

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1937

By: Bergstrom

AS INTRODUCED

An Act relating to labor organizations; defining terms; prohibiting employers who engage in certain practices from receiving economic development incentives; authorizing report of certain violation to the Attorney General; establishing certain penalty; clarifying applicability of provisions; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 201 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. As used in this act:

1. "Contracts" include:

- a. agreements between an employer and the state, and
- b. agreements between an employer and a labor organization;

2. "Economic development incentive" means any grant, loan, or tax credit provided by the state or local government to an employer;

1       3. "Employee" means any individual who performs services for an  
2 employer for wages that are subject to withholding under 26 U.S.C.,  
3 Section 3402;

4       4. "Employer" means a business entity that voluntarily pursues  
5 economic development incentives and enters into an agreement with  
6 the state for the purpose of receiving such incentives;

7       5. "Labor organization" has the same meaning as defined in 29  
8 U.S.C., Section 152;

9       6. "Neutrality agreement" means an agreement signed with a  
10 union in which the employer agrees to conditions including, but not  
11 limited to, committing not to communicate with employees about union  
12 issues;

13       7. "Personal contact information" means an employee's home  
14 address, home or personal cell phone number, or personal electronic  
15 mail address;

16       8. "Project" means the activity or enterprise for which an  
17 employer receives an economic development incentive;

18       9. "Secret ballot election" means a process conducted by an  
19 agent of the National Labor Relations Board (NLRB) in which an  
20 employee casts a secret ballot for or against labor organization  
21 representation; and

22       10. "Subcontractor" means an individual or entity that has  
23 contracted with an employer to perform work or provide services.  
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1       B. 1. No employer shall be eligible to receive an economic  
2 development incentive for a project if the employer:

- 3           a. voluntarily grants recognition rights for its  
4 employees solely and exclusively on the basis of  
5 signed union authorization cards if the selection of a  
6 bargaining representative may instead be conducted  
7 through a secret ballot election conducted by the  
8 National Labor Relations Board (NLRB),  
9           b. voluntarily discloses an employee's personal contact  
10 information to a labor organization, or third party  
11 acting on behalf of a labor organization, without the  
12 employee's prior written consent, unless otherwise  
13 required by state or federal law,  
14           c. signs a neutrality agreement with a labor  
15 organization, or  
16           d. requires a subcontractor to engage in activities  
17 prohibited in this paragraph.

18       2. The prohibitions set out in paragraph 1 of this subsection  
19 shall apply to any work or service for the employer on the project  
20 for which the economic incentive is provided.

21       C. A person or entity may report, based upon a reasonable  
22 belief, a suspected violation of paragraph 1 of subsection B of this  
23 section to the Attorney General. Upon receiving a report pursuant  
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1 to this subsection, the Attorney General shall determine whether a  
2 violation has occurred.

3 D. An employer found to have engaged in any activity prohibited  
4 by paragraph 1 of subsection B of this section, and which has  
5 received an economic development incentive for any project, shall be  
6 required to repay all economic development incentives received over  
7 the life of the project to the administering agency of the  
8 incentive.

9 E. Subsection B of this section shall not apply to any employer  
10 or subcontractor that does not directly receive an economic  
11 development incentive.

12 F. This section shall not apply to any:

13 1. Agreement between the state and an employer, or between a  
14 county or municipality and an employer, executed prior to the  
15 effective date of this act; and

16 2. Employer with a collective bargaining unit where an  
17 employer, as of the effective date of this act, has entered into a  
18 collective bargaining agreement for that collective bargaining unit  
19 with a labor organization or to which a secret ballot election has  
20 already occurred under applicable federal law.

21 SECTION 2. This act shall become effective November 1, 2026.

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