

SB231 ENROLLED



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



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1 Enrolled, An Act,

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

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 (1) ECONOMIC DEVELOPMENT INCENTIVE. A grant, loan, or
13 tax credit provided by the state or local government to an
14 employer, not including any incentive made pursuant to Article
15 13 of Chapter 23 of Title 41, Code of Alabama 1975.

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

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

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

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

28 (6) PROJECT. The activity or enterprise for which an



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29 employer receives an economic development incentive.

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

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

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

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

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

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

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

56 (d) Subsection (b) shall not apply to any employer or



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57 subcontractor that does not directly receive an economic
58 development incentive.

59 (e) This section shall not apply to any agreement
60 between the state and an employer, or between a county or
61 municipality and an employer, executed prior to January 1,
62 2025.

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

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

72 Section 2. This act shall become effective immediately.



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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