

CHAPTER 3

(HB 237)

AN ACT relating to local property tax exemptions for data centers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 91.260 is amended to read as follows:

- (1) Each city of the first class shall raise a revenue from ad valorem taxes and from taxes based on income, licenses and franchises. The board of aldermen may each year, by ordinance, levy an ad valorem tax on all real and personal property subject to taxation for city purposes, at a rate within the limits prescribed in the Constitution, and may provide for taxation, for city purposes, on personal property based on income, licenses or franchises in lieu of an ad valorem tax thereon, but may not omit the imposition of an ad valorem tax on the taxable personal property of any steam, railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company, and may not levy or collect an income tax.
- (2) The board of aldermen shall provide for the collection of all taxes imposed under this section.
- (3) (a) The board of aldermen may by ordinance exempt manufacturing establishments, ***including qualified data centers***, from city taxation for a period not exceeding five (5) years, as an inducement to their location within the city limits.
 - (b) ***As used in this subsection:***
 1. ***"Data center" means a structure or portion of a structure that is predominantly used to house and continuously operate computer servers and associated telecommunications, electronic data processing or storage, or other similar components;***
 2. ***"Overall tier rating" means the overall tier rating of a data center according to the TIA-942 Telecommunications Infrastructure Standard for Data Centers established by the Telecommunications Industry Association and published in April 2005, exclusive of any amendments made subsequent to that date; and***
 3. ***"Qualified data center" means a data center having an overall tier rating of three (3) or four (4) on the assessment date of a given taxable year, as established by the owner thereof.***

➔Section 2. KRS 92.300 is amended to read as follows:

- (1) (a) The legislative body of an urban-county government and any city of the home rule class may by ordinance exempt manufacturing establishments, ***including qualified data centers***, from city taxation for a period not exceeding five (5) years as an inducement to their location in the urban-county government, or city.
 - (b) ***As used in this subsection:***
 1. ***"Data center" means a structure or portion of a structure that is predominantly used to house and continuously operate computer servers and associated telecommunications, electronic data processing or storage, or other similar components;***
 2. ***"Overall tier rating" means the overall tier rating of a data center according to the TIA-942 Telecommunications Infrastructure Standard for Data Centers established by the Telecommunications Industry Association and published in April 2005, exclusive of any amendments made subsequent to that date; and***
 3. ***"Qualified data center" means a data center having an overall tier rating of three (3) or four (4) on the assessment date of a given taxable year, as established by the owner thereof.***
- (2) (a) No city of the home rule class or urban-county government may impose or collect any license tax upon:
 1. Any bank, trust company, combined bank and trust company, or trust, banking and title insurance company organized and doing business in this state;
 2. Any savings and loan association whether state or federally chartered; or
 3. The provision of multichannel video programming services or communications services as defined in KRS 136.602. It is the intent of the General Assembly to continue the exemption from

local license fees and occupational taxes that existed on January 1, 2006, for providers of multichannel video programming services or communications services as defined in KRS 136.602 that were taxed under KRS 136.120 prior to January 1, 2006. If only a portion of an entity's business is providing multichannel video programming services or communications services including products or services that are related to and provided in support of the multichannel video programming services or communications services, this exclusion applies only to that portion of the business that provides multichannel video programming services or communications services including products or services that are related to and provided in support of the multichannel video programming services or communications services.

- (b) No city of the home rule class or urban-county government may impose or collect any license tax upon income received:
 - 1. By members of the Kentucky National Guard for active duty training, unit training assemblies and annual field training; or
 - 2. By precinct workers for election training or work at election booths in state, county, and local primary, regular, or special elections.
- (3) Pursuant to KRS 92.281, no city shall regulate any aspect of the manner in which any duly ordained, commissioned, or denominationally licensed minister of religion may perform his or her duties and activities as a minister of religion. Duly ordained, commissioned, or denominationally licensed ministers of religion shall be subject to the same license fees imposed on others in the city enacted pursuant to KRS 92.281.

➔Section 3. The amendments made in Sections 1 and 2 of this Act shall apply only to new manufacturing establishments that locate in an applicable city or urban-county on or after the effective date of this Act.

Signed by Governor March 14, 2016.