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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



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



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



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



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



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



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 law.

194 (d) In making appointments of at-large members, the
195 Governor shall coordinate his or her appointments so that
196 diversity of gender, race, and geographical areas of the board



197 of directors is reflective of the makeup of the state.

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

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

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

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

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

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

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



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

252 (h) Notwithstanding subsection (g), any action required



253 by this article to be taken at a meeting of the board of
254 directors of the corporation or any action that may be taken
255 at a meeting of a committee of the board of directors may be
256 taken without a meeting if a consent in writing, setting forth
257 the action so taken, is signed either electronically or in
258 person by all of the directors of the board or all of the
259 members of the committee, as the case may be.

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

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

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

274 41-10-874. POWERS OF GROWTH ALLIANCE

275 (a) The board shall have all of the powers necessary to
276 carry out and effectuate the purposes of this article
277 including the following powers:

278 (1) Provide input and support on the development,
279 monitoring, and updating of the long-range economic
280 development vision and strategies of the state.



281 (2) Support the development and implementation of
282 objectives and key tactics to achieve the long-range economic
283 development vision and strategies of the state.

284 (3) Identify opportunities and make recommendations to
285 the Governor regarding the coordination of economic
286 development efforts between state agencies, private
287 organizations, and other economic development entities and
288 stakeholders.

289 (4) Provide input and support related to the
290 establishment of a communication plan to ensure key
291 stakeholders are periodically informed on economic development
292 progress and results.

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

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

304 a. Increasing private investment in Alabama.

305 b. Advancing international and domestic trade
306 opportunities.

307 c. Marketing the state as a pro-economic growth
308 location for new investment.



309 d. Revitalizing, retaining, and expanding Alabama's
310 manufacturing industries, and promoting emerging complementary
311 industries.

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

314 f. Promoting opportunities for minority-owned
315 businesses.

316 g. Identifying economic growth opportunities in
317 emerging sectors.

318 h. Recognizing the unique natural resources of Alabama,
319 promoting and supporting ecotourism opportunities in the state
320 in order to enhance the state's attractiveness for a skilled
321 workforce.

322 (7) Adopt, alter, and repeal bylaws for the regulation
323 and conduct of the corporation's affairs and business, and for
324 the implementation of this article.

325 (8) Make and enter into contracts, leases, and
326 agreements, and take other actions as may in its judgment be
327 necessary or desirable to accomplish the purposes of the
328 corporation and to exercise any power necessary for the
329 accomplishment of the purposes of the corporation or
330 incidental to the powers expressly set forth in this article.

331 (9) Appoint, employ, and contract with employees,
332 agents, advisors, consultants, and service providers
333 including, but not limited to, attorneys, accountants,
334 financial experts, and other advisors, consultants, and agents
335 as may in its judgment be necessary or desirable to accomplish
336 any purpose of the corporation or incidental to the powers



337 expressly set forth in this article, and to fix the
338 compensation of those persons.

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

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

345 (12) Take any action necessary to exercise its rights
346 or fulfill its obligations relevant to the corporation under
347 state law.

348 (13) In addition to the foregoing, the board shall have
349 all of the powers necessary to carry out and effectuate the
350 purposes of this article; provided that nothing in this
351 article shall be construed to authorize the board to exercise
352 any power conferred by law on any agency, department, office,
353 or other instrumentality of state government.

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

362 (1) Requires regular reporting to the corporation by
363 the economic development entity.

364 (2) Allows for the reasonable costs of the economic



365 development entity to be reimbursed or otherwise paid only if
366 directly related to the fulfillment of the agreement, as
367 determined by the corporation.

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

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

374 (2) For profit or nonprofit private entities.

375 (3) Public bodies, departments, or authorities
376 including, but not limited to, the executive departments of
377 the state, to act on behalf of the board in carrying out
378 functions which the board determines are consistent with the
379 corporation's powers.

380 (d) The corporation shall be, and shall operate as, a
381 public corporation and shall have a legal existence separate
382 and apart from the state and any county, municipality, or
383 political subdivision.

384 41-10-875. GROWTH ALLIANCE CONTRACTS

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



393 Chapter 25A of Title 36; Article 5, commencing with Section
394 41-4-110, of Chapter 4 of Title 41; Chapter 2 of Title 39; or
395 Article 3, commencing with Section 36-12-40, of Chapter 12 of
396 Title 36.

397 41-10-876. AMENDMENTS

398 At any time, the Governor, the Speaker of the House of
399 Representatives, and the President Pro Tempore of the Senate
400 may cause their application for formation to be amended by
401 filing an amendment with the Secretary of the State, which may
402 cause its application for formation to be amended by having
403 five of its members file an amendment with the Secretary of
404 State, which shall be sworn to by each signatory thereto
405 before a notary public.

406 41-10-877. DISSOLUTION

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

420 41-10-878. REPORT TO LEGISLATURE



421 Prior to each legislative session beginning in 2026,
422 the corporation shall submit an annual report to the
423 Legislature detailing the corporation's efforts to accomplish
424 the goals pursuant to this article.

425 Section 3. This act shall become effective October 1,
426 2024, following its passage and approval by the Governor, or
427 its otherwise becoming law.