

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

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

H.B. No. 4038

1 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 4038 was passed by the House on April 20, 2017, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4038 was passed by the Senate on May 19, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor