1 SB231
2 ZVUBWK-2
3 By Senators Orr, Jones, Roberts, Hovey, Allen, Weaver
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 19-Mar-24
Enrolled, An Act,

Relating to labor organizations; to condition an employers' eligibility for economic development incentives upon the employer refraining from certain practices relating to employee representation by a labor organization; and to provide oversight.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For purposes of this section, the following words have the following meanings:

(1) ECONOMIC DEVELOPMENT INCENTIVE. A grant, loan, or tax credit provided by the state or local government to an employer, not including any incentive made pursuant to Article 13 of Chapter 23 of Title 41, Code of Alabama 1975.

(2) EMPLOYEE. An individual who performs services for an employer for wages that are subject to withholding requirements under 26 U.S.C. § 3402.

(3) EMPLOYER. A person or entity that voluntarily pursues an economic development incentive and enters into an agreement with the state or local government for the purpose of receiving the incentive.

(4) LABOR ORGANIZATION. The same meaning as provided in Section 25-7-2, Code of Alabama 1975.

(5) PERSONAL CONTACT INFORMATION. An individual's home address, home phone number, cell phone number, or personal email address.

(6) PROJECT. The activity or enterprise for which an
employer receives an economic development incentive.

(7) SECRET BALLOT ELECTION. A process conducted by an agent of the National Labor Relations Board in which an employee casts a secret ballot for or against labor organization representation.

(8) SUBCONTRACTOR. A person that has contracted with an employer to perform work or provide services.

(b) No employer shall be eligible to receive an economic development incentive for a project if the employer does any of the following:

(1) Voluntarily grants recognition rights for the employer's employees solely and exclusively on the basis of signed labor organization authorization cards if the selection of a bargaining representative may be conducted through a secret ballot election.

(2) Voluntarily discloses an employee's personal contact information to a labor organization or third party acting on behalf of a labor organization without the employee's prior written consent, unless otherwise required by state or federal law.

(3) Requires a subcontractor to engage in activities prohibited by subdivision (1) or (2).

(c) An employer that engages in any activity prohibited by subsection (b) which has received an economic development incentive for any project shall be required to repay all economic development incentives received over the life of the project.

(d) Subsection (b) shall not apply to any employer or
subcontractor that does not directly receive an economic
development incentive.

(e) This section shall not apply to any agreement
between the state and an employer, or between a county or
municipality and an employer, executed prior to January 1,
2025.

(f) This section shall not apply to any employer with a
collective bargaining unit where an employer, as of the
effective date of this act, has entered into a collective
bargaining agreement for that collective bargaining unit with
a labor organization or to which a secret ballot election has
already occurred under applicable federal law.

(g) The Alabama Department of Revenue or administering
agency of the incentive may investigate potential violations
of subsection (b) and enforce this section.

Section 2. This act shall become effective immediately.
This act shall become effective immediately.

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB231
Senate 16-Apr-24
I hereby certify that the within Act originated in and passed the Senate, as amended.

Senate 07-May-24
I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

Patrick Harris,
Secretary.

House of Representatives
Passed: 23-Apr-24, as amended.

House of Representatives
Passed: 07-May-24, as amended by Conference Committee Report.

By: Senator Orr