

CABINET FOR ECONOMIC DEVELOPMENT

Andy Beshear
Governor

Old Capitol Annex
300 West Broadway
Frankfort, Kentucky 40601

Jeff Noel
Secretary

October 6, 2025

Senator Stephen West
Representative Derek Lewis
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs:

After consideration of the issues raised by 307 KAR 1:080E, the Cabinet for Economic Development proposes the attached agency amendment to this ordinary administrative regulation, 307 KAR 1:080. All changes made to 307 KAR 1:080 were done to correspond with the final version of 307 KAR 1:080E. No changes were made beyond those incorporating the final language of 307 KAR 1:080E.

Sincerely,

Matthew D. Wingate
Executive Director, Office of Legal Services
Kentucky Cabinet for Economic Development

Cc: Secretary Jeff Noel

1 CABINET FOR ECONOMIC DEVELOPMENT

2 (Agency Amendment)

3 307 KAR 1:080. Kentucky Entertainment Incentive Program (Effective July 1, 2025).

4 RELATES TO: KRS 154.61-010, 154.61-020, 154.61-030

5 STATUTORY AUTHORITY: KRS 154.12-280, 154.61-030(5)[, ~~2025 Ky. Acts ch. 91, sec. 1~~
6 ~~(2025 SB-1)~~]

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 154.12-280, 154.61-010, 154.61-020,
8 and 154-61-030[, ~~and 2025 Ky. Acts ch. 91, sec. 1 (2025 SB-1),~~] authorize the Kentucky Film
9 Office and Kentucky Film Leadership Council, through the Cabinet for Economic Development
10 and its Secretary, to establish procedures and standards for the Kentucky Entertainment Incentive
11 Program. This administrative regulation establishes the application, criteria, fee structure, and
12 economic analysis to evaluate applications for the KRS Chapter 154.61 incentives.

13 Section 1. Definitions.

14 (1) “Above-the-line production crew” is defined by KRS 154.61-010(1).

15 (2) “Applicant” means an eligible company submitting an application for incentives under
16 KRS 154.61-030.

17 (3) “Application” means an Application for Kentucky Entertainment Incentive (KEI) for tax
18 incentives filed with the Cabinet pursuant to KRS 154.61-030.

19 (4) “Approved company” is defined by KRS 154.61-010(3).

20 ~~[(3) “Applicant” means an eligible company submitting an application for incentives under~~
21 ~~KRS 154.61-030.~~

1 ~~—(4) “Application” means an application for tax incentives filed with the Cabinet pursuant to~~
2 ~~KRS 154.61-030.]~~

3 (5) “Below-the-line production crew” is defined by KRS 154.61-010(4).

4 (6) “Cabinet” is defined by KRS 154.61-010(5).

5 (7) “Common ownership” means two (2) or more legal entities, such as corporations, limited
6 liability companies, partnerships, and the like, where the:

7 (a) Entities are owned by the same person;

8 (b) Same person serves as an officer or director of the entities; or

9 (c) Majority of one (1) entity is owned by one (1) or more of the other entities.

10 (8) “Commonwealth” is defined by KRS 154.61-010(6).

11 ~~[(8) “Common ownership” means two or more legal entities, such as corporations, limited~~
12 ~~liability companies, partnerships, and the like, where:~~

13 ~~—(a)— The Entities are owned by the same person(s);~~

14 ~~—(b)— The Same person(s) serves as officer(s) or director(s) of those entities; or~~

15 ~~—(c)— The Majority of one entity is owned by one or more of the other entities.]~~

16 (9) “Compensation” is defined by KRS 154.61-010(7).

17 (10) “Continuous film production” is defined by KRS 154.61-010(8).

18 (11) “Council” is defined by KRS 154.61-010(9).

19 (12) “Eligible company” is defined by KRS 154.61-010(11).

20 (13) “Employee” is defined by KRS 154.61-010(12).

21 (14) “Enhanced incentive county” is defined by KRS 154.61-010(13).

22 (15) “Financial interest” means a pecuniary interest that a reasonable person would expect to
23 influence the impartiality of the transaction.

(16) “Kentucky-based company” is defined by KRS 154.61-010(16).

(17) “Kentucky Film Office” or “Office” means the office created~~[is defined]~~ by KRS 154.12-280~~[2025 Ky. Acts ch. 91, sec. 1]~~.

(18) “Kentucky vendor” means an individual or entity that:

(a) Sells or rents a type of property of which more than a de minimis amount is regularly held in its inventory in the ordinary course of business in Kentucky, or provides a service not performed at the filming or production site but in Kentucky, which is the subject of the production expenditure, in its ordinary course of business;

(b) Has a physical location in Kentucky with at least one (1) Kentucky resident employee working at the[such] location on a regular basis. Registering with the Kentucky Secretary of State or appointing a registered agent in Kentucky does not establish a physical location in Kentucky for purposes of this definition;

(c) Is registered with the Kentucky Department of Revenue for collection of sales and use tax if[where] required by law;

(d) Has a local Kentucky business license if[where] required by law. The approved company shall be[is] required to obtain a copy of the license from any Kentucky vendor if[where] the total amount of purchases exceeds[exceed] \$50,000 for the[such] vendor during the period considered in the application and approval by the council; and

(e) Provides[For] services rendered on set or within the Commonwealth and:[-such persons or vendors providing such services, are]

1. Is identified on the daily production reports; or

2. Can provide other reasonable evidence that these[such] services were rendered within the Commonwealth.[-on set is provided;]

(19) “Negotiated” means an arm’s-length transaction between two (2) or more parties who are unrelated and unaffiliated, and entered into voluntarily in an open market where the parties acted in their own self-interest.

(20) “Non-resident” means[is] any individual not meeting the definition of a “resident” under KRS 154.61-010(22).

(21) “Pass-through entity” is defined by KRS 141.010(28).

(22) “Person” is defined by KRS 154.61-010(20).

(23) “Program” means the Kentucky Entertainment Incentive Program established by KRS 141.383, 154.61-020, and 154.61-030.

(24) “Qualifying expenditure” is defined by KRS 154.61-010(21).

(25) “Qualifying Kentucky crew training program” means a training program offered in conjunction with a motion picture or entertainment production, as defined by KRS 154.61-010(18), in partnership with:

(a) An accredited Kentucky educational institution;

(b) A local trade association; or

(c) A regional educational or trade association.

(26)[(25)] “Qualifying payroll expenditure” is defined by KRS 154.61-010(22).

(27)[(26)] “Resident” is defined by KRS 154.61-010(23).

Section 2. The provisions of this administrative regulation shall be applicable on or after July 1, 2025.

Section 3. Qualifying Payroll Expenditures under the Kentucky Entertainment Incentive Program.

1 (1) Qualifying payroll expenditures submitted to the Cabinet by an approved company shall
2 only include those expenditures made in Kentucky for services performed in the Commonwealth
3 by above-the-line production crew or below-the-line production crew.

4 (2) When submitting qualifying payroll expenditures for above-the-line production crew, an
5 approved company shall demonstrate to the Cabinet that the employee's salary was negotiated
6 prior to commencement of the production. Salaries paid to above-the-line production
7 crew[producers] with a financial interest in the approved company shall be disclosed and
8 accompanied by supporting documentation demonstrating the payroll expenditure was
9 reasonable within market rates. Financial interest shall extend to parent companies,
10 subsidiaries, or any other related individuals or entities deriving income, profits, or loss from
11 the approved company~~[shall not be considered negotiated and shall not meet the requirements~~
12 ~~of a qualifying payroll expenditure]~~.

13 (3) When submitting qualifying payroll expenditures made in the Commonwealth for services
14 performed in the Commonwealth, an approved company shall demonstrate to the Cabinet that the
15 employee rendered the service on-set or otherwise within the Commonwealth. Compensation for
16 services conducted or rendered both in the Commonwealth and outside of the Commonwealth shall
17 only qualify as a qualified payroll expenditure to the extent the service is physically rendered in
18 the Commonwealth. If an approved company is unable to track the cost of the services physically
19 rendered in Commonwealth, then some other reasonable method which approximates the cost of
20 the services rendered in the Commonwealth may be used to determine the amount attributable to
21 the Commonwealth subject to adjustment by the Cabinet.

22 (4) Failing to provide documentation if requested by the Cabinet shall result in expenditures
23 being disqualified and the claimed qualifying payroll expenditure being excluded.

1 Section ~~4~~[3]. Qualifying Expenditures under the Kentucky Entertainment Incentive Program.

2 (1) An approved company submitting qualifying expenditures to the Cabinet shall only include
3 expenditures made in the Commonwealth for one (1) or more of the categories listed in KRS
4 154.61-010(21)(a)(1) through (9).

5 (2) Expenditures shall be considered made in the Commonwealth ~~if~~[where] they are made to
6 a Kentucky vendor.

7 (3) Expenditures shall not be considered to be made in the Commonwealth ~~if~~[when] those
8 expenditures are paid to a Kentucky vendor acting as a conduit, waypoint, or pass-through entity
9 solely to enable the purchases or rentals to qualify as qualifying expenditures.

10 (4) Expenditures made to persons with common ownership or a financial interest with an
11 approved company ~~shall~~[must] be accompanied by supporting documentation[, ~~to the Cabinet's~~
12 ~~satisfaction,~~] demonstrating the expenditure was reasonable within market rates. Supporting
13 documentation shall disclose the total value of goods and services provided for the project as
14 well as a breakdown of all the related party transactions. Common ownership ~~shall~~
15 ~~extend~~[extends] to parent companies, subsidiaries, or any other related individuals or entities
16 deriving income, profits, or loss from the approved company.

17 (5) Failing to provide documentation ~~if~~[when] requested by the Cabinet shall result in
18 expenditures being disqualified and the claimed qualifying expenditure being excluded.

19 Section ~~5~~[4]. Application Requirements.

20 (1) Applicants seeking incentives under the program shall submit an Application for Kentucky
21 Entertainment Incentive (KEI) to the Cabinet that includes:

22 (a) The name and address of the applicant;

23 (b) Verification that the applicant is a Kentucky-based company;

- 1 (c) The preliminary production script or a detailed synopsis of the script;
- 2 (d) The locations where the filming or production will occur;
- 3 (e) The anticipated date on which filming or production shall begin in Kentucky;
- 4 (f) The anticipated date on which the applicant will complete incurring expenditures in
5 Kentucky;
- 6 (g) The total anticipated qualifying expenditures;
- 7 (h) The total anticipated qualifying payroll expenditures for resident and nonresident
8 above-the-line crew by county;
- 9 (i) The total anticipated qualifying payroll expenditures for resident and nonresident below-
10 the-line crew by county;
- 11 (j) The address of a Kentucky location at which records of the production will be kept;
- 12 (k) An affirmation that if not for the incentive offered under this subchapter, the eligible
13 company would not film or produce the production in the Commonwealth;
- 14 (l) Proof of funding for the project. ~~[Acceptable]~~ Proof shall demonstrate fifty (50) percent
15 of funds raised through the following[include]:
- 16 1. IATSE Bonds, SAG Bonds, Completion Bonds;
- 17 2. Payroll statements;
- 18 3. Bank statements;
- 19 4. Financing or funding contracts~~[agreements]~~; or
- 20 5. Commitment letters, where the applicant shall:
- 21 a. Demonstrate twenty-five (25) percent of committed funds are held in an
22 escrow account; and

1 b. Present a balance sheet and letter from an accredited financial
2 institution, attorney, or accountant holding the funds.

3 (m) Whether the applicant has a distribution contract for the project and supporting plans
4 and documentation regarding distribution;[-and]

5 (n) Whether the applicant has previously received approval for incentives under the
6 program, and, if so, specification of[shall-specify] the year[year(s)] of the[such] approval and
7 amount[amount(s)] of incentives received in each year. This information shall include incentives
8 received by any other entity with common ownership or any individual with a financial interest in
9 the applicant. Common ownership shall extend[extends] to parent companies, subsidiaries, or any
10 other related individuals or entities deriving income, profits, or loss from the applicant;

11 (o) The number of resident and nonresident above-the-line and below-the-line
12 production crew members included by the applicant, or any other entity with common ownership
13 or any individual with a financial interest in the applicant, on a previous application. This
14 information shall include:

15 1. The date of the application;

16 2. Whether the application was approved;

17 3. The dates upon which the crew members were or are to be utilized; and

18 4. Each crew member's role in the production;

19 (p) Any deal memoranda between applicants and key personnel;

20 (q) A detailed episode-by-episode synopsis and committed talent;

21 (r) A detailed breakdown of the project's budget including all estimated line items used
22 to support claimed qualifying payroll expenditures and qualifying expenditures. All budget line
23 items shall be reasonable and within market rates;

1 (s) A detailed explanation of timing of the production if there are commonly held or
2 financially interested applicants with overlapping personnel; and

3 (t) Whether there are one (1) or more qualifying Kentucky crew training programs
4 offered in conjunction with the project.

5 (2) Applicants shall submit a completed application no later than thirty (30) calendar days prior
6 to the date upon which applicant seeks to have the application reviewed by the council.

7 (3) Within twenty (20) calendar days of receiving an application, the office~~[Cabinet]~~ shall
8 notify the applicant:

9 (a) That the office~~[Cabinet]~~ received the application;

10 (b) Whether, upon initial review, the applicant appears to meet the criteria of an eligible
11 company or whether the office~~[Cabinet]~~ requires additional verification or documentation; and

12 (c) That~~[, provided the applicant has not exceeded the individual incentive limitation set~~
13 ~~forth in Section 5 of this regulation,]~~ either:

14 1. Based upon the annual allocated funds for the program, enough uncommitted
15 incentives remain in the program's calendar year to move forward with an economic
16 analysis~~[, and]~~ ranking of the application~~], and notification to the council[thereof];~~ or

17 2. Based upon the remaining annual allocated funds for the program, the
18 office~~[Cabinet]~~ will not move forward with the application.

19 Section ~~6~~5. Incentive Awards. To effectuate the purposes of the program set forth in KRS
20 154.61-020(1)~~],~~

21 ~~(1) the amount of incentive awards received by any single approved company, not~~
22 ~~otherwise meeting the definition of continuous film production, shall be limited to no more than~~
23 ~~ten percent (10%) of the total annual tax credit cap under KRS 154.61-020(4). In determining~~

~~whether this limit has been met, the Cabinet shall consider the applicant in conjunction with any approved company sharing common ownership or a financial interest with the applicant; and~~

(2) the amount of incentive awards approved for all applicants in any single calendar month, not otherwise meeting the definition of continuous film production, shall be limited to no more than \$10 million~~[ten percent (10%)]~~ of the total annual tax credit cap under KRS 154.61-020(4).

~~If~~~~[In the event]~~ the amount of incentive awards approved does not meet the \$10 million~~[ten percent (10%)]~~ limitation set forth in this subsection, the remainder shall carry forward to the subsequent calendar month. The council may elect to commit more than this monthly allocation if a project:

(1) Has anticipated qualifying expenditures and payroll expenditures that exceed this amount; and

(2) Commitment of incentives to the project is supported by the economic analysis set forth in Section 7 of this administrative regulation.

Section ~~7~~6. Economic Analysis.

(1) The Cabinet shall conduct an economic analysis of each application.

(2) The analysis shall evaluate each application on the:

(a) ~~[The]~~Percentage of spend in the Commonwealth in relation to the total amount anticipated to be spent on a project;

(b) ~~[The]~~Relative percentage of total production costs associated with~~[in Kentucky compared to]~~ above-the-line and below-the-line production crew costs;

(c) ~~[The anticipated]~~Percentage of project filming or production in enhanced incentive counties;

(d) Number~~[the percentage]~~ of anticipated employed Kentucky residents compared to
the~~[and]~~ total above-the-line and below-the-line production crew;

(e) ~~[The-]~~Amount of time filming or production will occur in Kentucky;~~[-and]~~

(f) ~~[The-]~~Presence of a distribution contract;

(g) Percentage of funding secured;

(h) Total amount of incentives sought compared to the number of Kentucky-based below-
the-line production crew members employed;

(i) Percentage of incentives sought attributable to non-Kentucky-based production crew
members; and

(j) Availability of one (1) or more qualifying Kentucky crew training programs offered
in conjunction with the project.

(3) The Cabinet shall conduct an economic analysis of~~[The Cabinet shall then rank]~~ each
application submitted under the program based upon the program's purposes set forth in KRS
154.61-020(1)(a) through (d). Analysis~~[Ranking]~~ shall prioritize applications with more
Kentucky-based jobs, committed funding, employed spend to Kentucky-based vendors residents,
qualifying Kentucky crew training programs, and overall economic benefit to
Kentucky~~[percentage of spend going to Kentucky-based vendors]~~ in relation to the total amount
of proposed spend on a project or incentives sought by an eligible company.

(4) For a national touring production of a Broadway show produced in Kentucky in
accordance with KRS 154.61-010(18)(a)2., the number of anticipated employed Kentucky
residents identified in subsection (2)(d) of this section shall include the number of Kentucky-
based jobs at the production's venue supported by the production.

1 (5) Upon completion of the project, submission of qualifying expenditures and qualifying
2 payroll expenditures, and certification of eligible expenditures by an independent certified public
3 accountant, the Cabinet may reduce the approved incentive amount to an approved company based
4 upon the variation between the approved company's application for incentives and actual
5 expenditures submitted to the Cabinet.

6 Section 8[7]. Fees. Applicants seeking incentives under the program shall include with their
7 application:

8 (1) A nonrefundable application fee in the amount of:

9 (a) [~~Two hundred fifty dollars~~ (\$250 if) ~~where~~] the total amount of qualifying
10 expenditures and qualifying payroll expenditures is less than [~~fifty thousand dollars~~ (\$50,000)];

11 (b) [~~Five hundred dollars~~ (\$500 if) ~~where~~] the total amount of qualifying expenditures
12 and qualifying payroll expenditures is between [~~fifty thousand dollars~~ (\$50,000)] and [~~one~~
13 ~~hundred thousand dollars~~ (\$100,000)]; or

14 (c) [~~One thousand dollars~~ (\$1,000 if) ~~where~~] the total amount of qualifying expenditures
15 and qualifying payroll expenditures is more than [~~one hundred thousand dollars~~ (\$100,000)];
16 and

17 (2) An administrative fee of one-half of one percent (0.5%) of the estimated amount of tax
18 incentive sought or [~~five hundred dollars~~ (\$500)], whichever is greater.

19 Section 9. Incorporation by Reference. (1) "Application for Kentucky Entertainment Incentive
20 (KEI)", September 2025, is incorporated by reference.

21 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law,
22 at the Cabinet for Economic Development, Mayo-Underwood Building, 500 Mero Street,

- 1 *Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. or online at*
- 2 *[https://cedky.com/cdn/1980 KEI Application 9-2025 CED Sample.pdf](https://cedky.com/cdn/1980%20KEI%20Application%209-2025%20CED%20Sample.pdf)*

SUMMARY OF THE AGENCY AMENDMENT
RELATING TO 307 KAR 1:080

Cabinet for Economic Development
(Agency Amendment)

- I. A public hearing on 307 KAR 1:080, was scheduled for August 26, 2025, at the Cabinet for Economic Development, Mayo Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, and was properly publicized and posted on the Cabinet's website. While the hearing was held, no members of the public attended, and no comments were received at the hearing. In addition, no written comments were received during the public comment period for 307 KAR 1:080.

- II. The Cabinet for Economic Development has filed the foregoing Agency Amendment. All changes made therein were done to match the final version of 307 KAR 1:080E. No additional changes were made beyond those incorporating the language of 307 KAR 1:080E.

UPDATED FISCAL NOTE

Administrative Regulation: 307 KAR 1:080. Kentucky Entertainment Incentive Program.

Agency Contact: Matthew Wingate

Phone Number: (502) 782-1948

Email: matthew.wingate@ky.gov

Contact Person: Dawn Powers

Phone Number: (502) 782-1929

Email: dawn.powers@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 154.12-280, 154.61-010, 154.61-020, 154.61-030.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Cabinet for Economic Development, other agencies have not been identified.

(a) Estimate the following for the first year:

Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.

Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The Cabinet does not expect a change to revenues or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A

(a) Estimate the following for the first year:

Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.

Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The Cabinet does not expect a change to revenues or cost savings in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include applicants to the Kentucky Entertainment Incentive Program.

(a) Estimate the following for the first year:

Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.

Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.

Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The administrative regulation implements the application process and review criteria and requirements for the Kentucky Entertainment Incentive Program. The administrative regulation does not create a fiscal impact.

(b) Methodology and resources used to determine the fiscal impact: N/A.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate): The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.

(b) The methodology and resources used to reach this conclusion: This administrative regulation does not create a fiscal impact.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

307 KAR 1:080. Kentucky Entertainment Incentive Program (Effective July 1, 2025).

The “Application for Kentucky Entertainment Incentive (KEI)”, September 2025, is incorporated by reference into 307 KAR 1:080 Section 9, and may be inspected, copied, or obtained, subject to applicable copyright law, online at:

https://cedky.com/cdn/1980_KEI_Application_9-2025_CED_Sample.pdf

KRS 154.61-030(1) and 307 KAR 1:080 Section 5 identify the categories of information required to be submitted to the Kentucky Film Leadership Council, Kentucky Film Office, and Cabinet for Economic Development for the Kentucky Entertainment Incentive Program. The “Application for Kentucky Entertainment Incentive (KEI)” is the 12-page form in which this information must be submitted, as prescribed by the Cabinet.

**CONFIDENTIAL
APPLICATION FOR:
KENTUCKY ENTERTAINMENT INCENTIVE (KEI)**



CABINET FOR
ECONOMIC DEVELOPMENT

INSTRUCTIONS

Rev 9/2025

All applicants should familiarize themselves with the information regarding the incentive programs for which application is made as well as other applicable program statutory requirements and regulations. Fact sheets and guidelines regarding the incentive programs are located at:

https://newkentuckyhome.ky.gov/Locating_Expanding/KEI

If you intend to film or produce an eligible Motion Picture or Entertainment Production in Kentucky and you are interested in incentives, you must notify the Kentucky Cabinet for Economic Development. A program manager will be assigned to assist you with your project and determine the incentives for which the project may qualify. No applications will receive consideration without the signature of an agent of the Cabinet.

The application, consisting of the Project Information, Budget, Certification and Disclosure worksheets, should be completed and emailed, including signatures and required attachments, to **CED.KEI@ky.gov** or mailed to the following address:

Kentucky Cabinet for Economic Development
Kentucky Entertainment Incentive Program
Mayo-Underwood Bldg
500 Mero Street, 5th Floor
Frankfort, KY 40601

(502) 564-7670

REQUIRED ATTACHMENTS

The following items must be submitted in addition to the completed application:

- 1) A non-refundable application fee payable to the Kentucky State Treasurer based on the following scale:

<u>Total Amount of Qualifying Expenditures and Payroll</u>	<u>Application Fee</u>
< \$50,000	\$250
= > \$50,000 and < \$100,000	\$500
= > \$100,000	\$1,000

The application fee may be paid by mailed check made payable to the Kentucky State Treasurer or online via credit card or ACH at:

<https://newkentuckyhome.ky.gov/epayments>

Please note: In addition to the KEI application fee, prior to approval the applicant company will be required to pay an administrative fee equal to 1/2 of 1 percent (0.5%) of the incentive amount authorized in the tax incentive agreement or \$500, whichever is greater. The administrative fee may be paid via ACH at the website listed above. Additional fees for legal and administrative costs will be incurred for KEI projects when the final tax incentive agreement with Kentucky Film Leadership Council (KFLC) is executed.

- 2) Company letter including a brief history of the applicant business and description of the project.
- 3) Bios of key personnel on the project.
- 4) Proof of funding for the project. Proof must demonstrate at least 50% funding. Acceptable proof includes:
1. IATSE Bonds, SAG Bonds, Completion Bonds;
 2. Payroll statements;
 3. Bank statements;
 4. Financing or funding contracts; or
 5. Commitment letters, where the applicant shall:
 - (1) Demonstrate twenty-five percent (25%) of committed funds are held in an escrow account; and
 - (2) Present a balance sheet and letter from an accredited financial institution, attorney, or accountant holding the funds.

- 5) Top sheet of both the KY budget and the total project budget (KY and non-KY). All budget line items must be reasonable and within market rates.
- 6) A copy of the applicant's most current balance sheet.
- 7) A copy of the preliminary production script or a script synopsis not to exceed one page. If episodic, please include a detailed episode-by-episode synopsis.
- 8) A completed copy of the applicant's W-9 (Request for Taxpayer Identification Number) form. Go to www.irs.gov/forms-pubs/about-form-w-9 for additional information on the W-9 form.
- 9) A copy of the letter received from the Internal Revenue Service identifying the employer identification number assigned to the applicant company (letter received in response to submitting a Form SS-4, Application for Employer Identification Number).
- 10) Registration with Kentucky Vendor Self Service to obtain Kentucky Vendor ID:
<https://vss.ky.gov/vssprod-ext/Advantage4>

SUPPLEMENTAL ATTACHMENTS

The following items are encouraged to be submitted in addition to the completed application (if applicable):

- 1) A distribution contract, if available.
- 2) Any deal memoranda between applicants and key personnel.
- 3) A detailed explanation of timing of the production in the event there are commonly held or financially interested applicants with overlapping personnel.
- 4) Detailed information about the qualifying Kentucky crew training program offered in conjunction with the project.
- 5) The number of resident and nonresident above-the-line and below-the-line production crew members included by the applicant, or any other entity with common ownership or any individual with a financial interest in the applicant, on a previous application. This information shall include:
 1. The date of the application;
 2. Whether the application was approved;
 3. The dates upon which the crew members were or are to be utilized; and
 4. Each crew member's role in the production;
- 6) For a national touring production of a Broadway show produced in Kentucky in accordance with KRS 154.61-010(18)(a)2., please provide the number of Kentucky-based jobs at the production's venue supported by the production.

CONFIDENTIAL
APPLICATION FOR INCENTIVE PROGRAMS
KEI PROJECT INFORMATION



CABINET FOR
ECONOMIC DEVELOPMENT

Date:

Rev 9/2025

Is this an amendment to the initial application for incentives?

APPLICANT INFORMATION (Entity Applying for Incentives)

Company Name			
Street Address	City	State	Zip Code
Mailing Address	City	State	Zip Code
Federal Employer ID Number	6 Digit NAICS Code	Company Organization	State of Organization
Kentucky Vendor ID			
Salutation	Contact Person	Title	Telephone
Email Address		Company Website	
Applicant's Fiscal Year-end Date (MM/DD)		Is the applicant registered and in good standing with the Kentucky Secretary of State?	
Has the applicant, or any owner or affiliate of the applicant, ever been convicted of any criminal offenses, been in receivership or adjudicated a bankruptcy, or been denied a business related license or had a business related license suspended or revoked by any administrative, governmental or regulatory agency?			
If yes, please list the violation and explain (attach additional explanation if needed):			

PROJECT TYPE AND KENTUCKY OFFICE LOCATION WHERE PROJECT RECORDS WILL BE KEPT

Street Address of Kentucky Office	City	State	Zip Code
		KY	
County	Type of Project (Select From Picklist)	Is location in a Tax Increment Financing District?	
Is the applicant business a Kentucky-based company (a business with its principal place of business in Kentucky or no less than 50% of its property and payroll located in Kentucky)?			
Is the contact person for the Kentucky project location the same as the person listed in the Applicant Information section?			
If no, then please complete the following:			
Salutation	Contact Person for KY Project Location	Email	Telephone

COMPANY OWNERSHIP

Please identify on the rows below all individual owners of the applicant company with 20% or greater ownership interest in the company. The Cabinet may run a background check on any individuals identified. If there are no individual owners with a 20% or greater ownership interest in the applicant company, enter "None" below, and follow instructions for "key decision maker."

Full Legal Name of Individual Owner of Applicant Company	Date of Birth	Owner's Full Home Address (no PO Boxes; Include City/State)	Social Security Number	Ownership Percent

[illegible]

PRIOR KEI APPROVAL

Please list all previously received approvals for incentives under the Kentucky Entertainment Program. This information shall include incentives received by any other entity with common ownership or any individual with a financial interest in the applicant. Common ownership extends to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the applicant. Please attach an additional document if you need more rows.

Approved Company	Total Eligible Incentive Amount	Date of Approval

PRODUCTION PERSONNEL

Project Title (Descriptive Title of the Proposed Project)

Key Production Personnel (list names and contact information)

Attach additional listing if necessary

PROJECT LOCATIONS AND TIMELINE

List below all locations (by county) in Kentucky where pre-production/prep, filming, production, or post-production activities/expenses of the applicant business will occur. If activities are anticipated in more than 8 counties, attach listing with additional counties. Select counties below from dropdown picklist. Please list counties in descending order of project activity (list the county with the most projected project activity in the County 1 field, the county with the second most projected project activity in the County 2 field, etc.).

County 1			Enhanced will display next to county name if county qualifies for enhanced incentives	County 5		
County 2				County 6		
County 3				County 7		
County 4				County 8		

Are any project locations in counties listed above (or attached) located in a TIF district? ☐

Project Timeline: list below estimated production start and end dates in Kentucky, including pre-production and post-production, if such activities will occur in Kentucky and you plan on claiming costs associated with those activities for the purpose of determining potential tax credits.

Kentucky Production Start Date Kentucky Production End Date

Kentucky Production Start Date must be within 6 months after KFLC application approval date

Kentucky Production End Date must be within 2 years of Kentucky Production Start Date

Number of days **filming** in Kentucky Number of days **filming** in Enhanced Counties

If any production or filming for this project will occur in locations outside Kentucky, list locations and dates:

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PROJECTED PROJECT CREW MEMBERS

List below the projected number of crew members working on the project in Kentucky. "Kentucky resident" means an individual who is domiciled in Kentucky, or an individual who is not domiciled in Kentucky but maintains a place of abode in Kentucky and spends more than 183 days of the taxable year in Kentucky. Crew members that don't have Kentucky income tax withheld from their pay are not eligible for incentives and should not be included in the numbers below or in the budget worksheet.

Do not double-count crew members; enter eligible crew members only once in the appropriate column/ row. Refer to the KEI Guidelines for Above-the-line and Below-the-line crew definitions.

	Kentucky Resident Crew Members	Non-Kentucky Resident Crew Members	Total Production Crew Members
Above-the-line Production Crew			0
Below-the-line Production Crew			0
Total Production Crew Members	0	0	0

CONFIDENTIAL
APPLICATION FOR INCENTIVE PROGRAMS
KEI PROGRAM FUNDING AND BUDGET

Rev 9/2025



Complete the Project Info worksheet prior to completing this worksheet

**CABINET FOR
ECONOMIC DEVELOPMENT**

Based on KY company status and project type, qualifying payroll/expenditure must be at least		
Total Projected Project Cost (KY and Non-KY costs)	Committed Project Funding Currently in Place	Committed Funding Percentage
<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	<div style="border: 1px solid black; width: 100px; height: 20px;"></div>	0%

Does this project have a distribution contract? If so, please include in the application materials.

Budget: enter below eligible costs by category that are expected to be paid to (1) production crew members while working in Kentucky on your proposed project; and (2) Kentucky businesses for production work to be performed in Kentucky. Enter only costs to be incurred and paid by the applicant business. Note: this budget may be less than your total budget; enter only eligible Kentucky project costs below. Enter costs to be incurred in enhanced incentive counties in the column labeled "Costs Incurred in KY Enhanced Incentive Counties." All other eligible costs to be incurred in Kentucky should be entered in the column labeled "Costs Incurred in KY Counties not Designated as Enhanced Incentive."

PLEASE REVIEW 307 KAR 1:080

Enter costs in the next column only if you will incur/track costs in enhanced incentive counties →	Costs Incurred in KY Enhanced Incentive Counties	Costs Incurred in KY Counties not Designated as Enhanced Incentive	Total Projected Qualifying Costs Incurred in KY
Qualifying Payroll Expenditures for KY Resident, Above-the-line Production Crew, not to Exceed \$1,000,000 in Payroll Expenditures per Person			\$0
Qualifying Payroll Expenditures for non-KY Resident, Above-the-line Production Crew, not to Exceed \$1,000,000 in Payroll Expenditures per Person			\$0
Qualifying Payroll Expenditures for KY Resident, Below-the-line Production Crew			\$0
Qualifying Payroll Expenditures for non-KY Resident, Below-the-line Production Crew			\$0
Total Qualifying Payroll Expenditures	\$0	\$0	\$0

Identify KY qualifying fringe and per diem by payroll category

Please submit a detailed breakdown of fringe and per diem line items as an attachment.	Costs Incurred in KY Enhanced Incentive Counties	Costs Incurred in KY Counties not Designated as Enhanced Incentive	Total Projected Qualifying Costs Incurred in KY
Qualifying fringe and per diem for KY Resident, Above-the-line Production Crew, not to Exceed \$1,000,000 in Payroll Expenditures per Person			\$0
Qualifying fringe and per diem for non-KY Resident, Above-the-line Production Crew, not to Exceed \$1,000,000 in Payroll Expenditures per Person			\$0
Qualifying fringe and per diem for KY Resident, Below-the-line Production Crew			\$0
Qualifying fringe and per diem for non-KY Resident, Below-the-line Production Crew			\$0

Total Qualifying Fringe and Per Diem	\$0	\$0	\$0
Identify KY Qualifying Expenditures below by category (include only eligible non-payroll project expenses)			
Enter only costs to be incurred with Kentucky Vendors, as defined in 307 KAR 1:080 Category Name (List/describe)	Costs Incurred in KY Enhanced Incentive Counties	Costs Incurred in KY Counties not Designated as Enhanced Incentive	Total Projected Qualifying Costs Incurred in KY
			\$0
			\$0
			\$0
			\$0
			\$0
			\$0
			\$0
			\$0
			\$0
			\$0
Total Qualifying Expenditures	\$0	\$0	\$0
Total Projected Qualifying Payroll, Fringe and Per Diem, and Expenditures Incurred in Kentucky	\$0	\$0	\$0
Maximum Potential Tax Credit	\$0	\$0	\$0

Expenses must be added to meet the minimum expenditure requirement to qualify for potential tax credits

CONFIDENTIAL
APPLICATION FOR INCENTIVE PROGRAMS
CERTIFICATION OF APPLICATION



CABINET FOR
ECONOMIC DEVELOPMENT

Company Name

County Where Project will be Located

CERTIFICATION

Eligibility for financial assistance is determined by the information presented in this application and in the required attachments. Any changes in the status of the proposed project from the facts presented herein, including but not limited to the commencement of construction, any public announcement or legal commitment (e.g., lease or contract) without contingency language, could jeopardize the project's eligibility for incentives. Please contact the staff of the Authority before taking any action which would change the status of the project as reported herein.

I, the undersigned, on behalf of the applicant, hereby represent and certify that the foregoing application information, including all attachments, to the best of my knowledge, is (a) true, complete and accurate with respect to the information concerning the proposed project for which financial incentives are sought; and (b) does not contain any information for which any entity competing with the applicant may claim a proprietary interest.

Select Yes or No to the following:

☐ I represent and certify that, but for the financial incentives being provided through this application, the proposed entertainment project would not be filmed or produced in Kentucky.

☐ I represent and certify that the proposed project cannot reasonably be considered obscene (as defined in the KEI Guidelines) and will not negatively impact the economy or tourism industry of Kentucky.

The undersigned, on behalf of the applicant, acknowledges that information contained within the application and its attachments may be subject to public disclosure to the extent required by law pursuant to any request made under the Kentucky Open Records Act contained in Chapter 61 of the Kentucky Revised Statutes. Notwithstanding the above, except as otherwise agreed to by the applicant in writing, no confidential or proprietary application information shall be disclosed if properly excluded from disclosure under KRS 61.878 (as determined by the Authority, the Kentucky Attorney General or court of competent jurisdiction). Information reported to the Cabinet or the Authority with regard to employment numbers, average wages, investment, eligible costs, approved costs and other information as required by an incentive agreement shall be available for public disclosure.

For each of the following statements, enter Yes if the corresponding statement is an accurate statement for the applicant company. Enter No if the corresponding statement is not an accurate statement for the applicant company. Each response shall operate as a separate certification. The undersigned hereby certifies to the best of his/her knowledge:

☐ The applicant (including any affiliate) has not been placed in receivership or bankruptcy, been denied a business-related license, or had a business-related license revoked by any administrative, governmental, or regulatory agency.

☐ The Chief Executive Officer, or a similarly situated person in charge of the applicant's executive operations, has not been convicted of any criminal offenses or filed for bankruptcy within the last ten years.

☐ The Chief Financial Officer, or a similarly situated person in charge of the applicant's financial affairs, has not been convicted of any criminal offenses or filed for bankruptcy within the last ten years.

If unable to answer Yes to all three of the statements above, please attach a brief explanation on a separate sheet of paper which shall be incorporated as an attachment to this application.

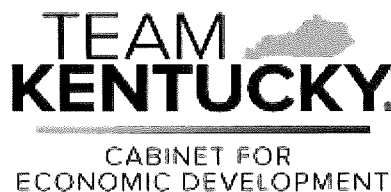
The applicant shall make the Cabinet aware if, subsequent to the filing of this application, including during the term of any agreement entered into between the applicant and the Cabinet or KFLC, the applicant, or any owner or affiliate of the applicant, is convicted of any criminal offenses, is placed in receivership or adjudicates a bankruptcy, or is denied a business related license or has a business related license suspended or revoked by any administrative, governmental or regulatory agency.

In addition, the undersigned, on behalf of the applicant, acknowledges and grants permission to the Authority to share any and all information contained within the application and its attachments with appropriate state and federal agencies, local jurisdiction(s) and contracted consultants to determine the feasibility and potential impacts associated with the project for which incentives are sought.

_____ Signature	_____ Title
_____ Print Name	_____ Date

For Electronic Signature: The person responsible for signing the document may type his/her name in the signature field, but the name must be preceded by a "/s" (e.g., /s Jim Smith). An email is also required from the signer providing a statement certifying/authenticating the typed signature on the document is his/her signature.

CONFIDENTIAL
APPLICATION FOR INCENTIVE PROGRAMS
ATTACHMENT A - INCENTIVE DISCLOSURE
STATEMENT



Company Name

County Where Project will be Located

INSTRUCTIONS: In accordance with the Executive Branch Code of Ethics, Chapter 11A of the Kentucky Revised Statutes ("KRS"), before any board or authority within or attached to the Cabinet for Economic Development ("CED") takes final action on any contract or agreement by which a bond, grant, lease, loan, assessment, incentive, inducement, or tax credit is awarded (the "incentive package"), the beneficiary of the incentive package must file with the approving board or authority a disclosure statement stating: (i) the identity of the beneficiary of the incentive package, (ii) the identity of any person employed to act on behalf of the beneficiary with respect to the incentive package, (iii) the details of any financial transaction (as defined in KRS 11A.201(6)(a), see below) between the beneficiary (or any other person listed in (ii) above) and any agent or public servant of the CED, any member of any board or authority within or attached to that Cabinet, or any other public servant involved in the negotiation of the economic incentive package. Your application or request will not be processed until this form is filed. CED will file copies of this form with the Executive Branch Ethics Commission pursuant to KRS 11A.233(2).

NOTE: For purposes of KRS 11A.201(6)(a), the definition of "financial transaction" is activity conducted or undertaken for profit, not available to the general public on the same terms, that arises from the joint ownership, the ownership, or part ownership in common, of any real or personal property or any commercial or business enterprise of whatever form between:

- 1) Beneficiary, agent or employee of the beneficiary; and
- 2) CED agent, employee, member of board or authority attached to CED, or other public servant involved in the negotiation of any incentive package.

Beneficiary's Legal Name

Beneficiary is the: Applicant

Type(s) of Economic Incentive Package(s): Kentucky Entertainment Incentive (KEI)

Please identify all employees or agents of the Beneficiary who have acted on behalf of the Beneficiary in its dealings with the CED or any board or authority within or attached to the CED in regard to the above incentive package:

Name	Title	Organization

Please attach additional listing if more space is needed.

Have any of the employees or agents of the Beneficiary had any "financial transactions" (as defined above) with a CED agent, employee, or a board or agency attached to CED or any other public servant involved in the negotiation of any economic incentive package?

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If yes, please detail any "financial transactions" (as defined above) between the Beneficiary (or any other person listed as an employee or agent of the Beneficiary) and (i) any agent or public servant of the CED, (ii) any member of any board or authority within or attached to that Cabinet, or (iii) any other public servant involved in the negotiation of the economic incentive package:

TRANSACTION 1

Name of Beneficiary (agent or employee)	Name of CED (agent, employee, or board/authority member)
Name of Other Public Servant	
Description of Financial Transaction	

TRANSACTION 2

Name of Beneficiary (agent or employee)	Name of CED (agent, employee, or board/authority member)
Name of Other Public Servant	
Description of Financial Transaction	

TRANSACTION 3

Name of Beneficiary (agent or employee)	Name of CED (agent, employee, or board/authority member)
Name of Other Public Servant	
Description of Financial Transaction	

Please attach additional listing if more space is needed.

The undersigned, a duly authorized representative of the Beneficiary listed above, hereby certifies that the information set forth in this Economic Incentive Disclosure Statement has been reviewed, and is true and correct to the best of the knowledge of the undersigned.

Signature

Date

For Electronic Signature: The person responsible for signing the document may type his/her name in the signature field, but the name must be preceded by a "/s" (e.g., /s Jim Smith). An email is also required from the signer providing a statement certifying/authenticating the typed signature on the document is his/her signature.