

By: Birdwell

S.B. No. 1255

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Economic Development Act.

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

SECTION 1. Section 313.007, Tax Code, is amended to read as follows:

Sec. 313.007. EXPIRATION. Subchapters B and C expire December 31, 2032 [~~2022~~].

SECTION 2. Section 313.021(5), Tax Code, is amended to read as follows:

(5) "County average weekly wage for manufacturing jobs" means[+]

[~~(A)~~] the average weekly wage in a county for manufacturing jobs during the most recent four quarterly periods for which data is available at the time a person submits an application for a limitation on appraised value under this subchapter, as computed by the Texas Workforce Commission[~~, or~~

[~~(B) the average weekly wage for manufacturing jobs in the region designated for the regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Local Government Code, in which the county is located during the most recent four quarterly periods for which data is available at the time a person submits an application for a limitation on appraised value under this subchapter, as computed by the Texas Workforce Commission~~].

1 SECTION 3. Section 313.024(b), Tax Code, is amended to read
2 as follows:

3 (b) To be eligible for a limitation on appraised value under
4 this subchapter, the entity must use the property for:

5 (1) manufacturing;

6 (2) research and development;

7 (3) a clean coal project, as defined by Section 5.001,
8 Water Code;

9 (4) an advanced clean energy project, as defined by
10 Section 382.003, Health and Safety Code;

11 (5) ~~[renewable energy electric generation,~~

12 ~~(6)]~~ electric power generation using integrated
13 gasification combined cycle technology;

14 (6) ~~[(7)]~~ nuclear electric power generation;

15 (7) ~~[(8)]~~ a computer center primarily used in
16 connection with one or more activities described by Subdivisions
17 (1) through (6) ~~[(7)]~~ conducted by the entity; or

18 (8) ~~[(9)]~~ a Texas priority project.

19 SECTION 4. Section 313.025, Tax Code, is amended by
20 amending Subsection (a-1) and adding Subsections (e-1), (e-2), and
21 (e-3) to read as follows:

22 (a-1) Within seven days of the receipt of each document, the
23 school district shall submit to the comptroller a copy of the
24 application and the proposed agreement between the applicant and
25 the school district. If the applicant submits an economic analysis
26 of the proposed project to the school district, the district shall
27 submit a copy of the analysis to the comptroller. In addition, the

1 school district shall submit to the comptroller any subsequent
2 revision of or amendment to any of those documents within seven days
3 of its receipt. [~~The comptroller shall publish each document
4 received from the school district under this subsection on the
5 comptroller's Internet website. If the school district maintains
6 a generally accessible Internet website, the district shall provide
7 on its website a link to the location of those documents posted on
8 the comptroller's website in compliance with this
9 subsection. This subsection does not require the comptroller to
10 post information that is confidential under Section 313.028.~~]

11 (e-1) The governing body of a school district must approve
12 or disapprove an application under this subchapter that the
13 governing body elects to consider at a regularly scheduled meeting
14 of the governing body.

15 (e-2) In addition to any other requirement of law, the
16 public notice of a meeting at which the governing body of a school
17 district will consider approving an application under this
18 subchapter that the governing body elects to consider must contain:

19 (1) the name of the property owner and the name of the
20 applicant;

21 (2) the name and location of the reinvestment zone in
22 which the qualified property is located;

23 (3) a general description of the qualified investment
24 the applicant will make on or in connection with the applicant's
25 qualified property; and

26 (4) the estimated amount of the qualified investment
27 the applicant will spend or allocate for the project.

1 (e-3) The notice of a meeting required by this section must
2 be given in the manner required by Chapter 551, Government Code,
3 except that the notice must be provided at least 30 days before the
4 scheduled time of the meeting.

5 SECTION 5. Section 313.0265, Tax Code, is amended to read as
6 follows:

7 Sec. 313.0265. DATABASE ~~[DISCLOSURE]~~ OF APPRAISED VALUE
8 LIMITATION INFORMATION. (a) The comptroller shall create and
9 maintain ~~[post]~~ on the comptroller's Internet website a searchable
10 database consisting of each document or item of information ~~[the~~
11 ~~comptroller designates as substantive before the 15th day after the~~
12 ~~date the document or item of information was]~~ received or created by
13 the comptroller pertaining to ~~[. Each document or item of~~
14 ~~information must continue to be posted until the appraised value~~
15 ~~limitation expires.~~

16 ~~[(b) The comptroller shall designate the following as~~
17 ~~substantive:~~

18 ~~[(1)]~~ each application requesting a limitation on
19 appraised value ~~[, and~~

20 ~~[(2) the economic impact evaluation made in connection~~
21 ~~with the application].~~ This subsection does not require the
22 comptroller to include in the database information that is
23 confidential under Section 313.028.

24 (b) ~~[(e)]~~ If a school district maintains a generally
25 accessible Internet website, the district shall maintain a link on
26 its Internet website to the area of the comptroller's Internet
27 website where the database ~~[information on each of the district's~~

1 ~~agreements to limit appraised value]~~ is maintained.

2 SECTION 6. Section 313.031, Tax Code, is amended by adding
3 Subsection (a-1) and amending Subsection (b) to read as follows:

4 (a-1) The comptroller is not required to adopt forms under
5 Subsection (a) by rule.

6 (b) The governing body of a school district by official
7 action shall establish reasonable nonrefundable application fees
8 to be paid by property owners who apply to the district for a
9 limitation on the appraised value of the person's property under
10 this subchapter. The amount of an application fee must be
11 reasonable and may not exceed the lesser of:

12 (1) the estimated cost to the district of processing
13 and acting on an application, including any cost to the school
14 district associated with the economic impact evaluation required by
15 Section 313.025; or

16 (2) \$50,000.

17 SECTION 7. Section 313.032, Tax Code, is amended by adding
18 Subsection (e) to read as follows:

19 (e) Notwithstanding Subsection (d), a former recipient is
20 not required to submit to the comptroller information pertaining to
21 an ad valorem tax year following the final ad valorem tax year
22 covered by the agreement, except that the former recipient shall
23 submit to the comptroller:

24 (1) the market value of the qualified property of the
25 former recipient as determined by the applicable chief appraiser
26 for each year in which the owner is required to maintain a viable
27 presence in the school district as provided by Section

1 313.027(f)(3); and

2 (2) any other information required by the comptroller.

3 SECTION 8. Section 313.024(e)(2), Tax Code, is repealed.

4 SECTION 9. The changes in law made by this Act apply only to
5 an agreement entered into under Chapter 313, Tax Code, pursuant to
6 an application filed under that chapter on or after the effective
7 date of this Act. An agreement entered into under that chapter
8 pursuant to an application filed before the effective date of this
9 Act is governed by the law in effect on the date the application was
10 filed, and the former law is continued in effect for that purpose.

11 SECTION 10. This Act takes effect September 1, 2021.