**Opinion Letter**

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| **Letter Number:** | **O-2000-039** |

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| **Tax Type:** | **Kansas Retailers' Sales Tax** |
| **Brief Description:** | **Sales of large, carved, gaily colored wooden horses for a community purpose.** |
| **Keywords:** |  |
| **Approval Date:** | **11/30/2000** |

**Body:**

Office of Policy & Research

November 30, 2000

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XXXX

RE: You fax of November 30, 2000

Dear Ms. XXXX:

I have been asked to respond to your fax that we received today. In it, you ask if the sale of large Dala Horses for a community purpose are subject to Kansas sales tax. A Dala Horse is typically a carved, gaily colored wooden horse that is associated with Sweden or Scandinavia. Dala Horses have become a central motif of the official logo of the City of Lindsborg. The purchasers intend to display the horses publicly in Lindsborg to encourage community development.

Sales of these carved horses are subject to Kansas sales tax. I have enclosed a copy of Kansas Attorney General Opinion 90-17. The reasoning set forth on pages 2 through 4 of the Opinion applies to sales of the Dala Horses. The Attorney General Opinion deals with scale-models of the statehouse dome sculpture that were given by the Kansas Arts Commission to patrons who donated $10,000 or more to help pay for the actual dome sculpture. While the scale-models were valued at about $3,000, one was given to each patron who donated $10,000 or more to the fund. The Attorney General opined that these transactions were taxable based on the amount that was donated ($10,000 or more). The Attorney General suggested several alternatives for reducing the tax base to $3,000. I have enclosed a copy of the Opinion for your review.

This means that you are correct that the sale of the Dala Horses are subject to Kansas sales tax. The Attorney General’s Opinion suggests ways that the tax may be reduced for the unique fact situation presented in the Opinion. The way in which the Dala Horses are sold will dictate whether you can take advantage of any of the AG’s suggestions for reducing the tax consequences on your sales. I hope that this answers all of your questions. If not, please call me and we can discuss them.

Sincerely,

Thomas E. Hatten
Attorney/Policy & Research

Enclosure

**Date Composed: 12/12/2000 Date Modified: 10/10/2001**