**Private Letter Ruling**

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| **Ruling Number:** | **P-1999-17** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Educational Institutions.** |
| **Keywords:** |  |
| **Approval Date:** | **02/05/1999** |

**Body:**

Office of Policy & Research

February 5, 1999

XXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXX

RE: XXXXXXXXXXXXX

Dear XXXXXXXXXXXXX:

The purpose of this letter is to respond to your letter dated January 13, 1999.

You represent the above captioned non-profit association and request an opinion from the Kansas Department of Revenue as to whether or not this entity qualifies as "educational institutions" pursuant to K.S.A. 79-3602 as amended by L. 1998, ch. 130, section 29.

You conveyed the following information regarding your client.

XXXXXXXXXXXXXXXXXXX (the "Endowment Association") is a not-for-profit corporation organized and existing under the laws of the State of Kansas. The purpose of the Endowment Association is to receive and accept property to be administered exclusively for charitable purposes, primarily in, or for the benefit of the College. The Internal Revenue Service has determined that the Endowment Association is an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and exempt from federal income taxation pursuant to Section 501(a) of the Code.

K.S.A. 79-3602, as amended by the 1998 Kansas Legislature, defines the term "educational institution." This term includes, "[n]onprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution."

Based solely on the information supplied by you, it is the opinion of the Kansas Department of Revenue that the XXXXXXXXXXXXXXXXXXX qualifies as an "educational institution."

This private letter ruling is based solely on the facts provided in your request. If it is determined that undisclosed facts were material or necessary to make an accurate determination by the department, this ruling is null and void. This private letter ruling will be revoked in the future by operation of law without further department action if there is a change in the statutes, administrative regulations, or case law, or a published revenue ruling, that materially affects this private letter ruling.

Sincerely,

Mark D. Ciardullo
Tax Specialist

**Date Composed: 02/16/1999 Date Modified: 10/11/2001**