

By: Springer

H.B. No. 1987

Substitute the following for H.B. No. 1987:

By: Darby

C.S.H.B. No. 1987

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the authority of the governing body of a school district  
3 to waive or reduce the new jobs creation requirement under the Texas  
4 Economic Development Act.

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

6 SECTION 1. Sections 313.025(b), (d), and (f-1), Tax Code,  
7 are amended to read as follows:

8 (b) The governing body of a school district is not required  
9 to consider an application for a limitation on appraised value. If  
10 the governing body of the school district elects to consider an  
11 application, the governing body shall deliver a copy of the  
12 application to the comptroller and request that the comptroller  
13 conduct an economic impact evaluation of the investment proposed by  
14 the application. The comptroller shall conduct or contract with a  
15 third person to conduct the economic impact evaluation, which shall  
16 be completed and provided to the governing body of the school  
17 district, along with the comptroller's certificate or written  
18 explanation under Subsection (d), as soon as practicable but not  
19 later than the 60th [~~90th~~] day after the date the comptroller  
20 receives the application. The governing body shall provide to the  
21 comptroller or to a third person contracted by the comptroller to  
22 conduct the economic impact evaluation any requested  
23 information. A methodology to allow comparisons of economic  
24 impact for different schedules of the addition of qualified

1 investment or qualified property may be developed as part of the  
2 economic impact evaluation. The governing body shall provide a  
3 copy of the economic impact evaluation to the applicant on  
4 request. The comptroller may charge the applicant a fee sufficient  
5 to cover the costs of providing the economic impact  
6 evaluation. The governing body of a school district shall approve  
7 or disapprove an application not later than the 150th day after the  
8 date the application is filed, unless the economic impact  
9 evaluation has not been received, the recommendation of the Texas  
10 Economic Development and Tourism Office or its successor under  
11 Subsection (f-1), if applicable, has not been received, or an  
12 extension is agreed to by the governing body and the applicant.

13 (d) Not later than the 60th [~~90th~~] day after the date the  
14 comptroller receives the copy of the application, the comptroller  
15 shall issue a certificate for a limitation on appraised value of the  
16 property and provide the certificate to the governing body of the  
17 school district or provide the governing body a written explanation  
18 of the comptroller's decision not to issue a certificate.

19 (f-1) The governing body of a school district may request  
20 that the Texas Economic Development and Tourism Office or its  
21 successor submit a recommendation as to whether the new jobs  
22 creation requirement in Section 313.021(2)(A)(iv)(b) or 313.051(b)  
23 should be reduced or waived and, if reduced, the number of new jobs  
24 that should be required to be created. If the governing body elects  
25 to request that the office or its successor submit such a  
26 recommendation, the governing body shall deliver a copy of the  
27 application to the office or its successor and shall notify the

1 comptroller of the governing body's election. The comptroller shall  
2 provide a copy of the economic impact evaluation to the office or  
3 its successor. The recommendation of the office or its successor  
4 shall be based on the economic impact evaluation and on any other  
5 information available to the office or its successor, including  
6 information provided by the governing body. The office or its  
7 successor shall submit its recommendation to the governing body as  
8 soon as practicable after receipt of the copy of the economic impact  
9 evaluation but not later than the 30th day after the date the office  
10 or its successor receives the copy of the economic impact  
11 evaluation. The office or its successor may recommend waiving or  
12 reducing [~~Notwithstanding any other provision of this chapter to~~  
13 ~~the contrary, including Section 313.003(2) or 313.004(3)(A) or~~  
14 ~~(B)(iii), the governing body of a school district may waive]~~ the new  
15 jobs creation requirement only [~~in Section 313.021(2)(A)(iv)(b) or~~  
16 ~~313.051(b) and approve an application]~~ if the office or its  
17 successor determines [~~governing body makes a finding]~~ that the jobs  
18 creation requirement exceeds the industry standard for the number  
19 of employees reasonably necessary for the operation of the facility  
20 of the property owner that is described in the application.  
21 Notwithstanding any other provision of this chapter, the governing  
22 body may waive or reduce the new jobs creation requirement, but only  
23 if the office or its successor recommends waiving or reducing the  
24 requirement and only to the extent recommended by the office or its  
25 successor.

26 SECTION 2. Section 313.026(a), Tax Code, is amended to read  
27 as follows:

1           (a) The economic impact evaluation of the application must  
2 include any information the comptroller determines is necessary or  
3 helpful to:

4                   (1) the governing body of the school district in  
5 determining whether to approve the application under Section  
6 [313.025](#); ~~[or]~~

7                   (2) the comptroller in determining whether to issue a  
8 certificate for a limitation on appraised value of the property  
9 under Section [313.025](#); or

10                   (3) the Texas Economic Development and Tourism Office  
11 or its successor in determining whether to recommend under Section  
12 [313.025](#) that the new jobs creation requirement be waived or  
13 reduced, if such a recommendation is requested.

14           SECTION 3. Chapter 313, Tax Code, as amended by this Act,  
15 applies only to an application filed under that chapter on or after  
16 the effective date of this Act. An application filed under that  
17 chapter before the effective date of this Act is governed by the law  
18 in effect on the date the application was filed, and the former law  
19 is continued in effect for that purpose.

20           SECTION 4. This Act takes effect January 1, 2016.