

1 AN ACT relating to tax credits.

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

3 ➔Section 1. KRS 144.132 is amended to read as follows:

4 (1) ***As used in this section:***

5 ***(a) "Certificated air carrier" means an air carrier that is listed on the United***
 6 ***States Department of Transportation certificated air carrier list or a foreign***
 7 ***indirect air carrier registered with the United States Department of***
 8 ***Transportation;***

9 ***(b) "Department" means the Department of Revenue; and***

10 ***(c) "Person" has the same meaning as in KRS 139.010.***

11 **(2) (a)** ~~[Subject to the provisions of subsection (2) of this section,]~~ Any certificated
 12 air carrier which is engaged in the air transportation of persons or property for
 13 hire shall be entitled to a credit against the Kentucky sales and use tax paid on
 14 aircraft fuel, including jet fuel, ~~[purchased after June 30, 2000,]~~ as determined
 15 **by this** ~~[under subsection (2) of this]~~ section.

16 **(b)(2)** ~~[For fiscal years beginning after June 30, 2000,]~~ Certificated air carriers
 17 shall pay the first one million dollars (\$1,000,000) in Kentucky sales and use
 18 tax due **on** ~~[that is applicable to]~~ the purchase of aircraft fuel, including jet
 19 fuel. The one million dollars (\$1,000,000) shall be increased to reflect the
 20 sales and use tax on aviation fuel attributable to operations of any other
 21 company when such company is purchased, merged, acquired, or otherwise
 22 combined with the certificated air carrier after the base period. The increase
 23 shall be based on the tax applicable to aircraft fuel purchased during the
 24 twelve (12) month period immediately preceding the purchase, merger, or
 25 other acquisition by or in combination with the certificated air carrier. The
 26 sales and use tax credit shall be an amount equal to the Kentucky sales and
 27 use tax otherwise applicable to the purchase of aircraft fuel, including jet fuel,

1 purchased by the certificated air carrier during each fiscal year ~~beginning~~
 2 ~~after June 30, 2000~~, in excess of one million dollars (\$1,000,000).

3 **(3) On and after the effective date of this Act, any person that:**

4 **(a) Contracts with one (1) or more certificated air carriers for the**
 5 **transportation by air of persons, property, or mail; and**

6 **(b) Is responsible for the purchase and payment of aircraft fuel, including jet**
 7 **fuel to transport the persons, property, or mail;**

8 **shall be entitled to a credit against the Kentucky sales and use tax paid on**
 9 **aircraft fuel, including jet fuel, during the fiscal year in excess of one million**
 10 **dollars (1,000,000).**

11 ~~(4)~~~~(3)~~ Each certificated air carrier **that qualifies for the credit authorized in**
 12 **subsection (2) of this section and every person that qualifies for the credit**
 13 **authorized in subsection (3) of this section** purchasing aircraft fuel, including jet
 14 fuel, on which Kentucky sales and use tax for the fiscal year is reasonably expected
 15 to exceed one million dollars (\$1,000,000) shall report and pay directly to the
 16 department~~of Revenue~~ the tax applicable to the purchase of aircraft fuel,
 17 including jet fuel, purchased for storage use or other consumption during the fiscal
 18 year.

19 ~~(5)~~~~(4)~~ Each certificated air carrier **that qualifies for the credit authorized in**
 20 **subsection (2) of this section and every person that qualifies for the credit**
 21 **authorized in subsection (3) of this section that claims**~~claiming~~ the sales and use
 22 tax credit~~authorized pursuant to this section~~ shall file an annual sales and use tax
 23 reconciliation report with the department~~of Revenue~~ on or before October 15 of
 24 the fiscal year following the fiscal year for which the credit is claimed. The report
 25 shall be **in a form and contain information and documentation as the department**
 26 **may reasonably require to verify the computation of the tax credit against the tax**
 27 **imposed under KRS 139.200 and 139.310**~~filed as provided in KRS 144.137~~.

- 1 ➔Section 2. The following KRS sections are repealed:
- 2 144.110 Definitions for KRS 144.110 to 144.130.
- 3 144.115 Legislative findings and declarations.
- 4 144.125 General tax credit -- Qualifications -- Amount -- Duration -- Use -- Reporting
- 5 requirements.
- 6 144.130 Application for credits -- Date for meeting qualifications -- Pro rata forfeiture
- 7 of credits -- Extensions -- Notice requirements for department.
- 8 144.135 General tax credit reconciliation report relative to corporation license tax.
- 9 144.137 Sales and use tax and general tax credit reconciliation reports relative to sales
- 10 and use tax.
- 11 144.139 General tax credit reconciliation report relative to corporation income tax.