

By: Naishtat

H.B. No. 1868

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the exemption from ad valorem taxation of property used  
3 by a charitable organization operating certain radio stations.

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

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

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

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

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

21 (3) providing support to elderly persons, including  
22 the provision of recreational or social activities and facilities  
23 designed to address the special needs of elderly persons, or to the  
24 handicapped, without regard to the beneficiaries' ability to pay;

- 1           (4) preserving a historical landmark or site;
- 2           (5) promoting or operating a museum, zoo, library,  
3 theater of the dramatic or performing arts, or symphony orchestra  
4 or choir;
- 5           (6) promoting or providing humane treatment of  
6 animals;
- 7           (7) acquiring, storing, transporting, selling, or  
8 distributing water for public use;
- 9           (8) answering fire alarms and extinguishing fires with  
10 no compensation or only nominal compensation to the members of the  
11 organization;
- 12          (9) promoting the athletic development of boys or  
13 girls under the age of 18 years;
- 14          (10) preserving or conserving wildlife;
- 15          (11) promoting educational development through loans  
16 or scholarships to students;
- 17          (12) providing halfway house services pursuant to a  
18 certification as a halfway house by the pardons and paroles  
19 division of the Texas Department of Criminal Justice;
- 20          (13) providing permanent housing and related social,  
21 health care, and educational facilities for persons who are 62  
22 years of age or older without regard to the residents' ability to  
23 pay;
- 24          (14) promoting or operating an art gallery, museum, or  
25 collection, in a permanent location or on tour, that is open to the  
26 public;
- 27          (15) providing for the organized solicitation and

1 collection for distributions through gifts, grants, and agreements  
2 to nonprofit charitable, education, religious, and youth  
3 organizations that provide direct human, health, and welfare  
4 services;

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

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

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

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

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

26 (B) in which at least four percent of the  
27 retirement community's combined net resident revenue is provided in

1 charitable care to its residents; [~~or~~]

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

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

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

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

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

15 (21) operating a radio station that broadcasts  
16 educational, cultural, or other public interest programming,  
17 including classical music, and that in the preceding five years has  
18 received or been selected to receive one or more grants or similar  
19 funding from the Corporation for Public Broadcasting under 47  
20 U.S.C. Section 396, as amended.

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

23 SECTION 3. This Act takes effect January 1, 2008.