**Private Letter Ruling**

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| **Ruling Number:** | **P-1998-196** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Exemption under 79-3606(vv).** |
| **Keywords:** |  |
| **Approval Date:** | **11/12/1998** |

**Body:**

Office of Policy & Research

November 12, 1998

XXXX
XXXX
XXXX

RE: Your letter request of October 30, 1998

Dear XXXX:

I have been asked to respond to your letter that we received earlier this month. You ask for a determination of whether the XXXX Foundation is exempt from Kansas sales tax. The foundation has been recognized as a 501(c)(3) organization by the Internal Revenue Service.

You point out that the Kansas legislature has extended specific sales tax exemption to the American Heart Association, Kansas Affiliate, Inc., the Kansas Alliance for the Mentally Ill, Inc., the Kansas Mental Illness Awareness Council, the American Diabetes Association Kansas Affiliate, Inc., the American Lung Association of Kansas, Inc. and, the Kansas chapters of the Alzheimer's Disease and Related Disorders Association, Inc. These exemptions are found at K.S.A. 79-3606(vv). In addition to exempting these named entities, the Kansas sales tax statutes grant exemptions to schools, educational institutions, hospitals, and political subdivisions. None of these general exemptions encompass nonprofit organizations like yours.

Tax exemption statutes are strictly construed. This means that exemptions will not be read to extend exemption to entities that are not clearly within the terms of the exemption. In the case of the XXXX Foundation, the specific exemptions for similar organizations shows that the Kansas legislature intended to exempt the named entities, but not others. The XXXX Foundation is not exempt from Kansas sales tax. You must continue to pay sales tax on your purchases of office supplies, phone services, and other purchases that are subject to Kansas sales tax.

This is a private letter ruling pursuant to K.A.R. 92-19-59. It is based solely on the facts provided in your request. If it is determined that undisclosed facts were material or necessary to an accurate determination by the department, this ruling is null and void. This ruling will be revoked by operation of law without further department action if there is a change in the controlling statutes, administrative regulations, revenue rulings or case law that materially effects this determination. Please call me if you have any additional questions.

Sincerely,

Thomas E. Hatten

Attorney/Policy & Research

**Date Composed: 11/23/1998 Date Modified: 10/10/2001**