

SB252 ENROLLED



1 SB252
2 ZVSFKWK-2
3 By Senators Reed, Singleton, Barfoot, Butler, Weaver,
4 Livingston, Figures, Chesteen, Allen, Jones, Price, Elliott,
5 Williams, Melson, Carnley, Sessions, Roberts, Shelnut,tt,
6 Waggoner, Smitherman, Coleman-Madison, Kelley, Givhan,
7 Kitchens, Hovey, Coleman
8 RFD: Fiscal Responsibility and Economic Development
9 First Read: 21-Mar-24



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1 Enrolled, An Act,

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3 To add Article 24, commencing with Section 41-10-870,
4 to Chapter 10, Title 41 of the Code of Alabama 1975; to create
5 the Alabama Growth Alliance; to provide legislative findings;
6 to provide for its incorporation; to provide for the creation
7 of a board; to provide for the powers and duties of the
8 corporation; to allow the corporation to enter into contracts;
9 to provide for amendments to the governing documents of the
10 corporation; and to provide for the dissolution of the
11 corporation.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. This Act shall be known and may be cited as
14 the Alabama Growth Alliance Act.

15 Section 2. Article 24, commencing with Section
16 41-10-870, is added to Chapter 10, Title 41 of the Code of
17 Alabama 1975, to read as follows:

18 41-10-870. LEGISLATIVE FINDINGS

19 The Legislature finds and declares all of the
20 following:

21 (1) The State of Alabama has a great need to ensure the
22 long-term viability of the state's economic development
23 successes.

24 (2) Other states have had significant success in
25 economic development by involving the private sector in
26 long-term planning to help identify and fill strategic gaps in
27 states efforts that are not currently addressed by existing
28 agencies, ensuring a comprehensive approach to economic growth



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29 and development.

30 (3) It is believed that by taking advantage of private
31 sector expertise and support that exists within many chambers
32 of commerce and other organizations, the state will be able to
33 develop initiatives more rapidly and efficiently.

34 (4) By leveraging the strengths of both the public and
35 private sectors, the state can foster a more collaborative and
36 efficient approach to economic development, leading to more
37 innovative and effective solutions.

38 (5) A public-private partnership can supplement
39 existing state efforts to focus on the development of
40 specific, high-growth industries where Alabama has competitive
41 advantages, ensuring the state becomes a national or global
42 leader in these sectors.

43 (6) By focusing on long-range planning, the
44 public-private partnership can ensure that Alabama's economic
45 development efforts are sustainable and forward-thinking, thus
46 providing stability and predictability for businesses and
47 investors.

48 (7) States with proactive economic development
49 strategies, such as public-private partnerships, can be more
50 successful in attracting investment. Creation of a similar
51 model will help give Alabama a competitive edge in the
52 national and global market, helping to attract significant
53 business investments.

54 (8) It is desirable and in the public interest to
55 establish a public corporation governed by a board of public
56 and private leaders to be a part of the state's economic



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57 development strategies designed to sustain and enhance
58 Alabama's long-term success, growth, and viability of its
59 economic development policies.

60 41-10-871. DEFINITIONS

61 For the purposes of this article, the following terms
62 have the following meanings:

63 (1) BOARD. The governing board of the corporation.

64 (2) CORPORATION. The Alabama Growth Alliance created by
65 this article as a public corporation having a legal existence
66 separate and apart from the state and any county,
67 municipality, or political subdivision.

68 (3) ECONOMIC DEVELOPMENT ENTITY.

69 a. A nonprofit corporation that possesses all of the
70 following characteristics:

71 1. Is organized as a nonprofit corporation exempt from
72 federal income tax under Section 501(c) of the Internal
73 Revenue Code of 1986, as amended.

74 2. Has a record of, or can demonstrate that it is
75 capable of, serving the entire state on matters involving
76 economic development.

77 3. Has a record of, or can demonstrate that it is
78 capable of, developing, fostering, and implementing economic
79 development policies and strategies across Alabama.

80 4. Has received, or is eligible to receive, grant
81 funding from the state or from federal or private sources.

82 b. In determining whether a nonprofit corporation
83 qualifies as an economic development entity, the board may
84 attribute to the nonprofit corporation the experiences of its



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85 officers, staff, and directors with other nonprofit
86 corporations.

87 41-10-872. INCORPORATION OF GROWTH ALLIANCE

88 (a) The Governor, the Speaker of the House of
89 Representatives, and the President Pro Tempore of the Senate
90 shall present to the Secretary of State an application, signed
91 by each of them, for the formation of the Alabama Growth
92 Alliance, as a public corporation, having a legal existence
93 separate and apart from the state and any county,
94 municipality, or political subdivision, which shall set forth
95 all of the following:

96 (1) The name, office, and office location of each of
97 the applicants.

98 (2) The date on which each applicant was sworn into
99 office for his or her current term of office.

100 (3) The name of the proposed public corporation, which
101 shall be the Alabama Growth Alliance.

102 (4) The location of the principal office of the
103 proposed corporation.

104 (5) Provisions requiring the board to support the
105 Department of Commerce in the development of a recommended
106 annual strategic economic development plan for the state and
107 standards of measure to be used in measuring the corporation's
108 achievements in executing the plan.

109 (6) Provisions requiring the board to review the
110 state's primary economic development incentives on a biennial
111 basis and reviewing the effectiveness of the incentives to
112 create jobs, attract new business, encourage existing business



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113 expansions, and achieve other goals as may be determined by
114 the board, in cooperation with the Joint Legislative Advisory
115 Committee on Economic Incentives or any third party contracted
116 with by that committee.

117 (7) Any other matter relating to the corporation that
118 the applicants may choose to insert and that is not
119 inconsistent with this article or state law.

120 (b) The application shall be subscribed and sworn to by
121 each applicant before a notary public. The Secretary of State
122 shall examine the application, and, if he or she finds that
123 the application substantially complies with the requirements
124 of this section, the application shall be filed and recorded
125 in an appropriate book of records in the office of the
126 Secretary of State.

127 (c) When the application has been made, filed, and
128 recorded as provided in subsection (b), the applicants shall
129 constitute a public corporation under the name stated in the
130 application, and the Secretary of State shall make and issue
131 to the applicants a certificate of incorporation pursuant to
132 this article, under the Great Seal of the State, and shall
133 record the certificate with the application. There shall be no
134 fees paid to the Secretary of State for any filing made by the
135 corporation pursuant to this article.

136 (d) Notwithstanding any provision of law to the
137 contrary, any corporation incorporated pursuant to this
138 section shall not be deemed to be a part of the state for any
139 purpose but shall be treated as a public corporation separate
140 and apart from the state.



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141 41-10-873. BOARD OF GROWTH ALLIANCE

142 (a) The corporation shall be under the management and
143 control of a board of directors, and all powers necessary or
144 appropriate for the management and control of the corporation
145 shall be vested solely in the board. The board shall be
146 comprised of both ex officio members and at-large members, all
147 of whom shall be voting members of the board and shall be
148 considered in determining whether a quorum is present.

149 (b) The board shall have the following members:

150 (1) Ex officio members, consisting of the Governor, who
151 shall be the chair, the Secretary of Commerce, who shall be
152 the co-chair, the Speaker of the House of Representatives, the
153 President Pro Tempore of the Senate, the Minority Leader of
154 the House of Representatives, the Minority Leader of the
155 Senate, and the chair of Innovate Alabama. The service of each
156 ex officio member shall run concurrently with his or her
157 tenure in office or position. Each ex officio member may
158 appoint a person to serve in his or her place at any meeting
159 of the board or may designate a person to serve in his or her
160 place at all meetings of the board until the term of the ex
161 officio member should end. The appointee or designee shall be
162 counted for purposes of a quorum and voting. Each ex officio
163 member may withdraw the appointment or designation of his or
164 her appointee or designee at any time.

165 (2) The Governor shall appoint five at-large members
166 and the Lieutenant Governor, President Pro Tempore of the
167 Senate, and Speaker of the House of Representatives shall each
168 appoint one at-large member. Each at-large member shall be an



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169 individual in the private sector with experience relevant to
170 the purposes and activities of the corporation including, but
171 not limited to, experience with any of the following:

172 a. Participating on boards of, or being employed by,
173 nonprofit corporations which promote economic development
174 throughout the state.

175 b. Having other experience relevant to statewide,
176 long-term economic development strategies including, but not
177 limited to, any of the following:

178 1. Performing enhanced, coordinated research to
179 identify targeted growth sectors.

180 2. Identifying sites for economic development and
181 successfully marketing the sites for major business site
182 selection opportunities.

183 3. Developing assessments of key issues impacting the
184 growth of Alabama's existing business and industry, along with
185 strategies to address challenges and pursue opportunities.

186 (c) Board members shall be subject to the Alabama
187 ethics law.

188 (d) In making appointments of at-large members, the
189 Governor shall coordinate his or her appointments so that
190 diversity of gender, race, and geographical areas of the board
191 of directors is reflective of the makeup of the state.

192 (e) (1) The service of each at-large member shall begin
193 upon written acceptance of his or her appointment. Each member
194 shall serve a term of two years following such written
195 acceptance.

196 (2) Each at-large member shall continue to serve until



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197 the member is reappointed, or a successor is appointed, to the
198 office.

199 (3) An at-large member may only serve a maximum of two
200 consecutive terms of office but may be reappointed after he or
201 she has spent at least two years without serving as an
202 at-large member.

203 (4) An at-large member may be removed by the Governor
204 for any reason, at which time the Governor shall appoint a
205 different person to serve.

206 (5) A person appointed to fill a vacancy shall serve
207 the remainder of the unexpired term and may be reappointed to
208 serve an additional term.

209 (f) No member shall receive compensation because of his
210 or her service as a member. Each member may be reimbursed for
211 actual and reasonable travel expenses incurred in the
212 performance of his or her duties as a member.

213 (g) A majority of the members shall constitute a quorum
214 for the transaction of business by the board, and decisions
215 shall be made on the basis of a majority of the quorum then
216 present and voting. No vacancy in the membership of the board
217 or the voluntary disqualification or abstention of any member
218 shall impair the right of a quorum to exercise all of the
219 powers and duties of the board. Members of the board may
220 participate in meetings of the board in person, by means of
221 telephone conference, video conference, or other similar
222 communications equipment, so that all individuals
223 participating in the meeting may hear each other at the same
224 time. Participation by any such means shall constitute



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225 presence in person at a meeting for all purposes, including
226 for purposes of establishing a quorum. The board shall be
227 subject to Chapter 25A of Title 36, provided, however, that
228 notice of each meeting shall occur at least seven days prior
229 to the meeting and, provided further, that an emergency
230 meeting of the board may be called by either the chair or
231 cochair when circumstances exist that are deemed by the chair
232 or cochair to address unforeseen economic opportunities that
233 require immediate action including, but not limited to, a
234 major company considering relocation to Alabama but requiring
235 swift commitment from state authorities, or threats including,
236 but not limited to, the sudden closure of a major employer,
237 which could significantly impact the state's economy. Notice
238 of an emergency meeting should be given at least 24 hours
239 prior to the time the meeting is to commence, unless the
240 circumstances of the emergency are such that the meeting must
241 convene sooner. In addition to the reasons set forth in
242 Section 36-25A-7, the board may go into executive session to
243 discuss sensitive matters the disclosure of which would
244 undermine or jeopardize economic development, trade, or the
245 objectives of the corporation.

246 (h) Notwithstanding subsection (g), any action required
247 by this article to be taken at a meeting of the board of
248 directors of the corporation or any action that may be taken
249 at a meeting of a committee of the board of directors may be
250 taken without a meeting if a consent in writing, setting forth
251 the action so taken, is signed either electronically or in
252 person by all of the directors of the board or all of the



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253 members of the committee, as the case may be.

254 (i) The board may appoint other officers to perform
255 duties not inconsistent with this article or applicable law,
256 as the board deems necessary or appropriate.

257 (j) In addition to regular meetings of the board, as
258 may be provided by law or by bylaws adopted by the board,
259 special meetings of the board may be called by the chair
260 acting alone or by any three other members acting in concert,
261 in each case upon notice to each member given in person, by
262 email, by registered letter, or by other means. Notice to each
263 member may be waived upon the unanimous written consent of all
264 members, either before or after the meeting with respect to
265 which the notice would otherwise be required.

266 (k) Minutes of all board meetings shall be kept and
267 maintained in the records of the corporation.

268 41-10-874. POWERS OF GROWTH ALLIANCE

269 (a) The board shall have all of the powers necessary to
270 carry out and effectuate the purposes of this article
271 including the following powers:

272 (1) Provide input and support on the development,
273 monitoring, and updating of the long-range economic
274 development vision and strategies of the state.

275 (2) Support the development and implementation of
276 objectives and key tactics to achieve the long-range economic
277 development vision and strategies of the state.

278 (3) Identify opportunities and make recommendations to
279 the Governor regarding the coordination of economic
280 development efforts between state agencies, private



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281 organizations, and other economic development entities and
282 stakeholders.

283 (4) Provide input and support related to the
284 establishment of a communication plan to ensure key
285 stakeholders are periodically informed on economic development
286 progress and results.

287 (5) Provide input and support in regards to biennially
288 measuring the effectiveness of key economic development
289 incentives, which shall include, but not be limited to, the
290 Alabama Jobs Act, the Growing Alabama Act, the Innovating
291 Alabama Act, the Site Evaluation Economic Development
292 Strategy, and the Tax Incentive Reform Act of 1992, in
293 cooperation with the Joint Legislative Advisory Committee on
294 Economic Incentives or any third party contracted with by that
295 committee.

296 (6) Provide input on and support to implement the
297 following economic development objectives:

298 a. Increasing private investment in Alabama.

299 b. Advancing international and domestic trade
300 opportunities.

301 c. Marketing the state as a pro-economic growth
302 location for new investment.

303 d. Revitalizing, retaining, and expanding Alabama's
304 manufacturing industries, and promoting emerging complementary
305 industries.

306 e. Assisting, promoting, and enhancing economic
307 opportunities in the state's rural communities.

308 f. Promoting opportunities for minority-owned



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309 businesses.

310 g. Identifying economic growth opportunities in
311 emerging sectors.

312 h. Recognizing the unique natural resources of Alabama,
313 promoting and supporting ecotourism opportunities in the state
314 in order to enhance the state's attractiveness for a skilled
315 workforce.

316 (7) Adopt, alter, and repeal bylaws for the regulation
317 and conduct of the corporation's affairs and business, and for
318 the implementation of this article.

319 (8) Make and enter into contracts, leases, and
320 agreements, and take other actions as may in its judgment be
321 necessary or desirable to accomplish the purposes of the
322 corporation and to exercise any power necessary for the
323 accomplishment of the purposes of the corporation or
324 incidental to the powers expressly set forth in this article.

325 (9) Appoint, employ, and contract with employees,
326 agents, advisors, consultants, and service providers
327 including, but not limited to, attorneys, accountants,
328 financial experts, and other advisors, consultants, and agents
329 as may in its judgment be necessary or desirable to accomplish
330 any purpose of the corporation or incidental to the powers
331 expressly set forth in this article, and to fix the
332 compensation of those persons.

333 (10) Manage, invest, and expend funds at its disposal.

334 (11) Grant monies and things of value in aid of or to,
335 any individual, firm, corporation, or other business entity,
336 public or private, as may in its judgment be necessary or



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337 desirable to accomplish any purpose of the corporation or
338 incidental to the powers expressly set forth in this article.

339 (12) Take any action necessary to exercise its rights
340 or fulfill its obligations relevant to the corporation under
341 state law.

342 (13) In addition to the foregoing, the board shall have
343 all of the powers necessary to carry out and effectuate the
344 purposes of this article; provided that nothing in this
345 article shall be construed to authorize the board to exercise
346 any power conferred by law on any agency, department, office,
347 or other instrumentality of state government.

348 (b) The board may enter into agreements with one or
349 more economic development entities to assist the corporation
350 with: (i) periodic evaluation of Alabama's competitiveness
351 with other states; and (ii) developing and analyzing global,
352 national, state, and sector economic trends and conditions to
353 support strategic planning. In undertaking any of the
354 foregoing, the agreement shall accomplish both of the
355 following:

356 (1) Requires regular reporting to the corporation by
357 the economic development entity.

358 (2) Allows for the reasonable costs of the economic
359 development entity to be reimbursed or otherwise paid only if
360 directly related to the fulfillment of the agreement, as
361 determined by the corporation.

362 (c) The board may make, enter into, and execute
363 contracts, agreements, and other instruments with, accept aid
364 and grants from, and cooperate with, any other person or



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365 entity including, but not limited to, all of the following:

366 (1) The United States of America, the state, or any
367 agency, instrumentality, or political subdivision of either.

368 (2) For profit or nonprofit private entities.

369 (3) Public bodies, departments, or authorities
370 including, but not limited to, the executive departments of
371 the state, to act on behalf of the board in carrying out
372 functions which the board determines are consistent with the
373 corporation's powers.

374 (d) The corporation shall be, and shall operate as, a
375 public corporation and shall have a legal existence separate
376 and apart from the state and any county, municipality, or
377 political subdivision.

378 41-10-875. GROWTH ALLIANCE CONTRACTS

379 The board may enter into contracts, leases, agreements,
380 investments, and may otherwise expend monies without
381 compliance with Article 5, commencing with Section 41-4-110,
382 of Chapter 4 of Title 41, and Chapter 2 of Title 39. Solely as
383 a result of entering into contracts, leases, agreements,
384 investments, or otherwise, no for-profit or nonprofit private
385 entity, nor the officers, employees, agents, or directors of
386 any of the foregoing, shall become subject to Chapter 25 or
387 Chapter 25A of Title 36; Article 5, commencing with Section
388 41-4-110, of Chapter 4 of Title 41; Chapter 2 of Title 39; or
389 Article 3, commencing with Section 36-12-40, of Chapter 12 of
390 Title 36.

391 41-10-876. AMENDMENTS

392 At any time, the Governor, the Speaker of the House of



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393 Representatives, and the President Pro Tempore of the Senate
394 may cause their application for formation to be amended by
395 filing an amendment with the Secretary of the State, which may
396 cause its application for formation to be amended by having
397 five of its members file an amendment with the Secretary of
398 State, which shall be sworn to by each signatory thereto
399 before a notary public.

400 41-10-877. DISSOLUTION

401 At any time, the board, by at least three-quarters
402 vote, may dissolve the corporation by having at least
403 three-quarters of its members file with the Secretary of State
404 an application for dissolution, which shall be sworn to by
405 each signatory thereto by a notary public. Upon the filing of
406 the application for dissolution, the corporation shall cease
407 to exist. The Secretary of State shall file and record the
408 application for dissolution, and shall make and issue, under
409 the Great Seal of the State, a certificate that the
410 corporation is dissolved, and shall record the certificate
411 with the application for dissolution. Title to all property
412 held in the name of the corporation shall be vested in the
413 state upon dissolution of the corporation.

414 41-10-878. REPORT TO LEGISLATURE

415 Prior to each legislative session beginning in 2026,
416 the corporation shall submit an annual report to the
417 Legislature detailing the corporation's efforts to accomplish
418 the goals pursuant to this article.

419 Section 3. This act shall become effective October 1,
420 2024, following its passage and approval by the Governor, or



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421 its otherwise becoming law.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 09-Apr-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Senate 30-Apr-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: 18-Apr-24, as amended.

House of Representatives
Passed: 02-May-24, as amended by Conference Committee Report.

By: Senator Reed