

CHIEF APPRAISER'S GUIDELINES

2009 FREEPORT EXEMPTION APPLICATION

BEXAR APPRAISAL DISTRICT

Dear Freeport Applicant:

The purpose of the Chief Appraiser's Guidelines and its companion Freeport Exemption Application is to simplify, clarify, and expedite the Freeport Exemption process and to improve the quality of the Application entries and supporting source documentation.

TEXAS LAW: The basic law is that all property is taxable according to its market value. However, various exemptions have been legislated with subsequent voter approval to amend the Constitution, including the "Exemption for Goods Exported from Texas" under certain conditions and referred to as the "Freeport Exemption".

CONDITIONS: The basic conditions applicable to the Freeport Exemption are as follow:

1. The Freeport Exemption Application must be filed each year between **January 1** and **April 30**.
A late application may be filed the day before the appraisal review board approves appraisal records for the year. Approval usually occurs in **JULY**. If the application is approved, the property owner is liable to each taxing unit for a penalty in an amount equal to 10% of the difference between the amount of tax imposed by the taxing unit on the Freeport goods and the amount that would otherwise have been imposed.
2. The Freeport Exemption applies only in Taxing Units, which by resolution, approved implementation of the exemption. The Taxing Units which have approved the exemption, along with those that have not, are shown in the endnote.¹
3. The Freeport Exemption applies only to inventory other than oil, natural gas, and other petroleum or derivatives.
4. Eligible inventory must be transported to destinations outside of Texas not later than 175 days after the date acquired or imported into Texas.
5. Freeport eligible inventory includes property detained in Texas for assembling, storing, manufacturing, processing, or fabricating purposes.
6. Freeport Exemption Applications will be acted on by the Chief Appraiser as the law and facts warrant. The Chief Appraiser can: (1) approve the exemption value claimed, (2) modify and approve the modified exemption value, (3) disapprove the exemption and request additional information, or (4) deny the exemption. The Chief Appraiser will provide written notice of the decision. If the property owner fails to deliver the information requested in a disapproval notice before the 31st day after the date the notice is delivered to the property owner or before the date the appraisal review board approves the appraisal records, whichever is later, the property owner forfeits the right to receive the exemption for that year. If the property owner delivers the information requested in the notice before the date the appraisal review board approves the appraisal records but not before the 31st day after the date the notice is delivered and the exemption is allowed, the property owner is liable to pay a penalty equal to 10% of the tax savings resulting from the exemption. The applicant may protest the Chief Appraiser's decision and be scheduled for a hearing with the Appraisal Review Board.

APPLICATION: The Bexar Appraisal District Application is an expanded version of the State of Texas Application published by the State Comptroller. The information required by the Texas Application is preceded by an asterisk (*). The remainder has been added as a part of the documentation requested by the Chief Appraiser. The Application must be signed and all required entries completed to be approved.

APPLICATION CALCULATIONS: Each section of STEP 4 that relates to calculating the exemption is discussed below. The Freeport Exemption involves only inventory held in and shipped from Bexar County. Any reference to Sales or Cost of Goods Sold relates only to inventory. Sales of Services and Cost of Services or any other non-inventory entries in the Financial Statements must be excluded from all calculations.

1. STEP 4, Section A – This section determines whether or not your entire Inventory may be eligible for Freeport consideration. If it turns in 175 days or less, it is generally eligible. However, if the Inventory consists of Raw Materials, Work in Process, Finished Goods, Supplies, etc., there may be Inventory within one or more categories that does not turn in 175 days or less and this must be deducted along with all other non eligible Cost of Goods Sold from Inventory in STEP 4, Section B, Line 7a. If the Inventory as a whole turns in more than 175 days, documentation must be attached that shows the Cost of Inventory that was shipped out of Texas in 175 days or less from the date acquired.
2. STEP 4, Section B – This section is used to calculate a percentage of last year's Inventory represented by Freeport Goods. The calculations are generally self explanatory. However, STEP 4, Section B, Line 7a requires special attention. The slow moving Cost of Goods not eligible for Freeport includes non eligible components commingled with eligible components on manufactured or assembled Finished Goods shipped out of Texas. STEP 4, Section B, Line 7b involves all Inventory shipped to Texas destinations. In connection with STEP 4, Section B, as a whole, a breakdown summary of total Sales, Cost of Goods Sold, and Intracompany Transfers by destination state and foreign country is required. Substitute documentation may be submitted so long as it shows where the Inventory was shipped and the dollar amount involved.

3. STEP 4, Section C – The purpose of this section is to identify the current year Inventory that is eligible for the Freeport Exemption. The Cost of Inventory must be as of January 1 of the current year, or September 1 of the prior year if elected as valuation date. Any adjustments shown require documentation to explain them and must track to your Financial Statements.
4. STEP 4, Section D – This section is used to calculate the exemption claimed and the non-exempt remainder. It is self explanatory, using figures calculated in the previous steps.

DOCUMENTATION: As stated in the application instructions published by the Texas Comptroller, you are required to submit source documentation that is requested. The following source documentation is requested by the Chief Appraiser:

1. Audited Financial Statements with notes for the prior calendar year which includes the Balance Sheet, Operations Statement, and the Cost of Goods Sold statement if not included in the Operations Statement, if available, otherwise the closest substitute available that is consistent with Generally Accepted Accounting Principles (GAAP). This documentation must show Beginning Inventory, Ending Inventory, LIFO reserve (if applicable), and adjustments to Inventory, total Sales, and total Cost of Goods Sold, including calculations of the Cost of Goods Sold.
2. Sales, Cost of Sales, and Intracompany Transfers breakdown by dollar amount, destination state and foreign country, or any other documentation that shows your annual Inventory Sales and Cost of Inventory sales shipment pattern. The overall objective is to document the Cost of Goods Sold from Inventory that were shipped out of Texas within 175 days from the date acquired.

RENDITION REQUIREMENT: The Property Tax Code requires that all tangible personal property held to produce income be rendered each year. Attach the Freeport application and documentation to the completed rendition. Upon receipt, your claim will be processed and if Freeport is approved, the Inventory will be moved to an exempt Freeport Account for the tax year.

I urge you to submit your completed Rendition and Freeport Application with Documentation at the earliest possible date. Your cooperation is appreciated.

Sincerely,

Patrick Romo

Patrick Romo, Personal Property Manager
For Chief Appraiser Michael A. Amezcuita

<u>Tax Units that grant Freeport Exemption</u>	<u>Tax Units that DO NOT grant Freeport Exemption</u>
06 – Road & Flood	09 – Alamo Community College District
08 – San Antonio River Authority	30 – Town of Hollywood Park
10 – University Health System	32 – City of Leon Valley
11 – Bexar County	33 – City of Live Oak
12 – Atascosa County	34 – City of Olmos Park
15 – Medina County	39 – City of Terrell Hills
18 – Bandera County	40 – Universal City
21 – City of San Antonio	42 – City of Helotes
22 – City of Alamo Heights	45 – City of Fair Oaks Ranch
23 – City of Balcones Heights	51 – East Central ISD
24 – City of Castle Hills	52 – Edgewood ISD
25 – City of China Grove	53 – Harlandale ISD
26 – City of Converse	55 – North East ISD
27 – City of Elmendorf	56 – Northside ISD
28 – City of Grey Forest	58 – South San ISD
29 – City of Hill Country Village	59 – Southside ISD
31 – City of Kirby	68 – Medina Valley ISD
35 – City of Selma	72 – Somerset ISD
36 – City of Shavano Park	73 – Southwest ISD
37 – City of Somerset	
38 – City of St. Hedwig	
41 – City of Windcrest	
43 – City of Schertz	
50 – Alamo Heights ISD	
54 – Judson ISD	
57 – San Antonio ISD	
61 – Boerne ISD	
63 – Comal ISD	
64 – Schertz / Cibolo ISD	
75 – Bexar Co. Emergency Svc District # 6	
76 – Bexar Co. Emergency Svc District # 5	
77 – Bexar Co. Emergency Svc District # 7	
78 – Bexar Co. Emergency Svc District # 3	
79 – Bexar Co. Emergency Svc District # 2	
84 – Bexar Co. Emergency Svc District # 1	
100 – Bexar Co. Emergency Svc District # 4	
101 – Bexar Co. Emergency Svc District # 8	
102 – Bexar Co. Emergency Svc District #10	
111 – Bexar Co. Emergency Svc District #11	
112 – Bexar Co. Emergency Svc District #12	