

SB231 ENGROSSED



1 SB231
2 YFCJ2N6-2
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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A BILL
TO BE ENTITLED
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. For purposes of this act, 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



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29 Section 25-7-2, Code of Alabama 1975.

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

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

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

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

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

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

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

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

56 (c) An employer that engages in any activity prohibited



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57 by subsection (b) shall be required to repay all economic
58 development incentives received over the life of the project.

59 (d) This section shall not apply to any agreement
60 between the state and an employer executed prior to January 1,
61 2025.

62 (e) This section shall not apply to any employer with a
63 collective bargaining unit where an employer, as of October 1,
64 2024, has entered into a collective bargaining agreement for
65 that collective bargaining unit with a labor organization or
66 to which a secret ballot election has already occurred under
67 applicable federal law.

68 (f) The Alabama Department of Revenue may investigate
69 potential violations of subsection (b) of Section 1 and
70 enforce the provisions of this section.

71 Section 2. This act shall become effective on October
72 1, 2024.



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75 Senate

76 Read for the first time and referred19-Mar-24
77 to the Senate committee on Fiscal
78 Responsibility and Economic
79 Development
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81 Read for the second time and placed04-Apr-24
82 on the calendar:
83 1 amendment
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85 Read for the third time and passed16-Apr-24
86 as amended
87 Yeas 23
88 Nays 5
89 Abstains 0
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Patrick Harris,
Secretary.