

1 AN ACT relating to funding for parks and making an appropriation therefor.

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

3 ➔Section 1. KRS 142.400 is amended to read as follows:

4 (1) **(a)** A transient room tax shall be imposed at a rate of one percent (1%) of the rent
5 for every occupancy of any suite, room, rooms, or cabins charged by all
6 persons, companies, corporations, groups, or organizations doing business as
7 motor courts, motels, hotels, inns, tourist camps, or like or similar
8 accommodations businesses. As used in this subsection, rent shall not include
9 any other local or state taxes paid by the person or entity renting the
10 accommodations.

11 **(b) 1. Effective August 1, 2020, a surtax shall be paid in addition to the tax**
12 **levied in subsection (1) of this section at the rate of one percent (1%)**
13 **on the same rent.**

14 **2. The surtax shall be paid at the same time that the tax imposed by**
15 **subsection (1) of this section is paid.**

16 **3. The revenues from the surtax shall be deposited in the park capital**
17 **maintenance and renovation fund created in KRS 148.800.**

18 (2) The tax imposed by subsection (1)**(a) and the surtax imposed by subsection (1)(b)**
19 of this section shall not apply to the rental or lease of any room or set of rooms that
20 is equipped with a kitchen, in an apartment building, and that is usually leased as a
21 dwelling for a period of thirty (30) days or more by an individual or business that
22 regularly holds itself out as exclusively providing apartments.

23 ➔Section 2. KRS 142.402 is amended to read as follows:

24 (1) On or before the twentieth day of every month, a taxpayer subject to the tax **and**
25 **surtax** provided in KRS 142.400 shall submit a return and the tax due for the
26 preceding month to the Department of Revenue, in a form prescribed by the
27 department. To facilitate administration, the department may permit or require

1 returns or tax payments for other periods. Upon written request received on or
2 before the due date, the department may extend the filing or tax payment due date
3 up to thirty (30) days.

4 (2) The Department of Revenue shall examine and audit each return as soon as
5 practicable after it is received. If the ~~taxes~~^[tax] computed by the department ~~are~~^[is]
6 greater than the ~~taxes~~^[tax] paid by the taxpayer, the department shall assess the
7 excess within four (4) years from the filing deadline, including any extensions
8 granted. If the taxpayer failed to file a return or filed a fraudulent return, then the
9 excess may be assessed at any time.

10 (3) A taxpayer may request a refund or credit for any overpayment of tax under KRS
11 142.400 within four (4) years after the tax due date, including any extensions
12 granted. The request shall be made to the Department of Revenue in writing and
13 shall state the amount requested, the applicable period, the basis for the request, and
14 any other information the department reasonably requires.

15 (4) Any tax not paid on or before its due date shall bear interest at the tax interest rate
16 provided in KRS 131.183 from the date due until the date of payment. If an
17 extension is granted, and the tax is not paid within the extension period, then
18 interest shall accrue from the original due date.

19 ➔Section 3. KRS 142.406 is amended to read as follows:

20 (1) There is hereby created and established in the State Treasury a trust and agency
21 account to be known as the tourism, meeting, and convention marketing fund. The
22 fund shall be administered by the Tourism, Arts and Heritage Cabinet, with the
23 approval of the Governor's Office for Policy and Management.

24 (2) All tax receipts from the tax imposed under KRS 142.400~~(1)~~ shall be deposited into
25 the tourism, meeting, and convention marketing fund. *Moneys deposited in the*
26 *fund are hereby*~~[, and shall be]~~ appropriated for the purposes set forth in subsection

27 (3) of this section *and shall not be appropriated or transferred by the General*

1 **Assembly for any other purposes.** The fund shall also contain any other money
 2 contributed, allocated, or appropriated to it from any other source. Money in the
 3 fund shall be invested by the Finance and Administration Cabinet in instruments
 4 authorized under KRS 42.500. Investment proceeds shall be deposited to the credit
 5 of the fund. **Notwithstanding KRS 45.229,** money in the fund **not expended** shall
 6 not lapse but shall be carried forward to the next fiscal year or biennium. **All**
 7 **interest earnings of the fund shall become a part of the fund and shall not lapse.**

8 (3) The tourism, meeting, and convention marketing fund shall be used for the sole
 9 purpose of marketing and promoting tourism in the Commonwealth including
 10 expenditures to market and promote events and venues related to meetings,
 11 conventions, trade shows, cultural activities, historical sites, recreation,
 12 entertainment, natural phenomena, areas of scenic beauty, craft marketing, and any
 13 other economic activity that brings tourists and visitors to the Commonwealth.
 14 Marketing and promoting tourism shall not include expenditures on capital
 15 construction projects.

16 (4) By September 1 of each year, the secretary of the Tourism, Arts and Heritage
 17 Cabinet shall report to the Governor and the Legislative Research Commission
 18 concerning the receipts, expenditures, and carryforwards of the fund for the
 19 preceding fiscal year.

20 ➔Section 4. KRS 148.800 is amended to read as follows:

21 **(1)** There is hereby established in the State Treasury a separate trust and agency account
 22 to be known as the "Park Capital Maintenance and Renovation Fund" to be
 23 administered by the Department of Parks, with the approval of the Governor's
 24 Office for Policy and Management, for the purposes provided for in KRS ~~148.800~~
 25 ~~to~~ 148.810.

26 **(2)** **Notwithstanding KRS 45.229,** the balance of any moneys accruing to this fund in
 27 any fiscal year shall not lapse but shall be carried forward to the next fiscal year or

1 biennium.

2 **(3) Any interest earning of the fund shall become part of the fund and shall not**
 3 **lapse.**

4 **(4) Moneys deposited in the fund are hereby appropriated for the purposes set forth**
 5 **in KRS 148.810 and shall not be appropriated or transferred by the General**
 6 **Assembly for any other purposes.**

7 ➔Section 5. KRS 148.805 is amended to read as follows:

8 (1) On or after August 1, 1994, there shall be deposited in the **park capital**
 9 **maintenance and renovation** fund created in **Section 4 of this Act**~~[KRS 148.800],~~
 10 the moneys attributable to any increase in fees and charges at the state's parks made
 11 by the department and designated by the commissioner as an increase for the
 12 **purposes set forth in**~~[purpose of]KRS[148.800 to]148.810.~~

13 (2) **On and after August 1, 2020, receipts derived from the surtax levied under**
 14 **subsection (2) of Section 1 of this Act shall be deposited in the fund created in**
 15 **KRS 148.800 for the purposes set forth in KRS 148.810.**

16 **(3) Any increase in fees and charges made pursuant to subsection (1) of this section**
 17 **and any revenue generated by the surtax levied under subsection (2) of Section 1**
 18 **of this Act** shall be used to supplement rather than to replace other anticipated
 19 department funding sources or budgeted expenditure accounts.

20 ➔Section 6. This Act takes effect August 1, 2020.