**Private Letter Ruling**

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| **Ruling Number:** | **P-1999-129** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Purchases of books by libraries.** |
| **Keywords:** |  |
| **Approval Date:** | **06/10/1999** |

**Body:**

Office of Policy and Research

June 10, 1999

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Re: Kansas Sales Tax

Dear XXXXX:

Your correspondence of April 30, 1999, has been referred to me for response. Thank you for your inquiry.

Your letter indicates that in the past certain book companies and other business have allowed your library to make purchases without paying sales tax. These same companies are now requiring your tax exempt number. Therefore, by your letter you are requesting we provide you with a tax exempt number.

The Kansas retailers’ sales tax is imposed by K.S.A. 79-3603. Subsection (a) of the statute imposes sales tax on:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

Exemptions from sales tax are found in K.S.A. 79-3606. Libraries, per se, do not qualify for exemption. However, a library which operate as a political subdivision will enjoy the exemption extended to a political subdivision. The controlling statute, K.S.A. 79-3606(b) provides an exemption for:

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, . . . .

The term “political subdivision” is defined in K.S.A. 79-3602. Subsection (n) of the statute provides:

(n) “Political subdivision” means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law.

If your library is a political subdivision it qualifies for the exemption permitted by K.S.A. 79-3606. In this event, it can provide book companies and other businesses with an exemption certificate and make purchases exempt from sales tax. A copy of the exemption certificate is enclosed for your convenience. On the other hand, if your library is not a political subdivision it is responsible for paying tax on any purchases it makes.

I trust this information is of assistance. If I can be of further service, please feel free to contact me.

Sincerely,

Jim Weisgerber
Attorney
Tax Specialist

JW:jw

Enclosure: State of Kansas or Political Subdivision Exemption Certificate

**Date Composed: 06/22/1999 Date Modified: 10/11/2001**