**Opinion Letter**

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| **Letter Number:** | **O-2002-019** |

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| **Tax Type:** | **Corporate Income Tax; Individual Income Tax** |
| **Brief Description:** | **Kansas Historic Preservation Tax Credit-Transfers** |
| **Keywords:** |  |
| **Approval Date:** | **08/22/2002** |

**Body:**

Office of Policy & Research

August 22, 2002

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XXXX

Re: Ruling Request re Kansas Historic Preservation Tax Credit--Transfers

Dear XXXX:

This letter responds to your correspondence dated August 12, 2002, in which you ask whether the historic preservation tax credit under section 31 of 2002 Senate Bill 39, may be transferred to more than one assignee more than one time.

Subsection (c) of section 31, 2002 Senate Bill 39 (amending K.S.A. 2001 Supp. 79-32,211) provides in part: “Any person, hereinafter designated the assignor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to subsection (a).” You contend that the 2002 amendments do not limit the number of assignors or assignees, or the number of times assignments of such tax credits can be made. You note that 2002 House Bill 2948, as introduced, contained the following restriction in subsection (c), later removed from the enacted language: “Only the full credit amount for any one contribution may be transferred and such credit may be transferred one time.” This deletion infers legislative intent to allow tax credit transfers to occur more than one time. You also point out that subsection (c) states “any person” may assign or transfer the tax credits as assignor, meaning that the assignor could be someone other than the entity earning the tax credits.

The Department agrees that earned or allowed Kansas historic preservation tax credits may be transferred more than one time, subject to the statutory requirements. The person earning the tax credits can assign portions of those tax credits to different persons, and in turn, those persons can assign the tax credits to other persons. A subsequent assignor can be an individual or entity other than the one earning the tax credits.

Please let me know if you have any further questions.

Very truly yours,

Richard L. Cram

**Date Composed: 08/26/2002 Date Modified: 08/26/2002**