

By: Barrientos

S.B. No. 1020

A BILL TO BE ENTITLED

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AN ACT

relating to the exemption from ad valorem taxation of certain property used by a charitable organization operating a radio station that is funded through donations.

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

SECTION 1. Subsection (d), Section 11.18, Tax Code, is amended to read as follows:

(d) A charitable organization must be organized exclusively to perform religious, charitable, scientific, literary, or educational purposes and, except as permitted by Subsections (h) and (l), engage exclusively in performing one or more of the following charitable functions:

(1) providing medical care without regard to the beneficiaries' ability to pay, which in the case of a nonprofit hospital or hospital system means providing charity care and community benefits in accordance with Section 11.1801;

(2) providing support or relief to orphans, delinquent, dependent, or handicapped children in need of residential care, abused or battered spouses or children in need of temporary shelter, the impoverished, or victims of natural disaster without regard to the beneficiaries' ability to pay;

(3) providing support to elderly persons, including the provision of recreational or social activities and facilities designed to address the special needs of elderly persons, or to the

1 handicapped, without regard to the beneficiaries' ability to pay;

2 (4) preserving a historical landmark or site;

3 (5) promoting or operating a museum, zoo, library,
4 theater of the dramatic or performing arts, or symphony orchestra
5 or choir;

6 (6) promoting or providing humane treatment of
7 animals;

8 (7) acquiring, storing, transporting, selling, or
9 distributing water for public use;

10 (8) answering fire alarms and extinguishing fires with
11 no compensation or only nominal compensation to the members of the
12 organization;

13 (9) promoting the athletic development of boys or
14 girls under the age of 18 years;

15 (10) preserving or conserving wildlife;

16 (11) promoting educational development through loans
17 or scholarships to students;

18 (12) providing halfway house services pursuant to a
19 certification as a halfway house by the pardons and paroles
20 division of the Texas Department of Criminal Justice;

21 (13) providing permanent housing and related social,
22 health care, and educational facilities for persons who are 62
23 years of age or older without regard to the residents' ability to
24 pay;

25 (14) promoting or operating an art gallery, museum, or
26 collection, in a permanent location or on tour, that is open to the
27 public;

1 (15) providing for the organized solicitation and
2 collection for distributions through gifts, grants, and agreements
3 to nonprofit charitable, education, religious, and youth
4 organizations that provide direct human, health, and welfare
5 services;

6 (16) performing biomedical or scientific research or
7 biomedical or scientific education for the benefit of the public;

8 (17) operating a television station that produces or
9 broadcasts educational, cultural, or other public interest
10 programming and that receives grants from the Corporation for
11 Public Broadcasting under 47 U.S.C. Section 396, as amended;

12 (18) providing housing for low-income and
13 moderate-income families, for unmarried individuals 62 years of age
14 or older, for handicapped individuals, and for families displaced
15 by urban renewal, through the use of trust assets that are
16 irrevocably and, pursuant to a contract entered into before
17 December 31, 1972, contractually dedicated on the sale or
18 disposition of the housing to a charitable organization that
19 performs charitable functions described by Subdivision (9);

20 (19) providing housing and related services to persons
21 who are 62 years of age or older in a retirement community, if the
22 retirement community provides independent living services,
23 assisted living services, and nursing services to its residents on
24 a single campus:

25 (A) without regard to the residents' ability to
26 pay; or

27 (B) in which at least four percent of the

1 retirement community's combined net resident revenue is provided in
2 charitable care to its residents; ~~[or]~~

3 (20) providing housing on a cooperative basis to
4 students of an institution of higher education if:

5 (A) the organization is exempt from federal
6 income taxation under Section 501(a), Internal Revenue Code of
7 1986, as amended, by being listed as an exempt entity under Section
8 501(c)(3) of that code;

9 (B) membership in the organization is open to all
10 students enrolled in the institution and is not limited to those
11 chosen by current members of the organization;

12 (C) the organization is governed by its members;
13 and

14 (D) the members of the organization share the
15 responsibility for managing the housing; or

16 (21) operating a radio station that broadcasts
17 educational, cultural, or other public interest programming,
18 including classical music, and that is funded entirely through
19 donations made by listeners or other donors.

20 SECTION 2. This Act applies only to an ad valorem tax year
21 that begins on or after the effective date of this Act.

22 SECTION 3. This Act takes effect January 1, 2006.