

1 AN ACT relating to the taxation of data centers.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) On and after July 1, 2021, and on and before June 30, 2051, the taxes imposed by*
6 *this chapter do not apply to:*

7 *(a) Tangible personal property used to construct, retrofit, or upgrade a data*
8 *center; and*

9 *(b) Data center equipment for use in that data center;*
10 *purchased by a person engaged primarily in a commercial activity or separately*
11 *operated segment of business that exists for the purposes of engaging solely in*
12 *the operation of a data center or operating by collocating with a person that*
13 *operates a data center.*

14 *(2) The exemption provided in subsection (1) of this section shall apply whether or*
15 *not the seller is under contract to deliver, assemble, and incorporate into real*
16 *estate the equipment, machinery, attachments, and any materials incorporated*
17 *into the construction, retrofit, or upgrade of the data center.*

18 *(3) To qualify for the exemption provided in subsection (1) of this section, the data*
19 *center shall certify to the department that it shall:*

20 *(a) Make capital investments in one (1) or more data centers after July 1, 2021,*
21 *in amounts of at least one hundred fifty million dollars (\$150,000,000) in*
22 *the aggregate within the first five (5) years after commencement of*
23 *construction; and*

24 *(b) Create and maintain at least twenty (20) new jobs at the data center within*
25 *two (2) calendar years after the commencement of operations.*

26 *(4) (a) Data centers shall report to the department annually, on or before October 1*
27 *of each year, on behalf of itself and any person collocating with the data*

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center:

1. The progress made toward achieving performance targets, which shall

include:

a. i. A listing of the new jobs, each with an associated average annual wage; and

ii. The annual amount of all payroll taxes paid, both federal and state, related to wages; and

b. The amount of capital investment in data center facilities and equipment;

2. The address of the location of the data center;

3. The county in which the data center is located;

4. Based on the most recent United States federal census data, a statement as to whether the county where the data center is located has a population of;

a. Less than thirty thousand (30,000) people;

b. At least thirty thousand (30,000) but no more than sixty thousand (60,000) people; or

c. More than sixty thousand (60,000) people;

5. A statement as to whether the data center is located in a federal opportunity zone as designated in 26 U.S.C. sec. 1400Z-1 and 1400Z-2; and

6. The total amount of the sales and use tax exemption claimed for the immediately preceding fiscal year.

(b) If a data center fails to meet the reporting, investment, and job creation requirements provided within the time periods required in this section, it shall repay the sales or use taxes that were exempted, plus accrued interest from the dates on which purchases were made, to the department within

1 sixty (60) days of the noncompliance.

2 (5) On or before December 1, 2022, and every biennium on December 1 thereafter as
3 long as the exemption applies, the department shall report to the Interim Joint
4 Committee on Appropriations and Revenue:

5 (a) The aggregate amount of capital investment and new jobs from all
6 qualifying data centers reported for the immediately preceding fiscal year
7 and in total for the year;

8 (b) Based upon the most recent census data, the number of qualifying data
9 centers located in counties with a population of:

10 1. Less than thirty thousand (30,000) people;

11 2. At least thirty thousand (30,000) but no more than sixty thousand
12 (60,000) people; or

13 3. More than sixty thousand (60,000) people;

14 (c) The number of qualifying data centers located in a federal opportunity zone
15 as designated in 26 U.S.C. sec. 1400Z-1 and 1400Z-2; and

16 (d) The aggregate amount of the exemption claimed from all qualifying data
17 centers and the number of qualifying data centers benefitting from the
18 exemption, after three (3) or more qualified data centers have claimed the
19 exemption for at least two (2) years.

20 (6) Notwithstanding KRS 139.720, every qualifying data center using this exemption
21 shall keep the records, receipts, invoices, and other pertinent papers in such form
22 and timeframe as the department may require.

23 (7) The report shall not include, and the department shall not publish or disclose,
24 any information that is not aggregated or if a report or publication could be used
25 to identify a specific person.

26 (8) As used in this section:

27 (a) "Capital investment" means:

- 1 1. Obligations incurred for labor and to contractors, subcontractors,
2 builders, and materialmen in connection with the acquisition,
3 construction, installation, equipping, and rehabilitation of a project;
 - 4 2. The cost of acquiring land or rights in land within the development
5 area on the footprint of the project, and any cost incident thereto,
6 including recording fees;
 - 7 3. The cost of contract bonds and of insurance of all kinds that may be
8 required or necessary during the course of acquisition, construction,
9 installation, equipping, and rehabilitation of a project which is not
10 paid by the contractor or contractors or otherwise provided;
 - 11 4. All costs of architectural and engineering services, including test
12 borings, surveys, estimates, plans, specifications, preliminary
13 investigations, supervision of construction, and the performance of all
14 the duties required by or consequent upon the acquisition,
15 construction, installation, equipping, and rehabilitation of a project;
 - 16 5. All costs that are required to be paid under the terms of any contract
17 for the acquisition, construction, installation, equipping, and
18 rehabilitation of a project; and
 - 19 6. All other costs of a nature comparable to those described in this
20 subsection that occur after preliminary approval;
- 21 (b) "Commencement of construction" means the first date on which a capital
22 investment has been made for a data center;
- 23 (c) "Commencement of operations" means the date on which a certificate of
24 occupancy is issued for a data center;
- 25 (d) "Data center" means a person that has a facility comprised of one (1) or
26 more buildings in Kentucky that is used to house and continuously operate
27 computer servers and associated data center equipment for the transmission

1 and storage of data where the facility has the following characteristics:

2 1. Uninterruptible power supplies, generator power, or both;

3 2. Sophisticated fire suppression and prevention systems;

4 3. Enhanced physical security; and

5 4. Restricted access;

6 (e) 1. "Data center equipment" means:

7 a. Equipment that is used to outfit, operate, or benefit a data
8 center; and

9 b. Component parts, installations, refreshments, replacements, and
10 upgrades to the equipment, regardless of whether any of the
11 equipment is affixed to or incorporated into real property.

12 2. Eligible "data center equipment" includes:

13 a. Equipment necessary for the transformation, generation,
14 distribution, or management of electricity that is required to
15 operate computer servers or similar data storage equipment,
16 including:

17 i. Uninterruptible energy supplies;

18 ii. Generators;

19 iii. Conduit;

20 iv. Gaseous fuel piping;

21 v. Cabling;

22 vi. Duct banks;

23 vii. Switches;

24 viii. Switchboards;

25 ix. Batteries; and

26 x. Testing equipment;

27 b. Equipment necessary to cool and maintain a controlled

- 1 environment for the operation of computer servers or data
2 storage systems and other components of a computer data center,
3 including:
- 4 i. Mechanical equipment;
 - 5 ii. Refrigerant piping;
 - 6 iii. Gaseous fuel piping;
 - 7 iv. Adiabatic and free cooling systems;
 - 8 v. Cooling towers;
 - 9 vi. Water softeners;
 - 10 vii. Air handling units;
 - 11 viii. Indoor direct exchange units;
 - 12 ix. Fans;
 - 13 x. Ducting; and
 - 14 xi. Filters;
- 15 c. Water conservation systems, including facilities or mechanisms
16 that are designed to collect, conserve, and reuse water;
- 17 d. Software, including but not limited to:
- 18 i. Enabling software and licensing agreements;
 - 19 ii. Computer servers or similar data storage equipment;
 - 20 iii. Chassis;
 - 21 iv. Networking equipment;
 - 22 v. Switches;
 - 23 vi. Racks;
 - 24 vii. Cabling;
 - 25 viii. Trays; and
 - 26 ix. Conduits;
- 27 e. Monitoring equipment;

- 1 f. Security systems;
- 2 g. i. Modular data centers; and
- 3 ii. Preassembled components of any item, including
- 4 components used in the manufacturing of modular data
- 5 centers; and
- 6 h. Other tangible personal property that is essential to the
- 7 operations of a computer data center;
- 8 (f) "Full-time employee" means a person employed for a minimum of thirty-
- 9 five (35) hours per week and subject to the tax imposed by KRS 141.020;
- 10 and
- 11 (g) 1. "New jobs" means new jobs that:
- 12 a. Are created and located in the state;
- 13 b. Are nonseasonal;
- 14 c. Are full-time, meaning a minimum of thirty-five (35) hours a
- 15 week and subject to the state income tax imposed by KRS
- 16 141.020;
- 17 d. i. Collectively pay an average weekly wage that equals or
- 18 exceeds one hundred twenty-five percent (125%) of the
- 19 average weekly wage for the county where the data center
- 20 is located, as determined by the most recent report of the
- 21 United States Bureau of Labor Statistics; and
- 22 ii. If the average weekly wage calculated in subpart i. of this
- 23 subdivision is less than one hundred fifty percent (150%) of
- 24 the federal minimum wage, then the base hourly wage
- 25 shall be one hundred fifty percent (150%) of the federal
- 26 minimum wage.
- 27 2. "New jobs" do not include jobs that merely change locations within

1 the state.

2 ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) As used in this section:

5 (a) "Affiliate" means:

6 1. Members of a family, including brothers and sisters of the whole or
7 half blood, spouse, ancestors, and lineal descendants of an individual;

8 2. An individual and a corporation, of which more than twenty percent
9 (20%) in value of the outstanding stock is owned, directly or indirectly,
10 by or for that individual; or

11 3. An individual and a limited liability company or a partnership, of
12 which more than twenty percent (20%) of the capital interest or profits
13 are owned or controlled, directly or indirectly, by or for that
14 individual; and

15 (b) "Remote worker" means any individual who:

16 1. Works from his or her principal place of residence in Kentucky for a
17 business entity that is only doing business in this state through the
18 presence of employees located in this state; and

19 2. Earns gross income from a business entity that is not an affiliate with
20 the individual.

21 (2) For taxable years beginning on or after January 1, 2021, there is hereby
22 established a tax credit against the tax imposed under KRS 141.020, with the
23 ordering of credits under Section 4 of this Act.

24 (3) (a) The tax credit shall be nonrefundable and nontransferable.

25 (b) The tax credit shall be in an amount equal to:

26 1. For the first taxable year the credit is allowed for the taxpayer, five
27 thousand dollars (\$5,000);

- 1 2. For the second taxable year that the credit is allowed for the taxpayer,
2 four thousand dollars (\$4,000);
- 3 3. For the third taxable year that the credit is allowed for the taxpayer,
4 three thousand dollars (\$3,000);
- 5 4. For the fourth taxable year that the credit is allowed for the taxpayer,
6 two thousand dollars (\$2,000);
- 7 5. For the fifth taxable year that the credit is allowed for the taxpayer,
8 one thousand dollars (\$1,000); and
- 9 6. Zero for any taxable year after the fifth taxable year that the credit is
10 allowed for the taxpayer.
- 11 (c) 1. In addition to the amount of tax credit provided in paragraph (b) of
12 this subsection, the remote worker shall also receive an additional
13 amount of tax credit if the taxpayer is a first-time home buyer in
14 Kentucky during the five (5) year tax credit period.
- 15 2. If the taxpayer purchases his or her principal residence during the five
16 (5) years that the tax credit is allowed under paragraph (b) of this
17 subsection, the total tax credit for the year the residence is purchased
18 shall be in an amount equal to the amount of tax credit from
19 paragraph (b) of this subsection allowed for that taxable year plus the
20 amount of tax imposed in KRS 132.020 and timely paid by the
21 taxpayer related to the real property owned and occupied by the
22 taxpayer as the residence where the employee is remotely working.
- 23 (d) All taxpayers qualifying for this tax credit shall claim the credit for the first
24 taxable year prior to January 1, 2026, and shall not be allowed a credit for
25 more than five (5) successive taxable years.
- 26 (e) Any portion of the tax credit that is not fully utilized in the taxable year
27 during which it is earned shall not be carried back or carried forward to any

1 other taxable year.

- 2 **(4) In order for the General Assembly to evaluate this tax credit, the department shall**
 3 **provide the following information on a cumulative basis for each taxable year to**
 4 **provide a historical impact of the tax credit to the Commonwealth:**
 5 **(a) The name and location, by county, of the taxpayer claiming the tax credit;**
 6 **(b) The amount of gross income reported by the taxpayer;**
 7 **(c) The amount of tax credit allowed for each taxable year;**
 8 **(d) The total amount of all tax credits claimed by all taxpayers for the fiscal**
 9 **year; and**
 10 **(e) Based on ranges of adjusted gross income of no larger than five thousand**
 11 **dollars (\$5,000) for the taxable year, the total amount of tax credits claimed**
 12 **and the number of returns claiming a tax credit for each adjusted gross**
 13 **income range.**

14 ➔Section 3. KRS 131.190 is amended to read as follows:

- 15 (1) No present or former commissioner or employee of the department, present or
 16 former member of a county board of assessment appeals, present or former property
 17 valuation administrator or employee, present or former secretary or employee of the
 18 Finance and Administration Cabinet, former secretary or employee of the Revenue
 19 Cabinet, or any other person, shall intentionally and without authorization inspect or
 20 divulge any information acquired by him of the affairs of any person, or information
 21 regarding the tax schedules, returns, or reports required to be filed with the
 22 department or other proper officer, or any information produced by a hearing or
 23 investigation, insofar as the information may have to do with the affairs of the
 24 person's business.
- 25 (2) The prohibition established by subsection (1) of this section shall not extend to:
- 26 (a) Information required in prosecutions for making false reports or returns of
 27 property for taxation, or any other infraction of the tax laws;

- 1 (b) Any matter properly entered upon any assessment record, or in any way made
2 a matter of public record;
- 3 (c) Furnishing any taxpayer or his properly authorized agent with information
4 respecting his own return;
- 5 (d) Testimony provided by the commissioner or any employee of the department
6 in any court, or the introduction as evidence of returns or reports filed with the
7 department, in an action for violation of state or federal tax laws or in any
8 action challenging state or federal tax laws;
- 9 (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or
10 energy resources assessed under KRS 132.820, or owners of surface land
11 under which the unmined minerals lie, factual information about the owner's
12 property derived from third-party returns filed for that owner's property, under
13 the provisions of KRS 132.820, that is used to determine the owner's
14 assessment. This information shall be provided to the owner on a confidential
15 basis, and the owner shall be subject to the penalties provided in KRS
16 131.990(2). The third-party filer shall be given prior notice of any disclosure
17 of information to the owner that was provided by the third-party filer;
- 18 (f) Providing to a third-party purchaser pursuant to an order entered in a
19 foreclosure action filed in a court of competent jurisdiction, factual
20 information related to the owner or lessee of coal, oil, gas reserves, or any
21 other mineral resources assessed under KRS 132.820. The department may
22 promulgate an administrative regulation establishing a fee schedule for the
23 provision of the information described in this paragraph. Any fee imposed
24 shall not exceed the greater of the actual cost of providing the information or
25 ten dollars (\$10);
- 26 (g) Providing information to a licensing agency, the Transportation Cabinet, or
27 the Kentucky Supreme Court under KRS 131.1817;

- 1 (h) Statistics of gasoline and special fuels gallonage reported to the department
2 under KRS 138.210 to 138.448;
- 3 (i) Providing any utility gross receipts license tax return information that is
4 necessary to administer the provisions of KRS 160.613 to 160.617 to
5 applicable school districts on a confidential basis;
- 6 (j) Providing documents, data, or other information to a third party pursuant to an
7 order issued by a court of competent jurisdiction; or
- 8 (k) 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;
- 20 9. KRS 141.408 for purposes of the inventory credit;
- 21 10. KRS 141.390 for purposes of the recycling and composting credit;
- 22 11. KRS 141.3841 for purposes of the selling farmer tax credit;~~and~~
- 23 12. KRS 141.4231 for purposes of the renewable chemical production tax
24 credit;
- 25 **13. Section 1 of this Act for the purposes of the data center sales and use**
26 **tax exemption; and**
- 27 **14. Section 2 of this Act for the purposes of the remote worker tax credit.**

- 1 (3) The commissioner shall make available any information for official use only and on
2 a confidential basis to the proper officer, agency, board or commission of this state,
3 any Kentucky county, any Kentucky city, any other state, or the federal government,
4 under reciprocal agreements whereby the department shall receive similar or useful
5 information in return.
- 6 (4) Access to and inspection of information received from the Internal Revenue Service
7 is for department use only, and is restricted to tax administration purposes.
8 Information received from the Internal Revenue Service shall not be made available
9 to any other agency of state government, or any county, city, or other state, and shall
10 not be inspected intentionally and without authorization by any present secretary or
11 employee of the Finance and Administration Cabinet, commissioner or employee of
12 the department, or any other person.
- 13 (5) Statistics of crude oil as reported to the Department of Revenue under the crude oil
14 excise tax requirements of KRS Chapter 137 and statistics of natural gas production
15 as reported to the Department of Revenue under the natural resources severance tax
16 requirements of KRS Chapter 143A may be made public by the department by
17 release to the Energy and Environment Cabinet, Department for Natural Resources.
- 18 (6) Notwithstanding any provision of law to the contrary, beginning with mine-map
19 submissions for the 1989 tax year, the department may make public or divulge only
20 those portions of mine maps submitted by taxpayers to the department pursuant to
21 KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-
22 out parcel areas. These electronic maps shall not be relied upon to determine actual
23 boundaries of mined-out parcel areas. Property boundaries contained in mine maps
24 required under KRS Chapters 350 and 352 shall not be construed to constitute land
25 surveying or boundary surveys as defined by KRS 322.010 and any administrative
26 regulations promulgated thereto.
- 27 ➔Section 4. KRS 141.0205 is amended to read as follows:

1 If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax
2 imposed by KRS 141.020, 141.040, and 141.0401, the priority of application and use of
3 the credits shall be determined as follows:

4 (1) The nonrefundable business incentive credits against the tax imposed by KRS
5 141.020 shall be taken in the following order:

- 6 (a) The limited liability entity tax credit permitted by KRS 141.0401;
- 7 (b) The economic development credits computed under KRS 141.347, 141.381,
8 141.384, 141.3841, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-
9 207, and 154.12-2088;
- 10 (c) The qualified farming operation credit permitted by KRS 141.412;
- 11 (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
- 12 (e) The health insurance credit permitted by KRS 141.062;
- 13 (f) The tax paid to other states credit permitted by KRS 141.070;
- 14 (g) The credit for hiring the unemployed permitted by KRS 141.065;
- 15 (h) The recycling or composting equipment credit permitted by KRS 141.390;
- 16 (i) The tax credit for cash contributions in investment funds permitted by KRS
17 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
18 154.20-258;
- 19 (j) The research facilities credit permitted by KRS 141.395;
- 20 (k) The employer High School Equivalency Diploma program incentive credit
21 permitted under KRS 151B.402;
- 22 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 23 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 24 (n) The clean coal incentive credit permitted by KRS 141.428;
- 25 (o) The ethanol credit permitted by KRS 141.4242;
- 26 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 27 (q) The energy efficiency credits permitted by KRS 141.436;

- 1 (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 2 (s) The Endow Kentucky credit permitted by KRS 141.438;
- 3 (t) The New Markets Development Program credit permitted by KRS 141.434;
- 4 (u) The distilled spirits credit permitted by KRS 141.389;
- 5 (v) The angel investor credit permitted by KRS 141.396;
- 6 (w) The film industry credit permitted by KRS 141.383 for applications approved
- 7 on or after April 27, 2018;
- 8 (x) The inventory credit permitted by KRS 141.408; and
- 9 (y) The renewable chemical production credit permitted by KRS 141.4231.
- 10 (2) After the application of the nonrefundable credits in subsection (1) of this section,
- 11 the nonrefundable personal tax credits against the tax imposed by KRS 141.020
- 12 shall be taken in the following order:
- 13 (a) The individual credits permitted by KRS 141.020(3);
- 14 (b) The credit permitted by KRS 141.066;
- 15 (c) The tuition credit permitted by KRS 141.069;
- 16 (d) The household and dependent care credit permitted by KRS 141.067;~~and~~
- 17 (e) The income gap credit permitted by KRS 141.066; and
- 18 (f) The remote worker credit permitted by Section 2 of this Act.
- 19 (3) After the application of the nonrefundable credits provided for in subsection (2) of
- 20 this section, the refundable credits against the tax imposed by KRS 141.020 shall be
- 21 taken in the following order:
- 22 (a) The individual withholding tax credit permitted by KRS 141.350;
- 23 (b) The individual estimated tax payment credit permitted by KRS 141.305;
- 24 (c) The certified rehabilitation credit permitted by KRS 171.3961 and
- 25 171.397(1)(b); and
- 26 (d) The film industry tax credit permitted by KRS 141.383 for applications
- 27 approved prior to April 27, 2018.

- 1 (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the
2 tax imposed by KRS 141.040.
- 3 (5) The following nonrefundable credits shall be applied against the sum of the tax
4 imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)
5 of this section, and the tax imposed by KRS 141.0401 in the following order:
- 6 (a) The economic development credits computed under KRS 141.347, 141.381,
7 141.384, 141.3841, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-
8 207, and 154.12-2088;
- 9 (b) The qualified farming operation credit permitted by KRS 141.412;
- 10 (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
- 11 (d) The health insurance credit permitted by KRS 141.062;
- 12 (e) The unemployment credit permitted by KRS 141.065;
- 13 (f) The recycling or composting equipment credit permitted by KRS 141.390;
- 14 (g) The coal conversion credit permitted by KRS 141.041;
- 15 (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods
16 ending prior to January 1, 2008;
- 17 (i) The tax credit for cash contributions to investment funds permitted by KRS
18 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
19 154.20-258;
- 20 (j) The research facilities credit permitted by KRS 141.395;
- 21 (k) The employer High School Equivalency Diploma program incentive credit
22 permitted by KRS 151B.402;
- 23 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 24 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 25 (n) The clean coal incentive credit permitted by KRS 141.428;
- 26 (o) The ethanol credit permitted by KRS 141.4242;
- 27 (p) The cellulosic ethanol credit permitted by KRS 141.4244;

- 1 (q) The energy efficiency credits permitted by KRS 141.436;
- 2 (r) The ENERGY STAR home or ENERGY STAR manufactured home credit
- 3 permitted by KRS 141.437;
- 4 (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 5 (t) The railroad expansion credit permitted by KRS 141.386;
- 6 (u) The Endow Kentucky credit permitted by KRS 141.438;
- 7 (v) The New Markets Development Program credit permitted by KRS 141.434;
- 8 (w) The distilled spirits credit permitted by KRS 141.389;
- 9 (x) The film industry credit permitted by KRS 141.383 for applications approved
- 10 on or after April 27, 2018;
- 11 (y) The inventory credit permitted by KRS 141.408; and
- 12 (z) The renewable chemical production tax credit permitted by KRS 141.4231.
- 13 (6) After the application of the nonrefundable credits in subsection (5) of this section,
- 14 the refundable credits shall be taken in the following order:
- 15 (a) The corporation estimated tax payment credit permitted by KRS 141.044;
- 16 (b) The certified rehabilitation credit permitted by KRS 171.3961 and
- 17 171.397(1)(b); and
- 18 (c) The film industry tax credit permitted by KRS 141.383 for applications
- 19 approved prior to April 27, 2018.
- 20 ➔Section 5. Section 1 of this Act takes effect on July 1, 2021.