

**SB167 ENGROSSED**



1 SB167  
2 NUID888-2  
3 By Senators Coleman, Hatcher, Coleman-Madison, Beasley,  
4 Smitherman, Singleton, Stewart  
5 RFD: Fiscal Responsibility and Economic Development  
6 First Read: 27-Feb-24



**SB167 Engrossed**

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Jobs Act; to amend Section 40-18-374, as last amended by Act 2023-34, 2023 Regular Session, Code of Alabama 1975; to provide any jobs act incentives awarded to an incentivized company may be recaptured if the incentivized company or a related company engaged in human trafficking violations or violated the Fair Labor Standards Act of 1938.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-18-374, as last amended by Act 2023-34, 2023 Regular Session, Code of Alabama 1975, is amended to read as follows:

"§40-18-374

(a) An incentivized company may claim either or both of the jobs act incentives, to the extent provided in the project agreement.

(b) In order for an incentivized company to claim the jobs act incentives, the Governor and the incentivized company shall execute a project agreement. The agreement shall contain all of the following:

(1) The name of the incentivized company.



## SB167 Engrossed

- 29           (2) The location of the qualifying project.
- 30           (3) The activity to be conducted at the qualifying  
31 project.
- 32           (4) The jobs act incentives to be granted.
- 33           (5) The capital investment to be made at the qualifying  
34 project.
- 35           (6) The time period for the capital investment to be  
36 made at the qualifying project.
- 37           (7) The number of employees at the qualifying project.
- 38           (8) The anticipated wages to be paid to or for the  
39 benefit of employees during the incentive period for the jobs  
40 created.
- 41           (9) The dates or conditions that shall begin the  
42 running of the incentive periods for applicable jobs act  
43 incentives.
- 44           (10) The lengths of the incentive periods for the jobs  
45 act incentives.
- 46           (11) Any annual or aggregate limitations on the amount  
47 of either or both of the jobs act incentives that can be  
48 claimed during an incentive period.
- 49           (12) Provisions governing the recapture of all or part  
50 of the jobs act incentives awarded to the qualifying project,  
51 should the approved company default on its obligations in the  
52 project agreement or should the incentivized company or a  
53 related company engage in any act or practice that violates  
54 the human trafficking laws as provided in Sections 13A-6-152  
55 and 13A-6-153, or federal child labor provisions of the Fair  
56 Labor Standards Act of 1938, 29 U.S.C. § 203.



## SB167 Engrossed

57           (13) Whether the project agreement may be assigned by  
58 the approved company to some other purchaser, assignee, or  
59 successor.

60           (14) Any other terms, conditions, and limitations that  
61 this article or the Governor may require for an incentivized  
62 company to qualify for and receive a jobs act incentive.

63           (15) Any other terms the parties deem necessary or  
64 desirable.

65           (c) The Governor may decrease the amounts and durations  
66 of the jobs act incentives to ensure that the anticipated  
67 revenues for the state will exceed the amount of tax  
68 incentives sought."

69           Section 2. This act shall become effective on October  
70 1, 2024.



**SB167 Engrossed**

71  
72  
73 Senate

74 Read for the first time and referred .....27-Feb-24  
75 to the Senate committee on Fiscal  
76 Responsibility and Economic  
77 Development  
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79 Read for the second time and placed .....19-Mar-24  
80 on the calendar:  
81 0 amendments  
82  
83 Read for the third time and passed .....16-Apr-24  
84 as amended  
85 Yeas 29  
86 Nays 0  
87 Abstains 0  
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Patrick Harris,  
Secretary.

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