

1-1 By: Bohac (Senate Sponsor - Hancock) H.B. No. 4038  
 1-2 (In the Senate - Received from the House April 24, 2017;  
 1-3 May 8, 2017, read first time and referred to Committee on Finance;  
 1-4 May 15, 2017, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; May 15, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Nelson	X			
1-8 Hinojosa			X	
1-9 Bettencourt	X			
1-10 Birdwell	X			
1-11 Hancock	X			
1-12 Huffman			X	
1-13 Kolthorst	X			
1-14 Nichols	X			
1-15 Schwertner			X	
1-16 Seliger			X	
1-17 Taylor of Galveston	X			
1-18 Uresti	X			
1-19 Watson			X	
1-20 West	X			
1-21 Whitmire			X	

1-23 A BILL TO BE ENTITLED  
 1-24 AN ACT

1-25 relating to the definition of "qualifying job" for purposes of  
 1-26 certification by the comptroller of public accounts as a qualifying  
 1-27 data center.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Section 151.359(a)(5), Tax Code, is amended to  
 1-30 read as follows:

1-31 (5) "Qualifying job" means a full-time, permanent job  
 1-32 that pays at least 120 percent of the county average weekly wage in  
 1-33 the county in which the job is based. The term includes a new  
 1-34 employment position staffed by a third-party employer if a written  
 1-35 contract exists between the third-party employer and a qualifying  
 1-36 owner, qualifying operator, or qualifying occupant that provides  
 1-37 that the employment position is permanently assigned to an  
 1-38 associated qualifying data center.

1-39 SECTION 2. The change in law made by this Act applies to a  
 1-40 data center certified as a qualifying data center by the  
 1-41 comptroller of public accounts, regardless of whether the  
 1-42 certification occurred before, on, or after the effective date of  
 1-43 this Act.

1-44 SECTION 3. This Act takes effect immediately if it receives  
 1-45 a vote of two-thirds of all the members elected to each house, as  
 1-46 provided by Section 39, Article III, Texas Constitution. If this  
 1-47 Act does not receive the vote necessary for immediate effect, this  
 1-48 Act takes effect September 1, 2017.

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