



**House Fiscal Responsibility Reported Substitute  
for SB252**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

41-10-870. LEGISLATIVE FINDINGS

The Legislature finds and declares all of the following:

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



## House Fiscal Responsibility Reported Substitute for SB252

29 successes.

30 (2) Other states have had significant success in  
31 economic development by involving the private sector in  
32 long-term planning to help identify and fill strategic gaps in  
33 states efforts that are not currently addressed by existing  
34 agencies, ensuring a comprehensive approach to economic growth  
35 and development.

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

40 (4) By leveraging the strengths of both the public and  
41 private sectors, the state can foster a more collaborative and  
42 efficient approach to economic development, leading to more  
43 innovative and effective solutions.

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

49 (6) By focusing on long-range planning, the  
50 public-private partnership can ensure that Alabama's economic  
51 development efforts are sustainable and forward-thinking, thus  
52 providing stability and predictability for businesses and  
53 investors.

54 (7) States with proactive economic development  
55 strategies, such as public-private partnerships, can be more  
56 successful in attracting investment. Creation of a similar



## House Fiscal Responsibility Reported Substitute for SB252

57 model will help give Alabama a competitive edge in the  
58 national and global market, helping to attract significant  
59 business investments.

60 (8) It is desirable and in the public interest to  
61 establish a public corporation governed by a board of public  
62 and private leaders to be a part of the state's economic  
63 development strategies designed to sustain and enhance  
64 Alabama's long-term success, growth, and viability of its  
65 economic development policies.

66 41-10-871. DEFINITIONS

67 For the purposes of this article, the following terms  
68 have the following meanings:

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

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

74 (3) ECONOMIC DEVELOPMENT ENTITY.

75 a. A nonprofit corporation that possesses all of the  
76 following characteristics:

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

80 2. Has a record of, or can demonstrate that it is  
81 capable of, serving the entire state on matters involving  
82 economic development.

83 3. Has a record of, or can demonstrate that it is  
84 capable of, developing, fostering, and implementing economic



**House Fiscal Responsibility Reported Substitute  
for SB252**

85 development policies and strategies across Alabama.

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

88 b. In determining whether a nonprofit corporation  
89 qualifies as an economic development entity, the board may  
90 attribute to the nonprofit corporation the experiences of its  
91 officers, staff, and directors with other nonprofit  
92 corporations.

93 41-10-872. INCORPORATION OF GROWTH ALLIANCE

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

102 (1) The name, office, and office location of each of  
103 the applicants.

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

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

108 (4) The location of the principal office of the  
109 proposed corporation.

110 (5) Provisions requiring the board to support the  
111 Department of Commerce in the development of a recommended  
112 annual strategic economic development plan for the state and



## House Fiscal Responsibility Reported Substitute for SB252

113 standards of measure to be used in measuring the corporation's  
114 achievements in executing the plan.

115 (6) Provisions requiring the board to review the  
116 state's primary economic development incentives on a biennial  
117 basis and reviewing the effectiveness of the incentives to  
118 create jobs, attract new business, encourage existing business  
119 expansions, and achieve other goals as may be determined by  
120 the board, in cooperation with the Joint Legislative Advisory  
121 Committee on Economic Incentives or any third party contracted  
122 with by that committee.

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

126 (b) The application shall be subscribed and sworn to by  
127 each applicant before a notary public. The Secretary of State  
128 shall examine the application, and, if he or she finds that  
129 the application substantially complies with the requirements  
130 of this section, the application shall be filed and recorded  
131 in an appropriate book of records in the office of the  
132 Secretary of State.

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



**House Fiscal Responsibility Reported Substitute  
for SB252**

141 corporation pursuant to this article.

142 (d) Notwithstanding any provision of law to the  
143 contrary, any corporation incorporated pursuant to this  
144 section shall not be deemed to be a part of the state for any  
145 purpose but shall be treated as a public corporation separate  
146 and apart from the state.

147 41-10-873. BOARD OF GROWTH ALLIANCE

148 (a) The corporation shall be under the management and  
149 control of a board of directors, and all powers necessary or  
150 appropriate for the management and control of the corporation  
151 shall be vested solely in the board. The board shall be  
152 comprised of both ex officio members and at-large members, all  
153 of whom shall be voting members of the board and shall be  
154 considered in determining whether a quorum is present.

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

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



## House Fiscal Responsibility Reported Substitute for SB252

169 member may withdraw the appointment or designation of his or  
170 her appointee or designee at any time.

171 (2) The Governor shall appoint five at-large members  
172 and the Lieutenant Governor, President Pro Tempore of the  
173 Senate, and Speaker of the House of Representatives shall each  
174 appoint one at-large member. Each at-large member shall be an  
175 individual in the private sector with experience relevant to  
176 the purposes and activities of the corporation including, but  
177 not limited to, experience with any of the following:

178 a. Participating on boards of, or being employed by,  
179 nonprofit corporations which promote economic development  
180 throughout the state.

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

184 1. Performing enhanced, coordinated research to  
185 identify targeted growth sectors.

186 2. Identifying sites for economic development and  
187 successfully marketing the sites for major business site  
188 selection opportunities.

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

192 (c) Board members shall be subject to the Alabama  
193 Ethics Act. For purposes of Section 36-25-14, the corporation  
194 shall not be deemed to have statewide jurisdiction.

195 (d) In making appointments of at-large members, the  
196 Governor shall coordinate his or her appointments so that



**House Fiscal Responsibility Reported Substitute  
for SB252**

197 diversity of gender, race, and geographical areas of the board  
198 of directors is reflective of the makeup of the state.

199 (e) (1) The service of each at-large member shall begin  
200 upon written acceptance of his or her appointment. Each member  
201 shall serve a term of two years following such written  
202 acceptance.

203 (2) Each at-large member shall continue to serve until  
204 the member is reappointed, or a successor is appointed, to the  
205 office.

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

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

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

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

220 (g) A majority of the members shall constitute a quorum  
221 for the transaction of business by the board, and decisions  
222 shall be made on the basis of a majority of the quorum then  
223 present and voting. No vacancy in the membership of the board  
224 or the voluntary disqualification or abstention of any member





## House Fiscal Responsibility Reported Substitute for SB252

225 shall impair the right of a quorum to exercise all of the  
226 powers and duties of the board. Members of the board may  
227 participate in meetings of the board in person, by means of  
228 telephone conference, video conference, or other similar  
229 communications equipment, so that all individuals  
230 participating in the meeting may hear each other at the same  
231 time. Participation by any such means shall constitute  
232 presence in person at a meeting for all purposes, including  
233 for purposes of establishing a quorum. The board shall be  
234 subject to Chapter 25A of Title 36, provided that notice of  
235 each meeting shall occur at least **one day** prior to the meeting  
236 **in accordance with this article**. In addition to the reasons  
237 set forth in Section 36-25A-7, the board may go into executive  
238 session to discuss sensitive matters the disclosure of which  
239 would undermine or jeopardize economic development, trade, or  
240 the objectives of the corporation.

241 **(h) Notwithstanding subsection (g), any action required**  
242 **by this article to be taken at a meeting of the board of**  
243 **directors of the corporation or any action that may be taken**  
244 **at a meeting of a committee of the board of directors may be**  
245 **taken without a meeting if a consent in writing, setting forth**  
246 **the action so taken, is signed either electronically or in**  
247 **person by all of the directors of the board or all of the**  
248 **members of the committee, as the case may be.**

249 **(i)** The board may appoint other officers to perform  
250 duties not inconsistent with this article or applicable law,  
251 as the board deems necessary or appropriate.

252 **(j)** In addition to regular meetings of the board, as



## House Fiscal Responsibility Reported Substitute for SB252

253 may be provided by law or by bylaws adopted by the board,  
254 special meetings of the board may be called by the chair  
255 acting alone or by any three other members acting in concert,  
256 in each case upon notice to each member given in person, by  
257 email, by registered letter, or by other means. Notice to each  
258 member may be waived upon the unanimous written consent of all  
259 members, either before or after the meeting with respect to  
260 which the notice would otherwise be required.

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

263 41-10-874. POWERS OF GROWTH ALLIANCE

264 (a) The board shall have all of the powers necessary to  
265 carry out and effectuate the purposes of this article  
266 including the following powers:

267 (1) Provide input and support on the development,  
268 monitoring, and updating of the long-range economic  
269 development vision and strategies of the state.

270 (2) Support the development and implementation of  
271 objectives and key tactics to achieve the long-range economic  
272 development vision and strategies of the state.

273 (3) Identify opportunities and make recommendations to  
274 the Governor regarding the coordination of economic  
275 development efforts between state agencies, private  
276 organizations, and other economic development entities and  
277 stakeholders.

278 (4) Provide input and support related to the  
279 establishment of a communication plan to ensure key  
280 stakeholders are periodically informed on economic development



**House Fiscal Responsibility Reported Substitute  
for SB252**

281 progress and results.

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

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

293 a. Increasing private investment in Alabama.

294 b. Advancing international and domestic trade  
295 opportunities.

296 c. Marketing the state as a pro-economic growth  
297 location for new investment.

298 d. Revitalizing, retaining, and expanding Alabama's  
299 manufacturing industries, and promoting emerging complementary  
300 industries.

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

303 f. Promoting opportunities for minority-owned  
304 businesses.

305 g. Identifying economic growth opportunities in  
306 emerging sectors.

307 (7) Adopt, alter, and repeal bylaws for the regulation  
308 and conduct of the corporation's affairs and business, and for



**House Fiscal Responsibility Reported Substitute  
for SB252**

309 the implementation of this article.

310 (8) Make and enter into contracts, leases, and  
311 agreements, and take other actions as may in its judgment be  
312 necessary or desirable to accomplish the purposes of the  
313 corporation and to exercise any power necessary for the  
314 accomplishment of the purposes of the corporation or  
315 incidental to the powers expressly set forth in this article.

316 (9) Appoint, employ, and contract with employees,  
317 agents, advisors, consultants, and service providers  
318 including, but not limited to, attorneys, accountants,  
319 financial experts, and other advisors, consultants, and agents  
320 as may in its judgment be necessary or desirable to accomplish  
321 any purpose of the corporation or incidental to the powers  
322 expressly set forth in this article, and to fix the  
323 compensation of those persons.

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

325 (11) Grant monies and things of value in aid of or to,  
326 any individual, firm, corporation, or other business entity,  
327 public or private, as may in its judgment be necessary or  
328 desirable to accomplish any purpose of the corporation or  
329 incidental to the powers expressly set forth in this article.

330 (12) Take any action necessary to exercise its rights  
331 or fulfill its obligations relevant to the corporation under  
332 state law.

333 (13) In addition to the foregoing, the board shall have  
334 all of the powers necessary to carry out and effectuate the  
335 purposes of this article; provided that nothing in this  
336 article shall be construed to authorize the board to exercise



## House Fiscal Responsibility Reported Substitute for SB252

337 any power conferred by law on any agency, department, office,  
338 or other instrumentality of state government.

339 (b) The board may enter into agreements with one or  
340 more economic development entities to assist the corporation  
341 with: (i) periodic evaluation of Alabama's competitiveness  
342 with other states; and (ii) developing and analyzing global,  
343 national, state, and sector economic trends and conditions to  
344 support strategic planning. In undertaking any of the  
345 foregoing, the agreement shall accomplish both of the  
346 following:

347 (1) Requires regular reporting to the corporation by  
348 the economic development entity.

349 (2) Allows for the reasonable costs of the economic  
350 development entity to be reimbursed or otherwise paid only if  
351 directly related to the fulfillment of the agreement, as  
352 determined by the corporation.

353 (c) The board may make, enter into, and execute  
354 contracts, agreements, and other instruments with, accept aid  
355 and grants from, and cooperate with, any other person or  
356 entity including, but not limited to, all of the following:

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

359 (2) For profit or nonprofit private entities.

360 (3) Public bodies, departments, or authorities  
361 including, but not limited to, the executive departments of  
362 the state, to act on behalf of the board in carrying out  
363 functions which the board determines are consistent with the  
364 corporation's powers.



**House Fiscal Responsibility Reported Substitute  
for SB252**

365 (d) The corporation shall be, and shall operate as, a  
366 public corporation and shall have a legal existence separate  
367 and apart from the state and any county, municipality, or  
368 political subdivision.

369 41-10-875. GROWTH ALLIANCE CONTRACTS

370 The board may enter into contracts, leases, agreements,  
371 investments, and may otherwise expend monies without  
372 compliance with Article 5, commencing with Section 41-4-110,  
373 of Chapter 4 of Title 41, and Chapter 2 of Title 39. Solely as  
374 a result of entering into contracts, leases, agreements,  
375 investments, or otherwise, no for-profit or nonprofit private  
376 entity, nor the officers, employees, agents, or directors of  
377 any of the foregoing, shall become subject to Chapter 25 or  
378 Chapter 25A of Title 36; Article 5, commencing with Section  
379 41-4-110, of Chapter 4 of Title 41; Chapter 2 of Title 39; or  
380 Article 3, commencing with Section 36-12-40, of Chapter 12 of  
381 Title 36.

382 41-10-876. AMENDMENTS

383 At any time, the Governor, the Speaker of the House of  
384 Representatives, and the President Pro Tempore of the Senate  
385 may cause their application for formation to be amended by  
386 filing an amendment with the Secretary of the State, which may  
387 cause its application for formation to be amended by having  
388 five of its members file an amendment with the Secretary of  
389 State, which shall be sworn to by each signatory thereto  
390 before a notary public.

391 41-10-877. DISSOLUTION

392 At any time, the board, by at least three-quarters



**House Fiscal Responsibility Reported Substitute  
for SB252**

393 vote, may dissolve the corporation by having at least  
394 three-quarters of its members file with the Secretary of State  
395 an application for dissolution, which shall be sworn to by  
396 each signatory thereto by a notary public. Upon the filing of  
397 the application for dissolution, the corporation shall cease  
398 to exist. The Secretary of State shall file and record the  
399 application for dissolution, and shall make and issue, under  
400 the Great Seal of the State, a certificate that the  
401 corporation is dissolved, and shall record the certificate  
402 with the application for dissolution. Title to all property  
403 held in the name of the corporation shall be vested in the  
404 state upon dissolution of the corporation.

405 41-10-878. REPORT TO LEGISLATURE

406 Prior to each legislative session beginning in 2026,  
407 the corporation shall submit an annual report to the  
408 Legislature detailing the corporation's efforts to accomplish  
409 the goals pursuant to this article.

410 Section 3. This act shall become effective October 1,  
411 2024, following its passage and approval by the Governor, or  
412 its otherwise becoming law.