

## HB393 INTRODUCED



1 HB393  
2 119VR3Z-1  
3 By Representatives Lawrence, Faulkner, Chestnut, Daniels  
4 RFD: Economic Development and Tourism  
5 First Read: 05-Feb-26



## 4 SYNOPSIS:

5 Under existing law, the state has established  
6 research and development corridors and grants as well  
7 as various tax abatements and incentives that include  
8 references to the now outdated Accelerate Alabama  
9 Strategic Economic Development Plan. These laws also  
10 include references to the 2012 North American Industry  
11 Classification System (NAICS) Codes used to classify  
12 business establishments by industry sector.

13 This bill would remove references to the  
14 Accelerate Alabama Strategic Economic Development Plan  
15 and align relevant sections with the provisions of the  
16 Alabama Jobs Act.

17 This bill would update NAICS Codes used to  
18 classify business establishments by industry sector,  
19 bringing them in line with the latest updates released  
20 in 2022.

21 This bill would make nonsubstantive, technical  
22 revisions to update existing code language to current  
23 style.

24  
25  
26 A BILL  
27 TO BE ENTITLED  
28 AN ACT



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Relating to economic development; to amend Sections 11-66A-2 and 41-23-252, Code of Alabama 1975, regarding research and development corridors and grants, and Sections 40-9B-3, 40-9G-1, and 40-18-372, Code of Alabama 1975, regarding tax abatements and incentives; to remove references to the outdated Accelerate Alabama Strategic Economic Development Plan; to update NAICS Code references to the latest update released in 2022; and to make nonsubstantive, technical revisions to update existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 11-66A-2, 40-9B-3, 40-9G-1, 40-18-372, and 41-23-252, Code of Alabama 1975, are amended to read as follows:

"§11-66A-2

(a) The Legislature finds and determines the public good, welfare, and economy of the state are best served by providing and encouraging the development, growth, improvement, and support of new and creative economic opportunities for existing and future qualified enterprises to establish and continue projects in this state for innovative processes and products. ~~These include specifically those business sectors expressly identified in Accelerate Alabama 2.0, the strategic economic development plan developed by the Department of Commerce.~~

(b) In furtherance of subsection (a) the legislative intent and public purpose of this chapter is:



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(1) To provide authority to municipalities for the creation of research and development corridors with corporate authority and power to provide, in the discretion of the corridors, its resources; and

(2) To provide authority to public entities to provide public resources to, or for the benefit of, corridors."

"§40-9B-3

(a) For purposes of this chapter, the following words and phrases mean:

(1) ABATE, ABATEMENT. A reduction or elimination of a taxpayer's liability for tax or payments required to be made in lieu thereof. An abatement of transaction taxes imposed under Chapter 23 ~~of this title~~, or payments required to be made in lieu thereof, shall relieve the seller from the obligation to collect and pay over the transaction tax as if the sale were to a person exempt, to the extent of the abatement, from the transaction tax.

(2) ALTERNATIVE ENERGY RESOURCES. The definition given in Section 40-18-1.

(3) CONSTRUCTION RELATED TRANSACTION TAXES. The transaction taxes imposed by Chapter 23 ~~of this title~~, or payments required to be made in lieu thereof, on tangible personal property and taxable services incorporated into an industrial development property, the cost of which may be added to capital account with respect to the property, determined without regard to any rule which permits expenditures properly chargeable to capital account to be treated as current expenses.



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(4) DATA PROCESSING CENTER. An establishment at which not less than 20 new jobs are located, the average annual total compensation, including benefits, of such new jobs to be not less than forty thousand dollars (\$40,000) and such establishment is engaged in the provision of complete processing and specialized reports from data, the provision of automated data processing and data entry services, the provision of an infrastructure for hosting or data processing services, the provision of specialized hosting activities, the provision of application service provisioning, the provision of general time-share mainframe facilities, the provision or operation of computer equipment or enabling software for the processing, storage, backup, retrieval, communication, or distribution of data, or some combination of the foregoing, without regard to whether any other activities are conducted at the establishment.

(5) EDUCATION TAXES. Ad valorem taxes, or payments required to be made in lieu thereof, that must, pursuant to the Constitution of Alabama of ~~1901~~2022, as amended, legislative act, or the resolution or other action of the governing board authorizing the tax, be used for educational purposes or for capital improvements for education and local construction related transaction taxes levied for educational purposes or for capital improvements for education.

(6) HEADQUARTERS FACILITY. Any trade or business described in ~~NACIS~~NAICS Code 551114, at which not less than 50 new jobs are located.

(7) HYDROPOWER PRODUCTION. The definition given in



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Section 40-18-1.

(8) INDUCEMENT. Refers to an agreement, or an "inducement agreement," entered into between a private user and a public authority or county or municipal government and/or a resolution or other official action, an "inducement resolution," "inducement letter," or "official action" adopted by a public authority or county or municipal government, in each case expressing, among other things, the present intent of such public authority or county or municipal government to issue bonds in connection with the private use property therein described. Notwithstanding any provision in this chapter to the contrary, neither an inducement nor a request for inducement shall be required to apply for, grant, or receive any abatement of taxes allowed to be abated under this chapter.

(9) INDUSTRIAL DEVELOPMENT PROPERTY. Real and/or personal property acquired in connection with establishing or expanding an industrial or research enterprise in Alabama.

(10) INDUSTRIAL OR RESEARCH ENTERPRISE.

a. Any trade or business ~~predominately~~predominantly consisting of any one or more of the following:

1. Described by NAICS Code 1133, 115111, 2121, 22111, 221330, 31 (other than 311811), 32, 33, 423, 424, 482, 4862, 48691, 48699, 48819, 4882, 4883 (other than 48833), 493, ~~5117~~, 5121 (other than 51213), ~~51221~~5122, 513, 517, 518 (without regard to the premise that data processing and related services be performed in conjunction with a third party), ~~51913~~51929, 52232, 54133 (if predominantly in furtherance of



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another activity described in this article), 54134 (if predominantly in furtherance of another activity described in this article), 54138, 5415, 541614, 5417, 55 (if not for the production of electricity), 561422 (other than establishments that originate telephone calls), 562213, 56291, 56292, 611512, 927, or 92811.

2. ~~A target of the state's economic development efforts pursuant to either of the following:~~

~~(i) The Accelerate Alabama Strategic Economic Development Plan adopted in January 2012 by the Alabama Economic Development Alliance, created by Executive Order Number 21 of the Governor on July 18, 2011, or any amended version or successor document thereto; or~~

~~(ii)~~ A type listed in a regulation adopted by the Department of Commerce, other than a regulation submitted as an emergency rule.

Notwithstanding the foregoing, the activities described in this definition shall not predominantly concern farming activities involving trees, animals, or crops, nor the retail sale of tangible personal property or services. This provision shall not be deemed to exclude customer service centers or call centers otherwise allowed or provided for herein.

b. With respect to abatements granted in accordance with Section 40-9B-9, and only with respect to such abatements, "industrial or research enterprise" means any trade or business described in NAICS Code 493, 488310, or 488320, when such trade or business is conducted on premises in which the Alabama ~~State~~ Port Authority has an ownership,



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169 leasehold, or other possessory interest and such premises are  
170 used as part of the operations of the Alabama ~~State~~ Port  
171 Authority.

172 c. "Industrial or research enterprise" includes the  
173 above-described trades and business and any others as may  
174 hereafter be reclassified in any subsequent publication of the  
175 NAICS or similar industry classification system developed in  
176 conjunction with the United States Department of Commerce or  
177 Office of Management and Budget.

178 d. "Industrial or research enterprise" also includes  
179 any underground natural gas storage facility which is located  
180 in the Gulf Opportunity Zone, as that phrase is defined in the  
181 Gulf Opportunity Zone Act of 2005, developed from existing  
182 geologic reservoirs, including, without limitation, salt  
183 domes, and placed in service on or before December 31, 2013.

184 e. "Industrial or research enterprise" also includes  
185 any plant, property, or facility that meets both of the  
186 following:

187 1. It produces electricity from:

188 (i) Alternative energy resources and has capital costs  
189 of at least one hundred million dollars (\$100,000,000); or

190 (ii) Hydropower production and has capital costs of at  
191 least five million dollars (\$5,000,000).

192 2. All or a portion of the plant, property, or facility  
193 is owned by one or more of the following:

194 (i) A utility described in Section 37-4-1(7)a. ~~7~~

195 (ii) An entity organized under the provisions of  
196 Chapter 6 of Title 37 ~~7~~.





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(iii) An authority both organized and existing pursuant to the provisions of Chapter 50A of Title 11 and subject to the payments required to be made in lieu of ad valorem, sales, use, license, and severance taxes imposed by Section 11-50A-7~~7~~  
~~or.~~

(iv) An entity in which one or more of the foregoing owns an interest.

f. "Industrial or research enterprise" also includes any headquarters facility.

g. "Industrial or research enterprise" also includes any data processing center.

h. "Industrial or research enterprise" also includes any research and development facility.

i. "Industrial or research enterprise" also includes any renewable energy facility.

j. "Industrial or research enterprise" also includes any tourism destination attraction.

(11) MAJOR ADDITION. Any addition to an existing industrial development property that equals the lesser of: 30 percent of the original cost of the industrial development property or two million dollars (\$2,000,000). For purposes of this subsection, the original cost of existing industrial development property shall be the amount of industrial development property with respect to which an abatement was granted under this chapter when the property was constructed, or if the existing industrial development property was constructed before January 1, 1993, the maximum amount that would have been allowed if the provisions of this chapter had



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applied at the time it was constructed. Only property that constitutes industrial development property shall be taken into account in making the determination in the previous sentence. Major addition shall include any addition costing at least two million dollars (\$2,000,000) which constitutes an industrial or research enterprise, regardless of whether added to an existing industrial development property.

(12) MAXIMUM EXEMPTION PERIOD. Except as provided in Section 40-9B-11, a period equal to the shorter of:

a. Either of the following:

1. Twenty years from and after: (i) ~~The~~the date of initial issuance by a county, city, or public authority of bonds to finance any costs of a private use property~~r;~~i or (ii) ~~If~~if no such bonds are ever issued, the later of: A. ~~The~~the date on which title to the property was acquired by or vested in the county, city, or public authority~~r;~~i or B. ~~The~~the date on which the property is or becomes owned, for federal income tax purposes, by a private user~~r; or~~.

2. Exclusively with respect to one or more private users of a data processing center, the following:

(i) A period of 10 years from and after the date on which private use property is or becomes owned, for federal income tax purposes, by such private user or users (including the lessor and any lessee with respect to co-location centers), if the aggregate capital investment in the data processing center by such private user or users does not exceed two hundred million dollars (\$200,000,000) within 10 years from the date on which a private user commences the



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acquisition, construction, and equipping of the data processing center,

(ii) A period of 20 years from and after the date on which private use property is or becomes owned, for federal income tax purposes, by such private user or users (including the lessor and any lessee with respect to co-location centers), if the aggregate capital investment in the data processing center by such private user or users exceeds two hundred million dollars (\$200,000,000) but is not greater than four hundred million dollars (\$400,000,000) within 10 years from the date on which a private user commences the acquisition, construction, and equipping of the data processing center, ~~or.~~

(iii) A period of 30 years from and after the date on which private use property is or becomes owned, for federal income tax purposes, by such private user or users (including the lessor and any lessee with respect to co-location centers), if the aggregate capital investment in the data processing center by such private user or users exceeds two hundred million dollars (\$200,000,000) within 10 years from the date on which a private user commences the physical work of constructing and equipping the data processing center and exceeds four hundred million dollars (\$400,000,000) within 20 years from the date on which a private user commences the acquisition, construction, and equipping of the data processing center.

For purposes of this subparagraph 2., a private user's aggregate capital investment in a data processing center shall



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include all real and personal property comprising a data processing center, the costs of which may be capitalized for federal income tax purposes. In no event shall abatements of construction related transaction taxes or noneducational ad valorem taxes granted for a data processing center apply beyond the expiration of the applicable maximum exemption period; or

b. The period ending on the date on which the property has ceased, for ~~6~~six consecutive months, to be used in the active conduct of an industrial or research enterprise.

(13) MORTGAGE AND RECORDING TAXES. The taxes imposed by Chapter 22 ~~of this title~~.

(14) NAICS CODE. Any sector, subsector, industry group, industry or national industry of the ~~2012~~2022 North American Industry Classification System, or any similar classification system developed in conjunction with the United States Department of Commerce or Office of Management and Budget.

(15) NONEDUCATIONAL AD VALOREM TAXES. Ad valorem taxes, or payments required to be made in lieu thereof, imposed by the state, counties, municipalities, and other taxing jurisdictions of Alabama that are not required to be used for educational purposes or for capital improvements for education.

(16) PERSON. Includes any individual, partnership, trust, estate, or corporation.

(17) PRIVATE USER. Any individual, partnership, or corporation organized for profit that is or will be treated as the owner of private use property for federal income tax



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purposes, any entity organized under Chapter 6 of Title 37, and any authority both organized and existing pursuant to Chapter 50A of Title 11 and subject to the payments required to be made in lieu of ad valorem, sales, use, license, and severance taxes imposed by Section 11-50A-7.

(18) PRIVATE USE INDUSTRIAL PROPERTY. Private use property that also constitutes industrial development property.

(19) PRIVATE USE PROPERTY. Any real and/or personal property which is or will be treated as owned by a private user for federal income tax purposes even though title may be held by a public authority or municipal or county government; any real and/or personal property which is owned by any entity organized under Chapter 6 of Title 37; and any real and/or personal property which is owned by any authority both organized and existing pursuant to Chapter 50A of Title 11, and subject to the payments required to be made in lieu of ad valorem, sales, use, license, and severance taxes imposed by Section 11-50A-7.

(20) PUBLIC AUTHORITY. A corporation created for public purposes pursuant to a provision of the Constitution of Alabama of ~~1901~~2022, or a general or local law that authorized it to issue bonds, the interest on which is exempt from the Alabama income tax, as in effect on May 21, 1992.

(21) PUBLIC INDUSTRIAL AUTHORITY. A public authority authorized to issue bonds to acquire, construct, equip, or finance industrial development property.

(22) RENEWABLE ENERGY FACILITY. Any plant, property, or



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337 facility that either:

338 a. Produces electricity or natural gas, in whole or in  
339 part, from biofuels as such term is defined in Section  
340 2-2-90(c)(2) or from renewable energy resources as such term  
341 is defined in Section 40-18-1(30) with the exception that  
342 hydropower production shall be excluded from such definition;  
343 or

344 b. Produces biofuel as such term is defined in Section  
345 2-2-90(c) ~~(2)~~.

346 (23) RESEARCH AND DEVELOPMENT FACILITY. An  
347 establishment engaged in conducting original investigations  
348 undertaken on a systematic basis to gain new knowledge or  
349 applying research findings or other scientific knowledge to  
350 create new or significantly improved products or processes, or  
351 both.

352 (24) STATEMENT OF INTENT. A written statement of intent  
353 to claim an abatement provided in this chapter, or to petition  
354 for local tax abatement, relating to an industrial or research  
355 enterprise described in paragraph ~~e. of subdivision~~ (10) e. ~~of~~  
356 ~~this subsection~~ that is filed with the Department of Revenue  
357 at any time prior to the date on which the industrial or  
358 research enterprise described in paragraph ~~e. of subdivision~~  
359 (10) e. ~~of this subsection~~ is placed in service in accordance  
360 with such procedures and on such form or forms as may be  
361 prescribed by the Department of Revenue. Such statement of  
362 intent shall contain a description of the industrial or  
363 research enterprise described in paragraph ~~e. of subdivision~~  
364 (10) e. ~~of this subsection~~; the date on which the acquisition,



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construction, installation, or equipping of the industrial or research enterprise described in paragraph ~~e. of subdivision~~ (10) ~~e. of this subsection~~ was commenced or is expected to commence; the actual or, if not known, the estimated capital costs of the industrial or research enterprise described in paragraph ~~e. of subdivision~~ (10) ~~e. of this subsection~~; the number of new employees to be employed at the industrial or research enterprise described in paragraph ~~e. of subdivision~~ (10) ~~e. of this subsection~~; and any other information required by the Department of Revenue.

(25) TOURISM DESTINATION ATTRACTION. a. A commercial enterprise which is open to the public not less than 120 days during a calendar year and is designed to attract visitors from inside or outside of the State of Alabama, typically for its inherent cultural value, historical significance, natural or man-made beauty, or entertainment or amusement opportunities. The term shall include, but not be limited to, a cultural or historical site; a botanical garden; a museum; a wildlife park or aquarium open to the public that cares for and displays a collection of animals or fish; an amusement park; a convention hotel and conference center; a water park; or a spectator venue or arena.

b. A tourism destination attraction shall not include a facility primarily devoted to the retail sale of goods; a shopping center; a restaurant; a movie theater; a bowling alley; a fitness center; a miniature golf course; or a nightclub. ~~Provided, however, that the~~ The capital costs of the construction of a tourism destination attraction may include



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the capital costs associated with the construction of any retail establishment, restaurant or other portion of the tourism destination attraction. The term also does not include any gaming facility or establishment that the Secretary of the Department of Commerce deems to be serving the local community.

(b) The abatements of ad valorem taxes, and payments in lieu thereof, allowed by amendments to this section by Act 2008-275 shall become effective for projects for which statements of intent are filed after December 31, 2011. No ad valorem taxes, or payments in lieu thereof, shall be abated for periods prior to January 1, 2012. The other abatements allowed by amendments made to this section by Act 2008-275 shall become effective after December 31, 2011.

For a qualifying industrial or research enterprise described in Section 40-9B-3(a)(10)j., the approval of the abatement of a specified ad valorem tax or construction related tax levied or imposed by a county or municipality, or payments required to be made in lieu thereof, shall take effect only upon adoption of a resolution by the governing body of that county or municipality approving such abatement or abatements."

"§40-9G-1

For purposes of the chapter, the following words and phrases ~~shall~~ have the following ~~meaning~~meanings:

(1) APPROVED ACTIVITY. The conduct of an activity that is predominantly any one or more of the following:

a. Described by NAICS Code 1133, 115111, 2121, 22111,





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221330, 31 (other than 311811), 32, 33, 423, 424, 482, 4862, 48691, 48699, 48819, 4882, 4883 (other than 48833), 493, ~~511~~, 5121 (other than 51213), ~~51221~~5122, 513, 517, 518 (without regard to the premise that data processing and related services be performed in conjunction with a third party), ~~51913~~51929, 52232, 54133 (if predominantly in furtherance of another activity described in this chapter), 54134 (if predominantly in furtherance of another activity described in this chapter), 54138, 5415, 541614, 5417, 55 (if not for the production of electricity), 561422 (other than establishments that originate telephone calls), 562213, 56291, 56292, 611512, 927, 9 or 92811.

b. The production of biofuel as such term is defined in Section 2-2-90(c)(2).

c. The conduct of original investigations undertaken on a systematic basis to gain new knowledge or the application of research findings or other scientific knowledge to create new or significantly improved products or processes.

d. The national or regional headquarters for a company that conducts significant business operations outside the state and that will serve as the principal office of the company's principal operating officer with chief responsibility for the daily business operations of the company.

e. ~~A target of the state's economic development efforts pursuant to either of the following:~~

~~(i) The Accelerate Alabama Strategic Economic Development Plan adopted in January 2012 by the Alabama~~



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~~Economic Development Alliance, created by Executive Order  
Number 21 of the Governor on July 18, 2011, or any amended  
version or successor document thereto; or~~

~~(ii)~~ A type listed in a regulation adopted by the  
Department of Commerce, other than a regulation submitted as  
an emergency rule.

Notwithstanding the foregoing, an approved activity  
shall not predominantly concern farming activities involving  
trees, animals, or crops, nor the retail sale of tangible  
personal property or services. This provision shall not be  
deemed to exclude customer service centers, call centers, or  
headquarters otherwise allowed by this subdivision.

(2) COMPANY. Anyone or anything which has the powers to  
own a project and have employees.

(3) NAICS CODE. Any sector, subsector, industry group,  
industry or national industry of the ~~2012~~2022 North American  
Industry Classification System, or any similar classification  
system developed in conjunction with the United States  
Department of Commerce or Office of Management and Budget.

(4) QUALIFYING PROJECT. Any project: a. that proposes  
to invest in capital expenditures that equal or exceed two  
million dollars (\$2,000,000) as part of any addition,  
expansion, improvement, renovation, re-opening, or  
rehabilitation of a facility, or replacement of any existing  
equipment or tangible personal property; b. that predominantly  
involves an approved activity; and c. for which no project  
agreement has been entered into with the Governor for the  
provision of other incentives.



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(5) UTILITY TAXES. The taxes imposed by Sections 40-21-82 and 40-21-102."

"§40-18-372

A qualifying project must be found by the Secretary of Commerce to conduct an activity specified in subdivision (1) and to meet the minimum standard set forth in subdivision (2).

(1) A qualifying project must predominantly conduct an activity that is any one or more of the following:

a. Described by NAICS Code 1133, 115111, 2121, 22111, 221330, 31 (other than 311811), 32, 33, 423, 424, 482, 4862, 48691, 48699, 48819, 4882, 4883 (other than 48833), 493, ~~5117~~, 5121 (other than 51213), ~~51221~~5122, 513, 517, 518 (without regard to the premise that data processing and related services be performed in conjunction with a third party), ~~51913~~51929, 52232, 54133 (if predominantly in furtherance of another activity described in this article), 54134 (if predominantly in furtherance of another activity described in this article), 54138, 5415, 541614, 5417, 55 (if not for the production of electricity), 561422 (other than establishments that originate telephone calls), 562213, 56291, 56292, 611512, 927, or 92811.

b. The production of biofuel as such term is defined in Section 2-2-90(c)(2).

c. A renewable energy generation facility that is owned by one or more electric providers, as the term is defined in Section 37-16-3, for providing electric service at retail in Alabama. For purposes of this subdivision, an "electric provider" shall also include an authority as defined in



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Section 11-50A-1. In the case of an electric provider that is also a tax-exempt organization under the ~~Internal Revenue Code~~<sup>26 U.S.C. § 501</sup>, notwithstanding Section 40-18-376(b)(3), any investment credit may be transferred for the entire term of the project agreement, as approved by the Governor. A "renewable energy generation facility" as used in this subdivision shall include any tangible property that is part of renewable energy generation, including any addition, modification, expansion, or upgrade to transmission or distribution systems that is required to accommodate the interconnection of renewable energy generation.

d. The conduct of original investigations undertaken on a systematic basis to gain new knowledge or the application of research findings or other scientific knowledge to create new or significantly improved products or processes.

e. The national or regional headquarters for a company that conducts significant business operations outside the state and that will serve as the principal office of the company's principal operating officer with chief responsibility for the daily business operations of the company.

f. ~~A target of the state's economic development efforts pursuant to the Accelerate Alabama Strategic Economic Development Plan adopted in January 2012 by the Alabama Economic Development Alliance, created by Executive Order Number 21 of the Governor on July 18, 2011, or any amended version or successor document thereto.~~

~~g.~~ A type listed in a rule adopted by the Department of



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533 Commerce, other than an emergency rule.

534           Notwithstanding the foregoing, a qualifying project may  
535 not engage predominantly in farming activities involving  
536 trees, animals, or crops, and a qualifying project may not  
537 engage predominantly in the retail sale of tangible personal  
538 property or services, and may not be a shopping center,  
539 restaurant, movie theater, bowling alley, fitness center,  
540 miniature golf course, nightclub, gaming facility, or  
541 establishment serving the local community. However, if the  
542 excluded activities are not the predominant activity at the  
543 project, and if the project is otherwise a qualifying project,  
544 then the project agreement may provide that the capital  
545 investment may include costs related to excluded activities  
546 that are ancillary to the primary business conducted as part  
547 of the project. This provision shall not be deemed to exclude  
548 customer service centers, call centers, or headquarters  
549 otherwise allowed by this subdivision.

550           (2) A qualifying project shall create a significant  
551 number of new jobs for the area in which the qualifying  
552 project shall be located. Absent a finding of extraordinary  
553 circumstances by the Secretary of Commerce, a qualifying  
554 project shall employ either of the following number of new  
555 employees:

556           a. Any number of new employees, for a qualifying  
557 project in which the predominant activity involves chemical  
558 manufacturing, data centers, renewable energy generation,  
559 engineering, design, or research, metal/machining technology  
560 or toolmaking; or



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b. At least 50 new employees, for all other qualifying projects."

"§41-23-252

For the purpose of this article, the following words and phrases ~~shall~~ have the following meanings:

(1) ADECA. The Alabama Department of Economic and Community Affairs.

(2) ALABAMA RESEARCH ENTITY. One or more of the following:

a. A public or private university in the state in partnership with a private sector applicant.

b. A university research foundation affiliated with a public or private university in the state in partnership with a private sector applicant.

c. A public two-year college in the state in partnership with a private sector applicant.

d. A publicly owned hospital in the state in partnership with a private sector applicant.

e. An entity duly formed, domiciled, or qualified to do business in the state in partnership with a private sector applicant and that meets each of the following criteria:

1. Is exempt from federal income tax under 26 U.S.C. § ~~Section~~ 501(c)(3) ~~of the Internal Revenue Code of 1986~~, as amended.

2. Is predominantly engaged in research and ~~non-commercial~~ noncommercial development activities undertaken for the purpose of discovering information that is technological or biotechnological in nature, involves a



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process of experimentation, and the application of which is intended to be used in the development of a new or improved product, service, or treatment.

3. Has its headquarters and principal place of business in the state.

4. Has, or is anticipated to have, at least 75 percent of its property and payroll in Alabama, using the property and payroll factor calculations found in Title 40.

(3) APPROVED ACTIVITY. The conduct of an activity that is predominantly any one or more of the following:

a. Described by NAICS Code 1133, 115111, 2121, 22111, 221330, 31 (other than 311811), 32, 33, 423, 424, 482, 4862, 48691, 48699, 48819, 4882, 4883 (other than 48833), 493, ~~511~~, 5121 (other than 51213), ~~51221~~5122, 513, 517, 518 (without regard to the premise that data processing and related services be performed in conjunction with a third party), ~~51913~~51929, 52232, 54133 (if predominantly in furtherance of another activity described in this article), 54134 (if predominantly in furtherance of another activity described in this article), 54138, 5415, 541614, 5417, 55 (if not for the production of electricity), 561422 (other than establishments that originate telephone calls), 562213, 56291, 56292, 611512, 927, or 92811.

b. The production of biofuel as the term is defined in Section 2-2-90(c)(2).

~~c. A target of the state's economic development efforts pursuant to either of the following:~~

~~1. The Accelerate Alabama Strategic Economic~~



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~~Development Plan adopted in January 2012 by the Alabama  
Economic Development Alliance, created by Executive Order  
Number 21 of the Governor on July 18, 2011, or any amended  
version or successor document.~~

~~2.~~A type listed in a regulation adopted by the  
Department of Commerce.

(4) NAICS CODE. Any sector, subsector, industry group,  
industry, or national industry of the ~~2012~~2022 North American  
Industry Classification System, or any similar classification  
system developed in conjunction with the United States  
Department of Commerce or Office of Management and Budget.

(5) QUALIFIED RESEARCH. The meaning given in 26 U.S.C.  
§ 41(d), if conducted in Alabama in pursuit of an approved  
activity. In applying any terms in 26 U.S.C. § 41, "qualified  
research" shall have the meaning given herein."

Section 2. This act shall become effective on June 1,  
2026.