

1 AN ACT relating to taxation.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Targeted school" means a school identified by the Department of
7 Education for comprehensive support and improvement as described in
8 KRS 160.346(3);

9 (b) "Teacher" has the same meaning as in KRS 157.320(13); and

10 (c) "Untargeted school" means any school other than a targeted school.

11 (2) Beginning July 1, 2019, but before July 1, 2023, a teacher who voluntarily
12 relocates from an untargeted school to a targeted school may claim a refundable
13 tax credit against the tax imposed in KRS 141.020, with the ordering of credits
14 provided in Section 2 of this Act, in an amount equal to one thousand dollars
15 (\$1,000) during the taxable year within which the teacher voluntarily relocates.

16 (3) The Kentucky Department of Education shall provide a list of targeted schools to
17 the department beginning on July 1, 2019, and annually on July 1 thereafter to
18 July 1, 2023, allowing the department to ensure full compliance with this section.

19 (4) The purpose of this section is to encourage the relocation of a teacher from an
20 untargeted school to a targeted school with the intent that the teacher will assist
21 in improving the targeted school.

22 (5) The Kentucky Department of Education shall work with the department to
23 provide information beginning on November 1, 2020, and on November 1
24 annually thereafter, as long as the credit is claimed on a tax return and on a
25 cumulative basis by reporting returns for a taxable year which are filed after a
26 specific reporting period:

27 (a) For each taxable year:

1 1. The number of teachers claiming the tax credit provided in this
 2 section;

3 2. The total amount of tax credit claimed; and

4 3. Based on adjusted gross income ranges no larger than five thousand
 5 dollars (\$5,000), the total amount of credit claimed for each adjusted
 6 gross income range; and

7 (b) For each teacher that voluntarily relocates:

8 1. The name and location of the untargeted school from which a teacher
 9 voluntarily relocates;

10 2. The name and location of the targeted school to which a teacher
 11 voluntarily relocates;

12 3. The date that the teacher began employment at the targeted school;

13 4. The taxable year within which the tax credit is claimed;

14 5. An indication from the teacher whether a change in the physical
 15 location of the teacher's residence was required because of the
 16 voluntary relocation;

17 6. The county within which the teacher resides during the taxable year
 18 that the tax credit is claimed;

19 7. If a change in the physical location of the teacher's residence was
 20 required because of the voluntary relocation, the county within which
 21 the teacher formerly resided;

22 8. The amount of the tax credit applied to the tax liability shown on the
 23 return; and

24 9. The amount of the tax credit which was refunded.

25 ➔Section 2. KRS 141.0205 is amended to read as follows:

26 If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax
 27 imposed by KRS 141.020, 141.040, and 141.0401, the priority of application and use of

1 the credits shall be determined as follows:

- 2 (1) The nonrefundable business incentive credits against the tax imposed by KRS
3 141.020 shall be taken in the following order:
- 4 (a) The limited liability entity tax credit permitted by KRS 141.0401;
 - 5 (b) The economic development credits computed under KRS 141.347, 141.381,
6 141.384, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and
7 154.12-2088;
 - 8 (c) The qualified farming operation credit permitted by KRS 141.412;
 - 9 (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
 - 10 (e) The health insurance credit permitted by KRS 141.062;
 - 11 (f) The tax paid to other states credit permitted by KRS 141.070;
 - 12 (g) The credit for hiring the unemployed permitted by KRS 141.065;
 - 13 (h) The recycling or composting equipment credit permitted by KRS 141.390;
 - 14 (i) The tax credit for cash contributions in investment funds permitted by KRS
15 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
16 154.20-258;
 - 17 (j) The research facilities credit permitted by KRS 141.395;
 - 18 (k) The employer High School Equivalency Diploma program incentive credit
19 permitted under KRS 164.0062;
 - 20 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
 - 21 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
 - 22 (n) The clean coal incentive credit permitted by KRS 141.428;
 - 23 (o) The ethanol credit permitted by KRS 141.4242;
 - 24 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
 - 25 (q) The energy efficiency credits permitted by KRS 141.436;
 - 26 (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
 - 27 (s) The Endow Kentucky credit permitted by KRS 141.438;

- 1 (t) The New Markets Development Program credit permitted by KRS 141.434;
- 2 (u) The distilled spirits credit permitted by KRS 141.389;
- 3 (v) The angel investor credit permitted by KRS 141.396;
- 4 (w) The film industry credit permitted by KRS 141.383 for applications approved
- 5 on or after April 27, 2018; and
- 6 (x) The inventory credit permitted by KRS 141.408.
- 7 (2) After the application of the nonrefundable credits in subsection (1) of this section,
- 8 the nonrefundable personal tax credits against the tax imposed by KRS 141.020
- 9 shall be taken in the following order:
- 10 (a) The individual credits permitted by KRS 141.020(3);
- 11 (b) The credit permitted by KRS 141.066;
- 12 (c) The tuition credit permitted by KRS 141.069; and
- 13 (d) The household and dependent care credit permitted by KRS 141.067.
- 14 (3) After the application of the nonrefundable credits provided for in subsection (2) of
- 15 this section, the refundable credits against the tax imposed by KRS 141.020 shall be
- 16 taken in the following order:
- 17 (a) The individual withholding tax credit permitted by KRS 141.350;
- 18 (b) The individual estimated tax payment credit permitted by KRS 141.305;
- 19 (c) The certified rehabilitation credit permitted by KRS 171.3961 and
- 20 171.397(1)(b); ~~and~~
- 21 (d) The film industry tax credit permitted by KRS 141.383 for applications
- 22 approved prior to April 27, 2018; **and**
- 23 **(e) The voluntary relocation credit for teachers permitted by Section 1 of this**
- 24 **Act.**
- 25 (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the
- 26 tax imposed by KRS 141.040.
- 27 (5) The following nonrefundable credits shall be applied against the sum of the tax

- 1 imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)
2 of this section, and the tax imposed by KRS 141.0401 in the following order:
- 3 (a) The economic development credits computed under KRS 141.347, 141.381,
4 141.384, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and
5 154.12-2088;
 - 6 (b) The qualified farming operation credit permitted by KRS 141.412;
 - 7 (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
 - 8 (d) The health insurance credit permitted by KRS 141.062;
 - 9 (e) The unemployment credit permitted by KRS 141.065;
 - 10 (f) The recycling or composting equipment credit permitted by KRS 141.390;
 - 11 (g) The coal conversion credit permitted by KRS 141.041;
 - 12 (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods
13 ending prior to January 1, 2008;
 - 14 (i) The tax credit for cash contributions to investment funds permitted by KRS
15 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
16 154.20-258;
 - 17 (j) The research facilities credit permitted by KRS 141.395;
 - 18 (k) The employer High School Equivalency Diploma program incentive credit
19 permitted by KRS 164.0062;
 - 20 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
 - 21 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
 - 22 (n) The clean coal incentive credit permitted by KRS 141.428;
 - 23 (o) The ethanol credit permitted by KRS 141.4242;
 - 24 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
 - 25 (q) The energy efficiency credits permitted by KRS 141.436;
 - 26 (r) The ENERGY STAR home or ENERGY STAR manufactured home credit
27 permitted by KRS 141.437;

- 1 (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 2 (t) The railroad expansion credit permitted by KRS 141.386;
- 3 (u) The Endow Kentucky credit permitted by KRS 141.438;
- 4 (v) The New Markets Development Program credit permitted by KRS 141.434;
- 5 (w) The distilled spirits credit permitted by KRS 141.389;
- 6 (x) The film industry credit permitted by KRS 141.383 for applications approved
- 7 on or after April 27, 2018; and
- 8 (y) The inventory credit permitted by KRS 141.408.
- 9 (6) After the application of the nonrefundable credits in subsection (5) of this section,
- 10 the refundable credits shall be taken in the following order:
- 11 (a) The corporation estimated tax payment credit permitted by KRS 141.044;
- 12 (b) The certified rehabilitation credit permitted by KRS 171.3961 and
- 13 171.397(1)(b); and
- 14 (c) The film industry tax credit permitted by KRS 141.383 for applications
- 15 approved prior to April 27, 2018.
- 16 ➔Section 3. KRS 131.190 is amended to read as follows:
- 17 (1) No present or former commissioner or employee of the department, present or
- 18 former member of a county board of assessment appeals, present or former property
- 19 valuation administrator or employee, present or former secretary or employee of the
- 20 Finance and Administration Cabinet, former secretary or employee of the Revenue
- 21 Cabinet, or any other person, shall intentionally and without authorization inspect or
- 22 divulge any information acquired by him of the affairs of any person, or information
- 23 regarding the tax schedules, returns, or reports required to be filed with the
- 24 department or other proper officer, or any information produced by a hearing or
- 25 investigation, insofar as the information may have to do with the affairs of the
- 26 person's business.
- 27 (2) The prohibition established by subsection (1) of this section shall not extend to:

- 1 (a) Information required in prosecutions for making false reports or returns of
2 property for taxation, or any other infraction of the tax laws;
- 3 (b) Any matter properly entered upon any assessment record, or in any way made
4 a matter of public record;
- 5 (c) Furnishing any taxpayer or his properly authorized agent with information
6 respecting his own return;
- 7 (d) Testimony provided by the commissioner or any employee of the department
8 in any court, or the introduction as evidence of returns or reports filed with the
9 department, in an action for violation of state or federal tax laws or in any
10 action challenging state or federal tax laws;
- 11 (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or
12 energy resources assessed under KRS 132.820, or owners of surface land
13 under which the unmined minerals lie, factual information about the owner's
14 property derived from third-party returns filed for that owner's property, under
15 the provisions of KRS 132.820, that is used to determine the owner's
16 assessment. This information shall be provided to the owner on a confidential
17 basis, and the owner shall be subject to the penalties provided in KRS
18 131.990(2). The third-party filer shall be given prior notice of any disclosure
19 of information to the owner that was provided by the third-party filer;
- 20 (f) Providing to a third-party purchaser pursuant to an order entered in a
21 foreclosure action filed in a court of competent jurisdiction, factual
22 information related to the owner or lessee of coal, oil, gas reserves, or any
23 other mineral resources assessed under KRS 132.820. The department may
24 promulgate an administrative regulation establishing a fee schedule for the
25 provision of the information described in this paragraph. Any fee imposed
26 shall not exceed the greater of the actual cost of providing the information or
27 ten dollars (\$10);

- 1 (g) Providing information to a licensing agency, the Transportation Cabinet, or
2 the Kentucky Supreme Court under KRS 131.1817;
- 3 (h) Statistics of gasoline and special fuels gallonage reported to the department
4 under KRS 138.210 to 138.448;
- 5 (i) Providing any utility gross receipts license tax return information that is
6 necessary to administer the provisions of KRS 160.613 to 160.617 to
7 applicable school districts on a confidential basis; or
- 8 (j) Providing information to the Legislative Research Commission under:
- 9 1. KRS 139.519 for purposes of the sales and use tax refund on building
10 materials used for disaster recovery;
- 11 2. KRS 141.436 for purposes of the energy efficiency products credits;
- 12 3. KRS 141.437 for purposes of the ENERGY STAR home and the
13 ENERGY STAR manufactured home credits;
- 14 4. KRS 148.544 for purposes of the film industry incentives;
- 15 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization
16 tax credits and the job assessment fees;
- 17 6. KRS 141.068 for purposes of the Kentucky investment fund;
- 18 7. KRS 141.396 for purposes of the angel investor tax credit;
- 19 8. KRS 141.389 for purposes of the distilled spirits credit;~~and~~
- 20 9. KRS 141.408 for purposes of the inventory credit; **and**
- 21 **10. Section 1 of this Act for purposes of the voluntary relocation credit for**
22 **teachers.**
- 23 (3) The commissioner shall make available any information for official use only and on
24 a confidential basis to the proper officer, agency, board or commission of this state,
25 any Kentucky county, any Kentucky city, any other state, or the federal government,
26 under reciprocal agreements whereby the department shall receive similar or useful
27 information in return.

- 1 (4) Access to and inspection of information received from the Internal Revenue Service
2 is for department use only, and is restricted to tax administration purposes.
3 Information received from the Internal Revenue Service shall not be made available
4 to any other agency of state government, or any county, city, or other state, and shall
5 not be inspected intentionally and without authorization by any present secretary or
6 employee of the Finance and Administration Cabinet, commissioner or employee of
7 the department, or any other person.
- 8 (5) Statistics of crude oil as reported to the Department of Revenue under the crude oil
9 excise tax requirements of KRS Chapter 137 and statistics of natural gas production
10 as reported to the Department of Revenue under the natural resources severance tax
11 requirements of KRS Chapter 143A may be made public by the department by
12 release to the Energy and Environment Cabinet, Department for Natural Resources.
- 13 (6) Notwithstanding any provision of law to the contrary, beginning with mine-map
14 submissions for the 1989 tax year, the department may make public or divulge only
15 those portions of mine maps submitted by taxpayers to the department pursuant to
16 KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-
17 out parcel areas. These electronic maps shall not be relied upon to determine actual
18 boundaries of mined-out parcel areas. Property boundaries contained in mine maps
19 required under KRS Chapters 350 and 352 shall not be construed to constitute land
20 surveying or boundary surveys as defined by KRS 322.010 and any administrative
21 regulations promulgated thereto.