,500 hours each week for the employer, not
23 including overtime hours.

24 Section 4. (a) Beginning January 1, 2018, and every
25 six months thereafter, the secretary shall compile a list of
26 every employer that has relocated an operation or facility
27 from within this state to outside of this state and each

1 employer who fails to meet the stated commitments of the tax
2 credit, tax incentive, loan, or grant received from this
3 state, a state agency, or any political subdivision of this
4 state. The secretary shall include on the list the name of
5 each employer and the date on which the operation or facility
6 was relocated, and he or she shall immediately transmit the
7 list to all of the following:

8 (1) The Governor.

9 (2) The Lieutenant Governor.

10 (3) The Speaker of the House of Representatives.

11 (4) The Clerk of the House of Representatives.

12 (5) The Secretary of the Senate.

13 (6) Each state agency and political subdivision of
14 the state that provided an employer on the list with any
15 grants, loans, or tax credits.

16 (b) The Clerk of the House of Representatives and
17 the Secretary of the Senate shall transmit a copy of the list
18 to members of their respective bodies by electronic mail.

19 (c) An employer that appears on the reporting list
20 is ineligible for any direct or indirect tax credit, tax
21 incentive, loan, benefit, or grant from the state, a state
22 agency, or any political subdivision of this state for five
23 years after the date a list is published which contains the
24 name of the employer.

25 (d) An employer that appears on the list shall remit
26 to the secretary, the state, or the appropriate state agency,
27 or political subdivision of the state, the unamortized value

1 of any tax credit, tax incentive, loan, or grant, or any other
2 governmental support the employer previously received to the
3 secretary, or the appropriate state agency, or political
4 subdivision of the state.

5 Section 5. If an employer fails to provide the
6 appropriate relocation notice, the secretary shall inform the
7 Attorney General and the Attorney General shall commence an
8 action for a civil penalty against the employer in the county
9 in which the principal office of the employer is or was
10 located. On a finding that an employer has violated this act,
11 the court shall assess a civil penalty of not more than ten
12 thousand dollars (\$10,000) against the employer for each day
13 the employer failed to provide the notice. A court may reduce
14 any civil penalty imposed under this act if the court
15 determines that an employer has shown just cause as to why
16 notification was not made in the time frame required.

17 Section 6. The secretary, in consultation with the
18 appropriate state agency or political subdivision of the state
19 providing a tax credit, tax incentive, loan, or grant, or any
20 other governmental support, may waive the ineligibility
21 requirement if the employer demonstrates that a lack of tax
22 credit, tax incentive, loan, or grant, or any other
23 governmental support if the ineligibility would result in any
24 of the following:

25 (1) Substantial job loss in the state of any of the
26 employers remaining business in the state.

27 (2) Harm to the environment.

1 Section 7. This act may not be construed to permit
2 withholding or denial of payments, compensation, or benefits
3 under any other state law including, but not limited to, state
4 unemployment compensation, disability payments, or worker
5 retraining or readjustment funds to workers employed by
6 employers that relocate from this state.

7 Section 8. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.