

By: Darby, Parker, Murphy,
Thompson of Harris, Ashby

H.B. No. 2341

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the retention and use of sales tax revenue collected by
3 certain retailers to provide job training and placement services to
4 certain persons; adding provisions subject to a criminal penalty.

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

6 SECTION 1. Subchapter I, Chapter 151, Tax Code, is amended
7 by adding Section 151.433 to read as follows:

8 Sec. 151.433. USE OF SALES TAX COLLECTIONS FOR JOB TRAINING
9 AND PLACEMENT. (a) In this section:

10 (1) "Qualifying organization" means a retailer
11 certified by the comptroller under Subsection (b).

12 (2) "Workforce training community center" means a
13 retailer that:

14 (A) is exempt from the payment of federal income
15 taxes under Section 501(a), Internal Revenue Code of 1986, by being
16 listed as an exempt organization under Section 501(c)(3) of that
17 code;

18 (B) collects and remits to the comptroller sales
19 taxes imposed on the sale of donated goods;

20 (C) has significant experience in assisting
21 persons with a disability or other barriers to employment with job
22 training and placement services and uses a portion of its revenue to
23 provide those services;

24 (D) is affiliated with a national or statewide

1 organization; and

2 (E) has annual sales of at least \$1 million.

3 (b) A retailer may apply to the comptroller for
4 certification as a qualifying organization under this section. If
5 the comptroller determines that the applicant meets the
6 requirements to be a workforce training community center, the
7 comptroller shall certify the applicant as a qualifying
8 organization.

9 (c) Notwithstanding any other law, a qualifying
10 organization is not required to remit to the comptroller and may
11 retain 50 percent of the sales taxes imposed under this chapter and
12 collected by the organization on sales during the period in which
13 the qualifying organization holds a certification under Subsection
14 (b). The qualifying organization must show the amount retained on a
15 tax report required by this chapter in addition to the information
16 required by Section [151.406](#).

17 (d) A qualifying organization shall continue to remit to the
18 comptroller sales taxes imposed by a political subdivision of this
19 state and collected on sales with respect to which the qualifying
20 organization retains sales taxes as authorized by Subsection (c).

21 (e) The reimbursement authorized by Section [151.423](#) and the
22 deduction authorized by Section [151.424](#) do not apply with respect
23 to the amount of sales taxes retained as authorized by Subsection
24 (c).

25 (f) Except as provided by Subsection (g), a qualifying
26 organization shall use money retained as authorized by Subsection
27 (c) only to:

1 (1) provide a variety of job training and placement
2 services to persons with a disability or other barriers to
3 employment, including low educational attainment, a criminal
4 record, homelessness, and veteran status;

5 (2) develop an individualized written training and
6 employment plan for each person assisted to ensure appropriate and
7 successful job placement; and

8 (3) monitor job retention for each person placed for
9 the first 90 days of employment and provide additional services as
10 needed to support job retention or acquisition of a different job.

11 (g) In its first year of certification, a qualifying
12 organization may use money retained as authorized by Subsection (c)
13 to improve its infrastructure and otherwise prepare to provide
14 services described by Subsection (f). This subsection does not
15 apply to the period after a qualifying organization's certification
16 is renewed under Subsection (m).

17 (h) After the period described by Subsection (g), for every
18 \$10,000 in sales tax collections retained under this section a
19 qualifying organization:

20 (1) shall provide job training and placement services
21 to at least three persons, including services related to
22 job-seeking skills and vocational skills training, job placement,
23 job coaching, and post-employment support; and

24 (2) must successfully place an average of at least
25 2.25 persons in jobs.

26 (i) Subject to Subsection (j), a retailer that is certified
27 as a qualifying organization retains that certification until the

1 third anniversary of the date of certification. At any time after
2 the period described by Subsection (g) during the certification
3 period, the comptroller may, and at the conclusion of the
4 certification period the comptroller shall, require the qualifying
5 organization to demonstrate, in a manner prescribed by the
6 comptroller, that the qualifying organization:

7 (1) has not used any tax collections retained under
8 this section for a purpose other than a purpose described by
9 Subsection (f) after the first year of certification; and

10 (2) is successfully meeting or has successfully met,
11 as applicable, the requirements described by Subsection (h).

12 (j) The comptroller, after written notice and a hearing, may
13 revoke a certification issued to a retailer that fails to comply
14 with this chapter or a rule adopted under this chapter. A retailer
15 whose certification the comptroller proposes to revoke under this
16 section is entitled to 20 days' written notice of the time and place
17 of the hearing on the revocation. The notice must state the reason
18 the comptroller is seeking to revoke the retailer's certification.
19 At the hearing the retailer must show cause why the retailer's
20 certification should not be revoked.

21 (k) The comptroller shall give written notice of the
22 revocation of a certification under Subsection (j) to the retailer
23 that was certified under this section. The notice may be sent by
24 mail to the retailer's address as shown in the comptroller's
25 records.

26 (l) The comptroller shall require an organization whose
27 certification was revoked under Subsection (j) to remit an amount

1 of tax collections retained under this section in the comptroller's
2 discretion, but not to exceed \$3,333 per person not successfully
3 placed in a job in accordance with Subsection (h)(2).

4 (m) A retailer that is certified as a qualifying
5 organization may apply to renew the certification. The comptroller
6 may renew a retailer's certification only if the retailer has
7 complied with all requirements during the applicant's
8 certification period and with any other requirements for renewal as
9 prescribed by rules adopted by the comptroller.

10 SECTION 2. The change in law made by this Act does not
11 affect tax liability accruing before the effective date of this
12 Act. That liability continues in effect as if this Act had not been
13 enacted, and the former law is continued in effect for the
14 collection of taxes due and for civil and criminal enforcement of
15 the liability for those taxes.

16 SECTION 3. This Act takes effect September 1, 2015.