

Senate Bill 362

By: Senators Hodges of the 3rd, Still of the 48th, Summers of the 13th, Echols of the 49th,
Robertson of the 29th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to provide for requirements relative to employee representation by a labor organization
3 for employers to receive certain economic development incentives from the state; to provide
4 for definitions; to provide for a penalty; to provide for applicability; to provide for oversight;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
9 in Article 1 of Chapter 7, relating to general provisions regarding the Department of
10 Economic Development, by adding a new Code section to read as follows:

11 "50-7-19.

12 (a) As used in this Code section, the term:

13 (1) 'Economic development incentive' means the statutory and discretionary incentives
14 authorized by the state pursuant to Code Sections 48-7-40.24, 50-8-8, and 50-34-1
15 through 50-34-19.

16 (2) 'Employee' means an individual who performs services for an employer for wages
17 that are subject to withholding requirements under 26 U.S.C. Section 3402.

18 (3) 'Employer' means a person or entity that voluntarily pursues an economic
19 development incentive and enters into an agreement with the state for the purpose of
20 receiving such incentive.

21 (4) 'Labor organization' has the same meaning as defined in 29 U.S.C. Section 152.

22 (5) 'Personal contact information' means an employee's home address, home or personal
23 cell phone number, or personal email address.

24 (6) 'Project' means the activity or enterprise for which an employer receives an economic
25 development incentive.

26 (7) 'Secret ballot election' means a process conducted by an agent of the National Labor
27 Relations Board in which an employee casts a secret ballot for or against labor
28 organization representation.

29 (8) 'Subcontractor' means an individual or entity that has contracted with an employer
30 to perform work or provide services.

31 (b) To be eligible to receive an economic development incentive, an employer shall not,
32 with respect to any work or service for the employer for which the economic development
33 incentive is to be based:

34 (1) Voluntarily grant recognition rights for the employer's employees solely and
35 exclusively on the basis of signed labor organization authorization cards if the selection
36 of a bargaining representative may instead be conducted through a secret ballot election;

37 (2) Voluntarily disclose an employee's personal contact information to a labor
38 organization, or a third party acting on behalf of a labor organization, without the
39 employee's prior written consent, unless otherwise required by state or federal law; or

40 (3) Require a subcontractor to engage in activities prohibited in paragraph (1) or (2) of
41 this subsection.

42 (c) An employer that engages in any activity prohibited by subsection (b) of this Code
 43 section in the performance of a project shall repay any and all economic development
 44 incentives received over the life of such project.

45 (d) This Code section shall not apply to any agreement between the state and an employer
 46 executed prior to January 1, 2025."

47 **SECTION 2.**

48 Said title is further amended by revising Code Section 50-8-11, relating to power to take
 49 action for furtherance of purposes of department and disposition of revenues, as follows:

50 "50-8-11.

51 (a) The department shall have the duty, responsibility, power, and authority to take all
 52 action necessary to further the purposes of the department, without regard for whether any
 53 such duty, responsibility, power, or authority is specifically mentioned in this article or
 54 otherwise specifically granted by law. Without limiting the general nature of this Code
 55 section:

56 (1) The department shall have all duties, responsibilities, power, and authority granted
 57 or specified under or pursuant to any other laws of the state and any executive orders
 58 issued by the Governor prior to July 1, 1989. To the extent permitted by law, the
 59 Governor may, by executive order issued on or after July 1, 1989, authorize the
 60 department to take specific action in furtherance of the purposes of the department; and
 61 in that event, the department shall take such action;

62 (2) The department shall promote and encourage assistance from private entities and
 63 individuals in carrying out and performing local government services;

64 (3) The department shall assist local governments in developing, promoting, and
 65 retaining trade, industry, commerce, and employment opportunities;

66 (4) The department may define, identify, and establish criteria or requirements for local
 67 governments or others to participate with or to use any local government services; ~~and~~

68 (5) The department may receive, use, and spend money received from the state for any
69 of the purposes of the department; and
70 (6) The department may investigate potential violations of and enforce the provisions of
71 Code Section 50-7-19 as they relate to the statutory and discretionary incentives
72 authorized by the state pursuant to Code Sections 50-8-8 and 50-34-1 through 50-34-19.
73 (b) Revenues for all fees and charges imposed or otherwise charged by the department for
74 local government services shall be paid into the general fund of the state treasury, except
75 that charges intended to reimburse expenses incurred by the department shall be used to
76 reimburse the department for such expenses."

77 **SECTION 3.**

78 All laws and parts of laws in conflict with this Act are repealed.