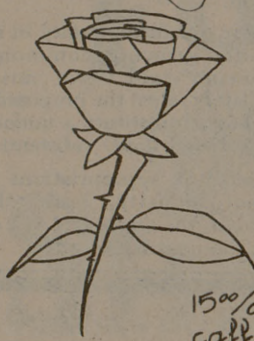


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2nd Floor MSC

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Session 2: Business (1 p.m.-4:30 p.m.)  
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both sessions \$1.50  
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or at (228 MSC Nov. 10)  
Luncheon: \$3.00 (extra)  
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Legion posts' status questioned

Council OKs tax ruling appeal

United Press International  
EL PASO — Given the green light on a 3-2 city council vote Tuesday night, the city attorney's office says it will seek a precedent-setting court ruling which could affect property taxes levied against American Legion posts throughout Texas.

Vicki Byrnes, assistant city attorney, won council approval to appeal a district court judgment against the city in a delinquent tax suit involving American Legion Post No. 58.

About \$10,000 in delinquent taxes are directly involved in the local suit, but Byrnes said the court case could set a precedent for a number of organizations, such as the American Legion, which have lobbied successfully for laws exempting themselves from property taxes.

The attorney contends the exemptions are contrary to a provision in the state constitution providing that non-profit organizations qualifying for exemptions must be purely public charity.

Byrnes argues that the local American Legion post did not claim to be "purely charitable" and cited the state law in applying for exemption.

In addition, she said the state attorney general has issued an opinion that the state law is unconstitutional.

Every major Texas city — except

Fort Worth — denies property tax exemptions for American Legion posts, Byrnes said. She said both the El Paso and Yule

pendent School Districts, located in the city, want the city to sue because the city collects their property taxes.

If the city did not appeal, Byrnes said, the school districts could sue the city for not performing contractual services under a collecting agreement.

Alderman Pat Haggard, member of Post 58's board of directors, said the comprehensive organization of property taxes set out by legislation introduced by Rep. Wayne Peveto also grants exemptions to American Legion posts.

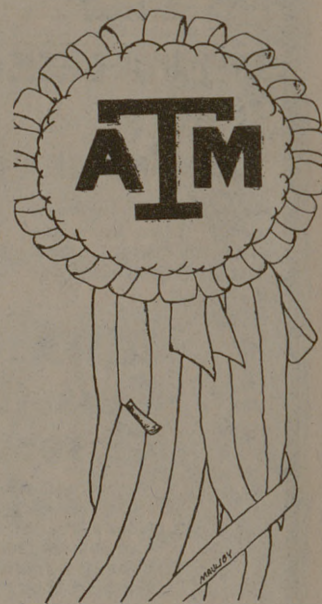
Byrnes countered that the organization has not been tested in court.

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