

FREE CONFERENCE COMMITTEE REPORT

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The Free Conference Committee on **HB 8** has met as provided in the Rules of the House and Senate and hereby reports the following to be adopted:

_____ **GA** X **SCS** _____ **HCS**

For the above-referenced bill, with these amendments (if applicable):

Committee (list by chamber and number): _____;

Floor (list by chamber and number): _____; and

The following Free Conference Committee action:

Beginning on page 1, line 4, and continuing through page 167, line 11, delete all language and insert in lieu thereof the following:

"➔Section 1. KRS 224.60-130 is amended to read as follows:

(1) The Energy and Environment Cabinet, Department for Environmental Protection, Division of Waste Management, shall:

- (a) Establish by administrative regulation the policy, guidelines, and procedures to administer the financial responsibility and petroleum storage tank accounts of the petroleum storage tank environmental assurance fund. In adopting administrative regulations to carry out this section, the division may distinguish between types, classes, and ages of petroleum storage tanks. The division may establish a range of amounts to be paid from the fund, or may base payments on methods such as pay for performance, task order, or firm fixed pricing, which are designed to provide incentives for contractors to more tightly control corrective action costs, and shall establish criteria to be met by persons who contract to perform corrective action to be eligible for reimbursement from the fund. The criteria may include the certification of individuals, partnerships, and companies. Criteria shall be established to certify

1 laboratories that contract to perform analytical testing related to the underground
2 storage tank program. Owners and operators shall have all required analytical testing
3 performed by a certified laboratory to be eligible for fund participation. Persons who
4 contract with petroleum storage tank owners or operators shall not be paid more than
5 the amount authorized by the division for reimbursement from the fund for the
6 performance of corrective action. At a minimum, the division shall promulgate
7 administrative regulations in accordance with KRS Chapter 13A that will
8 ~~ensure~~^{insure} an unobligated balance in the fund adequate to meet financial
9 assurance requirements and corrective action requirements of KRS 224.60-135(2) and
10 (4). If the unobligated balance in the fund is not adequate to meet the requirements of
11 this paragraph, the division shall obligate funds necessary to meet these requirements;

12 (b) Establish by administrative regulation the criteria to be met to be eligible to
13 participate in the financial responsibility and petroleum storage tank accounts and to
14 receive reimbursement from these accounts. The division may establish eligibility
15 criteria for the petroleum storage tank account based upon the financial ability of the
16 petroleum storage tank owner or operator. Owners or operators seeking coverage
17 under the petroleum storage tank account shall file for eligibility and for financial
18 assistance with the division. To ensure cost effectiveness, the division shall
19 promulgate administrative regulations in accordance with KRS Chapter 13A
20 specifying the circumstances under which prior approval of corrective action costs
21 shall be required for those costs to be eligible for reimbursement from the fund. In
22 promulgating administrative regulations to carry out this section, the division may
23 distinguish between types, classes, and ages of petroleum storage tanks and the
24 degree of compliance of the facility with any administrative regulations of the cabinet
25 promulgated pursuant to KRS 224.60-105 or applicable federal regulations;

26 (c) Establish a financial responsibility account within the fund which may be used by
27 petroleum storage tank owners and operators to demonstrate financial responsibility

1 as required by administrative regulations of the cabinet or the federal regulations
2 applicable to petroleum storage tanks, consistent with the intent of the General
3 Assembly as set forth in KRS 224.60-120(5). The account shall receive four-tenths of
4 one cent (\$0.004) from the one and four-tenths cent (\$0.014) paid on each gallon of
5 gasoline and special fuels received in this state pursuant to KRS 224.60-145. To be
6 eligible to use this account to demonstrate compliance with financial responsibility
7 requirements of the cabinet or federal regulations, or to receive reimbursement from
8 this account for taking corrective action and for compensating third parties for bodily
9 injury and property damage, the petroleum storage tank owner or operator shall meet
10 the eligibility requirements established by administrative regulation promulgated by
11 the division;

12 (d) Establish a small operator assistance account within the fund which may be used by
13 the division to make or participate in the making of loans, to purchase or participate
14 in the purchase of the loans, which purchase may be from eligible lenders, or to
15 insure loans made by eligible lenders;

16 (e) Establish a petroleum storage tank account within the fund to be used to pay the costs
17 of corrective action due to a release from a petroleum storage tank not eligible for
18 reimbursement from the financial responsibility account. Reimbursements of
19 corrective action projects performed under the petroleum storage tank account shall
20 be carried out on or before July 15, 2034~~[2028]~~. Any corrective action costs incurred
21 after this date shall not be eligible for reimbursement under the petroleum storage
22 tank account. The account shall receive one cent (\$0.01) from the one and four-tenths
23 cent (\$0.014) paid on each gallon of gasoline and special fuels received in this state
24 pursuant to KRS 224.60-145. This account shall not be used to compensate third
25 parties for bodily injury and property damage. Within three (3) months after July 15,
26 2004, the division shall develop a plan to address the payment of claims and
27 completion of corrective action at facilities eligible for reimbursement from this

- 1 account. The division shall establish a ranking system to be used for the distribution
2 of amounts from this account for the purpose of corrective action. In promulgating
3 administrative regulations to carry out this section, the division shall consider the
4 financial ability of the petroleum storage tank owner or operator to perform corrective
5 action and the extent of damage caused by a release into the environment from a
6 petroleum storage tank;
- 7 (f) Hear complaints brought before the division regarding the payment of claims from
8 the fund in accordance with KRS 224.10-410 to 224.10-470;
- 9 (g) Establish and maintain necessary offices within this state, appoint employees and
10 agents as necessary, and prescribe their duties and compensation;
- 11 (h) Employ, in accordance with the procedures found in KRS 45A.690 to 45A.725 for
12 awarding personal service contracts, a qualified actuary to perform actuarial studies,
13 as directed by the division, for determining an appropriate reserve in the financial
14 responsibility account and the petroleum storage tank account sufficient to satisfy the
15 obligations in each account for all eligible facilities and to satisfy future liabilities and
16 expenses necessary to operate each account. The division shall, by administrative
17 regulation, set the entry level for participation in the fund;
- 18 (i) Authorize expenditures from the fund to carry out the purpose of KRS 224.60-105 to
19 224.60-160, including reasonable costs of administering the fund, the procurement of
20 legal services, and the procurement of analytical testing services when necessary to
21 confirm the accuracy of analytical testing results obtained by a petroleum storage
22 tank owner or operator. The expenditures shall be paid from the appropriate account;
- 23 (j) Establish a small operators' tank removal account within the fund to reimburse the
24 reasonable cost of tank system removal for small owners and operators. The account
25 shall not be used when an owner or operator is removing the tank with the intention
26 of replacing or upgrading the tank. In promulgating administrative regulations to
27 carry out this paragraph, the division may distinguish among owners and operators

1 based on income and types and classes of tanks. The division shall not place a limit
2 on the number of tanks that an owner or operator has in order to be eligible to
3 participate in the program and receive reimbursement under this paragraph;

- 4 (k) Establish by administrative regulation the policy, guidelines, and procedures to
5 perform financial audits of any petroleum storage tank owner or operator receiving
6 reimbursement from the fund or any entity contracting or subcontracting to provide
7 corrective action services for facilities eligible for fund reimbursement. Financial
8 audits shall be limited to those files, records, computer records, receipts, and other
9 documents related to corrective action performed at a facility where the costs of
10 corrective action have been reimbursed by the fund. Files, records, computer records,
11 receipts, and other documents related to corrective action reimbursed by the fund
12 shall be subject to a financial audit for a period of three (3) years after the date of
13 final reimbursement from the fund. Results of the audits shall be protected from
14 disclosure as allowed by KRS 61.878(1)(c). Financial auditing services may be
15 contracted for or personnel may be employed as needed to implement the
16 requirements of this paragraph;

- 17 (l) Be authorized to enter and inspect any facility intending to seek reimbursement for
18 the cost of corrective action to determine the reasonableness and necessity of the cost
19 of corrective action. The division may collect soil or water samples or require storage
20 tank owners or operators to split samples with the division for analytical testing.
21 Refusal to allow entry and inspection of a facility or refusal to allow the division to
22 collect or split samples shall make the facility ineligible for fund participation;

- 23 (m) Have inspectors on site at all tank system removals. Failure to comply with this
24 provision shall make the facility ineligible for fund participation. A petroleum storage
25 tank owner or operator may request through certified mail that the division schedule
26 an inspector to be present at an upcoming tank removal. If the request is made at least
27 two (2) weeks before the time for the removal and an inspector fails to be present at

1 the time scheduled, the tank removal may proceed without making the facility
2 ineligible for fund participation unless the owner is notified by the division no later
3 than ten (10) days prior to the proposed date that an inspector is not available on the
4 proposed date, in which event a representative of the division shall contact the
5 operator and schedule a new date. If no inspector is present at the rescheduled date,
6 the removal may then proceed without penalty; and

7 (n) Establish that the deadline for submission of final reimbursement requests under the
8 petroleum storage tank account is two (2) years after receipt of a no further action
9 letter.

10 (2) The division may advise the cabinet on the promulgation of administrative regulations
11 concerning petroleum storage tanks.

12 (3) The division may sue and be sued in its own name.

13 (4) The division may transfer funds from the petroleum storage tank account to the small
14 operator tank removal account as needed to satisfy the obligations, future liabilities, and
15 expenses necessary to operate that account. The division may transfer funds to the financial
16 responsibility account as needed to maintain within that account sufficient funds to
17 demonstrate financial responsibility and to ensure payment of claims as provided in
18 subsection (1)(c) of this section.

19 ➔Section 2. KRS 224.60-142 is amended to read as follows:

20 (1) To be eligible to participate in the fund, the owner of any petroleum storage tank
21 containing motor fuels installed and placed in operation after July 15, 2004, shall register
22 the petroleum storage tank with the cabinet as required by KRS 224.60-105 prior to
23 applying for participation in the financial responsibility account.

24 (2) The owner of any petroleum storage tank containing motor fuels currently existing, or
25 removed from the ground after January 1, 1974, shall register the petroleum storage tank
26 containing motor fuels with the cabinet prior to applying to the fund, and shall register the
27 petroleum storage tank containing motor fuels by July 15, 2031~~[2025]~~. Owners or operators

1 may submit affidavits and applications relevant to current petroleum storage tank accounts
2 through July 15, 2031~~[2025]~~.

3 ➔Section 3. KRS 224.60-145 is amended to read as follows:

- 4 (1) Except as provided in subsection (2) of this section, there is established a petroleum
5 environmental assurance fee to be paid by dealers on each gallon of gasoline and special
6 fuels received in this state.
- 7 (2) All deductions detailed in KRS 138.240(2) and all credits detailed in KRS 138.358 are
8 exempt from the fee. If a dealer has on file, pursuant to KRS Chapter 138, a statement
9 supporting a claimed exemption, an additional statement shall not be required for claiming
10 exemption from the fee.
- 11 (3) The fee shall be reported and paid to the Department of Revenue at the same time and in
12 the same manner as is required for the reporting and payment of the gasoline and special
13 fuels taxes as provided by law.
- 14 (4) The petroleum environmental assurance fee shall be set at one and four-tenths cent
15 (\$0.014) for each gallon. Four-tenths of a cent (\$0.004) per gallon shall be deposited in the
16 financial responsibility account and one cent (\$0.01) shall be deposited in the petroleum
17 storage tank account.
- 18 (5) Within thirty (30) days of the close of fiscal year 2001-2002 and each fiscal year thereafter,
19 the state budget director shall review the balance of each account to determine if a surplus
20 exists. "Surplus" means funds in excess of the amounts necessary to satisfy the obligations
21 in each account for all eligible facilities, to satisfy future liabilities and expenses necessary
22 to operate each account, and to maintain an appropriate reserve in the financial
23 responsibility account to demonstrate financial responsibility and compensate for third-
24 party claims. The state budget director shall report the determination to the Interim Joint
25 Committee on Appropriations and Revenue. After a determination that a surplus exists, the
26 surplus shall be transferred to a restricted account and retained until appropriated by the
27 General Assembly.

- 1 (6) All provisions of law related to the Department of Revenue's administration and
 2 enforcement of the gasoline and special fuels tax and all other powers generally conveyed
 3 to the Department of Revenue by the Kentucky Revised Statutes for the assessment and
 4 collection of taxes shall apply with regard to the fee levied by KRS 224.60-105 to 224.60-
 5 160.
- 6 (7) The Department of Revenue shall refund the fee imposed by KRS 224.60-145(1) to any
 7 person who paid the fee provided they are entitled to a refund of motor fuel tax under KRS
 8 138.344 to KRS 138.355 and to any person who paid the fee on transactions exempted
 9 under KRS 224.60-145(2).
- 10 (8) Notwithstanding any other provisions of KRS 65.180, 65.182, 68.600 to 68.606, 139.470,
 11 183.165, 224.60-115, 224.60-130, 224.60-137, 224.60-140, 224.60-142, and this section to
 12 the contrary, the small operator assistance account and small operator tank removal account
 13 established under KRS 224.60-130 shall continue in effect until July 15, 2031~~[2025]~~, and
 14 thereafter until all eligible claims related to tanks registered by that date are resolved, and
 15 sufficient money shall be allocated to and maintained in that account to assure prompt
 16 payment of all eligible claims, and to provide for removal of tanks for eligible owners and
 17 operators as directed by this chapter.

18 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 131 IS CREATED TO READ
 19 AS FOLLOWS:

- 20 **(1) The department shall submit an annual report to the Legislative Research Commission**
 21 **and the Interim Joint Committee on Appropriations and Revenue on October 1, 2024,**
 22 **and October 1 of each year thereafter.**
- 23 **(2) The report required by subsection (1) of this section shall:**
- 24 **(a) Summarize each tax law change enacted during:**
- 25 **1. The immediately preceding Regular Session of the General Assembly; or**
- 26 **2. Any Extraordinary Session of the General Assembly held since the last report**
 27 **was submitted;**

1 (b) Be organized by bill number, including any resolutions impacting the tax laws; and

2 (c) Outline actions taken, or to be taken, by the department to implement each tax law
 3 change, including any:

4 1. Required modification to information technology systems and the estimated
 5 cost of that modification;

6 2. Development of new or modification to existing forms for submission by
 7 taxpayers;

8 3. Taxpayer education efforts deployed or to be deployed in response to the tax
 9 law changes;

10 4. Administrative regulations filed or to be filed;

11 5. Shifting of personnel to perform the actions; and

12 6. Suggestions to the Interim Joint Committee on Appropriations and Revenue
 13 for related statutory corrections or improvements.

14 ➔Section 5. KRS 138.510 is amended to read as follows:

15 (1) (a) Before August 1, 2022, except as provided in paragraph (e) of this subsection and
 16 subsection (3) of this section, an excise tax is imposed on all tracks conducting pari-
 17 mutuel wagering on live racing under the jurisdiction of the commission as follows:

18 1. For each track with a daily average live handle of one million two hundred
 19 thousand dollars (\$1,200,000) or above, the tax shall be in the amount of three
 20 and one-half percent (3.5%) of all money wagered on live races at the track
 21 during the fiscal year; and

22 2. For each track with a daily average live handle under one million two hundred
 23 thousand dollars (\$1,200,000), the tax shall be one and one-half percent (1.5%)
 24 of all money wagered on live races at the track during the fiscal year.

25 (b) Beginning August 1, 2022, the excise tax imposed on all tracks conducting pari-
 26 mutuel wagering on live racing under jurisdiction of the commission shall be one and
 27 one-half percent (1.5%) of all money wagered on live races at the track during the

1 fiscal year.

2 (c) Beginning on April 1, 2014, an excise tax is imposed on all tracks conducting pari-
3 mutuel wagering on historical horse races under the jurisdiction of the commission at
4 a rate of one and one-half percent (1.5%) of all money wagered on historical horse
5 races at the track during the fiscal year.

6 (d) Money shall be deducted from the tax paid under paragraphs (a), (b), and (c) of this
7 subsection and deposited as follows:

8 1. a. Before August 1, 2022, an amount equal to three-quarters of one percent
9 (0.75%) of all money wagered on live races and historical horse races at
10 the track for Thoroughbred racing shall be deposited in the Thoroughbred
11 development fund established in KRS 230.400; and

12 b. Beginning August 1, 2022, an amount equal to three-quarters of one
13 percent (0.75%) of all money wagered on live races and historical horse
14 races at the track for Thoroughbred racing shall be deposited in the
15 Thoroughbred development fund established in KRS 230.400 until forty-
16 five million dollars (\$45,000,000) has been deposited during a fiscal year,
17 at which point the amount deposited in the fund shall decrease to four-
18 tenths of one percent (0.4%) of all money wagered on live and historical
19 horse races at the track for Thoroughbred racing for the remainder of the
20 fiscal year;

21 2. a. Before August 1, 2022, an amount equal to one percent (1%) of all money
22 wagered on live races and historical horse races at the track for harness
23 racing shall be deposited in the Kentucky standardbred development fund
24 established in KRS 230.770. Beginning August 1, 2022, an amount equal
25 to one percent (1%) of all money wagered on live races at the track for
26 harness racing shall be deposited in the Kentucky standardbred
27 development fund until a total of twenty million dollars (\$20,000,000) has

- 1 been deposited during a fiscal year from this subparagraph, at which point
2 the amount deposited shall decrease to four-tenths of one percent (0.4%)
3 of all money wagered for the remainder of the fiscal year; and
- 4 b. Beginning August 1, 2022, an amount equal to one percent (1%) of all
5 money wagered on historical horse races at the track for harness racing
6 shall be distributed in the exact amounts based upon contracts between the
7 parties that have been filed with the commission, but at least one-half
8 (1/2) of the funds shall be deposited into the Kentucky standardbred
9 development fund established in KRS 230.770 until a total of twenty
10 million dollars (\$20,000,000) has been deposited into the Kentucky
11 standardbred development fund during a fiscal year from this
12 subparagraph, at which point the amount deposited in this subdivision
13 shall decrease to four-tenths of one percent (0.4%) of all money wagered
14 for the remainder of the fiscal year. The commission shall provide the
15 department all information necessary from the contracts in order for the
16 funds in this subparagraph to be distributed;
- 17 3. An amount equal to one percent (1%) of all money wagered on live races and
18 historical horse races at the track for quarter horse, paint horse, Appaloosa, and
19 Arabian horse racing shall be deposited in the Kentucky quarter horse, paint
20 horse, Appaloosa, and Arabian development fund established by KRS 230.445;
- 21 4. An amount equal to two-tenths of one percent (0.2%) of all money wagered on
22 live races and historical horse races at the track shall be paid out in equal
23 amounts as follows:
- 24 a. To the equine industry program trust and revolving fund established by
25 KRS 230.550 to support the Equine Industry Program at the University of
26 Louisville, except that the amount deposited from money wagered on
27 historical horse races in any fiscal year shall not exceed eight hundred

1 fifty thousand dollars (\$850,000);

2 b. To the University of Kentucky for equine industry programs at the
3 university, except that the amount paid from money wagered on historical
4 horse races in any fiscal year shall not exceed four hundred thousand
5 dollars (\$400,000);

6 c. To the Bluegrass Community and Technical College for the provision of
7 equine industry programs by the system, except that the amount paid from
8 money wagered on historical horse races in any fiscal year shall not
9 exceed two hundred fifty thousand dollars (\$250,000);

10 d. Amounts remaining from money wagered on historical horse races in a
11 fiscal year after payments are made in accordance with subdivisions a., b.,
12 and c. of this subparagraph shall be distributed in equal amounts to:

13 i. *The Kentucky Horse Racing Commission for the benefit of*
14 *Thoroughbred, standardbred, and American quarter horse*
15 *aftercare facilities in Kentucky, in an amount not to exceed two*
16 *hundred fifty thousand dollars (\$250,000). The Kentucky Horse*
17 *Racing Commission shall serve as the administrative agent for*
18 *these funds, and shall distribute them annually to organizations*
19 *engaged in the accreditation and monitoring of aftercare facilities.*
20 *Any funds distributed under this subpart by the Kentucky Horse*
21 *Racing Commission shall be awarded to aftercare facilities based*
22 *in Kentucky only after the facilities have achieved and maintained*
23 *levels of service and operation that resulted in national*
24 *accreditation; and*

25 ii. *The Kentucky equine management internship program for equine*
26 *management training, in an amount not to exceed two hundred*
27 *fifty thousand dollars (\$250,000);* ~~The Kentucky Thoroughbred~~

- 1 ~~breeders incentive fund established in KRS 230.800, in an amount~~
2 ~~not to exceed four hundred thousand dollars (\$400,000); and~~
- 3 ~~ii. The Kentucky standardbred breeders incentive fund established in~~
4 ~~KRS 230.802, in an amount not to exceed one hundred thousand~~
5 ~~dollars (\$100,000);] and~~
- 6 e. Any amounts remaining from money wagered on historical horse races in
7 a fiscal year after payments are made in accordance with subdivisions a.,
8 b., c., and d. of this subparagraph shall be paid to the general fund;
- 9 5. a. An amount equal to one-tenth of one percent (0.1%) of all money wagered
10 on live races and historical horse races at the track shall be deposited in a
11 trust and revolving fund to be used for the construction, expansion, or
12 renovation of facilities or the purchase of equipment for equine programs
13 at state universities and the Bluegrass Community and Technical
14 College, except that the amount deposited from money wagered on
15 historical horse races in any fiscal year shall not exceed three hundred
16 twenty thousand dollars (\$320,000).
- 17 b. These funds shall not be used for salaries or for operating funds for
18 teaching, research, or administration. Funds allocated under this
19 subparagraph shall not replace other funds for capital purposes or
20 operation of equine programs at state universities and the Bluegrass
21 Community and Technical College.
- 22 c. The Kentucky Council on Postsecondary Education shall serve as the
23 administrative agent for these funds, and shall establish an advisory
24 committee of interested parties, including all universities and the
25 Bluegrass Community and Technical College with established equine
26 programs, to evaluate proposals and make recommendations for the
27 awarding of funds.

- 1 d. The Kentucky Council on Postsecondary Education may promulgate
2 administrative regulations to establish procedures for administering the
3 program and criteria for evaluating and awarding grants; and
- 4 6. An amount equal to one-tenth of one percent (0.1%) of all money wagered on
5 live races and historical horse races shall be distributed to the commission to
6 support equine drug testing as provided in KRS 230.265(3), except that the
7 amount deposited from money wagered on historical horse races in any fiscal
8 year shall not exceed three hundred twenty thousand dollars (\$320,000).
- 9 (e) The excise tax imposed by paragraphs (a) and (b) of this subsection shall not apply to
10 pari-mutuel wagering on live harness racing at a county fair.
- 11 (2) (a) Except as provided in paragraph (c) of this subsection, an excise tax is imposed on:
- 12 1. All tracks conducting telephone account wagering;
- 13 2. All tracks participating as receiving tracks in intertrack wagering under the
14 jurisdiction of the commission; and
- 15 3. All tracks participating as receiving tracks displaying simulcasts and conducting
16 interstate wagering thereon.
- 17 (b) 1. Before August 1, 2022, the tax shall be three percent (3%) of all money
18 wagered on races as provided in paragraph (a) of this subsection during the
19 fiscal year.
- 20 2. Beginning August 1, 2022, the tax shall be one and one-half percent (1.5%) of
21 all money wagered on races as provided in paragraph (a) of this subsection
22 during the fiscal year.
- 23 (c) A noncontiguous track facility approved by the commission on or after January 1,
24 1999, shall be exempt from the tax imposed under this subsection, if the facility is
25 established and operated by a licensed track which has a total annual handle on live
26 racing of two hundred fifty thousand dollars (\$250,000) or less. The amount of
27 money exempted under this paragraph shall be retained by the noncontiguous track

1 facility, KRS 230.3771 and 230.378 notwithstanding.

2 (d) Money shall be deducted from the tax paid under paragraphs (a) and (b) of this
3 subsection as follows:

4 1. An amount equal to one percent (1%) of the amount wagered shall be deposited
5 as follows:

6 a. In the Thoroughbred development fund established in KRS 230.400 if the
7 host track is conducting a Thoroughbred race meeting or the interstate
8 wagering is conducted on a Thoroughbred race meeting;

9 b. In the Kentucky standardbred development fund established in KRS
10 230.770, if the host track is conducting a harness race meeting or the
11 interstate wagering is conducted on a harness race meeting; or

12 c. In the Kentucky quarter horse, paint horse, Appaloosa, and Arabian
13 development fund established by KRS 230.445, if the host track is
14 conducting a quarter horse, paint horse, Appaloosa, or Arabian horse race
15 meeting or the interstate wagering is conducted on a quarter horse, paint
16 horse, Appaloosa, or Arabian horse race meeting;

17 2. An amount equal to twenty-five thousandths of one percent (0.025%) of the
18 amount wagered shall be allocated to the equine industry program trust and
19 revolving fund established by KRS 230.550 to be used to support the Equine
20 Industry Program at the University of Louisville;

21 3. An amount equal to one-twentieth of one percent (0.05%) of the amount
22 wagered shall be deposited in a trust and revolving fund to be used for the
23 construction, expansion, or renovation of facilities or the purchase of equipment
24 for equine programs at state universities, as detailed in subsection (1)(d)5. of
25 this section; and

26 4. An amount equal to one-twentieth of one percent (0.05%) of the amount
27 wagered shall be distributed to the commission to support equine drug testing as

1 provided in KRS 230.265(3).

2 (3) If a host track in this state is the location for the conduct of a two (2) day international
3 horse racing event that distributes in excess of a total of twenty million dollars
4 (\$20,000,000) in purses and awards:

5 (a) The excise tax imposed by subsection (1)(a) and (b) of this section shall not apply to
6 money wagered at the track on live races conducted at the track during the two (2)
7 day international horse racing event; and

8 (b) Amounts wagered at the track on live races conducted at the track during the two (2)
9 day international horse racing event shall not be included in calculating the daily
10 average live handle for purposes of subsection (1) of this section.

11 **(4) If a host track in this state is the location for the conduct of an international harness**
12 **racing event spanning multiple days that distributes at least five million dollars**
13 **(\$5,000,000) in purses and awards, the Tourism, Arts and Heritage Cabinet shall be**
14 **granted a race title sponsorship and promotional package at the international harness**
15 **racing event with all usual and customary benefits assigned to promote Kentucky**
16 **tourism. The Tourism, Arts and Heritage Cabinet shall not be charged any fees for the**
17 **promotional package.**

18 ~~(5)~~~~(4)~~ The taxes imposed by this section shall be paid, collected, and administered as
19 provided in KRS 138.530.

20 →Section 6. KRS 230.770 is amended to read as follows:

21 (1) **(a)** There is hereby created a trust and **agency account**~~revolving fund~~ for the Kentucky
22 Horse Racing Commission, designated as the Kentucky standardbred development
23 fund, consisting of **moneys**~~money~~ allocated to the fund under the provisions of KRS
24 138.510, together with any other **moneys**~~money~~ contributed to or allocated to the
25 fund from all other sources.

26 **(b)** For the purposes of this section, "development fund" or "fund" means the Kentucky
27 standardbred development fund.

1 (c) Moneys~~[Money]~~ to the credit of the development fund shall be ***transferred in the***
 2 ***following order:***

3 ***1. Seventy-five thousand dollars (\$75,000) each fiscal year to the Kentucky***
 4 ***problem gambling assistance account established in KRS 230.826; and***

5 ***2. Remaining moneys to***~~[distributed by the Treasurer for the purposes provided in~~
 6 ~~this section, upon authorization of]~~ the Kentucky Horse Racing Commission ***for***
 7 ***the purposes specified in this section***~~[and upon approval of the secretary of the~~
 8 ~~Finance and Administration Cabinet].~~

9 (d) Moneys~~[Money]~~ to the credit of the fund at the end of each fiscal year shall not lapse
 10 but shall be carried forward in the fund to the succeeding fiscal year.

11 (2) The Kentucky Horse Racing Commission shall use the development fund to promote races,
 12 and to provide purses for races, for Kentucky-bred standardbred horses.

13 (3) The racing commission shall:

14 ***(a) Account for the moneys in the fund by separating the moneys as required for***
 15 ***distribution under subsections (1) and (4) of this section; and***

16 ***(b)*** Provide for distribution of moneys~~[money]~~ to the credit of the development fund to
 17 persons, corporations, or associations operating licensed standardbred race tracks
 18 within Kentucky on an equitable basis, for the purpose of conducting separate races
 19 for Kentucky-bred standardbred horses, both trotting and pacing.

20 (4) ***The racing commission shall establish an international harness racing event reserve***
 21 ***account of up to nine hundred thousand dollars (\$900,000) for a Kentucky track that***
 22 ***hosts an international harness racing event spanning multiple days that distributes at***
 23 ***least five million dollars (\$5,000,000) in purses and awards. Moneys shall be transferred***
 24 ***from the development fund as follows:***

25 ***(a) Beginning July 31, 2024, three hundred thousand dollars (\$300,000) shall be***
 26 ***transferred annually into the event reserve account until the total amount***
 27 ***transferred into the event reserve account reaches nine hundred thousand dollars***

1 (\$900,000);

2 (b) If the event reserve account reaches nine hundred thousand dollars (\$900,000), the
 3 annual transfer of moneys into the account shall be suspended and shall not
 4 resume until a Kentucky track has hosted the event and has received its distribution
 5 of moneys under this subsection; and

6 (c) If an event is held and the nine hundred thousand dollars (\$900,000) has been
 7 distributed to the host track, the annual transfers into the event reserve account
 8 under paragraph (a) of this subsection shall resume at that time.

9 (5) Moneys~~[Money]~~ distributed from the development fund to licensed standardbred race
 10 tracks within the Commonwealth shall be used exclusively to promote races and provide
 11 purses for races conditioned to admit only Kentucky-bred standardbred horses.

12 (6)~~[(5)]~~ The Kentucky Horse Racing Commission shall:

13 (a) Fix the amount of moneys~~[money]~~ to be paid from the development fund to be added
 14 to the purse provided for each race by the licensed operator of the track;~~[shall]~~

15 (b) Fix the dates and conditions of races to be held by licensed race tracks; and~~[shall]~~

16 (c) Promulgate administrative regulations in accordance with KRS Chapter 13A
 17 necessary to carry out the provisions of this section.

18 (7)~~[(6)]~~ (a) The Kentucky Horse Racing Commission may promulgate administrative
 19 regulations necessary to determine the eligibility of horses for entry in races for
 20 which a portion of the purse is provided by moneys~~[money]~~ of the development fund,
 21 including administrative regulations for the eligibility, residency, and registration of
 22 mares, stallions, and progeny thereof.

23 (b) Registration of stallions may occur any time during the breeding season, but shall
 24 occur no later than December 31 of the year of conception of the eligible horse.

25 (8)~~[(7)]~~ (a) The Kentucky Horse Racing Commission shall appoint qualified personnel
 26 necessary to supervise registration of, or determination of eligibility of, horses
 27 entitled to entry in races, a portion of the purse of which is provided by the

1 development fund, to assist the racing commission in determining the conditions,
 2 class, and quality of the fund supported race program to be established *in this*
 3 *section*~~[hereunder so as]~~ to carry out the purposes of this section.

4 **(b)** These persons shall serve at the pleasure of the racing commission and compensation
 5 shall be fixed by the racing commission.

6 **(c)** The compensation of personnel and necessary expenses shall be paid out of the
 7 development fund.

8 **(d)** The racing commission shall~~[Promulgate administrative regulations to carry out the~~
 9 ~~provisions of this section, and shall]~~ administer the Kentucky sire stakes program
 10 ~~[created hereby]~~ in a manner best designed to:

11 **1.** Promote and aid in the development of the horse industry in Kentucky;~~[to]~~

12 **2.** Upgrade the quality of racing in Kentucky; and~~[to]~~

13 **3.** Improve the quality of horses bred in Kentucky.

14 ➔Section 7. KRS 230.400 is amended to read as follows:

15 (1) **(a)** There is hereby created a trust and *agency account*~~[revolving fund]~~ for the Kentucky
 16 Horse Racing Commission, designated as the Kentucky Thoroughbred development
 17 fund, consisting of *moneys*~~[money]~~ allocated to the fund under the provisions of KRS
 18 138.510, together with other *moneys*~~[money]~~ contributed to or allocated to the fund
 19 from all other sources.

20 **(b)** *Moneys*~~[Money]~~ to the credit of the Kentucky Thoroughbred development fund shall
 21 be *transferred in the following order:*

22 **1.** *One hundred thousand dollars (\$100,000) each fiscal year to the Kentucky*
 23 *problem gambling assistance account established in KRS 230.826; and*

24 **2.** *Remaining moneys to* ~~[distributed by the Treasurer for the purposes of this~~
 25 ~~section upon authorization of]~~ the Kentucky Horse Racing Commission *for the*
 26 *purposes specified in this section*~~[and upon approval of the secretary of the~~
 27 ~~Finance and Administration Cabinet].~~

1 (c) Moneys~~[Money]~~ from the Kentucky Thoroughbred development fund shall be
2 allocated to each licensed association in an amount equal to the amount the
3 association contributed to the fund.

4 (d) Moneys~~[Money]~~ to the credit of the Kentucky Thoroughbred development fund at the
5 end of each fiscal year shall not lapse, but shall be carried forward in such fund to the
6 succeeding fiscal year.

7 (2) There is hereby established, under the general jurisdiction of the Kentucky Horse Racing
8 Commission, a Kentucky Thoroughbred Development Fund Advisory Committee. The
9 advisory committee shall consist of five (5) members, all of whom shall be residents of
10 Kentucky, to be appointed by the chairman of the Kentucky Horse Racing Commission by
11 July 1 of each year. The committee shall consist of two (2) Thoroughbred breeders
12 recommended by the Kentucky Thoroughbred Owners and Breeders, Inc.; one (1)
13 Thoroughbred owner recommended by the Kentucky division of the Horsemen's
14 Benevolent and Protective Association; one (1) officer or director of a licensed association
15 conducting Thoroughbred racing in Kentucky, recommended by action of all of the
16 licensed associations conducting Thoroughbred racing in Kentucky; and one (1) member of
17 the Kentucky Horse Racing Commission. If any member other than the racing commission
18 member has not been recommended for appointment by July 1 of each year, the chairman
19 of the Kentucky Horse Racing Commission shall make an appointment for the organization
20 or organizations failing to recommend a member of the committee. The members of the
21 advisory committee shall serve without compensation, but shall be entitled to
22 reimbursement for all expenses incurred in the discharge of official business. The advisory
23 committee shall select from its membership annually a chairman and a vice chairman.

24 (3) (a) The Kentucky Thoroughbred Development Fund Committee shall advise and assist
25 the Kentucky Horse Racing Commission in the development of the supplemental
26 purse program provided herein for Kentucky-bred Thoroughbreds, shall make
27 recommendations to the racing commission from time to time with respect to the

1 establishment of guidelines, administrative regulations for the provision of
2 supplemental purses, the amount thereof, the races for which the purses are to be
3 provided and the conditions thereof, manner and method of payment of supplemental
4 purses, registry of Thoroughbred stallions standing within the Commonwealth of
5 Kentucky, registry of Kentucky-bred Thoroughbreds for purposes of this section,
6 nature and type of forms and reports to be employed and required in connection with
7 the establishment, provision for, award and payment of supplemental purses, and with
8 respect to all other matters necessary in connection with the carrying out of the intent
9 and purposes of this section.

10 (b) The Kentucky Horse Racing Commission shall employ qualified personnel as may be
11 required to assist the racing commission and the advisory committee in carrying out
12 the provisions of this section. These persons shall serve at the pleasure of the racing
13 commission and compensation for these personnel shall be fixed by the racing
14 commission. The compensation of these personnel and the necessary expenses
15 incurred by the racing commission or by the committee in carrying out the provisions
16 of this section shall be paid out of the Kentucky Thoroughbred development fund.

17 (4) The Kentucky Horse Racing Commission, with the advice and assistance of the Kentucky
18 Thoroughbred Development Fund Advisory Committee, shall use the Kentucky
19 Thoroughbred development fund to promote, enhance, improve, and encourage the further
20 and continued development of the Thoroughbred breeding industry in Kentucky by
21 providing, out of the Kentucky Thoroughbred development fund, supplemental purses for
22 designated stakes, handicap, allowance, nonclaiming maiden races, and claiming races
23 contested at licensed Thoroughbred race meetings in Kentucky. The Kentucky Horse
24 Racing Commission shall, by administrative regulation promulgated in accordance with
25 KRS Chapter 13A, establish the requirements, conditions, and procedures for awarding and
26 payment of supplemental purses in designated races by Kentucky-bred Thoroughbred
27 horses. That portion of the supplemental purse provided for any designated race shall be

1 awarded and paid to the owner of the horse only if the horse is a Kentucky-bred
2 Thoroughbred duly registered with the official registrar. Any portion of the supplemental
3 purse which is not awarded and paid over shall be returned to the Kentucky Thoroughbred
4 development fund.

5 (5) (a) For purposes of this section, the term "Kentucky Thoroughbred stallion" shall mean
6 and include only a Thoroughbred stallion standing the entire breeding season in
7 Kentucky and registered as a Kentucky Thoroughbred stallion with the official
8 registrar of the Kentucky Thoroughbred development fund.

9 (b) Except for Thoroughbred horses foaled prior to January 1, 1980, the term "Kentucky-
10 bred Thoroughbreds," for purposes of this section, shall mean and include only
11 Thoroughbred horses sired by Kentucky Thoroughbred stallions foaled in Kentucky
12 and registered as a Kentucky-bred Thoroughbred with the official registrar of the
13 Kentucky Thoroughbred development fund.

14 (c) Any Thoroughbred horse foaled prior to January 1, 1980, may qualify as a Kentucky-
15 bred Thoroughbred for purposes of this section if the horse was foaled in Kentucky
16 and if the sire of the Thoroughbred was standing at stud within Kentucky at the time
17 of conception of such Thoroughbred, provided the Thoroughbred is duly registered as
18 a Kentucky-bred Thoroughbred with the official registrar of the Kentucky
19 Thoroughbred development fund.

20 (d) In order for an owner of a Kentucky-sired Thoroughbred to be eligible to demand,
21 claim, and receive a portion of a supplemental purse provided by the Kentucky
22 Thoroughbred development fund, the Thoroughbred horse in a designated race for
23 which a supplemental purse has been provided by the Kentucky Thoroughbred
24 development fund must have been duly registered as a Kentucky-bred Thoroughbred
25 with the official registrar of the Kentucky Thoroughbred development fund prior to
26 entry in the race.

27 (6) (a) Kentucky Thoroughbred Owners and Breeders, Inc., is hereby recognized and

1 designated as the sole official registrar of the Kentucky Thoroughbred development
2 fund for the purposes of registering Kentucky Thoroughbred stallions and Kentucky-
3 bred Thoroughbreds in accordance with the terms of this section and any
4 administrative regulations promulgated by the Kentucky Horse Racing Commission.
5 When a Kentucky-bred Thoroughbred is registered with the official registrar, the
6 registrar shall be authorized to stamp the Jockey Club certificate issued for the
7 Thoroughbred with the seal of the registrar, certifying that the Thoroughbred is a duly
8 qualified and registered Kentucky-bred Thoroughbred for purposes of this section.
9 The registrar may establish and charge, with the approval of the racing commission,
10 reasonable registration fees for its services in the registration of Kentucky
11 Thoroughbred stallions and in the registration of Kentucky-bred Thoroughbreds.
12 Registration records of the registrar shall be public records and open to public
13 inspection at all normal business hours and times.

14 (b) Any interested party aggrieved by the failure or refusal of the official registrar to
15 register a stallion or Thoroughbred as a Kentucky stallion or as a Kentucky-bred
16 Thoroughbred shall have the right to file with the racing commission, within thirty
17 (30) days of such failure or refusal of the registrar, a petition seeking registration of
18 the Thoroughbred. The racing commission shall promptly hear the matter de novo
19 and issue its order directing the official registrar to register or not to register as it may
20 be determined by the racing commission.

21 (7) The Kentucky Horse Racing Commission shall promulgate administrative regulations as
22 may be necessary to carry out the provisions and purposes of this section, including the
23 promulgation of administrative regulations and forms as may be appropriate for the proper
24 registration of Kentucky stallions and Kentucky-bred Thoroughbreds with the official
25 registrar, and shall administer the Kentucky-bred Thoroughbred program created hereby in
26 a manner best designed to promote and aid in the further development of the Thoroughbred
27 breeding industry in Kentucky, to upgrade the quality of Thoroughbred racing in Kentucky,

1 and to improve the quality of Thoroughbred horses bred in Kentucky.

2 →Section 8. KRS 230.445 is amended to read as follows:

3 (1) **(a)** There is hereby created a trust and **agency account**~~[revolving fund]~~ for the Kentucky
4 Horse Racing Commission designated the Kentucky quarter horse, paint horse,
5 Appaloosa, and Arabian development fund, consisting of **moneys**~~[money]~~ allocated
6 to the fund under KRS 230.3771 together with any other **moneys**~~[money]~~ contributed
7 to or allocated to the fund from all other sources.

8 **(b)** For the purposes of this section, "development fund" or "fund" means the Kentucky
9 quarter horse, paint horse, Appaloosa, and Arabian development fund.

10 **(c)** **Moneys**~~[Money]~~ to the credit of the development fund shall be **transferred in the**
11 **following order:**

12 **1. Twenty-five thousand dollars (\$25,000) each fiscal year to the Kentucky**
13 **problem gambling assistance account established in KRS 230.826; and**

14 **2. Remaining moneys to** ~~[distributed by the Treasurer for the purposes provided in~~
15 ~~this section, upon authorization of]~~the Kentucky Horse Racing Commission **for**
16 **the purposes specified in this section**~~[and upon approval of the secretary of the~~
17 ~~Finance and Administration Cabinet].~~

18 **(d)** Notwithstanding KRS 45.229, **moneys**~~[money]~~ to the credit of the fund at the end of
19 the fiscal year shall not lapse but shall be carried forward in the fund to the
20 succeeding fiscal year.

21 **(e)** Interest earnings of the fund shall become a part of the fund and shall not lapse.

22 **(f)** Moneys in the fund shall be used and are hereby appropriated for purposes specified
23 in this section.

24 (2) The Kentucky Horse Racing Commission shall use the development fund to promote races
25 and to provide purses for races for horses bred and foaled in the Commonwealth. The
26 commission shall provide for distribution of **moneys**~~[money]~~ to the credit of the
27 development fund to persons, corporations, or associations operating licensed tracks within

1 Kentucky conducting quarter horse, paint horse, Appaloosa, or Arabian horse racing, on an
2 equitable basis as determined by the commission and in conformance with subsection (3)
3 of this section.

4 (3) The Kentucky Horse Racing Commission shall:

- 5 (a) Fix the amount of moneys~~[money]~~ to be paid from the development fund to be added
6 to the purse provided for each race by the licensed operator of the track;
7 (b) Fix the dates and conditions of races to be held by licensed tracks; and
8 (c) Promulgate administrative regulations necessary to carry out the provisions of this
9 section.

10 Moneys~~[Money]~~ from the fund shall be allocated to each breed of horse represented in the
11 fund in an amount equal to the amount the breed has contributed to the fund.

12 (4) The Kentucky Horse Racing Commission shall appoint qualified personnel as necessary to:

- 13 (a) Supervise registration of, or determine the eligibility of, horses entitled to entry in
14 races which receive a portion of purse money from the development fund; and
15 (b) Assist the commission in determining the conditions, class, and quality of the fund-
16 supported race program established to carry out the purposes of this section.

17 The personnel shall serve at the pleasure of the commission and compensation shall be
18 fixed by the commission with the compensation and necessary expenses of the personnel
19 paid from the development fund.

20 (5) The commission shall promulgate administrative regulations to carry out the provisions of
21 this section and shall administer the Kentucky quarter horse, paint horse, Appaloosa, and
22 Arabian development fund in a manner designed to:

- 23 (a) Promote and aid in the development of the horse industry in Kentucky;
24 (b) Upgrade the quality of racing in Kentucky; and
25 (c) Improve the quality of horses bred in Kentucky.

26 ➔Section 9. KRS 138.513 is amended to read as follows:

27 (1) (a) Beginning August 1, 2014, but before August 1, 2022, an excise tax is imposed on all

1 advance deposit account wagering licensees licensed under KRS 230.260 at a rate of
2 one-half of one percent (0.5%) of all amounts wagered through the licensee by
3 Kentucky residents; and

4 (b) Beginning August 1, 2022, an excise tax is imposed on all advance deposit account
5 wagering licensees licensed under KRS 230.260~~[138.675]~~ at a rate of one and one-
6 half percent (1.5%) of all amounts wagered through the licensee by Kentucky
7 residents.

8 (2) The tax imposed by this section shall be paid, collected, administered, and distributed as
9 provided in KRS 138.530.

10 ➔Section 10. KRS 139.470 is amended to read as follows:

11 There are excluded from the computation of the amount of taxes imposed by this chapter:

12 (1) Gross receipts from the sale of, and the storage, use, or other consumption in this state of,
13 tangible personal property or digital property which this state is prohibited from taxing
14 under the Constitution or laws of the United States, or under the Constitution of this state;

15 (2) Gross receipts from sales of, and the storage, use, or other consumption in this state of:

16 (a) Nonreturnable and returnable containers when sold without the contents to persons
17 who place the contents in the container and sell the contents together with the
18 container; and

19 (b) Returnable containers when sold with the contents in connection with a retail sale of
20 the contents or when resold for refilling;

21 As used in this section the term "returnable containers" means containers of a kind
22 customarily returned by the buyer of the contents for reuse. All other containers are
23 "nonreturnable containers";

24 (3) Gross receipts from occasional sales of tangible personal property or digital property and
25 the storage, use, or other consumption in this state of tangible personal property or digital
26 property, the transfer of which to the purchaser is an occasional sale;

27 (4) Gross receipts from sales of tangible personal property to a common carrier, shipped by the

1 retailer via the purchasing carrier under a bill of lading, whether the freight is paid in
2 advance or the shipment is made freight charges collect, to a point outside this state and the
3 property is actually transported to the out-of-state destination for use by the carrier in the
4 conduct of its business as a common carrier;

5 (5) Gross receipts from sales of tangible personal property sold through coin-operated bulk
6 vending machines, if the sale amounts to fifty cents (\$0.50) or less, if the retailer is
7 primarily engaged in making the sales and maintains records satisfactory to the department.
8 As used in this subsection, "bulk vending machine" means a vending machine containing
9 unsorted merchandise which, upon insertion of a coin, dispenses the same in approximately
10 equal portions, at random and without selection by the customer;

11 (6) Gross receipts from sales to any cabinet, department, bureau, commission, board, or other
12 statutory or constitutional agency of the state and gross receipts from sales to counties,
13 cities, or special districts as defined in KRS 65.005. This exemption shall apply only to
14 purchases of tangible personal property, digital property, or services for use solely in the
15 government function. A purchaser not qualifying as a governmental agency or unit shall
16 not be entitled to the exemption even though the purchaser may be the recipient of public
17 funds or grants;

18 (7) (a) Gross receipts from the sale of sewer services, water, and fuel to Kentucky residents
19 for use in heating, water heating, cooking, lighting, and other residential uses if the
20 sewer services, water, and fuel are purchased and declared by the resident as used in
21 his or her place of domicile.

22 (b) As used in this subsection:

23 1. "Fuel" shall include but not be limited to natural gas, electricity, fuel oil, bottled
24 gas, coal, coke, and wood; and

25 2. "Place of domicile" means the place where an individual has his or her legal,
26 true, fixed, and permanent home and principal establishment, and to which,
27 whenever the individual is absent, the individual has the intention of returning.

- 1 (c) Determinations of eligibility for the exemption shall be made by the department.
- 2 (d) The exemption shall apply to charges for sewer service, water, and fuel billed to an
3 owner or operator of a multi-unit residential rental facility or mobile home and
4 recreational vehicle park if the owner or operator declares that the sewer services,
5 water, and fuel are purchased for Kentucky residents to be used in the resident's place
6 of domicile.
- 7 (e) The exemption shall apply also to residential property which may be held by legal or
8 equitable title, by the entirety, jointly, in common, as a condominium, or indirectly
9 by the stock ownership or membership representing the owner's or member's
10 proprietary interest in a corporation owning a fee or a leasehold initially in excess of
11 ninety-eight (98) years if the sewer services, water, and fuel are purchased for and
12 declared by the Kentucky resident as used in his or her place of domicile;
- 13 (8) Gross receipts from sales to an out-of-state agency, organization, or institution exempt
14 from sales and use tax in its state of residence when that agency, organization, or institution
15 gives proof of its tax-exempt status to the retailer and the retailer maintains a file of the
16 proof;
- 17 (9) (a) Gross receipts derived from the sale of tangible personal property, as provided in
18 paragraph (b) of this subsection, to a manufacturer or industrial processor if the
19 property is to be directly used in the manufacturing or industrial processing process
20 of:
- 21 1. Tangible personal property at a plant facility;
- 22 2. Distilled spirits or wine at a plant facility or on the premises of a distiller,
23 rectifier, winery, or small farm winery licensed under KRS 243.030 that
24 includes a retail establishment on the premises; or
- 25 3. Malt beverages at a plant facility or on the premises of a brewer or
26 microbrewery licensed under KRS 243.040 that includes a retail establishment;
27 and which will be for sale.

- 1 (b) The following tangible personal property shall qualify for exemption under this
2 subsection:
- 3 1. Materials which enter into and become an ingredient or component part of the
4 manufactured product;
 - 5 2. Other tangible personal property which is directly used in the manufacturing or
6 industrial processing process, if the property has a useful life of less than one
7 (1) year. Specifically, these items are categorized as follows:
 - 8 a. Materials. This refers to the raw materials which become an ingredient or
9 component part of supplies or industrial tools exempt under subdivisions
10 b. and c. below;
 - 11 b. Supplies. This category includes supplies such as lubricating and
12 compounding oils, grease, machine waste, abrasives, chemicals, solvents,
13 fluxes, anodes, filtering materials, fire brick, catalysts, dyes, refrigerants,
14 and explosives. The supplies indicated above need not come in direct
15 contact with a manufactured product to be exempt. "Supplies" does not
16 include repair, replacement, or spare parts of any kind; and
 - 17 c. Industrial tools. This group is limited to hand tools such as jigs, dies,
18 drills, cutters, rolls, reamers, chucks, saws, and spray guns and to tools
19 attached to a machine such as molds, grinding balls, grinding wheels, dies,
20 bits, and cutting blades. Normally, for industrial tools to be considered
21 directly used in the manufacturing or industrial processing process, they
22 shall come into direct contact with the product being manufactured or
23 processed; and
 - 24 3. Materials and supplies that are not reusable in the same manufacturing or
25 industrial processing process at the completion of a single manufacturing or
26 processing cycle. A single manufacturing cycle shall be considered to be the
27 period elapsing from the time the raw materials enter into the manufacturing

1 process until the finished product emerges at the end of the manufacturing
2 process.

3 (c) The property described in paragraph (b) of this subsection shall be regarded as having
4 been purchased for resale.

5 (d) For purposes of this subsection, a manufacturer or industrial processor includes an
6 individual or business entity that performs only part of the manufacturing or
7 industrial processing activity, and the person or business entity need not take title to
8 tangible personal property that is incorporated into, or becomes the product of, the
9 activity.

10 (e) The exemption provided in this subsection does not include repair, replacement, or
11 spare parts;

12 (10) Any water use fee paid or passed through to the Kentucky River Authority by facilities
13 using water from the Kentucky River basin to the Kentucky River Authority in accordance
14 with KRS 151.700 to 151.730 and administrative regulations promulgated by the authority;

15 (11) Gross receipts from the sale of newspaper inserts or catalogs purchased for storage, use, or
16 other consumption outside this state and delivered by the retailer's own vehicle to a
17 location outside this state, or delivered to the United States Postal Service, a common
18 carrier, or a contract carrier for delivery outside this state, regardless of whether the carrier
19 is selected by the purchaser or retailer or an agent or representative of the purchaser or
20 retailer, or whether the F.O.B. is retailer's shipping point or purchaser's destination.

21 (a) As used in this subsection:

22 1. "Catalogs" means tangible personal property that is printed to the special order
23 of the purchaser and composed substantially of information regarding goods
24 and services offered for sale; and

25 2. "Newspaper inserts" means printed materials that are placed in or distributed
26 with a newspaper of general circulation.

27 (b) The retailer shall be responsible for establishing that delivery was made to a non-

1 Kentucky location through shipping documents or other credible evidence as
2 determined by the department;

3 (12) Gross receipts from the sale of water used in the raising of equine as a business;

4 (13) Gross receipts from the sale of metal retail fixtures manufactured in this state and
5 purchased for storage, use, or other consumption outside this state and delivered by the
6 retailer's own vehicle to a location outside this state, or delivered to the United States
7 Postal Service, a common carrier, or a contract carrier for delivery outside this state,
8 regardless of whether the carrier is selected by the purchaser or retailer or an agent or
9 representative of the purchaser or retailer, or whether the F.O.B. is the retailer's shipping
10 point or the purchaser's destination.

11 (a) As used in this subsection, "metal retail fixtures" means check stands and belted and
12 nonbelted checkout counters, whether made in bulk or pursuant to specific purchaser
13 specifications, that are to be used directly by the purchaser or to be distributed by the
14 purchaser.

15 (b) The retailer shall be responsible for establishing that delivery was made to a non-
16 Kentucky location through shipping documents or other credible evidence as
17 determined by the department;

18 (14) Gross receipts from the sale of unenriched or enriched uranium purchased for ultimate
19 storage, use, or other consumption outside this state and delivered to a common carrier in
20 this state for delivery outside this state, regardless of whether the carrier is selected by the
21 purchaser or retailer, or is an agent or representative of the purchaser or retailer, or whether
22 the F.O.B. is the retailer's shipping point or purchaser's destination;

23 (15) Amounts received from a tobacco buydown. As used in this subsection, "buydown" means
24 an agreement whereby an amount, whether paid in money, credit, or otherwise, is received
25 by a retailer from a manufacturer or wholesaler based upon the quantity and unit price of
26 tobacco products sold at retail that requires the retailer to reduce the selling price of the
27 product to the purchaser without the use of a manufacturer's or wholesaler's coupon or

- 1 redemption certificate;
- 2 (16) Gross receipts from the sale of tangible personal property or digital property returned by a
3 purchaser when the full sales price is refunded either in cash or credit. This exclusion shall
4 not apply if the purchaser, in order to obtain the refund, is required to purchase other
5 tangible personal property or digital property at a price greater than the amount charged for
6 the property that is returned;
- 7 (17) Gross receipts from the sales of gasoline and special fuels subject to tax under KRS
8 Chapter 138;
- 9 (18) The amount of any tax imposed by the United States upon or with respect to retail sales,
10 whether imposed on the retailer or the consumer, not including any manufacturer's excise
11 or import duty;
- 12 (19) Gross receipts from the sale of any motor vehicle as defined in KRS 138.450 which is:
- 13 (a) Sold to a Kentucky resident, registered for use on the public highways, and upon
14 which any applicable tax levied by KRS 138.460 has been paid; or
- 15 (b) Sold to a nonresident of Kentucky if the nonresident registers the motor vehicle in a
16 state that:
- 17 1. Allows residents of Kentucky to purchase motor vehicles without payment of
18 that state's sales tax at the time of sale; or
- 19 2. Allows residents of Kentucky to remove the vehicle from that state within a
20 specific period for subsequent registration and use in Kentucky without
21 payment of that state's sales tax;
- 22 (20) Gross receipts from the sale of a semi-trailer as defined in KRS 189.010(12) and trailer as
23 defined in KRS 189.010(17);
- 24 (21) Gross receipts from the collection of:
- 25 (a) Any fee or charge levied by a local government pursuant to KRS 65.760;
- 26 (b) The charge imposed by KRS 65.7629(3);
- 27 (c) The fee imposed by KRS 65.7634; and

- 1 (d) The service charge imposed by KRS 65.7636;
- 2 (22) Gross receipts derived from charges for labor or services to apply, install, repair, or
- 3 maintain tangible personal property directly used in manufacturing or industrial processing
- 4 process of:
- 5 (a) Tangible personal property at a plant facility;
- 6 (b) Distilled spirits or wine at a plant facility or on the premises of a distiller, rectifier,
- 7 winery, or small farm winery licensed under KRS 243.030; or
- 8 (c) Malt beverages at a plant facility or on the premises of a brewer or microbrewery
- 9 licensed under KRS 243.040;
- 10 that is not otherwise exempt under subsection (9) of this section or KRS 139.480(10), if the
- 11 charges for labor or services are separately stated on the invoice, bill of sale, or similar
- 12 document given to purchaser;
- 13 (23) (a) For persons selling services included in KRS 139.200(2)(g) to ~~ax~~^(p) prior to
- 14 January 1, ~~2025~~^[2019], gross receipts derived from the sale of those services if the
- 15 gross receipts were less than ~~twelve~~^[six] thousand dollars ~~(\$12,000)~~^[\$6,000] during
- 16 calendar year ~~2024~~^[2018]. When gross receipts from these services exceed
- 17 ~~twelve~~^[six] thousand dollars ~~(\$12,000)~~^[\$6,000] in a calendar year:
- 18 1. All gross receipts over ~~twelve~~^[six] thousand dollars ~~(\$12,000)~~^[\$6,000] are
- 19 taxable in that calendar year; and
- 20 2. All gross receipts are subject to tax in subsequent calendar years.
- 21 (b) ~~[For persons selling services included in KRS 139.200(2)(q) to (ax) prior to January~~
- 22 ~~1, 2023, gross receipts derived from the sale of those services if the gross receipts~~
- 23 ~~were less than six thousand dollars (\$6,000) during calendar year 2021. When gross~~
- 24 ~~receipts from these services exceed six thousand dollars (\$6,000) in a calendar year:~~
- 25 ~~1. All gross receipts over six thousand dollars (\$6,000) are taxable in that calendar~~
- 26 ~~year; and~~
- 27 ~~2. All gross receipts are subject to tax in subsequent calendar years.~~

(e)—]The exemption provided in this subsection shall not apply to a person also engaged in the business of selling tangible personal property, digital property, or services included in KRS 139.200(2)(a) to (f); and

(24) (a) For persons that first begin making sales of services included in KRS 139.200(2)(g) to ~~(ax)~~~~(p)~~ on or after January 1, ~~2025~~~~[2019]~~, gross receipts derived from the sale of those services if the gross receipts are less than ~~twelve~~~~[six]~~ thousand dollars ~~(\$12,000)~~~~(\$6,000)~~ within the first calendar year of operation. When gross receipts from these services exceed ~~twelve~~~~[six]~~ thousand dollars ~~(\$12,000)~~~~(\$6,000)~~ in a calendar year:

1. All gross receipts over ~~twelve~~~~[six]~~ thousand dollars ~~(\$12,000)~~~~(\$6,000)~~ are taxable in that calendar year; and
2. All gross receipts are subject to tax in subsequent calendar years.

~~(b) [For persons that first begin making sales of services included in KRS 139.200(2)(g) to (ax) on or after January 1, 2023, gross receipts derived from the sale of those services if the gross receipts are less than six thousand dollars (\$6,000) within the first calendar year of operation. When gross receipts from these services exceed six thousand dollars (\$6,000) in a calendar year:~~

- ~~1.— All gross receipts over six thousand dollars (\$6,000) are taxable in that calendar year; and~~
- ~~2.— All gross receipts are subject to tax in subsequent calendar years.~~

(e)—]The exemption provided in this subsection shall not apply to a person that is also engaged in the business of selling tangible personal property, digital property, or services included in KRS 139.200(2)(a) to (f).

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Eligible equipment or services" means the equipment used in the expansion of

1 *broadband services in Kentucky and includes:*

2 *1. Wires, cables, fiber, conduits, antennas, poles, switches, routers, amplifiers,*
3 *rectifiers, repeaters, receivers, multiplexers, transmitters, circuit cards,*
4 *insulating and protective materials and cases, power equipment, backup*
5 *power equipment, diagnostic equipment, storage devices, and modems;*

6 *2. General central office or headend equipment, including:*

7 *a. Channel cards;*

8 *b. Frames; and*

9 *c. Cabinets;*

10 *3. Equipment used in successor technologies, including items used to monitor,*
11 *test, maintain, enable, or facilitate:*

12 *a. Eligible equipment or services;*

13 *b. Machinery;*

14 *c. Software;*

15 *d. Ancillary components;*

16 *e. Appurtenances; and*

17 *f. Accessories; and*

18 *4. Any other infrastructure that is used in whole or in part to provide or expand*
19 *broadband communications services; and*

20 *(b) "Qualified broadband investment":*

21 *1. Means the purchase or lease of any eligible equipment or services by any*
22 *provider that Kentucky sales and use tax has been paid under KRS Chapter*
23 *139; and*

24 *2. Does not include the purchase or lease of personal consumer electronics,*
25 *including:*

26 *a. Smartphones;*

27 *b. Computers;*

1 c. Tablets;

2 d. Consumer-grade modems; and

3 e. Routers.

4 (2) For taxable years beginning on or after January 1, 2025, but before January 1, 2029,
5 there is hereby created a qualified broadband investment tax credit to provide for the
6 expansion of broadband services in this state.

7 (3) (a) The credit in subsection (2) of this section shall be nonrefundable, nontransferable,
8 and allowed against the tax imposed under KRS 141.020 or 141.040 and 141.0401
9 with the ordering of the credit as provided in Section 12 of this Act.

10 (b) The tax credit shall be equal to the amount of sales tax actually paid on the
11 qualified broadband investment:

12 1. Reduced by the amount of seller reimbursement allowed under KRS 139.570;

13 and

14 2. Limited to:

15 a. Fifty percent (50%) of the amount determined under subparagraph 1. of
16 this paragraph for a taxpayer; and

17 b. A total of five million dollars (\$5,000,000) for all tax credits in each
18 taxable year in which the credit is available.

19 (4) (a) Beginning with calendar year 2025, any taxpayer who intends to take the credit for
20 a qualified broadband investment tax credit shall:

21 1. Submit an application for approval to the department on a form prescribed by
22 the department prior to December 31, 2025, and each December 31 thereafter
23 as long as the credit is available; and

24 2. Provide:

25 a. The taxpayer's identification number;

26 b. The amount of sales and use tax that the taxpayer remitted or intends to
27 remit for the qualified broadband investment; and

1 c. A statement of how approval of this tax credit will result in greater
2 investment in this state by:

3 i. Expansion of broadband services;

4 ii. An upgrade to existing broadband infrastructure; or

5 iii. An increase of access to broadband for the residents in this state.

6 (b) The department shall:

7 1. Review all submitted applications no later than January 15, 2026, and each
8 January 15 thereafter as long as the credit is available; and

9 2. By February 1 following the end of the calendar year, provide a letter to the
10 taxpayer indicating approval and amount of tax credit to be awarded.

11 (5) A taxpayer approved for credit under subsection (4) of this section shall submit with
12 their return, verification of the sales and use tax remitted on the qualified broadband
13 investment, which may include:

14 (a) Receipt of eligible equipment or services purchased; or

15 (b) Lease agreement for eligible equipment or services.

16 (6) If the total amount of credits granted approval under subsection (4) of this section
17 exceeds five million dollars (\$5,000,000), each taxpayer shall receive no more than its
18 applicable pro rata share of the five million dollar (\$5,000,000) limit.

19 (7) (a) In order for the General Assembly to evaluate the effectiveness of the qualified
20 broadband investment tax credit, the department shall submit the following
21 information to the Legislative Research Commission for referral to the Interim
22 Joint Committee on Appropriations and Revenue on or before November 1, 2026,
23 and on or before each November 1 thereafter as long as the credit may be claimed
24 on a return:

25 1. The location of the taxpayer, by county, as reflected on the return filed for the
26 taxable year;

27 2. The amount of qualified broadband investment tax credit claimed by the

1 taxpayer for the taxable year;

2 3. The total cumulative amount of all qualified broadband investment tax credits
 3 claimed for the taxable year; and

4 4. a. In the case of all taxpayers other than corporations, based on ranges of
 5 adjusted gross income of no larger than five thousand dollars (\$5,000)
 6 for the taxable year, the total amount of qualified broadband investment
 7 tax credit claimed and the total number of returns claiming this tax
 8 credit for each income range; and

9 b. In the case of all corporations, based on ranges of net income no larger
 10 than fifty thousand dollars (\$50,000) for the taxable year, the total
 11 amount of tax credit claimed and the number of returns claiming a tax
 12 credit for each net income range.

13 (b) The information required to be reported under this section shall not be considered
 14 confidential taxpayer information and shall not be subject to KRS Chapter 131 or
 15 any other provisions of the Kentucky Revised Statutes prohibiting disclosure or
 16 reporting of information.

17 ➔Section 12. KRS 141.0205 is amended to read as follows:

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

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

23 (a) The limited liability entity tax credit permitted by KRS 141.0401;

24 (b) The economic development credits computed under KRS 141.347, 141.381, 141.384,
 25 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and 154.12-2088;

26 (c) The qualified farming operation credit permitted by KRS 141.412;

27 (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);

- 1 (e) The health insurance credit permitted by KRS 141.062;
- 2 (f) The tax paid to other states credit permitted by KRS 141.070;
- 3 (g) The credit for hiring the unemployed permitted by KRS 141.065;
- 4 (h) The recycling or composting equipment credit permitted by KRS 141.390;
- 5 (i) The tax credit for cash contributions in investment funds permitted by KRS 154.20-
- 6 263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
- 7 (j) The research facilities credit permitted by KRS 141.395;
- 8 (k) The employer High School Equivalency Diploma program incentive credit permitted
- 9 under KRS 151B.402;
- 10 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 11 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 12 (n) The clean coal incentive credit permitted by KRS 141.428;
- 13 (o) The ethanol credit permitted by KRS 141.4242;
- 14 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 15 (q) The energy efficiency credits permitted by KRS 141.436;
- 16 (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 17 (s) The Endow Kentucky credit permitted by KRS 141.438;
- 18 (t) The New Markets Development Program credit permitted by KRS 141.434;
- 19 (u) The distilled spirits credit permitted by KRS 141.389;
- 20 (v) The angel investor credit permitted by KRS 141.396;
- 21 (w) The film industry credit permitted by KRS 141.383 for applications approved on or
- 22 after April 27, 2018, but before January 1, 2022;
- 23 (x) The inventory credit permitted by KRS 141.408;~~and~~
- 24 (y) The renewable chemical production credit permitted by KRS 141.4231; **and**
- 25 **(z) The qualified broadband investment tax credit permitted by Section 11 of this Act;**
- 26 (2) After the application of the nonrefundable credits in subsection (1) of this section, the
- 27 nonrefundable personal tax credits against the tax imposed by KRS 141.020 shall be taken

1 in the following order:

- 2 (a) The individual credits permitted by KRS 141.020(3);
- 3 (b) The credit permitted by KRS 141.066;
- 4 (c) The tuition credit permitted by KRS 141.069;
- 5 (d) The household and dependent care credit permitted by KRS 141.067;
- 6 (e) The income gap credit permitted by KRS 141.066; and
- 7 (f) The Education Opportunity Account Program tax credit permitted by KRS 141.522;

8 (3) After the application of the nonrefundable credits provided for in subsection (2) of this
9 section, the refundable credits against the tax imposed by KRS 141.020 shall be taken in
10 the following order:

- 11 (a) The individual withholding tax credit permitted by KRS 141.350;
- 12 (b) The individual estimated tax payment credit permitted by KRS 141.305;
- 13 (c) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and
14 171.397(1)(b);
- 15 (d) The film industry tax credit permitted by KRS 141.383 for applications approved
16 prior to April 27, 2018, or on or after January 1, 2022;
- 17 (e) The development area tax credit permitted by KRS 141.398;
- 18 (f) The decontamination tax credit permitted by KRS 141.419; and
- 19 (g) The pass-through entity tax credit permitted by KRS 141.209;

20 (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the tax
21 imposed by KRS 141.040;

22 (5) The following nonrefundable credits shall be applied against the sum of the tax imposed by
23 KRS 141.040 after subtracting the credit provided for in subsection (4) of this section, and
24 the tax imposed by KRS 141.0401 in the following order:

- 25 (a) The economic development credits computed under KRS 141.347, 141.381, 141.384,
26 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and 154.12-2088;
- 27 (b) The qualified farming operation credit permitted by KRS 141.412;

- 1 (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
- 2 (d) The health insurance credit permitted by KRS 141.062;
- 3 (e) The unemployment credit permitted by KRS 141.065;
- 4 (f) The recycling or composting equipment credit permitted by KRS 141.390;
- 5 (g) The coal conversion credit permitted by KRS 141.041;
- 6 (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods ending
- 7 prior to January 1, 2008;
- 8 (i) The tax credit for cash contributions to investment funds permitted by KRS 154.20-
- 9 263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
- 10 (j) The research facilities credit permitted by KRS 141.395;
- 11 (k) The employer High School Equivalency Diploma program incentive credit permitted
- 12 by KRS 151B.402;
- 13 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 14 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 15 (n) The clean coal incentive credit permitted by KRS 141.428;
- 16 (o) The ethanol credit permitted by KRS 141.4242;
- 17 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 18 (q) The energy efficiency credits permitted by KRS 141.436;
- 19 (r) The ENERGY STAR home or ENERGY STAR manufactured home credit permitted
- 20 by KRS 141.437;
- 21 (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 22 (t) The railroad expansion credit permitted by KRS 141.386;
- 23 (u) The Endow Kentucky credit permitted by KRS 141.438;
- 24 (v) The New Markets Development Program credit permitted by KRS 141.434;
- 25 (w) The distilled spirits credit permitted by KRS 141.389;
- 26 (x) The film industry credit permitted by KRS 141.383 for applications approved on or
- 27 after April 27, 2018, but before January 1, 2022;

- 1 (y) The inventory credit permitted by KRS 141.408;
- 2 (z) The renewable chemical production tax credit permitted by KRS 141.4231;~~and~~
- 3 (aa) The Education Opportunity Account Program tax credit permitted by KRS 141.522;
- 4 and

5 **(ab) The qualified broadband investment tax credit permitted by Section 11 of this Act;**

6 **and**

- 7 (6) After the application of the nonrefundable credits in subsection (5) of this section, the
- 8 refundable credits shall be taken in the following order:
- 9 (a) The corporation estimated tax payment credit permitted by KRS 141.044;
- 10 (b) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and
- 11 171.397(1)(b);
- 12 (c) The film industry tax credit permitted by KRS 141.383 for applications approved
- 13 prior to April 27, 2018, or on or after January 1, 2022;
- 14 (d) The decontamination tax credit permitted by KRS 141.419; and
- 15 (e) The pass-through entity tax credit permitted by KRS 141.209.

16 ➔Section 13. KRS 131.190 is amended to read as follows:

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

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

- 1 (h) Statistics of gasoline and special fuels gallonage reported to the department under
2 KRS 138.210 to 138.448;
- 3 (i) Providing any utility gross receipts license tax return information that is necessary to
4 administer the provisions of KRS 160.613 to 160.617 to applicable school districts on
5 a confidential basis;
- 6 (j) Providing documents, data, or other information to a third party pursuant to an order
7 issued by a court of competent jurisdiction;~~or~~
- 8 (k) **Publishing administrative writings on its official website in accordance with**
9 **subsection (1)(b) of Section 23 of this Act; or**
- 10 **(L)** Providing information to the Legislative Research Commission under:
- 11 1. KRS 139.519 for purposes of the sales and use tax refund on building materials
12 used for disaster recovery;
- 13 2. KRS 141.436 for purposes of the energy efficiency products credits;
- 14 3. KRS 141.437 for purposes of the ENERGY STAR home and the ENERGY
15 STAR manufactured home credits;
- 16 4. KRS 141.383 for purposes of the film industry incentives;
- 17 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization tax
18 credits and the job assessment fees;
- 19 6. KRS 141.068 for purposes of the Kentucky investment fund;
- 20 7. KRS 141.396 for purposes of the angel investor tax credit;
- 21 8. KRS 141.389 for purposes of the distilled spirits credit;
- 22 9. KRS 141.408 for purposes of the inventory credit;
- 23 10. KRS 141.390 for purposes of the recycling and composting credit;
- 24 11. KRS 141.3841 for purposes of the selling farmer tax credit;
- 25 12. KRS 141.4231 for purposes of the renewable chemical production tax credit;
- 26 13. KRS 141.524 for purposes of the Education Opportunity Account Program tax
27 credit;

1 14. KRS 141.398 for purposes of the development area tax credit;

2 15. KRS 139.516 for the purposes of the sales and use tax exemption on the
3 commercial mining of cryptocurrency;~~and~~

4 16. KRS 141.419 for purposes of the decontamination tax credit;

5 **17. Section 11 of this Act for purposes of the qualified broadband investment tax**
6 **credit; and**

7 **18. Section 42 of this Act for purposes of the sales tax exemption for a qualified**
8 **data center project.**

9 (3) The commissioner shall make available any information for official use only and on a
10 confidential basis to the proper officer, agency, board or commission of this state, any
11 Kentucky county, any Kentucky city, any other state, or the federal government, under
12 reciprocal agreements whereby the department shall receive similar or useful information
13 in return.

14 (4) Access to and inspection of information received from the Internal Revenue Service is for
15 department use only, and is restricted to tax administration purposes. Information received
16 from the Internal Revenue Service shall not be made available to any other agency of state
17 government, or any county, city, or other state, and shall not be inspected intentionally and
18 without authorization by any present secretary or employee of the Finance and
19 Administration Cabinet, commissioner or employee of the department, or any other person.

20 (5) Statistics of crude oil as reported to the department under the crude oil excise tax
21 requirements of KRS Chapter 137 and statistics of natural gas production as reported to the
22 department under the natural resources severance tax requirements of KRS Chapter 143A
23 may be made public by the department by release to the Energy and Environment Cabinet,
24 Department for Natural Resources.

25 (6) Notwithstanding any provision of law to the contrary, beginning with mine-map
26 submissions for the 1989 tax year, the department may make public or divulge only those
27 portions of mine maps submitted by taxpayers to the department pursuant to KRS Chapter

1 132 for ad valorem tax purposes that depict the boundaries of mined-out parcel areas.
2 These electronic maps shall not be relied upon to determine actual boundaries of mined-out
3 parcel areas. Property boundaries contained in mine maps required under KRS Chapters
4 350 and 352 shall not be construed to constitute land surveying or boundary surveys as
5 defined by KRS 322.010 and any administrative regulations promulgated thereto.

6 ➔Section 14. KRS 141.010 is amended to read as follows:

7 As used in this chapter, for taxable years beginning on or after January 1, 2018:

8 (1) "Adjusted gross income," in the case of taxpayers other than corporations, means the
9 amount calculated in KRS 141.019;

10 (2) "Captive real estate investment trust" means a real estate investment trust as defined in
11 Section 856 of the Internal Revenue Code that meets the following requirements:

12 (a) 1. The shares or other ownership interests of the real estate investment trust are
13 not regularly traded on an established securities market; or

14 2. The real estate investment trust does not have enough shareholders or owners to
15 be required to register with the Securities and Exchange Commission;

16 (b) 1. The maximum amount of stock or other ownership interest that is owned or
17 constructively owned by a corporation equals or exceeds:

18 a. Twenty-five percent (25%), if the corporation does not occupy property
19 owned, constructively owned, or controlled by the real estate investment
20 trust; or

21 b. Ten percent (10%), if the corporation occupies property owned,
22 constructively owned, or controlled by the real estate investment trust.

23 The total ownership interest of a corporation shall be determined by aggregating
24 all interests owned or constructively owned by a corporation; and

25 2. For the purposes of this paragraph:

26 a. "Corporation" means a corporation taxable under KRS 141.040, and
27 includes an affiliated group as defined in KRS 141.200, that is required to

- 1 file a consolidated return pursuant to KRS 141.200; and
- 2 b. "Owned or constructively owned" means owning shares or having an
3 ownership interest in the real estate investment trust, or owning an interest
4 in an entity that owns shares or has an ownership interest in the real estate
5 investment trust. Constructive ownership shall be determined by looking
6 across multiple layers of a multilayer pass-through structure; and
- 7 (c) The real estate investment trust is not owned by another real estate investment trust;
- 8 (3) "Commissioner" means the commissioner of the department;
- 9 (4) "Corporation" has the same meaning as in Section 7701(a)(3) of the Internal Revenue
10 Code;
- 11 (5) "Critical infrastructure" means property and equipment owned or used by communications
12 networks, electric generation, transmission or distribution systems, gas distribution
13 systems, or water or wastewater pipelines that service multiple customers or citizens,
14 including but not limited to real and personal property such as buildings, offices, lines,
15 poles, pipes, structures, or equipment;
- 16 (6) "Declared state disaster or emergency" means a disaster or emergency event for which:
17 (a) The Governor has declared a state of emergency pursuant to KRS 39A.100; or
18 (b) A presidential declaration of a federal major disaster or emergency has been issued;
- 19 (7) "Department" means the Department of Revenue;
- 20 (8) "Dependent" means those persons defined as dependents in the Internal Revenue Code;
- 21 (9) "Disaster or emergency-related work" means repairing, renovating, installing, building, or
22 rendering services that are essential to the restoration of critical infrastructure that has been
23 damaged, impaired, or destroyed by a declared state disaster or emergency;
- 24 (10) "Disaster response business" means any entity:
25 (a) That has no presence in the state and conducts no business in the state, except for
26 disaster or emergency-related work during a disaster response period;
27 (b) Whose services are requested by a registered business or by a state or local

1 government for purposes of performing disaster or emergency-related work in the
2 state during a disaster response period; and

3 (c) That has no registrations, tax filings, or nexus in this state other than disaster or
4 emergency-related work during the calendar year immediately preceding the declared
5 state disaster or emergency;

6 (11) "Disaster response employee" means an employee who does not work or reside in the state,
7 except for disaster or emergency-related work during the disaster response period;

8 (12) "Disaster response period" means a period that begins ten (10) days prior to the first day of
9 the Governor's declaration under KRS 39A.100, or the President's declaration of a federal
10 major disaster or emergency, whichever occurs first, and that extends thirty (30) calendar
11 days after the declared state disaster or emergency;

12 (13) "Doing business in this state" includes but is not limited to:

13 (a) Being organized under the laws of this state;

14 (b) Having a commercial domicile in this state;

15 (c) Owning or leasing property in this state;

16 (d) Having one (1) or more individuals performing services in this state;

17 (e) Maintaining an interest in a pass-through entity doing business in this state;

18 (f) Deriving income from or attributable to sources within this state, including deriving
19 income directly or indirectly from a trust doing business in this state, or deriving
20 income directly or indirectly from a single-member limited liability company that is
21 doing business in this state and is disregarded as an entity separate from its single
22 member for federal income tax purposes; or

23 (g) Directing activities at Kentucky customers for the purpose of selling them goods or
24 services.

25 Nothing in this subsection shall be interpreted in a manner that goes beyond the limitations
26 imposed and protections provided by the United States Constitution or Pub. L. No. 86-272;

27 (14) "Employee" has the same meaning as in Section 3401(c) of the Internal Revenue Code;

- 1 (15) "Employer" has the same meaning as in Section 3401(d) of the Internal Revenue Code;
- 2 (16) "Fiduciary" has the same meaning as in Section 7701(a)(6) of the Internal Revenue Code;
- 3 (17) "Financial institution" means:
- 4 (a) A national bank organized as a body corporate and existing or in the process of
- 5 organizing as a national bank association pursuant to the provisions of the National
- 6 Bank Act, 12 U.S.C. secs. 21 et seq., in effect on December 31, 1997, exclusive of
- 7 any amendments made subsequent to that date;
- 8 (b) Any bank or trust company incorporated or organized under the laws of any state,
- 9 except a banker's bank organized under KRS 286.3-135;
- 10 (c) Any corporation organized under the provisions of 12 U.S.C. secs. 611 to 631, in
- 11 effect on December 31, 1997, exclusive of any amendments made subsequent to that
- 12 date, or any corporation organized after December 31, 1997, that meets the
- 13 requirements of 12 U.S.C. secs. 611 to 631, in effect on December 31, 1997; or
- 14 (d) Any agency or branch of a foreign depository as defined in 12 U.S.C. sec. 3101, in
- 15 effect on December 31, 1997, exclusive of any amendments made subsequent to that
- 16 date, or any agency or branch of a foreign depository established after December 31,
- 17 1997, that meets the requirements of 12 U.S.C. sec. 3101 in effect on December 31,
- 18 1997;
- 19 (18) "Fiscal year" has the same meaning as in Section 7701(a)(24) of the Internal Revenue
- 20 Code;
- 21 (19) "Gross income":
- 22 (a) In the case of taxpayers other than corporations, has the same meaning as in Section
- 23 61 of the Internal Revenue Code; and
- 24 (b) In the case of corporations, means the amount calculated in KRS 141.039;
- 25 (20) "Individual" means a natural person;
- 26 (21) "Internal Revenue Code" means for taxable years beginning on or after January 1,
- 27 2024~~[2023]~~, the Internal Revenue Code in effect on December 31, 2023~~[2022]~~, exclusive

- 1 of any amendments made subsequent to that date, other than amendments that extend
2 provisions in effect on December 31, 2023~~[2022]~~, that would otherwise terminate;
- 3 (22) "Limited liability pass-through entity" means any pass-through entity that affords any of its
4 partners, members, shareholders, or owners, through function of the laws of this state or
5 laws recognized by this state, protection from general liability for actions of the entity;
- 6 (23) "Modified gross income" means the greater of:
- 7 (a) Adjusted gross income as defined in 26 U.S.C. sec. 62, including any amendments in
8 effect on December 31 of the taxable year, and adjusted as follows:
- 9 1. Include interest income derived from obligations of sister states and political
10 subdivisions thereof; and
- 11 2. Include lump-sum pension distributions taxed under the special transition rules
12 of Pub. L. No. 104-188, sec. 1401(c)(2); or
- 13 (b) Adjusted gross income as defined in subsection (1) of this section and adjusted to
14 include lump-sum pension distributions taxed under the special transition rules of
15 Pub. L. No. 104-188, sec. 1401(c)(2);
- 16 (24) "Net income":
- 17 (a) In the case of taxpayers other than corporations, means the amount calculated in KRS
18 141.019; and
- 19 (b) In the case of corporations, means the amount calculated in KRS 141.039;
- 20 (25) "Nonresident" means any individual not a resident of this state;
- 21 (26) "Number of withholding exemptions claimed" means the number of withholding
22 exemptions claimed in a withholding exemption certificate in effect under KRS 141.325,
23 except that if no such certificate is in effect, the number of withholding exemptions
24 claimed shall be considered to be zero;
- 25 (27) "Part-year resident" means any individual that has established or abandoned Kentucky
26 residency during the calendar year;
- 27 (28) "Pass-through entity" means any partnership, S corporation, limited liability company,

- 1 limited liability partnership, limited partnership, or similar entity recognized by the laws of
2 this state that is not taxed for federal purposes at the entity level, but instead passes to each
3 partner, member, shareholder, or owner their proportionate share of income, deductions,
4 gains, losses, credits, and any other similar attributes;
- 5 (29) "Payroll period" has the same meaning as in Section 3401(b) of the Internal Revenue Code;
- 6 (30) "Person" has the same meaning as in Section 7701(a)(1) of the Internal Revenue Code;
- 7 (31) "Registered business" means a business entity that owns or otherwise possesses critical
8 infrastructure and that is registered to do business in the state prior to the declared state
9 disaster or emergency;
- 10 (32) "Resident" means an individual domiciled within this state or an individual who is not
11 domiciled in this state, but maintains a place of abode in this state and spends in the
12 aggregate more than one hundred eighty-three (183) days of the taxable year in this state;
- 13 (33) "S corporation" has the same meaning as in Section 1361(a) of the Internal Revenue Code;
- 14 (34) "State" means a state of the United States, the District of Columbia, the Commonwealth of
15 Puerto Rico, or any territory or possession of the United States;
- 16 (35) "Taxable net income":
- 17 (a) In the case of corporations that are taxable in this state, means "net income" as
18 defined in subsection (24) of this section;
- 19 (b) In the case of corporations that are taxable in this state and taxable in another state,
20 means "net income" as defined in subsection (24) of this section and as allocated and
21 apportioned under KRS 141.120;
- 22 (c) For homeowners' associations as defined in Section 528(c) of the Internal Revenue
23 Code, means "taxable income" as defined in Section 528(d) of the Internal Revenue
24 Code. Notwithstanding the provisions of subsection (21) of this section, the Internal
25 Revenue Code sections referred to in this paragraph shall be those code sections in
26 effect for the applicable tax year; and
- 27 (d) For a corporation that meets the requirements established under Section 856 of the

1 Internal Revenue Code to be a real estate investment trust, means "real estate
2 investment trust taxable income" as defined in Section 857(b)(2) of the Internal
3 Revenue Code, except that a captive real estate investment trust shall not be allowed
4 any deduction for dividends paid;

5 (36) "Taxable year" means the calendar year or fiscal year ending during such calendar year,
6 upon the basis of which net income is computed, and in the case of a return made for a
7 fractional part of a year under the provisions of this chapter or under administrative
8 regulations prescribed by the commissioner, "taxable year" means the period for which the
9 return is made; and

10 (37) "Wages" has the same meaning as in Section 3401(a) of the Internal Revenue Code and
11 includes other income subject to withholding as provided in Section 3401(f) and Section
12 3402(k), (o), (p), (q), and (s) of the Internal Revenue Code.

13 ➔Section 15. KRS 141.020 is amended to read as follows:

14 (1) An annual tax shall be paid for each taxable year by every resident individual of this state
15 upon his or her entire net income as defined in this chapter. The tax shall be determined by
16 applying the rates in subsection (2) of this section to net income and subtracting allowable
17 tax credits provided in subsection (3) of this section.

18 (2) (a) As used in this subsection:

19 1. "Balance in the BRTF at the end of a fiscal year" means the budget reserve trust
20 fund account established in KRS 48.705 and includes the following amounts
21 and actions resulting from the final close of the fiscal year:

22 a. The amount of moneys in the fund at the end of a fiscal year;

23 b. All close-out actions related to a budget reduction plan under KRS 48.130
24 or as modified in a branch budget bill; and

25 c. All close-out actions related to the surplus expenditure plan under KRS
26 48.140 or as modified in a branch budget bill;

27 2. "GF appropriations" means the authorization by the General Assembly to

1 expend GF moneys, excluding:

- 2 a. Continuing appropriations;
- 3 b. Any appropriation to the budget reserve trust fund;~~and~~
- 4 c. Any lump-sum appropriation to a state-administered retirement system, as
- 5 defined in KRS 7A.210, that is in excess of the appropriations specifically
- 6 budgeted to meet the recurring statutorily required contributions or
- 7 recurring actuarially determined contributions for a state-administered
- 8 retirement system under KRS 21.525, 61.565, 61.702, 78.635, 78.5536, or
- 9 161.550, as applicable; and

10 d. Any appropriation from the budget reserve trust fund account

11 established in KRS 48.705 that is:

12 i. Solely supported by moneys from the budget reserve trust fund

13 account; and

14 ii. Specifically identified in the appropriation language as not being a

15 GF appropriation for the purposes of this section;

16 3. "GF moneys" means receipts deposited in the general fund defined in KRS

17 48.010, excluding tobacco moneys deposited in the fund established in KRS

18 248.654;

19 4. "IIT equivalent" means the amount of reduction in GF moneys resulting from a

20 one (1) percentage point reduction to the individual income tax rate and shall be

21 calculated by dividing the actual individual income tax receipts for the fiscal

22 year under consideration by:

23 a. The sum of:

24 i. The individual income tax rate, expressed as a percentage, for the

25 first six (6) months of the fiscal year; and

26 ii. The individual income tax rate, expressed as a percentage, for the

27 second six (6) months of the fiscal year; and

- 1 b. Dividing the sum determined in subdivision a. of this subparagraph by
2 two (2);
- 3 5. "Reduction conditions" means:
- 4 a. The balance in the BRTF at the end of a fiscal year shall be equal to or
5 greater than ten percent (10%) of the GF moneys for that fiscal year; and
- 6 b. GF moneys at the end of a fiscal year shall be equal to or greater than GF
7 appropriations for that fiscal year plus the IIT equivalent for that fiscal
8 year; and
- 9 6. "Tax rate reduction" means the current tax rate minus five-tenths of one percent
10 (0.5%).
- 11 (b) For taxable years beginning on or after January 1, 2023, but prior to January 1, 2024,
12 the tax shall be four and one-half percent (4.5%) of net income.
- 13 (c) For taxable years beginning on or after January 1, 2024, the tax shall be four percent
14 (4%) of net income.
- 15 (d) 1. For taxable years beginning on or after January 1, 2025, the income tax rate
16 may be reduced according to the annual process established in subparagraphs 2.
17 to 5. of this paragraph.
- 18 2. The Office of State Budget Director shall review the reduction conditions for
19 the fiscal year 2022-2023 no later than September 1, 2023.
- 20 3. After reviewing the reduction conditions under subparagraph 2. of this
21 paragraph, the Office of State Budget Director shall, no later than September 5,
22 2023, report to the Interim Joint Committee on Appropriations and Revenue:
- 23 a. Whether the reduction conditions for the fiscal year 2022-2023 have been
24 met; and
- 25 b. The amounts associated with each item within the reduction conditions
26 used for making that determination.
- 27 4. a. If the reduction conditions have been met for fiscal year 2022-2023, the

- 1 General Assembly may take action to reduce the rate in paragraph (c) of
2 this subsection for the taxable year beginning January 1, 2025.
- 3 b. If the reduction conditions have not been met for fiscal year 2022-2023 or
4 the General Assembly does not take action to reduce the rate in paragraph
5 (c) of this subsection, the department shall maintain the rate in paragraph
6 (c) of this subsection for the taxable year beginning January 1, 2025.
- 7 5. a. The Office of State Budget Director shall implement an annual process to
8 review and report future reduction conditions at the same time and in the
9 same manner for each fiscal year subsequent to the fiscal year 2022-2023
10 and each taxable year subsequent to the taxable year beginning January 1,
11 2025.
- 12 b. The department shall not implement an income tax rate reduction without
13 an action by the General Assembly.
- 14 c. The annual process shall continue until the income tax rate is zero.
- 15 (e) For taxable years beginning on or after January 1, 2018, but before January 1, 2023,
16 the tax shall be five percent (5%) of net income.
- 17 (f) For taxable years beginning after December 31, 2004, and before January 1, 2018, the
18 tax shall be determined by applying the following rates to net income:
- 19 1. Two percent (2%) of the amount of net income up to three thousand dollars
20 (\$3,000);
- 21 2. Three percent (3%) of the amount of net income over three thousand dollars
22 (\$3,000) and up to four thousand dollars (\$4,000);
- 23 3. Four percent (4%) of the amount of net income over four thousand dollars
24 (\$4,000) and up to five thousand dollars (\$5,000);
- 25 4. Five percent (5%) of the amount of net income over five thousand dollars
26 (\$5,000) and up to eight thousand dollars (\$8,000);
- 27 5. Five and eight-tenths percent (5.8%) of the amount of net income over eight

1 thousand dollars (\$8,000) and up to seventy-five thousand dollars (\$75,000);
2 and

3 6. Six percent (6%) of the amount of net income over seventy-five thousand
4 dollars (\$75,000).

5 (3) (a) The following tax credits, when applicable, shall be deducted from the result obtained
6 under subsection (2) of this section to arrive at the annual tax:

7 1. a. For taxable years beginning before January 1, 2014, twenty dollars (\$20)
8 for an unmarried individual; and

9 b. For taxable years beginning on or after January 1, 2014, and before
10 January 1, 2018, ten dollars (\$10) for an unmarried individual;

11 2. a. For taxable years beginning before January 1, 2014, twenty dollars (\$20)
12 for a married individual filing a separate return and an additional twenty
13 dollars (\$20) for the spouse of taxpayer if a separate return is made by the
14 taxpayer and if the spouse, for the calendar year in which the taxable year
15 of the taxpayer begins, had no Kentucky gross income and is not the
16 dependent of another taxpayer; or forty dollars (\$40) for married persons
17 filing a joint return, provided neither spouse is the dependent of another
18 taxpayer. The determination of marital status for the purpose of this
19 section shall be made in the manner prescribed in Section 153 of the
20 Internal Revenue Code; and

21 b. For taxable years beginning on or after January 1, 2014, and before
22 January 1, 2018, ten dollars (\$10) for a married individual filing a
23 separate return and an additional ten dollars (\$10) for the spouse of a
24 taxpayer if a separate return is made by the taxpayer and if the spouse, for
25 the calendar year in which the taxable year of the taxpayer begins, had no
26 Kentucky gross income and is not the dependent of another taxpayer; or
27 twenty dollars (\$20) for married persons filing a joint return, provided

- 1 neither spouse is the dependent of another taxpayer. The determination of
2 marital status for the purpose of this section shall be made in the manner
3 prescribed in Section 153 of the Internal Revenue Code;
- 4 3. a. For taxable years beginning before January 1, 2014, twenty dollars (\$20)
5 credit for each dependent. No credit shall be allowed for any dependent
6 who has made a joint return with his or her spouse; and
- 7 b. For taxable years beginning on or after January 1, 2014, and before
8 January 1, 2018, ten dollars (\$10) credit for each dependent. No credit
9 shall be allowed for any dependent who has made a joint return with his
10 or her spouse;
- 11 4. An additional forty dollars (\$40) credit if the taxpayer has attained the age of
12 sixty-five (65) before the close of the taxable year;
- 13 5. An additional forty dollars (\$40) credit for taxpayer's spouse if a separate return
14 is made by the taxpayer and if the taxpayer's spouse has attained the age of
15 sixty-five (65) before the close of the taxable year, and, for the calendar year in
16 which the taxable year of the taxpayer begins, has no Kentucky gross income
17 and is not the dependent of another taxpayer;
- 18 6. An additional forty dollars (\$40) credit if the taxpayer is blind at the close of the
19 taxable year;
- 20 7. An additional forty dollars (\$40) credit for taxpayer's spouse if a separate return
21 is made by the taxpayer and if the taxpayer's spouse is blind, and, for the
22 calendar year in which the taxable year of the taxpayer begins, has no Kentucky
23 gross income and is not the dependent of another taxpayer; and
- 24 8. An additional twenty dollars (\$20) credit shall be allowed if the taxpayer is a
25 member of the Kentucky National Guard at the close of the taxable year.
- 26 (b) In the case of nonresidents, the tax credits allowable under this subsection shall be the
27 portion of the credits that are represented by the ratio of the taxpayer's Kentucky

1 adjusted gross income as determined by KRS 141.019 to the taxpayer's adjusted gross
2 income as defined in Section 62 of the Internal Revenue Code. However, in the case
3 of a married nonresident taxpayer with income from Kentucky sources, whose spouse
4 has no income from Kentucky sources, the taxpayer shall determine allowable tax
5 credit(s) by either:

- 6 1. The method contained above applied to the taxpayer's tax credit(s), excluding
7 credits for a spouse and dependents; or
- 8 2. Prorating the taxpayer's tax credit(s) plus the tax credits for the taxpayer's
9 spouse and dependents by the ratio of the taxpayer's Kentucky adjusted gross
10 income as determined by KRS 141.019 to the total joint federal adjusted gross
11 income of the taxpayer and the taxpayer's spouse.

12 (c) In the case of a part-year resident, the tax credits allowable under this subsection shall
13 be the portion of the credits represented by the ratio of the taxpayer's Kentucky
14 adjusted gross income as determined by KRS 141.019 to the taxpayer's adjusted gross
15 income as defined in Section 62 of the Internal Revenue Code.

16 (4) An annual tax shall be paid for each taxable year as specified in this section upon the entire
17 net income except as herein provided, from all tangible property located in this state, from
18 all intangible property that has acquired a business situs in this state, and from business,
19 trade, profession, occupation, or other activities carried on in this state, by natural persons
20 not residents of this state. A nonresident individual shall be taxable only upon the amount
21 of income received by the individual from labor performed, business done, or from other
22 activities in this state, from tangible property located in this state, and from intangible
23 property which has acquired a business situs in this state; provided, however, that the situs
24 of intangible personal property shall be at the residence of the real or beneficial owner and
25 not at the residence of a trustee having custody or possession thereof. For taxable years
26 beginning on or after January 1, 2021, but before January 1, ~~2027~~2025, the tax imposed
27 by this section shall not apply to a disaster response employee or to a disaster response

1 business. The remainder of the income received by such nonresident shall be deemed
2 nontaxable by this state.

3 (5) Subject to the provisions of KRS 141.081, any individual may elect to pay the annual tax
4 imposed by KRS 141.023 in lieu of the tax levied under this section.

5 (6) A part-year resident is subject to taxation, as prescribed in subsection (1) of this section,
6 during that portion of the taxable year that the individual is a resident and, as prescribed in
7 subsection (4) of this section, during that portion of the taxable year when the individual is
8 a nonresident.

9 ➔Section 16. KRS 141.039 is amended to read as follows:

10 In the case of corporations:

11 (1) Gross income shall be calculated by adjusting federal gross income as defined in Section
12 61 of the Internal Revenue Code as follows:

13 (a) Exclude income that is exempt from state taxation by the Kentucky Constitution and
14 the Constitution and statutory laws of the United States;

15 (b) Exclude all dividend income;

16 (c) Include interest income derived from obligations of sister states and political
17 subdivisions thereof;

18 (d) Exclude fifty percent (50%) of gross income derived from any disposal of coal
19 covered by Section 631(c) of the Internal Revenue Code if the corporation does not
20 claim any deduction for percentage depletion, or for expenditures attributable to the
21 making and administering of the contract under which such disposition occurs or to
22 the preservation of the economic interests retained under such contract;

23 (e) Include the amount calculated under KRS 141.205;

24 (f) Ignore the provisions of Section 281 of the Internal Revenue Code in computing
25 gross income;

26 (g) Include the amount of depreciation deduction calculated under 26 U.S.C. sec. 167 or
27 168;

- 1 (h) Allow the same treatment allowed under Pub. L. No. 116-260, secs. 276 and 278,
2 related to the tax treatment of forgiven covered loans, deductions attributable to those
3 loans, and tax attributes associated with those loans for taxable years ending on or
4 after March 27, 2020, but before January 1, 2022; and
- 5 (i) For taxable years beginning on or after January 1, 2020, but before March 11, 2023,
6 allow the same treatment of restaurant revitalization grants in accordance with Pub.
7 L. No. 117-2, sec. 9673 and 15 U.S.C. sec. 9009c, related to the tax treatment of the
8 grants, deductions attributable to those grants, and tax attributes associated with those
9 grants; and
- 10 (2) Net income shall be calculated by subtracting from gross income:
- 11 (a) The deduction for depreciation allowed by KRS 141.0101;
- 12 (b) Any amount paid for vouchers or similar instruments that provide health insurance
13 coverage to employees or their families;
- 14 (c) All the deductions from gross income allowed corporations by Chapter 1 of the
15 Internal Revenue Code, as modified by KRS 141.0101, except:
- 16 1. Any deduction for a state tax which is computed, in whole or in part, by
17 reference to gross or net income and which is paid or accrued to any state of the
18 United States, the District of Columbia, the Commonwealth of Puerto Rico, any
19 territory or possession of the United States, or to any foreign country or political
20 subdivision thereof;
- 21 2. The deductions contained in Sections 243, 245, and 247 of the Internal Revenue
22 Code;
- 23 3. The provisions of Section 281 of the Internal Revenue Code shall be ignored in
24 computing net income;
- 25 4. Any deduction directly or indirectly allocable to income which is either exempt
26 from taxation or otherwise not taxed under the provisions of this chapter, except
27 for deductions allowed under Pub. L. No. 116-260, secs. 276 and 278, related to

1 the tax treatment of forgiven covered loans and deductions attributable to those
2 loans for taxable years ending on or after March 27, 2020, but before January 1,
3 2022; and deductions allowed under Pub. L. No. 117-2, sec. 9673 and 15 U.S.C.
4 sec. 9009c, related to the tax treatment of restaurant revitalization grants and
5 deductions attributable to those grants for taxable years beginning on or after
6 January 1, 2020, but before March 11, 2023. Nothing in this chapter shall be
7 construed to permit the same item to be deducted more than once;

- 8 5. Any deduction for amounts paid to any club, organization, or establishment
9 which has been determined by the courts or an agency established by the
10 General Assembly and charged with enforcing the civil rights laws of the
11 Commonwealth, not to afford full and equal membership and full and equal
12 enjoyment of its goods, services, facilities, privileges, advantages, or
13 accommodations to any person because of race, color, religion, national origin,
14 or sex, except nothing shall be construed to deny a deduction for amounts paid
15 to any religious or denominational club, group, or establishment or any
16 organization operated solely for charitable or educational purposes which
17 restricts membership to persons of the same religion or denomination in order to
18 promote the religious principles for which it is established and maintained;
- 19 6. Any deduction prohibited by KRS 141.205; and
- 20 7. Any dividends-paid deduction of any captive real estate investment trust; and
- 21 (d) 1. A deferred tax deduction in an amount computed in accordance with this
22 paragraph.
- 23 2. For purposes of this paragraph:
- 24 a. "Net deferred tax asset" means that deferred tax assets exceed the deferred
25 tax liabilities of the combined group, as computed in accordance with
26 accounting principles generally accepted in the United States of America;
27 and

- 1 b. "Net deferred tax liability" means deferred tax liabilities that exceed the
2 deferred tax assets of a combined group as defined in KRS 141.202, as
3 computed in accordance with accounting principles generally accepted in
4 the United States of America.
- 5 3. Only publicly traded companies, including affiliated corporations participating
6 in the filing of a publicly traded company's financial statements prepared in
7 accordance with accounting principles generally accepted in the United States
8 of America, as of January 1, 2019, shall be eligible for this deduction.
- 9 4. If the provisions of KRS 141.202 result in an aggregate increase to the
10 member's net deferred tax liability, an aggregate decrease to the member's net
11 deferred tax asset, or an aggregate change from a net deferred tax asset to a net
12 deferred tax liability, the combined group shall be entitled to a deduction, as
13 determined in this paragraph.
- 14 5. For ten (10) years beginning with the combined group's first taxable year
15 beginning on or after January 1, 2026~~[2024]~~, a combined group shall be entitled
16 to a deduction from the combined group's entire net income equal to one-tenth
17 (1/10) of the amount necessary to offset the increase in the net deferred tax
18 liability, decrease in the net deferred tax asset, or aggregate change from a net
19 deferred tax asset to a net deferred tax liability. The increase in the net deferred
20 tax liability, decrease in the net deferred tax asset, or the aggregate change from
21 a net deferred tax asset to a net deferred tax liability shall be computed based on
22 the change that would result from the imposition of the combined reporting
23 requirement under KRS 141.202, but for the deduction provided under this
24 paragraph as of June 27, 2019.
- 25 6. The deferred tax impact determined in subparagraph 5. of this paragraph shall
26 be converted to the annual deferred tax deduction amount, as follows:
- 27 a. The deferred tax impact determined in subparagraph 5. of this paragraph

1 shall be divided by the tax rate determined under KRS 141.040;

2 b. The resulting amount shall be further divided by the apportionment factor
3 determined by KRS 141.120 or 141.121 that was used by the combined
4 group in the calculation of the deferred tax assets and deferred tax
5 liabilities as described in subparagraph 5. of this paragraph; and

6 c. The resulting amount represents the total net deferred tax deduction
7 available over the ten (10) year period as described in subparagraph 5. of
8 this paragraph.

9 7. The deduction calculated under this paragraph shall not be adjusted as a result
10 of any events happening subsequent to the calculation, including but not limited
11 to any disposition or abandonment of assets. The deduction shall be calculated
12 without regard to the federal tax effect and shall not alter the tax basis of any
13 asset. If the deduction under this section is greater than the combined group's
14 entire Kentucky net income, any excess deduction shall be carried forward and
15 applied as a deduction to the combined group's entire net income in future
16 taxable years until fully utilized.

17 8. Any combined group intending to claim a deduction under this paragraph shall
18 file a statement with the department on or before July 1, 2019. The statement
19 shall specify the total amount of the deduction which the combined group
20 claims on the form, including calculations and other information supporting the
21 total amounts of the deduction as required by the department. No deduction
22 shall be allowed under this paragraph for any taxable year, except to the extent
23 claimed on the timely filed statement in accordance with this paragraph.

24 ➔Section 17. KRS 143.022 is amended to read as follows:

25 (1) A taxpayer engaged in severing or processing coal within this Commonwealth that has paid
26 the tax imposed under KRS 143.020 may apply for a refund equal to the amount of tax paid
27 under KRS 143.020 if the coal is transported directly to a market outside of North America.

1 (2) To apply for the refund allowed under subsection (1) of this section the taxpayer shall file
2 an application for refund with the department and submit all information and
3 documentation necessary to substantiate that the tax was paid upon the coal which was
4 transported directly to a market outside of North America.

5 (3) The refund process allowed under subsection (1) of this section is available beginning on or
6 after August 1, 2020, but before July 1, ~~2026~~[2024], and limited during any calendar year
7 to the export of a combined total of ten million (10,000,000) tons of coal subject to the tax
8 imposed under KRS 143.020 and exported through United States coal export terminals to
9 markets outside of North America.

10 ➔Section 18. KRS 186.010 is amended to read as follows:

11 As used in this chapter, unless otherwise indicated:

12 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet; except
13 as specifically designated, "cabinet," as used in KRS 186.020 to 186.270, means the
14 Transportation Cabinet only with respect to motor vehicles, other than commercial
15 vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the Department of Vehicle
16 Regulation when used with respect to commercial vehicles;

17 (2) "Highway" means every way or place of whatever nature when any part of it is open to the
18 use of the public, as a matter of right, license, or privilege, for the purpose of vehicular
19 traffic;

20 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who will,
21 under normal conditions during the year, manufacture or assemble at least ten (10) new
22 motor vehicles;

23 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in paragraph
24 (a) of subsection (8) of this section, which are propelled otherwise than by muscular power.
25 As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of
26 subsection (8) of this section, which are self-propelled. "Motor vehicle" shall not include a
27 moped as defined in this section, but for registration purposes shall include low-speed

- 1 vehicles and military surplus vehicles as defined in this section and vehicles operating
2 under KRS 189.283;
- 3 (5) "Moped" means either a motorized bicycle whose frame design may include one (1) or
4 more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a
5 motorized bicycle with a step-through type frame which may or may not have pedals rated
6 no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic
7 centimeters, an automatic transmission not requiring clutching or shifting by the operator
8 after the drive system is engaged, and capable of a maximum speed of not more than thirty
9 (30) miles per hour;
- 10 (6) "Operator" means any person in actual control of a motor vehicle upon a highway;
- 11 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who
12 pursuant to a bona fide sale has received physical possession of the vehicle subject to
13 any applicable security interest.
- 14 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with the
15 vendee or lessee entitled to possession of the vehicle, upon performance of the
16 contract terms, for a period of three hundred sixty-five (365) days or more and with
17 the right of purchase upon performance of the conditions stated in the agreement and
18 with an immediate right of possession vested in the conditional vendee or lessee, or if
19 a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or
20 mortgagor shall be deemed the owner.
- 21 (c) A licensed motor vehicle dealer who transfers physical possession of a motor vehicle
22 to a purchaser pursuant to a bona fide sale, and complies with the requirements of
23 KRS 186A.220, shall not be deemed the owner of that motor vehicle solely due to an
24 assignment to his dealership or a certificate of title in the dealership's name. Rather,
25 under these circumstances, ownership shall transfer upon delivery of the vehicle to
26 the purchaser, subject to any applicable security interest;
- 27 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the

1 transportation of persons or property over or upon the public highways of this
2 Commonwealth and all vehicles passing over or upon said highways, except electric
3 low-speed scooters, road rollers, road graders, farm tractors, vehicles on which power
4 shovels are mounted, such other construction equipment customarily used only on the
5 site of construction and which is not practical for the transportation of persons or
6 property upon the highways, such vehicles as travel exclusively upon rails, and such
7 vehicles as are propelled by electric power obtained from overhead wires while being
8 operated within any municipality or where said vehicles do not travel more than five
9 (5) miles beyond the city limit of any municipality.

10 (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon, or by
11 which any person or property is or may be transported or drawn upon a public
12 highway, except electric low-speed scooters, devices moved by human and animal
13 power or used exclusively upon stationary rails or tracks, or which derives its power
14 from overhead wires;

15 (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to
16 operator's licenses;

17 (10) "Dealer" means any person engaging in the business of buying or selling motor vehicles;

18 (11) "Commercial vehicles" means all motor vehicles that are required to be registered under the
19 terms of KRS 186.050, but not including vehicles primarily designed for carrying
20 passengers and having provisions for not more than nine (9) passengers (including driver),
21 motorcycles, sidecar attachments, pickup trucks and passenger vans which are not being
22 used for commercial or business purposes, and motor vehicles registered under KRS
23 186.060;

24 (12) "Resident" means any person who has established Kentucky as his or her state of domicile.
25 Proof of residency shall include but not be limited to a deed or property tax bill, utility
26 agreement or utility bill, or rental housing agreement. The possession by an operator of a
27 vehicle of a valid Kentucky operator's license shall be prima-facie evidence that the

- 1 operator is a resident of Kentucky;
- 2 (13) "Special status individual" means:
- 3 (a) "Asylee" means any person lawfully present in the United States who possesses an I-
- 4 94 card issued by the United States Department of Justice, Immigration and
- 5 Naturalization Service, on which it states "asylum status granted indefinitely pursuant
- 6 to Section 208 of the Immigration & Nationality Act";
- 7 (b) "K-1 status" means the status of any person lawfully present in the United States who
- 8 has been granted permission by the United States Department of Justice, Immigration
- 9 and Naturalization Service to enter the United States for the purpose of marrying a
- 10 United States citizen within ninety (90) days from the date of that entry;
- 11 (c) "Refugee" means any person lawfully present in the United States who possesses an
- 12 I-94 card issued by the United States Department of Justice, Immigration and
- 13 Naturalization Service, on which it states "admitted as a refugee pursuant to Section
- 14 207 of the Immigration & Nationality Act"; and
- 15 (d) "Paroled in the Public Interest" means any person lawfully present in the United
- 16 States who possesses an I-94 card issued by the United States Department of Justice,
- 17 Immigration and Naturalization Service, on which it states "paroled pursuant to
- 18 Section 212 of the Immigration & Nationality Act for an indefinite period of time";
- 19 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle
- 20 instruction permits;
- 21 (15) "Motorcycle" means any motor driven vehicle that has a maximum speed that exceeds fifty
- 22 (50) miles per hour, has a seat or saddle for the use of the operator, and is designed to
- 23 travel on not more than three (3) wheels in contact with the ground, including vehicles on
- 24 which the operator and passengers ride in an enclosed cab. Only for purposes of
- 25 registration, "motorcycle" shall include a motor scooter, an alternative-speed motorcycle,
- 26 and an autocycle as defined in this section, but shall not include a tractor or a moped as
- 27 defined in this section;

- 1 (16) "Low-speed vehicle" means a motor vehicle that:
- 2 (a) Is self-propelled using an electric motor, combustion-driven motor, or a combination
- 3 thereof;
- 4 (b) Is four (4) wheeled; and
- 5 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour as
- 6 certified by the manufacturer;
- 7 (17) "Alternative-speed motorcycle" means a motorcycle that:
- 8 (a) Is self-propelled using an electric motor;
- 9 (b) Is three (3) wheeled;
- 10 (c) Has a fully enclosed cab and includes at least one (1) door for entry;
- 11 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as certified
- 12 by the manufacturer; and
- 13 (e) Is not an auticycle as defined in this section;
- 14 (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a highway or
- 15 otherwise open to the public on which a number of motor vehicles may be used
- 16 simultaneously to provide driver training under the supervision of one (1) or more driver
- 17 training instructors;
- 18 (19) "Auticycle" means any motor vehicle that:
- 19 (a) Is equipped with a seat that does not require the operator to straddle or sit astride it;
- 20 (b) Is designed to travel on three (3) wheels in contact with the ground;
- 21 (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as certified by
- 22 the manufacturer;
- 23 (d) Allows the operator and passenger to ride either side-by-side or in tandem in a seating
- 24 area that may be enclosed with a removable or fixed top;
- 25 (e) Is equipped with a three (3) point safety belt system;
- 26 (f) May be equipped with a manufacturer-installed air bags or a roll cage;
- 27 (g) Is designed to be controlled with a steering wheel and pedals; and

- 1 (h) Is not an alternative-speed motorcycle as defined in this section;
- 2 (20) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle that:
- 3 (a) Is not operated using continuous tracks;
- 4 (b) Was originally manufactured for and sold directly to the Armed Forces of the United
- 5 States; and
- 6 (c) Was originally manufactured under the federally mandated requirements set forth in
- 7 49 C.F.R. sec. 571.7;
- 8 (21) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any
- 9 other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- 10 (22) "Identity document" means an instruction permit, operator's license, or personal
- 11 identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, and
- 12 186.4123 or a commercial driver's license issued under KRS Chapter 281A;
- 13 (23) "Travel ID," as it refers to an identity document, means a document that complies with
- 14 Pub. L. No. 109-13, Title II;
- 15 (24) "Motor scooter" means a low-speed motorcycle that is:
- 16 (a) Equipped with wheels greater than sixteen (16) inches in diameter;
- 17 (b) Equipped with an engine greater than fifty (50) cubic centimeters;
- 18 (c) Designed to operate at a speed not to exceed fifty (50) miles per hour;
- 19 (d) Equipped with brake horsepower of two (2) or greater; and
- 20 (e) Equipped with a step-through frame or a platform for the operator's feet;
- 21 (25) "Alternative technology," as used in KRS 186.400 to 186.640, means methods used by the
- 22 cabinet to facilitate the issuance of operator's licenses and personal identification cards
- 23 outside of the normal in-person application at a cabinet office, including but not limited to
- 24 a cabinet mobile unit or online services;
- 25 (26) "Electric motorcycle" means the same as "motorcycle" or "motor scooter" as defined in this
- 26 section, that is powered by a:
- 27 (a) Battery or equivalent energy storage device that can be charged with an electric plug

1 using an external electricity source; or

2 (b) Combination of an internal combustion engine and electric motor; ***and***

3 (27) "Electric vehicle" means any vehicle that has plug-in charging capability, regardless of
4 whether the vehicle is powered by:

5 (a) An electric motor only; or

6 (b) A combination of an internal combustion engine and electric power[; ~~and~~

7 ~~(28) "Hybrid vehicle" means any vehicle that does not have plug-in charging capability and is
8 powered by a combination of an internal combustion engine and an electric motor].~~

9 ➔Section 19. KRS 186.050 is amended to read as follows:

10 (1) The annual registration fee shall be eleven dollars fifty cents (\$11.50) for:

11 (a) Motor vehicles, including pickup trucks and passenger vans; and

12 (b) Motor carrier vehicles, as defined in KRS 281.010, primarily designed for carrying
13 passengers or passengers for hire and having been designed or constructed to
14 transport not more than fifteen (15) passengers, including the operator.

15 (2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for each
16 motorcycle shall be nine dollars (\$9).

17 (3) (a) All motor vehicles having a declared gross weight of vehicle and any towed unit of
18 ten thousand (10,000) pounds or less, except those mentioned in subsections (1) and
19 (2) of this section, are classified as commercial vehicles and the annual registration
20 fee, except as provided in subsections (4) to (14) of this section, shall be eleven
21 dollars and fifty cents (\$11.50).

22 (b) All motor vehicles, except those mentioned in subsections (1) and (2) of this section,
23 and those engaged in hauling passengers for hire which are designed or constructed to
24 transport more than fifteen (15) passengers including the operator, whose registration
25 fee shall be one hundred dollars (\$100), are classified as commercial vehicles and the
26 annual registration fee, except as provided in subsections (3)(a) and (4) to (14) of this
27 section, shall be as follows:

1	Declared Gross Weight of Vehicle	Registration
2	and Any Towed Unit	Fee
3	10,001-14,000	30.00
4	14,001-18,000	50.00
5	18,001-22,000	132.00
6	22,001-26,000	160.00
7	26,001-32,000	216.00
8	32,001-38,000	300.00
9	38,001-44,000	474.00
10	44,001-55,000	669.00
11	55,001-62,000	1,007.00
12	62,001-73,280	1,250.00
13	73,281-80,000	1,410.00

- 14
- (4) (a)
1. Any farmer owning a truck having a gross weight of twenty-six thousand (26,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged in the production of crops, livestock, or dairy products, that he owns a truck of the gross weight of twenty-six thousand (26,000) pounds or less, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for his farming operation, and the products grown on his farm.
 2. Any farmer owning a truck having a gross weight of twenty-six thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and
- 27

1 ownership shall constitute a certificate that he is a farmer engaged in the
2 production of crops, livestock, or dairy products, that he owns a truck of the
3 gross weight between twenty-six thousand one (26,001) pounds and thirty-eight
4 thousand (38,000) pounds, and that during the next twelve (12) months the
5 truck shall not be used in for-hire transportation and may be used in
6 transporting persons, food, provender, feed, machinery, livestock, material, and
7 supplies necessary for his farming operation and the products grown on his
8 farm.

9 (b) Any farmer owning a truck having a declared gross weight in excess of thirty-eight
10 thousand (38,000) pounds shall not be required to pay the fee set out in subsection (3)
11 of this section and, in lieu thereof, shall pay forty percent (40%) of the fee set out in
12 subsection (3) of this section and shall be exempt from any fee charged under the
13 provisions of KRS 281.752. The applicant's signature upon the registration receipt
14 shall be considered to be a certification that he is a farmer engaged solely in the
15 production of crops, livestock, or dairy products, and that during the current
16 registration year the truck will be used only in transporting persons, food, provender,
17 feed, and machinery used in operating his farm and the products grown on his farm.

18 (c) An initial applicant for, or an applicant renewing, his or her registration pursuant to
19 this subsection, may at the time of application make a voluntary contribution to be
20 deposited into the agricultural program trust fund established in KRS 246.247. The
21 recommended voluntary contribution shall be set at ten dollars (\$10) and
22 automatically added to the cost of registration or renewal unless the individual
23 registering or renewing the vehicle opts out of contributing the recommended
24 amount. The county clerk shall collect and forward the voluntary contribution to the
25 cabinet for distribution to the Department of Agriculture.

26 (5) Any person owning a truck or bus used solely in transporting school children and school
27 employees may have the truck or bus registered as a school bus and obtain a license for

1 eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other
2 information required, an affidavit stating that the truck or bus is used solely in the
3 transportation of school children and persons employed in the schools of the district, that
4 he has caused to be printed on each side of the truck or bus and on the rear door the words
5 "School Bus" in letters at least six (6) inches high, and of a conspicuous color, and the
6 truck or bus will be used during the next twelve (12) months only for the purpose stated.

7 (6) Any church or religious organization owning a truck or bus used solely in transporting
8 persons to and from a place of worship or for other religious work may have the truck or
9 bus registered as a church bus and obtain a license for eleven dollars and fifty cents
10 (\$11.50) by filing with the county clerk, in addition to other information required, an
11 affidavit stating that the truck or bus will be used only for the transporting of persons to
12 and from a place of worship, or for other religious work, and that there has been printed on
13 the truck or bus in large letters the words "Church Bus," with the name of the church or
14 religious organization owning and using the truck or bus, and that during the next twelve
15 (12) months the truck or bus will be used only for the purpose stated.

16 (7) Any person owning a motor vehicle with a gross weight of fourteen thousand (14,000)
17 pounds or less on which a wrecker crane or other equipment suitable for wrecker service
18 has been permanently mounted may register the vehicle and obtain a license for eleven
19 dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information
20 required, an affidavit that a wrecker crane or other equipment suitable for wrecker service
21 has been permanently mounted on such vehicle and that during the next twelve (12) months
22 the vehicle will be used only in wrecker service. If the gross weight of the vehicle exceeds
23 fourteen thousand (14,000) pounds, the vehicle shall be registered in accordance with
24 subsection (3) of this section. The gross weight of a vehicle used in wrecker service shall
25 not include the weight of the vehicle being towed by the wrecker.

26 (8) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000)
27 pounds, which when operated in this state are used exclusively for the transportation of

1 property within the limits of the city named in the affidavit hereinafter required to be filed,
2 or within ten (10) miles of the city limits of the city if it is a city with a population equal to
3 or greater than three thousand (3,000) based upon the most recent federal decennial census,
4 or within five (5) miles of its limits if it is a city with a population of less than three
5 thousand (3,000) based upon the most recent federal decennial census, or anywhere within
6 a county containing an urban-county government, shall not be required to pay the fee as set
7 out in subsection (3) of this section, and in lieu thereof shall pay seventy-five percent
8 (75%) of the fee set forth in subsection (3) of this section and shall be exempt from any fee
9 charged under the provisions of KRS 281.752. Nothing in this section shall be construed to
10 limit any right of nonresidents to exemption from registration under any other provisions of
11 the laws granting reciprocity to nonresidents. Operations outside of this state shall not be
12 considered in determining whether or not the foregoing mileage limitations have been
13 observed. When claiming the right to the reduced fee, the applicant's signature on the
14 certificate of registration and ownership shall constitute a certification or affidavit stating
15 that the motor vehicle when used within this state is used only for the transportation of
16 property within the city to be named in the affidavit and the area above set out and that the
17 vehicle will not be used outside of a city and the area above set out during the current
18 registration period.

- 19 (9) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000)
20 pounds, which are used exclusively for the transportation of primary forest products from
21 the harvest area to a mill or other processing facility, where such mill or processing facility
22 is located at a point not more than fifty (50) air miles from the harvest area or which are
23 used exclusively for the transportation of concrete blocks or ready-mixed concrete from the
24 point at which such concrete blocks or ready-mixed concrete is produced to a construction
25 site where such concrete blocks or ready-mixed concrete is to be used, where such
26 construction site is located at a point not more than thirty (30) air miles from the point at
27 which such concrete blocks or ready-mixed concrete is produced shall not be required to

1 pay the fee as set out in subsection (3) of this section, and in lieu thereof, shall pay seventy-
2 five percent (75%) of the fee set out in subsection (3) of this section and shall be exempt
3 from any fee charged under the provisions of KRS 281.752. The applicant's signature upon
4 the certificate of registration and ownership shall constitute a certification that the motor
5 vehicle will not be used during the current registration period in any manner other than that
6 for which the reduced fee is provided in this section.

7 (10) Any owner of a commercial vehicle registered for a declared gross weight in excess of
8 eighteen thousand (18,000) pounds, intending to transfer same and desiring to take
9 advantage of the refund provisions of KRS 186.056(2), may reregister such vehicle and
10 obtain a "For Sale" certificate of registration and ownership for one dollar (\$1). Title to a
11 vehicle so registered may be transferred, but such registration shall not authorize the
12 operation or use of the vehicle on any public highway. No refund may be made under the
13 provisions of KRS 186.056(2) until such time as the title to such vehicle has been
14 transferred to the purchaser thereof. Provided, however, that nothing herein shall be so
15 construed as to prevent the seller of a commercial vehicle from transferring the registration
16 of such vehicle to any purchaser thereof.

17 (11) The annual registration fee for self-propelled vehicles containing sleeping or eating
18 facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be
19 designated "Recreational vehicle." The foregoing shall not include any motor vehicle
20 primarily designed for commercial or farm use having temporarily attached thereto any
21 sleeping or eating facilities, or any commercial vehicle having sleeping facilities.

22 (12) The registration fee on any vehicle registered under this section shall be increased fifty
23 percent (50%) when the vehicle is not equipped wholly with pneumatic tires.

24 (13) (a) The Department of Vehicle Regulation is authorized to negotiate and execute an
25 agreement or agreements for the purpose of developing and instituting proportional
26 registration of motor vehicles engaged in interstate commerce, or in a combination of
27 interstate and intrastate commerce, and operating into, through, or within the

1 Commonwealth of Kentucky. The agreement or agreements may be made on a basis
2 commensurate with, and determined by, the miles traveled on, and use made of, the
3 highways of this Commonwealth as compared with the miles traveled on and use
4 made of highways of other states, or upon any other equitable basis of proportional
5 registration. Notwithstanding the provisions of KRS 186.020, the cabinet shall
6 promulgate administrative regulations concerning the registration of motor vehicles
7 under any agreement or agreements made under this section and shall provide for
8 direct issuance by it of evidence of payment of any registration fee required under
9 such agreement or agreements. Any proportional registration fee required to be
10 collected under any proportional registration agreement or agreements shall be in
11 accordance with the taxes established in this section.

12 (b) Any owner of a commercial vehicle who is required to title his motor vehicle under
13 this section shall first title such vehicle with the county clerk pursuant to KRS
14 186.020 for a state fee of one dollar (\$1). Title to such vehicle may be transferred;
15 however title without proper registration shall not authorize the operation or use of
16 the vehicle on any public highway. Any commercial vehicle properly titled in
17 Kentucky may also be registered in Kentucky, and, upon payment of the required
18 fees, the department may issue an apportioned registration plate to such commercial
19 vehicle.

20 (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which vehicle
21 is subject to apportioned registration, as provided in paragraph (a) of this subsection,
22 may be registered in Kentucky, and, upon proof of proper title and payment of the
23 required fees, the department may issue an apportioned registration plate to the
24 commercial vehicle. The department shall promulgate administrative regulations in
25 accordance with this section.

26 (14) Any person seeking to obtain a special license plate for an automobile that has been
27 provided to him pursuant to an occupation shall meet both of the following requirements:

- 1 (a) The automobile shall be provided for the full-time exclusive use of the applicant; and
 2 (b) The applicant shall obtain permission in writing from the vehicle owner or lessee on a
 3 form provided by the cabinet to use the vehicle and for the vehicle to bear the special
 4 license plate.

5 (15) An applicant for any motor vehicle registration issued pursuant to this section shall have
 6 the opportunity to make a donation of two dollars (\$2) to promote a hunger relief program
 7 through specific wildlife management and conservation efforts by the Department of Fish
 8 and Wildlife Resources in accordance with KRS 150.015. If an applicant elects to make a
 9 contribution under this subsection, the two dollar (\$2) donation shall be added to the
 10 regular fee for any motor vehicle registration issued pursuant to this section. One (1)
 11 donation may be made per issuance of each registration. The fee shall be paid to the county
 12 clerk and shall be transmitted by the State Treasurer to the Department of Fish and Wildlife
 13 Resources to be used exclusively for the purpose of wildlife management and conservation
 14 activities in support of hunger relief. The county clerk may retain up to five percent (5%)
 15 of the fees collected under this subsection for administrative costs associated with the
 16 collection of this donation. Any donation requested under this subsection shall be voluntary
 17 and may be refused by the applicant at the time of issuance or renewal of a license plate.

18 (16) In addition to the fees outlined in this section, the county clerk shall collect from the
 19 registrants of electric vehicles ~~and~~ electric motorcycles, ~~and hybrid vehicles~~ the electric
 20 vehicle ownership fees imposed in KRS 138.475.

21 ➔Section 20. KRS 138.475 is amended to read as follows:

22 (1) As used in this section:

- 23 (a) "Electric motorcycle" means the same as "motorcycle" or "motor scooter" as defined
 24 in KRS 186.010, that is powered by a:
- 25 1. Battery or equivalent energy storage device that can be charged with an electric
 26 plug using an external electricity source; or
 - 27 2. Combination of an internal combustion engine and electric motor; and

1 (b) "Electric vehicle" means any vehicle that has plug-in charging capability, regardless
2 of whether the vehicle is powered by:

3 1. An electric motor only; or

4 2. A combination of an internal combustion engine and electric power~~[-, and~~

5 ~~(e) "Hybrid vehicle" means any vehicle that does not have plug-in charging~~
6 ~~capability and is powered by a combination of an internal combustion engine~~
7 ~~and an electric motor].~~

8 (2) At the time of initial registration, and each year upon annual vehicle registration renewal,
9 the county clerk shall collect, as required under KRS 186.050, from the registrants of
10 electric motorcycles and~~[-,] electric vehicles[-, and hybrid vehicles] the electric vehicle~~
11 ownership fees established under subsections (3) and (4) of this section.

12 (3) The electric vehicle ownership fees shall be:

13 (a) One hundred twenty dollars (\$120) for electric vehicles; and

14 (b) Sixty dollars (\$60) for electric motorcycles~~[- or hybrid vehicles].~~

15 (4) The Department of Revenue shall adjust the fees established in subsection (3) of this
16 section, on the same schedule and in the same manner as the adjustments to the electric
17 vehicle power taxes under KRS 138.477, except that:

18 (a) Adjustment to the fees shall be rounded to the nearest dollar; and

19 (b) Any adjustment of fees shall not result in a decrease below the base fees established
20 in subsection (3) of this section.

21 (5) The electric vehicle ownership fees collected under this section shall be transferred to the
22 road fund.

23 ➔Section 21. KRS 186.531 is amended to read as follows:

24 (1) As used in this section:

25 (a) "GF" means the general fund;

26 (b) "IP" means instruction permit;

27 (c) "License Fund" or "LF" means the KYTC photo license account created in KRS

- 1 174.056;
- 2 (d) "MC" means motorcycle;
- 3 (e) "MC Fund" or "MCF" means the motorcycle safety education program fund
- 4 established in KRS 176.5065;
- 5 (f) "OL" means operator's license; and
- 6 (g) "PIDC" means personal identification card.

7 (2) The fees imposed for voluntary travel ID operator's licenses, instruction permits, and
 8 personal identification cards shall be as follows. The fees received shall be distributed as
 9 shown in the table. The fees shown, unless otherwise noted, are for an eight (8) year
 10 period:

11 Card Type	Fee	LF	GF	MCF
12 OL (initial/renewal)	\$48	\$48	\$0	\$0
13 OL (Under 21) (Up to 4 years)	\$18	\$18	\$0	\$0
14 Any OL, MC, or combination				
15 (duplicate/corrected)	\$15	\$13.25	\$1.75	\$0
16 Motor vehicle IP (3 years)	\$18	\$16	\$2	\$0
17 Motorcycle IP (1 year)	\$18	\$13	\$1	\$4
18 Motorcycle OL (initial/renewal)	\$48	\$38	\$0	\$10
19 Combination vehicle/MC OL				
20 (initial/renewal)	\$58	\$48	\$0	\$10
21 PIDC (initial/renewal)	\$28	\$25	\$3	\$0
22 PIDC (duplicate/corrected)	\$15	\$13.50	\$1.50	\$0

23 (3) Except as provided in subsection (10) of this section, the fees imposed for standard
 24 operator's licenses, instruction permits, and personal identification cards shall be as follows
 25 and, unless otherwise noted, are for an eight (8) year period:

26 Card Type	Fee	LF	GF	MCF
27 OL (initial/renewal)	\$43	\$43	\$0	\$0

1	OL (Under 21) (Up to 4 years)	\$15	\$15	\$0	\$0
2	Any OL, MC, or combination				
3	(duplicate/corrected)	\$15	\$13.25	\$1.75	\$0
4	Motor vehicle IP (3 years)	\$15	\$13	\$2	\$0
5	Motorcycle IP (1 year)	\$15	\$10	\$1	\$4
6	Motorcycle OL (initial/renewal)	\$43	\$33	\$0	\$10
7	Combination vehicle/MC OL				
8	(initial/renewal)	\$53	\$43	\$0	\$10
9	PIDC (initial/renewal)	\$23	\$20	\$3	\$0
10	PIDC (duplicate/corrected)	\$15	\$13.50	\$1.50	\$0
11	PIDC (no fixed address) under				
12	KRS 186.4122(5)/186.4123(5)				
13	(initial, duplicate, or corrected)	\$0	\$5	—	—
				\$0	\$0

14 (4) The fee for a four (4) year original or renewal license issued pursuant to KRS 186.4101
 15 shall be fifty percent (50%) of the amount shown in subsections (2) and (3) of this section.
 16 The distribution of fees shown in subsections (2) and (3) of this section shall also be
 17 reduced by fifty percent (50%) for licenses that are issued for four (4) years.

18 (5) Any fee for any identity document applied for using alternative technology under KRS
 19 186.410 and 186.4122 shall be distributed in the same manner as a document applied for in
 20 person with the cabinet.

21 (6) (a) An applicant for an original or renewal operator's license, permit, commercial driver's
 22 license, motorcycle operator's license, or personal identification card shall be
 23 requested by the cabinet to make a donation to promote an organ donor program.

24 (b) The donation under this subsection shall be added to the regular fee for an original or
 25 renewal motor vehicle operator's license, permit, commercial driver's license,
 26 motorcycle operator's license, or personal identification card. One (1) donation may
 27 be made per issuance or renewal of a license or any combination thereof.

- 1 (c) The fee shall be paid to the cabinet and shall be forwarded by the cabinet on a
2 monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys
3 are hereby appropriated to be used exclusively for the purpose of promoting an organ
4 donor program. A donation under this subsection shall be voluntary and may be
5 refused by the applicant at the time of issuance or renewal.
- 6 (7) In addition to the fees outlined in this section, the following individuals, upon application
7 for an initial or renewal operator's license, instruction permit, or personal identification
8 card, shall pay an additional application fee of thirty dollars (\$30), which shall be deposited
9 in the photo license account:
- 10 (a) An applicant who is not a United States citizen or permanent resident and who
11 applies under KRS 186.4121 or 186.4123; or
- 12 (b) An applicant who is applying for a instruction permit, operator's license, or personal
13 identification card without a photo under KRS 186.4102(9).
- 14 (8) (a) Except for individuals exempted under paragraph (c) of this subsection, an applicant
15 for relicensing after revocation or suspension shall pay a reinstatement fee of forty
16 dollars (\$40).
- 17 (b) The reinstatement fee under this subsection shall be distributed by the State Treasurer
18 as follows:
- 19 1. Thirty-five dollars (\$35) shall be deposited into the photo license account; and
20 2. Five dollars (\$5) shall be deposited into a trust and agency fund to be used in
21 defraying the costs and expenses of administering a driver improvement
22 program for problem drivers.
- 23 (c) This subsection shall not apply to:
- 24 1. Any person whose license was suspended for failure to meet the conditions set
25 out in KRS 186.411 when, within one (1) year of suspension, the driving
26 privileges of the individual are reinstated; or
- 27 2. A student who has had his or her license revoked pursuant to KRS 159.051.

- 1 (9) As payment for any fee identified in this section, the cabinet:
- 2 (a) Shall accept cash and personal checks;
- 3 (b) May accept other methods of payment in accordance with KRS 45.345; and
- 4 (c) May enter into billing agreements with homeless shelters, health care facilities, or
- 5 social service agencies that serve individuals without an established and fixed
- 6 nighttime residence of regular return.
- 7 (10) There shall be no fee assessed for the initial, renewal, or duplicate standard personal
- 8 identification card to an individual, if the individual:
- 9 (a) Does not possess a valid operator's license or a commercial driver's license; and
- 10 (b) Is at least eighteen (18) years of age on or before the next regular election.

11 ➔Section 22. KRS 131.010 is amended to read as follows:

12 As used in this chapter, unless the context requires otherwise:

- 13 (1) "Commissioner" means the commissioner of *the department*~~[revenue]~~;
- 14 (2) "Department" means the Department of Revenue;
- 15 (3) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or
- 16 any individual or corporation acting in a fiduciary capacity for any other person;
- 17 (4) "Taxpayer" means any person required or permitted by law or administrative regulation to
- 18 perform any act subject to the administrative jurisdiction of the department including the
- 19 following:
- 20 (a) File a report, return, statement, certification, claim, estimate, declaration, form, or
- 21 other document;
- 22 (b) Furnish any information;
- 23 (c) Withhold, collect, or pay any tax, installment, estimate, or other funds; *and*
- 24 (d) Secure any license, permit, or other authorization to conduct a business or exercise
- 25 any privilege, right, or responsibility;
- 26 (5) "Adjusted prime rate charged by banks" means the average predominant prime rate quoted
- 27 by commercial banks to large businesses, as determined by the board of governors of the

- 1 Federal Reserve System;
- 2 (6) "Tax interest rate" means the interest rate determined under KRS 131.183;
- 3 (7) "Tax" includes any assessment or license fee administered by the department; however, it
4 shall not include moneys withheld or collected by the department pursuant to KRS 131.560
5 or 160.627;
- 6 (8) "Return" or "report" means any properly completed and, if required, signed form,
7 statement, certification, claim estimate, declaration, or other document permitted or
8 required to be submitted or filed with the department, including returns and reports or
9 composites thereof which are permitted or required to be electronically transmitted;
- 10 (9) "Reasonable cause" means an event, happening, or circumstance entirely beyond the
11 knowledge or control of a taxpayer who has exercised due care and prudence in the filing
12 of a return or report or the payment of moneys due the department pursuant to law or
13 administrative regulation;
- 14 (10) "Fraud" means:
- 15 (a) Intentional or reckless disregard for the law, administrative regulations, or the
16 department's established policies to evade the filing of any return, report, or the
17 payment of any moneys due to the department pursuant to law or administrative
18 regulation; or
- 19 (b) The deliberate false reporting of returns or reports with the intent to gain a monetary
20 advantage;
- 21 (11) "Hard copy" means any document, record, report, or other data printed on paper or stored
22 by an imaging system that does not permit additions, deletions, or other changes to the
23 original documents;
- 24 (12) "Electronic record" means a collection of related information stored as bits of data in a
25 medium that supports electronic extraction of the data at the field level, but does not
26 include electronic imaging systems;
- 27 (13) "Electronic imaging systems" means a computer-based system used to store reproductions

1 of documents and records through the use of electronic data processing, or computerized,
2 digital, or optical scanning which records and indexes the document, but does not support
3 electronic extraction of the data at the field level;

4 (14) "Electronic fund transfer" means an electronic data processing medium that takes the place
5 of a paper check for debiting or crediting an account and of which a permanent record is
6 made;

7 (15) "Specified tax return preparer" has the same meaning as in 26 U.S.C. sec. 6011(e)(3);~~and~~

8 (16) "Tax return preparer" has the same meaning as in 26 U.S.C. sec. 7701(a)(36)(A);

9 **(17) "Administrative writings" means the following, as created, published, issued, or released**
10 **by the department and redacted to protect taxpayer-specific information:**

11 **(a) Final rulings;**

12 **(b) Manuals and training procedures;**

13 **(c) Presentations;**

14 **(d) Technical advice memoranda;**

15 **(e) General information letters; and**

16 **(f) Private letter rulings; and**

17 **(18) "Tax form":**

18 **(a) Means any instrument that is:**

19 **1. Created, published, issued, approved, or released by the department upon**
20 **which taxpayers insert information; and**

21 **2. Permitted or required to be submitted to or filed with the department; and**

22 **(b) Includes any of the following instruments, except that the instrument shall not**
23 **contain any information inserted by a taxpayer:**

24 **1. A return, report, schedule, claim estimate, declaration, or any other similar**
25 **document; and**

26 **2. A facsimile of information the taxpayer is required to, or may, submit to the**
27 **department electronically.**

1 ➔Section 23. KRS 131.020 is amended to read as follows:

2 (1) The department~~[of Revenue]~~, headed by a commissioner appointed by the secretary with
3 the approval of the Governor, shall be organized into the following functional units:

4 (a) Office of the Commissioner, which shall consist of:

5 1. The Division of Protest Resolution, headed by a division director who shall
6 report directly to the commissioner. The division shall administer the protest
7 functions for the department from office resolution through court action;

8 2. The Division of Taxpayer Ombudsman, headed by a division director who shall
9 report to the commissioner. The division shall perform those duties set out in
10 KRS 131.083;

11 3. The Special Investigations Division, headed by a division director who shall
12 report directly to the commissioner. The division shall investigate alleged
13 violations of the tax laws and recommend criminal prosecution of the laws
14 when warranted; and

15 4. The Division of Information Management, headed by a division director who
16 shall report directly to the commissioner. The division shall provide project
17 management, planning, analysis, application development, implementation,
18 security, support, and maintenance for new and existing legacy systems of the
19 department;

20 (b) Office of Tax Policy and Regulation, headed by an executive director who shall
21 report directly to the commissioner. The office shall be responsible for:

22 1. Providing oral and written technical advice on Kentucky tax law;

23 2. Drafting proposed tax legislation and regulations;

24 3. Testifying before legislative committees on tax matters;

25 4. Analyzing tax publications;

26 5. *Publishing administrative writings on its official website promptly after*
27 *issuance or finalization, but no more than one hundred twenty (120) days*

1 thereafter;

2 6. Publishing all tax forms and instructions to those tax forms on its official
 3 website no later than:

4 a. Forty-five (45) days prior to the date a taxpayer is required to:

5 i. File a tax form;

6 ii. Make a payment of taxes due or estimated to be due; or

7 iii. Electronically submit the information or payment; or

8 b. In the case of income tax forms, thirty (30) days prior to the end of the
 9 calendar year for which the tax form, payment, or information applies;

10 7. Providing expert witness testimony in tax litigation cases;

11 ~~8.[6.]~~ Providing consultation and assistance in protested tax cases; and

12 ~~9.[7.]~~ Conducting training and education programs;

13 (c) Office of Registration and Operations, headed by an executive director who shall
 14 report directly to the commissioner. The office shall be responsible for processing
 15 documents, depositing funds, collecting debt payments, and coordinating, planning,
 16 and implementing a data integrity strategy. The office shall consist of the:

17 1. Division of Operations, which shall be responsible for opening all tax returns,
 18 preparing the returns for data capture, coordinating the data capture process,
 19 depositing receipts, maintaining tax data, and assisting other state agencies with
 20 similar operational aspects as negotiated between the department and the other
 21 agency; and

22 2. Division of Registration, which shall be responsible for registering businesses
 23 for tax purposes, ensuring that the data entered into the department's tax
 24 systems is accurate and complete, and assisting the taxing areas in proper
 25 procedures to ensure the accuracy of the data over time;

26 (d) Office of Property Valuation, headed by an executive director who shall report
 27 directly to the commissioner. The office shall consist of the:

- 1 1. Division of Local Support, which shall be responsible for providing
2 supervision, assistance, and training to the property valuation administrators
3 and sheriffs within the Commonwealth;
 - 4 2. Division of State Valuation, which shall be responsible for providing
5 assessments of public service companies and motor vehicles, and providing
6 assistance to property valuation administrators and sheriffs with the
7 administration of tangible and omitted property taxes within the
8 Commonwealth; and
 - 9 3. Division of Minerals Taxation and Geographical Information System Services,
10 which shall be responsible for providing geographical information system
11 mapping support, ensuring proper filing of severance tax returns, ensuring
12 consistency of unmined coal assessments, and gathering and providing data to
13 properly assess minerals to the property valuation administrators within the
14 Commonwealth;
- 15 (e) Office of Sales and Excise Taxes, headed by an executive director who shall report
16 directly to the commissioner. The office shall administer all matters relating to sales
17 and use taxes and miscellaneous excise taxes, including but not limited to technical
18 tax research, compliance, taxpayer assistance, tax-specific training, and publications.
19 The office shall consist of the:
- 20 1. Division of Sales and Use Tax, which shall administer the sales and use tax; and
 - 21 2. Division of Miscellaneous Taxes, which shall administer various other taxes,
22 including but not limited to alcoholic beverage taxes; cigarette enforcement
23 fees, stamps, meters, and taxes; gasoline tax; bank franchise tax; inheritance and
24 estate tax; insurance premiums and insurance surcharge taxes; motor vehicle
25 tire fees and usage taxes; and special fuels taxes;
- 26 (f) Office of Income Taxation, headed by an executive director who shall report directly
27 to the commissioner. The office shall administer all matters related to income and

- 1 corporation license taxes, including technical tax research, compliance, taxpayer
2 assistance, tax-specific training, and publications. The office shall consist of the:
- 3 1. Division of Individual Tax, which shall administer the following taxes or
4 returns: individual income, fiduciary, and employer withholding; and
 - 5 2. Division of Corporation Tax, which shall administer the corporation income
6 tax, corporation license tax, pass-through entity withholding, and pass-through
7 entity reporting requirements;
- 8 (g) Office of Field Operations, headed by an executive director who shall report directly
9 to the commissioner. The office shall manage the regional taxpayer service centers
10 and the field audit program; and
- 11 (h) Office of Enforcement, headed by an executive director who shall report directly to
12 the commissioner. The office shall initiate all collection enforcement activity related
13 to due and owing tax assessments, including protest resolution, and shall assist other
14 state agencies with similar collection aspects as negotiated between the department
15 and other state agencies. The office shall consist of the Division of Collections.
- 16 (2) The functions and duties of the department shall include conducting conferences,
17 administering taxpayer protests, and settling tax controversies on a fair and equitable basis,
18 taking into consideration the hazards of litigation to the Commonwealth of Kentucky and
19 the taxpayer. The mission of the department shall be to afford an opportunity for taxpayers
20 to have an independent informal review of the determinations of the audit functions of the
21 department, and to attempt to fairly and equitably resolve tax controversies at the
22 administrative level.
- 23 (3) The department shall maintain an accounting structure for the one hundred twenty (120)
24 property valuation administrators' offices across the Commonwealth in order to facilitate
25 use of the state payroll system and the budgeting process.
- 26 (4) Except as provided in KRS 131.190(4), the department shall fully cooperate with and make
27 tax information available as prescribed under KRS 131.190(3) to the Governor's Office for

1 Economic Analysis as necessary for the office to perform the tax administration function
2 established in KRS 42.410.

3 (5) Executive directors and division directors established under this section shall be appointed
4 by the secretary with the approval of the Governor under KRS 12.050.

5 ➔Section 24. KRS 131.030 is amended to read as follows:

6 (1) The Department of Revenue shall exercise all administrative functions of the state in
7 relation to:

8 (a) The state revenue and tax laws;~~;~~

9 (b) **The publishing of administrative writings, tax forms, and instructions to those tax**
10 **forms on its official website;**

11 (c) The licensing and registering of motor vehicles;~~;~~

12 (d) The equalization of tax assessments;~~;~~

13 (e) The assessment of public utilities and public service corporations for taxes;~~;~~

14 (f) The assessment of franchises;~~;~~

15 (g) The supervision of tax collections;~~;~~ and

16 (h) The enforcement of revenue and tax laws, either directly or through supervision of
17 tax administration activity in other departments to which the department may commit
18 administration of certain taxes.

19 (2) The department shall have all the powers and duties with reference to assessment or
20 equalization of the assessment of property heretofore exercised or performed by any state
21 board or commission.

22 (3) The department shall have all the powers and duties necessary to consider and settle tax
23 cases under KRS 131.110 and refund claims made under KRS 134.580. The department is
24 encouraged to settle controversies on a fair and equitable basis and shall be authorized to
25 settle tax controversies based on the hazards of litigation applicable to them.

26 (4) The department shall have all the powers and duties necessary to collect any debts owed to
27 the Commonwealth, or any local government of the Commonwealth, that are referred to the

1 department by an organizational unit or administrative body in the executive branch of
 2 state government, as defined in KRS 12.010, the Court of Justice in the judicial branch of
 3 state government, and any local government, under KRS 45.237 and 45.241.

4 ➔Section 25. KRS 131.081 is amended to read as follows:

5 The following rules, principles, or requirements shall apply in the administration of all taxes
 6 subject to the jurisdiction of the department:

7 (1) The department shall develop and implement a Kentucky tax education and information
 8 program *that:*

9 (a) Is directed at new taxpayers, taxpayer and industry groups, and department
 10 employees to enhance the understanding of and compliance with Kentucky tax
 11 laws; ~~including~~

12 (b) Includes information on:

13 1. The application of new tax legislation to taxpayer activities; and

14 2. Areas of recurrent taxpayer noncompliance or inconsistency of administration;

15 and

16 (c) Is published as part of the administrative writings posted on its official website;

17 (2) The department shall publish brief statements in simple and nontechnical language which
 18 explain procedures, remedies, and the rights and obligations of taxpayers and the
 19 department. These statements shall be provided to taxpayers with the initial notice of audit;
 20 each original notice of tax due; each denial or reduction of a refund or credit claimed by a
 21 taxpayer; each denial, cancellation, or revocation of any license, permit, or other required
 22 authorization applied for or held by a taxpayer; and, if practical and appropriate, in
 23 informational publications by the department distributed to the public;

24 (3) Taxpayers shall have the right to be assisted or represented by an attorney, accountant, or
 25 other person in any conference, hearing, or other matter before the department. The
 26 taxpayer shall be informed of this right prior to conduct of any conference or hearing;

27 (4) The department shall perform audits and conduct conferences and hearings only at

- 1 reasonable times and places;
- 2 (5) Taxpayers shall have the right to make audio recordings of any conference with or hearing
3 by the department. The department may make similar audio recordings if prior written
4 notice is given to the taxpayer or if the taxpayer records the conference or hearing. The
5 taxpayer shall be entitled to a copy of this department recording or a transcript as provided
6 in KRS 61.874;
- 7 (6) If any taxpayer's failure to submit a timely return or payment to the department is due to
8 the taxpayer's reasonable reliance on written advice from the department, the taxpayer shall
9 be relieved of any penalty or interest with respect thereto, provided the taxpayer requested
10 the advice in writing from the department and the specific facts and circumstances of the
11 activity or transaction were fully described in the taxpayer's request, the department did not
12 subsequently rescind or modify the advice in writing, and there were no subsequent
13 changes in applicable laws or regulations or a final decision of a court which rendered the
14 department's earlier written advice no longer valid;
- 15 (7) Taxpayers shall have the right to receive a copy of any audit of the department by the
16 Auditor of Public Accounts relating to the department's compliance with the provisions of
17 KRS 131.041 to 131.081;
- 18 (8) (a) The department shall include with each notice of tax due a clear and concise
19 description of the basis and amount of any tax, penalty, and interest assessed against
20 the taxpayer and the agent's written narrative setting forth the grounds upon which the
21 assessment is made.
- 22 (b) Copies of the agent's audit workpapers shall be:
- 23 1. Included with the notice of tax due; or
24 2. Delivered electronically to the taxpayer.
- 25 (c) Taxpayers shall be similarly notified regarding the denial or reduction of any refund
26 or credit claim filed by a taxpayer;
- 27 (9) (a) Taxpayers shall have the right to an installment payment agreement for the payment

- 1 of delinquent taxes, penalties, and interest owed, provided the taxpayer requests the
2 agreement in writing clearly demonstrating:
- 3 1. His or her inability to pay in full; and
 - 4 2. That the agreement will facilitate collection by the department of the amounts
5 owed.
- 6 (b) The department may modify or terminate an installment payment agreement and may
7 pursue statutory remedies against the taxpayer if it determines that:
- 8 1. The taxpayer has not complied with the terms of the agreement, including
9 minimum payment requirements established by the agreement;
 - 10 2. The taxpayers' financial condition has sufficiently changed;
 - 11 3. The taxpayer fails to provide any requested financial condition update
12 information;
 - 13 4. The taxpayer gave false or misleading information in securing the agreement; or
 - 14 5. The taxpayer fails to timely report and pay any other tax due the
15 Commonwealth.
- 16 (c) The department shall give written notice to the taxpayer at least thirty (30) days prior
17 to modifying or terminating an installment payment agreement unless the department
18 has reason to believe that collection of the amounts owed will be jeopardized in
19 whole or in part by delay;
- 20 (10) The department shall not knowingly authorize, require, or conduct any investigation or
21 surveillance of any person for nontax administration related purposes, except internal
22 security related investigations involving department personnel;
- 23 (11) In addition to the circumstances under which an extension of time for filing reports or
24 returns may be granted pursuant to KRS 131.170, taxpayers shall be entitled to the same
25 extension of the due date of any comparable Kentucky tax report or return for which the
26 taxpayer has secured a written extension from the Internal Revenue Service provided the
27 taxpayer notifies the department in writing and provides a copy of the extension at the time

- 1 and in the manner which the department may require;
- 2 (12) The department shall bear the cost or, if paid by the taxpayer, reimburse the taxpayer for
3 recording or bank charges as the direct result of any erroneous lien or levy by the
4 department, provided the erroneous lien or levy was caused by department error and, prior
5 to issuance of the erroneous lien or levy, the taxpayer timely responded to all contacts by
6 the department and provided information or documentation sufficient to establish his or her
7 position. When the department releases any erroneous lien or levy, notice of the fact shall
8 be mailed to the taxpayer and, if requested by the taxpayer, a copy of the release, together
9 with an explanation, shall be mailed to the major credit reporting companies located in the
10 county where it was filed;
- 11 (13) (a) The department shall not evaluate individual officers or employees on the basis of
12 taxes assessed or collected or impose or suggest tax assessment or collection quotas
13 or goals.
- 14 (b) No arrangement or contract shall be entered into for the service to:
- 15 1. Examine a taxpayer's books and records;
16 2. Collect a tax from a taxpayer; or
17 3. Provide legal representation of the department;
- 18 if any part of the compensation or other benefits paid or payable for the service is
19 contingent upon or otherwise related to the amount of tax, interest, fee, or penalty
20 assessed against or collected from the taxpayer. Any such arrangement or contract
21 shall be void and unenforceable;
- 22 (14) Taxpayers shall have the right to bring an action for damages against the Commonwealth to
23 the Board of Tax Appeals for actual and direct monetary damages sustained by the
24 taxpayer as a result of willful, reckless, or intentional disregard by department employees
25 of the rights of taxpayers as set out in KRS 131.041 to 131.081 or in the tax laws
26 administered by the department. In the awarding of damages pursuant to this subsection,
27 the board shall take into consideration the negligence or omissions, if any, on the part of

1 the taxpayer which contributed to the damages. If any proceeding brought by a taxpayer is
2 ruled frivolous by the Board of Tax Appeals, the department shall be reimbursed by the
3 taxpayer for its costs in defending the action. Any claims brought pursuant to this
4 subsection shall be in accordance with KRS 49.040 to 49.180; and

- 5 (15) Taxpayers shall have the right to privacy with regard to the information provided on their
6 Kentucky tax returns and reports, including any attached information or documents. Except
7 as provided in KRS 131.190, no information pertaining to the returns, reports, or the affairs
8 of a person's business shall be divulged by the department to any person or be intentionally
9 and without authorization inspected by any present or former commissioner or employee of
10 the department, member of a county board of assessment appeals, property valuation
11 administrator or employee, or any other person.

12 ➔Section 26. KRS 131.130 is amended to read as follows:

13 Without limitation of other duties assigned to it by law, the following powers and duties are
14 vested in the department~~[of Revenue]~~:

- 15 (1) The department may promulgate administrative regulations, and direct proceedings and
16 actions, for the administration and enforcement of all tax laws of this state. To assist
17 taxpayers in understanding and interpreting the tax laws, the department may, through
18 incorporation by reference, include examples as part of any administrative regulation. The
19 examples may include demonstrative, nonexclusive lists of items if the department
20 determines the lists would be helpful to taxpayers in understanding the application of the
21 tax laws.
- 22 (2) The department, by representatives it appoints in writing, may take testimony or
23 depositions, and may examine hard copy or electronic records, any person's documents,
24 files, and equipment if those records, documents, or equipment will furnish knowledge
25 concerning any taxpayer's tax liability, when it deems this reasonably necessary to the
26 performance of its functions. The department may enforce this right by application to the
27 Circuit Court in the county where the person is domiciled or has his or her principal office,

- 1 or by application to the Franklin Circuit Court, which courts may compel compliance with
2 the orders of the department.
- 3 (3) The department shall prescribe the style, and determine and enforce the use or manner of
4 keeping, of all assessment and tax forms and records employed by state and county
5 officials, and may prescribe forms necessary for the administration of any revenue law.
- 6 (4) The department shall advise on all questions respecting the construction of state revenue
7 laws and its application to various classes of taxpayers and property.
- 8 (5) Attorneys employed by the Finance and Administration Cabinet and approved by the
9 Attorney General as provided in KRS 15.020 may prosecute all violations of the criminal
10 and penal laws relating to revenue and taxation. If a Finance and Administration Cabinet
11 attorney undertakes any of the actions prescribed in this subsection, that attorney shall be
12 authorized to exercise all powers and perform all duties in respect to the criminal actions or
13 proceedings which the prosecuting attorney would otherwise perform or exercise, including
14 the authority to sign, file, and present any complaints, affidavits, information,
15 presentments, accusations, indictments, subpoenas, and processes of any kind, and to
16 appear before all grand juries, courts, or tribunals.
- 17 (6) In the event of the incapacity of attorneys employed by the Finance and Administration
18 Cabinet or at the request of the secretary of the Finance and Administration Cabinet, the
19 Attorney General or his or her designee shall prosecute all violations of the criminal and
20 penal laws relating to revenue and taxation. If the Attorney General undertakes any of the
21 actions prescribed in this subsection, he or she shall be authorized to exercise all powers
22 and perform all duties in respect to the criminal actions or proceedings which the
23 prosecuting attorney would otherwise perform or exercise, including but not limited to the
24 authority to sign, file, and present any and all complaints, affidavits, information,
25 presentments, accusations, indictments, subpoenas, and processes of any kind, and to
26 appear before all grand juries, courts, or tribunals.
- 27 (7) The department may require the Commonwealth's attorneys and county attorneys to

1 prosecute actions and proceedings and perform other services incident to the enforcement
2 of laws assigned to the department for administration.

3 (8) (a) Notwithstanding KRS Chapter 13A, the department may research the fields of
4 taxation, finance, and local government administration, publish its findings, respond
5 to the public's and taxpayers' questions, and publish its responses~~[, as the~~
6 ~~commissioner may deem wise]~~.

7 (b) To assist taxpayers and the public in understanding and interpreting the tax laws, the
8 department:

9 1. May include examples as part of any response or publication. The examples
10 may include demonstrative, nonexclusive lists of items, if the department
11 determines that the list would be helpful to taxpayers in understanding the
12 application of the tax laws; and

13 2. *Shall publish its administrative writings, tax forms, and instructions to those*
14 *tax forms on its official website in accordance with subsection (1)(b) of*
15 *Section 23 of this Act.*

16 (9) The department may promulgate administrative regulations necessary to establish a system
17 of taxpayer identifying numbers for the purpose of securing proper identification of
18 taxpayers subject to any tax laws or other revenue measure of this state, and may require
19 the taxpayer to place on any return, report, statement, or other document required to be
20 filed, any number assigned pursuant to the administrative regulations.

21 (10) The department may, when it is in the best interest of the Commonwealth and helpful to the
22 efficient and effective enforcement, administration, or collection of sales and use tax,
23 motor fuels tax, or the petroleum environmental assurance fee, enter into agreements with
24 out-of-state retailers or other persons for the collection and remittance of sales and use tax,
25 the motor fuels tax, or the petroleum environmental assurance fee.

26 (11) The department may enter into annual memoranda of agreement with any state agency,
27 officer, board, commission, corporation, institution, cabinet, department, or other state

1 organization to assume the collection duties for any debts due the state entity, except for
2 consumer debt owed for health care goods and services, and may renew that agreement for
3 up to five (5) years. Under such an agreement, the department shall have all the powers,
4 rights, duties, and authority with respect to the collection, refund, and administration of
5 those liquidated debts as provided under:

6 (a) KRS Chapters 131, 134, and 135 for the collection, refund, and administration of
7 delinquent taxes; and

8 (b) Any applicable statutory provisions governing the state agency, officer, board,
9 commission, corporation, institution, cabinet, department, or other state organization
10 for the collection, refund, and administration of any liquidated debts due the state
11 entity.

12 (12) Notwithstanding subsection (11) of this section, KRS 45.237, 45.238, 45.241, or 131.030,
13 or any agreement to the contrary, the department shall not collect or continue collection
14 duties of any consumer debts owed for health care goods and services. For the purpose of
15 this section, "consumer debt" shall be defined as a debt incurred by an individual, as
16 defined in KRS 141.010, for a personal or family purpose, regardless of whether an
17 obligation has been reduced to judgment.

18 (13) The department may refuse to accept a personal check in payment of taxes due or collected
19 from any person who has ever tendered a check to the state which, when presented for
20 payment, was not honored. Any check so refused shall be considered as never having been
21 tendered.

22 ➔Section 27. KRS 131.131 is amended to read as follows:

23 Notwithstanding KRS 13A.110, the department~~[of Revenue]~~ shall publish tax forms and
24 instructions to those forms **on its official website in accordance with subsection (1)(b) of**
25 **Section 23 of this Act** without promulgation of an administrative regulation.

26 ➔Section 28. KRS 138.472 is amended to read as follows:

27 (1) As used in this section:

1 (a) "Bad debt" has the same meaning as in 26 U.S.C. sec. 166, except that the
 2 following shall be excluded:

3 1. Financing charges or interest;

4 2. Excise or sales and use taxes charged on the purchase price;

5 3. Uncollectible amounts on property that remains in the possession of the
 6 person until the full purchase price is paid;

7 4. Expenses incurred in attempting to collect any debt; or

8 5. Repossessed property;

9 (b) "Charged off for income tax purposes" means:

10 1. The charging off of unpaid balances due on accounts determined to be
 11 uncollectable; or

12 2. Declaring as uncollectable the unpaid balance due on accounts if the person
 13 is not required to file federal income tax returns;

14 (c) "Department" means the Kentucky Department of Revenue;

15 (d)~~(b)~~ "Gross receipts" means the total consideration received for the:

16 1. Rental of a vehicle, including the daily or hourly rental fee, fees charged for
 17 using the services, charges for insurance protection plans, fuel charges, pickup
 18 and delivery fees, late fees, and any charges for any services necessary to
 19 complete the rental transaction made by a:

20 a. Peer-to-peer car sharing company; or

21 b. Motor vehicle rental company; and

22 2. Charges made to provide the service to a user, including any charges for time or
 23 mileage, fees for using the services, and any charges for any services necessary
 24 to complete the transaction made by a:

25 a. TNC;

26 b. Taxicab; or

27 c. Limousine service provider;

1 ~~(e)~~ The following terms have the same meaning as in KRS 281.010:

- 2 1. "Human service transportation delivery";
- 3 2. "Limousine";
- 4 3. "Peer-to-peer car sharing certificate";
- 5 4. "Peer-to-peer car sharing company";
- 6 5. "Peer-to-peer car sharing driver";
- 7 6. "Peer-to-peer car sharing program";
- 8 7. "Shared vehicle";
- 9 8. "Shared vehicle driver";
- 10 9. "Taxicab";
- 11 10. "Transportation network company" or "TNC";
- 12 11. "Transportation network company service" or "TNC service"; and
- 13 12. "U-Drive-It";

14 ~~(f)~~ "Motor vehicle rental company" has the same meaning as in KRS 281.687; and

15 ~~(g)~~ "Person" means the individual or the entity required to be the holder of any of
 16 the following certificates in KRS 281.630:

- 17 1. Limousine;
- 18 2. Peer-to-peer car sharing;
- 19 3. Taxicab;
- 20 4. Transportation network; and
- 21 5. U-Drive-It.

22 (2) (a) An excise tax is imposed upon every person for the privilege of providing a motor
 23 vehicle for sharing or for rent, with or without a driver, within the Commonwealth.

24 (b) The tax is imposed at the rate of six percent (6%) of the gross receipts derived from
 25 the:

- 26 1. Rental of a shared vehicle by a peer-to-peer car sharing company;
- 27 2. Rental of a vehicle by a motor vehicle renting company;

- 1 3. Sales of TNC services;
- 2 4. Sales of taxicab services; and
- 3 5. Sales of limousine services.
- 4 (c) Excluded from the tax are receipts derived from the provision of human service
- 5 transportation delivery.
- 6 (3) (a) The tax imposed under subsection (2) of this section shall be administered and
- 7 collected by the department. Revenues generated from the tax shall be deposited into
- 8 the general fund.
- 9 (b) On or before the twentieth day of the month following each calendar month, a return
- 10 for the preceding month shall be filed with the department by every person required
- 11 to pay the tax in a form prescribed by the department.
- 12 (4) The tax imposed by subsection (2) of this section shall be the direct obligation of the peer-
- 13 to-peer car sharing company, the motor vehicle renting company, the TNC, the taxicab
- 14 service provider, and the limousine service provider, but it may be charged to and collected
- 15 from the user of the service. The tax shall be remitted to the department each month on
- 16 forms and pursuant to administrative regulations promulgated by the department.
- 17 (5) *(a) A person may deduct as a bad debt the amount found to be worthless and charged*
- 18 *off for income tax purposes, provided the person is reporting and remitting this tax*
- 19 *on the accrual basis.*
- 20 *(b) The person may take the deduction on the return for the period during which the*
- 21 *bad debt is written off as uncollectable in the person's books and records and is*
- 22 *eligible to be charged off for income tax purposes.*
- 23 *(c) 1. The person may obtain a refund equal to the amount of bad debt that exceeds*
- 24 *the amount of tax due for the period during which the bad debt is written off.*
- 25 *2. The refund claim shall be made within four (4) years from the due date of the*
- 26 *return on which the bad debt could first be claimed.*
- 27 *3. Notwithstanding KRS 131.183, no interest shall be paid upon any deduction*

1 taken or refund made for bad debts.

2 (d) If any bad debt accounts are thereafter, in whole or in part, collected by the person,
 3 the amount collected shall be included in the return filed for the period in which
 4 the collection is made and the amount of the tax due shall be paid with the return.

5 (e) For purposes of computing a bad debt deduction or reporting a payment received
 6 on a previously claimed bad debt, any payments made on a debt or account shall be
 7 applied first to the price of the service and the excise tax on the service,
 8 proportionally, and then to interest, service charges, and any other charges.

9 **(6)** (a) As soon as practicable after each return is received, the department shall examine and
 10 audit the return. If the amount of taxes computed by the department is greater than the
 11 amount returned by the person, the excess shall be assessed by the department within
 12 four (4) years from the date the return was filed, except as provided in paragraph (c)
 13 of this subsection, and except that in the case of a failure to file a return or of a
 14 fraudulent return the excess may be assessed at any time. A notice of such assessment
 15 shall be mailed to the person.

16 (b) For the purpose of paragraphs (a) and (c) of this subsection, a return filed before the
 17 last day prescribed by law for the filing thereof shall be considered as filed on such
 18 last day.

19 (c) Notwithstanding the four (4) year time limitation of paragraph (a) of this subsection,
 20 in the case of a return where the amount of taxes computed by the department is
 21 greater by twenty-five percent (25%) or more than the amount returned by the person,
 22 the excess shall be assessed by the department within six (6) years from the date the
 23 return was filed.

24 ~~(Z)(6)~~ Failure to remit the taxes shall be sufficient cause for the Department of Vehicle
 25 Regulation to void the certificate issued to a:

- 26 (a) Limousine certificate holder;
 27 (b) Peer-to-peer car sharing certificate holder;

- 1 (c) Taxicab certificate holder;
- 2 (d) TNC certificate holder; or
- 3 (e) U-Drive-It certificate holder.

4 ~~(8)(7)~~ If a person fails or refuses to file a return or furnish any information requested in
 5 writing, the department may, from any information in its possession, make an estimate of
 6 the certificate holder's total trip costs and issue an assessment against the certificate holder
 7 based on the estimated trip cost charges and add a penalty of ten percent (10%) of the
 8 amount of the assessment so determined. This penalty shall be in addition to all other
 9 applicable penalties provided by law.

10 ~~(9)(8)~~ If the tax imposed by subsection (2) of this section is not paid on or before the date
 11 prescribed for its payment, there shall be collected, as a part of the tax, interest upon the
 12 unpaid amount at the tax interest rate as defined in KRS 131.010(6) from the date
 13 prescribed for its payment until payment is actually made.

14 **(10) (a) For purposes of this subsection, "taxes" shall include:**

15 **1. Interest accrued at the rate provided by KRS 131.183;**

16 **2. All applicable penalties imposed under this chapter; and**

17 **3. All applicable penalties and fees imposed under KRS 131.180, 131.410 to**
 18 **131.445, and 131.990.**

19 **1.(9)** Notwithstanding any other provisions of this chapter to the contrary, the
 20 president, vice president, secretary, treasurer, or any other person holding any
 21 equivalent corporate office of any corporation subject to the provisions of this
 22 ~~section~~~~chapter~~ shall be personally and individually liable, both jointly and
 23 severally, for the taxes imposed under this ~~section~~~~chapter~~, and neither the
 24 corporate dissolution nor withdrawal of the corporation from the state nor the
 25 cessation of holding any corporate office shall discharge the foregoing liability
 26 of any person.

27 **2.** The personal and individual liability shall apply to each and every person

1 holding the corporate office at the time the taxes become or became due.

2 3. No person will be personally and individually liable pursuant to this section
 3 who had no authority in the management of the business or financial affairs of
 4 the corporation at the time that the taxes imposed by this section~~[chapter]~~
 5 become or became due.~~["Taxes" as used in this section shall include interest~~
 6 ~~accrued at the rate provided by KRS 139.650 and all applicable penalties~~
 7 ~~imposed under this chapter and all applicable penalties and fees imposed under~~
 8 ~~KRS 131.180, 131.410 to 131.445, and 131.990.]~~

9 (c) 1.~~(10)~~ Notwithstanding any other provisions of this chapter, KRS 275.150,
 10 362.1-306(3) or predecessor law, or 362.2-404(3) to the contrary, the managers
 11 of a limited liability company, the partners of a limited liability partnership, and
 12 the general partners of a limited liability limited partnership, or any other
 13 person holding any equivalent office of a limited liability company, limited
 14 liability partnership, or limited liability limited partnership subject to the
 15 provisions of this section~~[chapter]~~, shall be personally and individually liable,
 16 both jointly and severally, for the taxes imposed under this section~~[chapter]~~.

17 2. Dissolution, withdrawal of the limited liability company, limited liability
 18 partnership, or limited liability limited partnership from the state, or the
 19 cessation of holding any office shall not discharge the liability of any person.

20 3. The personal and individual liability shall apply to each and every manager of a
 21 limited liability company, partner of a limited liability partnership, and general
 22 partner of a limited liability limited partnership at the time the taxes become or
 23 became due.

24 4. No person shall be personally and individually liable under this subsection who
 25 had no authority to collect, truthfully account for, or pay over any tax imposed
 26 by this section~~[chapter]~~ at the time that the taxes imposed by this
 27 section~~[chapter]~~ become or became due.~~["Taxes" as used in this section shall~~

1 ~~include interest accrued at the rate provided by KRS 131.183, all applicable~~
2 ~~penalties imposed under this chapter, and all applicable penalties and fees~~
3 ~~imposed under KRS 131.180, 131.410 to 131.445, and 131.990.]~~

4 (11) Any person who violates any of the provisions of this section shall be subject to the
5 uniform civil penalties imposed pursuant to KRS 131.180.

6 ➔Section 29. KRS 154.30-010 is amended to read as follows:

7 As used in this subchapter:

8 (1) "Activation date" means:

9 (a) For all projects except those described in paragraph (b) of this subsection, the date
10 established any time within a two (2) year period after the commencement date. The
11 Commonwealth may extend the two (2) year period to no more than four (4) years
12 upon written application by the agency requesting the extension; and

13 (b) For signature projects approved under KRS 154.30-050(2)(a), the date established
14 any time within a ten (10) year period after the commencement date.

15 For all projects established after July 14, 2018, the activation date is the date on which the
16 time period for the pledge of incremental revenues shall commence. To implement the
17 activation date, the minimum capital investment must be met and the agency that is a party
18 to the tax incentive agreement shall notify the office;

19 (2) "Agency" means:

20 (a) An urban renewal and community development agency established under KRS
21 Chapter 99;

22 (b) A development authority established under KRS Chapter 99;

23 (c) A nonprofit corporation;

24 (d) A housing authority established under KRS Chapter 80;

25 (e) An air board established under KRS 183.132 to 183.160;

26 (f) A local industrial development authority established under KRS 154.50-301 to
27 154.50-346;

- 1 (g) A riverport authority established under KRS 65.510 to 65.650; or
- 2 (h) A designated department, division, or office of a city or county;
- 3 (3) "Approved public infrastructure costs" means costs associated with the acquisition,
- 4 installation, construction, or reconstruction of public works, public improvements, and
- 5 public buildings, including planning and design costs associated with the development of
- 6 such public amenities. "Approved public infrastructure costs" includes but is not limited to
- 7 costs incurred for the following:
- 8 (a) Land preparation, including demolition and clearance work;
- 9 (b) Buildings;
- 10 (c) Sewers and storm drainage;
- 11 (d) Curbs, sidewalks, promenades, and pedways;
- 12 (e) Roads;
- 13 (f) Street lighting;
- 14 (g) The provision of utilities;
- 15 (h) Environmental remediation;
- 16 (i) Floodwalls and floodgates;
- 17 (j) Public spaces or parks;
- 18 (k) Parking;
- 19 (l) Easements and rights-of-way;
- 20 (m) Transportation facilities;
- 21 (n) Public landings;
- 22 (o) Amenities, such as fountains, benches, and sculptures; and
- 23 (p) Riverbank modifications and improvements;
- 24 (4) "Approved signature project costs" means:
- 25 (a) The acquisition of land for portions of the project that are for infrastructure; and
- 26 (b) Costs associated with the acquisition, installation, development, construction,
- 27 improvement, or reconstruction of infrastructure, including planning and design costs

- 1 associated with the development of infrastructure, including but not limited to
2 parking structures, including portions of parking structures that serve as platforms to
3 support development above;
- 4 that have been determined by the commission to represent a unique challenge in the
5 financing of a project such that the project could not be developed without incentives
6 intended by this chapter to foster economic development;
- 7 (5) "Authority" means the Kentucky Economic Development Finance Authority established by
8 KRS 154.20-010;
- 9 (6) "Capital investment" means:
- 10 (a) Obligations incurred for labor and to contractors, subcontractors, builders, and
11 materialmen in connection with the acquisition, construction, installation, equipping,
12 and rehabilitation of a project;
- 13 (b) The cost of acquiring land or rights in land within the development area on the
14 footprint of the project, and any cost incident thereto, including recording fees;
- 15 (c) The cost of contract bonds and of insurance of all kinds that may be required or
16 necessary during the course of acquisition, construction, installation, equipping, and
17 rehabilitation of a project which is not paid by the contractor or contractors or
18 otherwise provided;
- 19 (d) All costs of architectural and engineering services, including test borings, surveys,
20 estimates, plans, specifications, preliminary investigations, supervision of
21 construction, and the performance of all the duties required by or consequent upon
22 the acquisition, construction, installation, equipping, and rehabilitation of a project;
- 23 (e) All costs that are required to be paid under the terms of any contract for the
24 acquisition, construction, installation, equipping, and rehabilitation of a project; and
- 25 (f) All other costs of a nature comparable to those described in this subsection that occur
26 after preliminary approval;
- 27 (7) "City" means any city, consolidated local government, or urban-county government;

- 1 (8) "Commencement date" means the final approval date or the date on which a tax incentive
2 agreement is executed;
- 3 (9) "Commonwealth" means the Commonwealth of Kentucky;
- 4 (10) "County" means any county, consolidated local government, charter county, unified local
5 government, or urban-county government;
- 6 (11) "CPI" means the nonseasonally adjusted Consumer Price Index for all urban consumers, all
7 items, base year computed for 1982 to 1984 equals one hundred (100), published by the
8 United States Department of Labor, Bureau of Labor Statistics;
- 9 (12) "Department" means the Department of Revenue;
- 10 (13) "Development area" means an area established under KRS 65.7049, 65.7051, and 65.7053;
- 11 (14) "Economic development projects" means projects which are approved for tax credits under
12 Subchapter 20, 22, 23, 24, 25, 26, 27, 28, 34, or 48 of KRS Chapter 154;
- 13 (15) "Financing costs" means principal, interest, costs of issuance, debt service reserve
14 requirements, underwriting discount, costs of credit enhancement or liquidity instruments,
15 and other costs directly related to the issuance of bonds or debt for approved public
16 infrastructure costs or approved signature project costs for projects approved pursuant to
17 KRS 154.30-050;
- 18 (16) "Footprint" means the actual perimeter of a discrete, identified project within a
19 development area. The footprint shall not include any portion of a development area
20 outside the area for which actual capital investments are made and must be contiguous;
- 21 (17) "Governing body" means the body possessing legislative authority in a city or county;
- 22 (18) "Increment bonds" means bonds and notes issued for the purpose of paying the costs of one
23 (1) or more projects;
- 24 (19) "Incremental revenues" means:
- 25 (a) The amount of revenues received by a taxing district, as determined by subtracting
26 old revenues from new revenues in a calendar year with respect to a development
27 area, or a project within a development area; or

1 (b) The amount of revenues received by the Commonwealth as determined by
2 subtracting old revenues from new revenues in a calendar year with respect to the
3 footprint;

4 (20) "Local participation agreement" means the agreement entered into under KRS 65.7063;

5 (21) "Local tax revenues" has the same meaning as in KRS 65.7045;

6 (22) "Modified new revenues for income tax" means the amount of individual income tax
7 included in state tax revenues that is:

8 (a) The result of multiplying the portion of state tax revenues from individual income
9 taxes by the modifier;

10 (b) Used for calculating state tax revenues in calendar years 2023 to 2026~~[and 2024]~~; and

11 (c) For projects approved prior to January 1, 2023;

12 (23) "Modifier" means the result of dividing the individual income tax rate of five percent (5%),
13 in effect as of December 31, 2022, by the individual income tax rate under KRS 141.020
14 for the calendar year in which the new revenues for income tax are being computed;

15 (24) "New revenues" means:

16 (a) The amount of local tax revenues received by a taxing district with respect to a
17 development area in any calendar year beginning with the year in which the
18 activation date occurred; and

19 (b) The amount of state tax revenues received by the Commonwealth with respect to the
20 footprint in any calendar year beginning with the year in which the activation date
21 occurred.

22 For projects approved prior to January 1, 2023, any state tax revenues received by the
23 Commonwealth from individual income tax shall be computed using modified new
24 revenues for income tax;

25 (25) "Old revenues" means:

26 (a) The amount of local tax revenues received by a taxing district with respect to a
27 development area as of December 31 of the year of preliminary approval; or

1 (b) 1. The amount of state tax revenues received by the Commonwealth within the
2 footprint as of December 31 of the year of preliminary approval. If the authority
3 determines that the amount of state tax revenues received as of December 31 of
4 the last calendar year prior to the commencement of preliminary approval does
5 not represent a true and accurate depiction of revenues, the authority may
6 consider revenues for a period of no longer than three (3) calendar years prior to
7 the year of preliminary approval, so as to determine a fair representation of state
8 tax revenues. The amount determined by the authority shall be specified in the
9 tax incentive agreement. If state tax revenues were derived from the footprint
10 prior to the year of preliminary approval, old revenues shall increase each
11 calendar year by:

- 12 a. The percentage increase, if any, of the CPI or a comparable index; or
13 b. An alternative percentage increase that is determined to be appropriate by
14 the authority.

15 The method for increasing old revenues shall be set forth in the tax incentive
16 agreement;

17 2. If state revenues were derived from the footprint prior to the year of preliminary
18 approval, the calculation of incremental revenues shall be based on the value of
19 old revenues as increased using the method prescribed in subparagraph 1. of
20 this paragraph to reflect the same calendar year as is used in the determination
21 of new revenues;

22 (26) "Outstanding" means increment bonds that have been issued, delivered, and paid for by the
23 purchaser, except any of the following:

- 24 (a) Increment bonds canceled upon surrender, exchange, or transfer, or upon payment or
25 redemption;
26 (b) Increment bonds in replacement of which or in exchange for which other increment
27 bonds have been issued; or

- 1 (c) Increment bonds for the payment, redemption, or purchase for cancellation prior to
2 maturity, of which sufficient moneys or investments, in accordance with the
3 ordinance or other proceedings or any applicable law, by mandatory sinking fund
4 redemption requirements, or otherwise, have been deposited, and credited in a sinking
5 fund or with a trustee or paying or escrow agent, whether at or prior to their maturity
6 or redemption, and, in the case of increment bonds to be redeemed prior to their
7 stated maturity, notice of redemption has been given or satisfactory arrangements
8 have been made for giving notice of that redemption, or waiver of that notice by or on
9 behalf of the affected bond holders has been filed with the issuer or its agent;
- 10 (27) "Preliminary approval" means the action taken by the authority preliminarily approving an
11 eligible project for incentives under this subchapter;
- 12 (28) "Project" means any property, asset, or improvement located in a development area and
13 certified by the governing body as:
- 14 (a) Being for a public purpose; and
15 (b) Being for the development of facilities for residential, commercial, industrial, public,
16 recreational, or other uses, or for open space, including the development,
17 rehabilitation, renovation, installation, improvement, enlargement, or extension of
18 real estate and buildings; and
19 (c) Contributing to economic development or tourism; and
20 (d) Meeting the additional requirements established by KRS 154.30-040, 154.30-050, or
21 154.30-060;
- 22 (29) "Signature project" means a project approved under KRS 154.30-050;
- 23 (30) "State real property ad valorem tax" means real property ad valorem taxes levied under
24 KRS 132.020(1)(a);
- 25 (31) "State tax revenues" means revenues received by the Commonwealth from one (1) or more
26 of the following sources:
- 27 (a) State real property ad valorem taxes;

- 1 (b) Individual income taxes levied under KRS 141.020, other than individual income
2 taxes that have already been pledged to support an economic development project
3 within the development area;
- 4 (c) Corporation income taxes levied under KRS 141.040, other than corporation income
5 taxes that have already been pledged to support an economic development project
6 within the development area;
- 7 (d) Limited liability entity taxes levied under KRS 141.0401, other than limited liability
8 entity taxes that have already been pledged to support an economic development
9 project within the development area; and
- 10 (e) Sales taxes levied under KRS 139.200, excluding sales taxes already pledged for:
- 11 1. Approved tourism attraction projects, as defined in KRS 148.851, within the
12 development area; and
- 13 2. Projects which are approved for sales tax refunds under Subchapter 20 of KRS
14 Chapter 154 within the development area;
- 15 (32) "Tax incentive agreement" means an agreement entered into in accordance with KRS
16 154.30-070; and
- 17 (33) "Termination date" means:
- 18 (a) For a tax incentive agreement satisfying the requirements of KRS 154.30-040 or
19 154.30-060, a date established by the tax incentive agreement that is no more than
20 twenty (20) years from the activation date. However, the termination date for a tax
21 incentive agreement shall in no event be more than forty (40) years from the
22 establishment date of the development area to which the tax incentive agreement
23 relates; and
- 24 (b) For a project grant agreement satisfying the requirements of KRS 154.30-050, a date
25 established by the tax incentive agreement that is no more than thirty (30) years from
26 the activation date. However, the termination date for a tax incentive agreement shall
27 in no event be more than forty (40) years from the establishment date of the

1 development area to which the tax incentive agreement relates.

2 ➔Section 30. KRS 186.162 is amended to read as follows:

3 (1) As used in this section and in KRS 186.043, 186.164, 186.166, 186.1722, and 186.174:

4 (a) "Special license plate" means a unique license plate issued under this chapter to a
5 group or organization that readily identifies the operator of the motor vehicle or
6 motorcycle bearing the plate as a member of a group or organization, or a supporter
7 of the work, goals, or mission of a group or organization. The term shall not include
8 regular license plates issued under KRS 186.240;

9 (b) "Street rod" means a modernized private passenger motor vehicle manufactured prior
10 to the year 1949, or designed or manufactured to resemble a vehicle manufactured
11 prior to 1949;

12 (c) "SF" means the portion of an initial or renewal fee to obtain a special license plate
13 that is dedicated for use by the Transportation Cabinet;

14 (d) "CF" means the county clerk's fee for issuing a motor vehicle registration as
15 established under KRS 186.040(1). If a CF amount is charged for a license plate
16 listed in this section, the applicant for that plate shall also pay the fees identified in
17 KRS 186.040(6). If a CF amount is not charged, the applicant shall not be required to
18 pay those fees; and

19 (e) "EF" means the portion of an initial or renewal fee to obtain a special license plate
20 that is mandated by this chapter to be dedicated for use by a particular group or
21 organization.

22 (2) The initial purchase fee and renewal fee for a special license plate created under this
23 chapter shall be as established in this subsection and includes the name of group or
24 organization and the total initial and renewal fee required for the plate. The amount in
25 parentheses indicates how the total fee is required to be divided:

26 (a) Disabled veterans who receive assistance to purchase a vehicle from the United States
27 Department of Veterans' Affairs, veterans declared by the United States Department

1 of Veterans' Affairs to be one hundred percent (100%) service-connected disabled,
2 and recipients of the Congressional Medal of Honor:

3 1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).

4 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).

5 (b) Former prisoners of war and survivors of Pearl Harbor:

6 1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust
7 fund established under KRS 40.460).

8 2. Renewal Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).

9 (c) Members of the Kentucky National Guard and recipients of the Purple Heart:

10 1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust
11 fund established under KRS 40.460).

12 2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans' program trust
13 fund established under KRS 40.460).

14 (d) Members of the Civil Air Patrol; active, retired, veteran, reserve, or auxiliary
15 members of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard;
16 Merchant Marines who served between December 7, 1941, and August 15, 1945;
17 recipients of the Silver Star Medal, the Distinguished Flying Cross, the Air Medal,
18 the Combat Action Badge, the Combat Infantry Badge, or the Bronze Star Medal;
19 persons who wish to receive Gold Star Mothers, Gold Star Fathers, or Gold Star
20 Spouses license plates beyond the two (2) exempted from fees under KRS
21 186.041(6); individuals eligible for a special military service academy license plate
22 under KRS 186.041(8); individuals eligible for a special military unit license plate
23 under KRS 186.163; and disabled veterans who have been declared to be between
24 fifty percent (50%) and ninety-nine percent (99%) service-connected disabled by the
25 United States Department of Veterans' Affairs:

26 1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust
27 fund established under KRS 40.460).

FOP Death Benefit Fund).

(l) Law Enforcement Memorial:

1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).

(m) Personalized plates:

1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).

(n) Street rods:

1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).

(o) Nature plates:

1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).

(p) Amateur radio:

1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).

(q) Kentucky General Assembly:

1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).

(r) Kentucky Court of Justice:

1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans' program trust

1 fund established under KRS 40.460).

2 (s) Masons:

3 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Masonic Homes of
4 Kentucky).

5 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Masonic Homes of
6 Kentucky).

7 (t) Collegiate plates:

8 1. Initial Fee: \$53 (\$37 SF/\$6 CF/\$10 EF to the general scholarship
9 fund of the university whose name will be borne on the plate).

10 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the general scholarship
11 fund of the university whose name will be borne on the plate).

12 (u) Independent Colleges:

13 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Association of
14 Independent Kentucky Colleges and Universities for distribution to the general
15 scholarship funds of the Association's members).

16 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Association of
17 Independent Kentucky Colleges and Universities for distribution to the general
18 scholarship funds of the Association's members).

19 (v) Child Victims:

20 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the child victims' trust
21 fund established under KRS 41.400).

22 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the child victims' trust
23 fund established under KRS 41.400).

24 (w) Kentucky Horse Council:

25 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky Horse
26 Council).

27 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the Kentucky Horse

- 1 Council).
- 2 (x) Ducks Unlimited:
- 3 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to Kentucky Ducks
4 Unlimited).
- 5 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Ducks
6 Unlimited).
- 7 (y) Spay neuter:
- 8 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the animal control and
9 care fund established under KRS 258.119).
- 10 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the animal control and
11 care fund established under KRS 258.119).
- 12 (z) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses:
- 13 1. Initial Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
- 14 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
- 15 3. A person may receive a maximum of two (2) plates under this paragraph free of
16 charge and may purchase additional plates for fees as established in subsection
17 (2)(d) of this section.
- 18 (aa) I Support Veterans:
- 19 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Department
20 of Veterans' Affairs).
- 21 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the Kentucky Department
22 of Veterans' Affairs).
- 23 (ab) Gold Star Siblings, Gold Star Sons, or Gold Star Daughters:
- 24 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans' program
25 trust fund established under KRS 40.460).
- 26 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust
27 fund established under KRS 40.460).

- 1 (ac) POW/MIA Awareness:
- 2 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the veterans' program
- 3 trust fund established under KRS 40.460).
- 4 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans' program
- 5 trust fund established under KRS 40.460).
- 6 (ad) Special license plates established under KRS 186.164:
- 7 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).
- 8 2. Renewal Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).
- 9 (3) Any special license plate may be combined with a personalized license plate for a twenty-
- 10 five dollar (\$25) state fee in addition to all other fees for the particular special license plate
- 11 established in this section and in KRS 186.164(3). The twenty-five dollar (\$25) fee
- 12 required under this subsection shall be divided between the cabinet and the county clerk of
- 13 the county where the applicant is applying for the license plate with the cabinet receiving
- 14 twenty dollars (\$20) and the county clerk receiving five dollars (\$5).
- 15 (4) (a) A sponsoring organization of any special license plate issued under this section or
- 16 any special license plate established under the provisions of KRS 186.164 may
- 17 petition the cabinet for the production of that special license plate for motorcycles.
- 18 (b) The cabinet shall make all of the special military license plates in this section
- 19 available for motorcycles owned or leased by eligible individuals.
- 20 (c) Owners and lessees of motorcycles registered under KRS 186.050(2) may be eligible
- 21 to receive special license plates approved by the cabinet under paragraphs (a) and (b)
- 22 of this subsection. Applicants for a special license plate for a motorcycle shall be
- 23 required to pay the fee for a special plate as prescribed in this section or in KRS
- 24 186.164. The fee paid for the special plate for a motorcycle shall be in lieu of the
- 25 registration fee required under KRS 186.050(2).
- 26 **(5) The Transportation Cabinet shall:**
- 27 **(a) Identify the cost of issuing a child victims' trust fund special license plate under**

1 subsection (2)(v) of this section; and

2 (b) Transfer any revenue received from the initial or renewal SF fee that is in excess of
 3 the cost identified in paragraph (a) of this subsection to the child victims' trust fund
 4 established under KRS 41.400.

5 ➔Section 31. KRS 68.200 is amended to read as follows:

6 (1) As used in this section, unless the context clearly indicates otherwise:

7 (a) "Designated city" means a city on the registry maintained by the Department for
 8 Local Government under subsection (9) of this section;

9 (b) "Gross receipts" means the total consideration received for the charges made to
 10 provide transportation network company services to a user, including any charges
 11 for time or mileage, fees for using the services, and any charges for any services
 12 necessary to complete the transaction made by a transportation network company;

13 (c) "Gross rental charge" has the same meaning as in KRS 138.462;

14 ~~(d)(b)~~ "Motor vehicle" has the same meaning as "vehicle" as defined in KRS
 15 186.010(8)(a);

16 ~~(e)(c)~~ "Peer-to-peer car sharing" has the same meaning as in KRS 281.010;

17 ~~(f)(d)~~ "Peer-to-peer car sharing program" has the same meaning as in KRS 281.010;

18 ~~(g)(e)~~ "Peer-to-peer car sharing program agreement":

19 1. Means the terms and conditions applicable to a shared vehicle owner and a
 20 shared vehicle driver that govern the use of a shared vehicle through a peer-to-
 21 peer car sharing program; and

22 2. Does not include rental or lease agreements entered into with persons operating
 23 under a U-Drive-It certificate as defined in KRS 281.010;

24 ~~(h)(f)~~ "Shared vehicle driver" has the same meaning as in KRS 281.010;

25 ~~(i)(g)~~ "Transportation network company" has the same meaning as in KRS 281.010;

26 ~~(j)(h)~~ "Transportation network company service" has the same meaning as in KRS
 27 281.010; and

- 1 ~~(k)(i)~~ "U-Drive-It" has the same meaning as in KRS 281.010.
- 2 (2) A county containing a designated city, consolidated local government, or urban-county
3 government may levy a license fee on a:
- 4 (a) U-Drive-It;
- 5 (b) Peer-to-peer car sharing program; and
- 6 (c) Transportation network company.
- 7 (3) The license fee shall not exceed three percent (3%) of the ~~gross rental charges from~~:
- 8 (a) **Gross rental charges from** rental agreements for periods of thirty (30) days or less by
9 a:
- 10 1. U-Drive-It; or
- 11 2. Peer-to-peer car sharing program; or
- 12 (b) **Gross receipts derived from** the provision of transportation network company
13 services by a transportation network company.
- 14 (4) The license fee shall not apply to a U-Drive-It who receives less than seventy-five percent
15 (75%) of its gross revenues generated in the county from gross rental charges.
- 16 (5) Any license fee levied pursuant to this subsection shall be collected by a:
- 17 (a) U-Drive-It from the renters of the motor vehicles;
- 18 (b) Peer-to-peer car sharing program from the shared vehicle driver; and
- 19 (c) Transportation network company from the purchaser of the transportation network
20 company services.
- 21 (6) Revenues from rental of motor vehicles shall not be included in the gross rental charges on
22 which the license fee is based if:
- 23 (a) The declared gross weight of the motor vehicle exceeds eleven thousand (11,000)
24 pounds; or
- 25 (b) The rental is part of the services provided by a funeral director for a funeral.
- 26 (7) A fiscal court or the legislative body of an urban-county government shall provide for
27 collection of the license fee in the ordinance by which the license fee is levied. The

1 revenues shall be deposited in an account to be known as the motor vehicle license fee
2 account. The revenues may be shared among local governments pursuant to KRS 65.210 to
3 65.300.

4 (8) The county shall use the proceeds of the license fee for economic development activities. It
5 shall distribute semiannually, by June 30 and December 31, all revenues not shared
6 pursuant to KRS 65.210 to 65.300, to one (1) or more of the following entities if it has
7 established, or contracted with, the entity for the purposes of economic development and is
8 satisfied that the entity is promoting satisfactorily the county's economic development
9 activities:

- 10 (a) A riverport authority established by the county pursuant to KRS 65.520; or
- 11 (b) An industrial development authority established by the county pursuant to KRS
12 154.50-316; or
- 13 (c) A nonprofit corporation as defined in KRS 273.161(4) which has been organized for
14 the purpose of promoting economic development.

15 The entity shall make a written request for funds from the motor vehicle license fee
16 account by May 31 and November 30, respectively.

17 (9) ~~[(a) As used in this section, "designated city" means a city on the registry maintained by
18 the Department for Local Government under this subsection.~~

19 ~~(b) On or before January 1, 2015,]~~The Department for Local Government shall create
20 and maintain a registry of cities that, as of August 1, 2014, were classified as cities of
21 the first, second, and third class. The Department for Local Government shall make
22 the information included on the registry available to the public by publishing it on its
23 website~~[Web site].~~

24 ➔Section 32. KRS 224.50-868 is amended to read as follows:

25 (1) As used in this section:

- 26 (a) "Motor vehicle" means every vehicle intended primarily for use and operation on the
27 public highways that is self-propelled, including a low-speed motor vehicle as

1 defined in KRS 186.010;

2 (b) "Semitrailer" means any vehicle:

3 1. Designed:

4 a. As temporary living quarters for recreation, camping, or travel; or

5 b. For carrying persons or property;

6 2. Designed for being drawn by a motor vehicle; and

7 3. Constructed that:

8 a. Some part of its weight; or

9 b. Some part of its load;

10 rests upon or is carried by another vehicle; and

11 (c) "Trailer" means any vehicle:

12 1. Designed:

13 a. As temporary living quarters for recreation, camping, or travel; or

14 b. For carrying persons or property;

15 2. Designed for being drawn by a motor vehicle; and

16 3. Constructed that:

17 a. No part of its weight; and

18 b. No part of its load;

19 rests upon or is carried by another vehicle.

20 (2) (a) 1. Prior to July 1, 2018, a person purchasing a new motor vehicle tire in Kentucky
21 shall pay to the retailer a one dollar (\$1) fee at the time of the purchase of that
22 tire. The fee shall not be subject to the Kentucky sales tax.

23 2. Beginning July 1, 2018, but prior to July 1, 2020, a fee is hereby imposed upon
24 a retailer at the rate of two dollars (\$2) for each new motor vehicle tire sold in
25 Kentucky. The fee shall be subject to the Kentucky sales tax.

26 3. Beginning July 1, 2020, but prior to July 1, ~~2026~~[2024], a fee is hereby imposed
27 upon a retailer at the rate of two dollars (\$2) for each new motor vehicle, trailer,

1 or semitrailer tire sold in Kentucky. The fee shall be subject to the Kentucky
2 sales tax.

3 4. A retailer may pass the fee imposed by this paragraph on to the purchaser of the
4 new tire.

5 (b) 1. A new tire is a tire that has never been placed on a motor vehicle, trailer, or
6 semitrailer wheel rim.

7 2. A new tire is not a tire placed on a motor vehicle, trailer, or semitrailer prior to
8 its original retail sale or a recapped tire.

9 (3) When a retailer sells a new motor vehicle tire in Kentucky to replace another tire, the tire
10 that is replaced becomes a waste tire subject to the waste tire program. The retailer shall
11 encourage the purchaser of the new tire to leave the waste tire with the retailer or meet the
12 following requirements:

13 (a) Dispose of the waste tire in accordance with KRS 224.50-856(1);

14 (b) Deliver the waste tire to a person registered in accordance with the waste tire
15 program; or

16 (c) Reuse the waste tire for its original intended purpose or an agricultural purpose.

17 (4) (a) A retailer shall report to the Department of Revenue on or before the twentieth day of
18 each month the number of new motor vehicle tires sold during the preceding month
19 and the number of waste tires received from customers that month.

20 (b) The report shall be filed on forms and contain information as the Department of
21 Revenue may require.

22 (c) The retailer shall be allowed to retain an amount equal to five percent (5%) of the
23 fees due, provided the amount due is not delinquent at the time of payment.

24 (5) A retailer shall:

25 (a) Accept from the purchaser of a new tire, if offered, for each new motor vehicle tire
26 sold, a waste tire of similar size and type; and

27 (b) Post notice at the place where retail sales are made that state law requires:

- 1 1. The retailer to accept, if offered, a waste tire for each new motor vehicle tire
2 sold and that a person purchasing a new motor vehicle tire to replace another
3 tire shall comply with subsection (3) of this section; and
- 4 2. The two dollar (\$2) new tire fee is used by the state to oversee the management
5 of waste tires, including cleaning up abandoned waste tire piles and preventing
6 illegal dumping of waste tires.
- 7 (6) A retailer shall comply with the requirements of the recordkeeping system for waste tires
8 established by KRS 224.50-874.
- 9 (7) A retailer shall transfer waste tires only to a person who presents a letter from the cabinet
10 approving the registration issued under KRS 224.50-858 or a copy of a solid waste disposal
11 facility permit issued by the cabinet, unless the retailer is delivering the waste tires to a
12 destination outside Kentucky and the waste tires will remain in the retailer's possession
13 until they reach that destination.
- 14 (8) The cabinet shall, in conjunction with the Waste Tire Working Group, develop the
15 informational fact sheet to be made publicly available on the cabinet's website~~[Web site]~~
16 and available in print upon request. The fact sheet shall identify ways to properly dispose
17 of the waste tire and present information on the problems caused by improper waste tire
18 disposal.

19 ➔Section 33. KRS 139.480 (Effective until January 1, 2025) is amended to read as
20 follows:

21 Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail,"
22 "retail sale," "use," "storage," and "consumption," as used in this chapter, shall not include the
23 sale, use, storage, or other consumption of:

- 24 (1) Locomotives or rolling stock, including materials for the construction, repair, or
25 modification thereof, or fuel or supplies for the direct operation of locomotives and trains,
26 used or to be used in interstate commerce;
- 27 (2) Coal for the manufacture of electricity;

- 1 (3) (a) All energy or energy-producing fuels used in the course of manufacturing,
2 processing, mining, or refining and any related distribution, transmission, and
3 transportation services for this energy that are billed to the user, to the extent that the
4 cost of the energy or energy-producing fuels used, and related distribution,
5 transmission, and transportation services for this energy that are billed to the user
6 exceed three percent (3%) of the cost of production.
- 7 (b) Cost of production shall be computed on the basis of a plant facility, which shall
8 include all operations within the continuous, unbroken, integrated manufacturing or
9 industrial processing process that ends with a product packaged and ready for sale.
- 10 (c) A person who performs a manufacturing or industrial processing activity for a fee and
11 does not take ownership of the tangible personal property that is incorporated into, or
12 becomes the product of, the manufacturing or industrial processing activity is a toller.
13 For periods on or after July 1, 2018, the costs of the tangible personal property shall
14 be excluded from the toller's cost of production at a plant facility with tolling
15 operations in place as of July 1, 2018.
- 16 (d) For plant facilities that begin tolling operations after July 1, 2018, the costs of
17 tangible personal property shall be excluded from the toller's cost of production if the
18 toller:
- 19 1. Maintains a binding contract for periods after July 1, 2018, that governs the
20 terms, conditions, and responsibilities with a separate legal entity, which holds
21 title to the tangible personal property that is incorporated into, or becomes the
22 product of, the manufacturing or industrial processing activity;
 - 23 2. Maintains accounting records that show the expenses it incurs to fulfill the
24 binding contract that include but are not limited to energy or energy-producing
25 fuels, materials, labor, procurement, depreciation, maintenance, taxes,
26 administration, and office expenses;
 - 27 3. Maintains separate payroll, bank accounts, tax returns, and other records that

- 1 demonstrate its independent operations in the performance of its tolling
2 responsibilities;
- 3 4. Demonstrates one (1) or more substantial business purposes for the tolling
4 operations germane to the overall manufacturing, industrial processing
5 activities, or corporate structure at the plant facility. A business purpose is a
6 purpose other than the reduction of sales tax liability for the purchases of
7 energy and energy-producing fuels; and
- 8 5. Provides information to the department upon request that documents fulfillment
9 of the requirements in subparagraphs 1. to 4. of this paragraph and gives an
10 overview of its tolling operations with an explanation of how the tolling
11 operations relate and connect with all other manufacturing or industrial
12 processing activities occurring at the plant facility;
- 13 (4) Livestock of a kind the products of which ordinarily constitute food for human
14 consumption, provided the sales are made for breeding or dairy purposes and by or to a
15 person regularly engaged in the business of farming;
- 16 (5) Poultry for use in breeding or egg production;
- 17 (6) Farm work stock for use in farming operations;
- 18 (7) Seeds, the products of which ordinarily constitute food for human consumption or are to be
19 sold in the regular course of business, and commercial fertilizer to be applied on land, the
20 products from which are to be used for food for human consumption or are to be sold in the
21 regular course of business; provided ~~the~~^{such} sales are made to farmers who are regularly
22 engaged in the occupation of tilling and cultivating the soil for the production of crops as a
23 business, or who are regularly engaged in the occupation of raising and feeding livestock or
24 poultry or producing milk for sale; and provided further that tangible personal property so
25 sold is to be used only by those persons designated above who are so purchasing;
- 26 (8) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals to be used in
27 the production of crops as a business, or in the raising and feeding of livestock or poultry,

- 1 the products of which ordinarily constitute food for human consumption;
- 2 (9) Feed, including pre-mixes and feed additives, for livestock or poultry of a kind the products
3 of which ordinarily constitute food for human consumption;
- 4 (10) Machinery for new and expanded industry;
- 5 (11) Farm machinery. As used in this section, the term "farm machinery":
- 6 (a) Means machinery used exclusively and directly in the occupation of:
- 7 1. Tilling the soil for the production of crops as a business;
- 8 2. Raising and feeding livestock or poultry for sale; or
- 9 3. Producing milk for sale;
- 10 (b) Includes machinery, attachments, and replacements therefor, repair parts, and
11 replacement parts which are used or manufactured for use on, or in the operation of
12 farm machinery and which are necessary to the operation of the machinery, and are
13 customarily so used, including but not limited to combine header wagons, combine
14 header trailers, or any other implements specifically designed and used to move or
15 transport a combine head; and
- 16 (c) Does not include:
- 17 1. Automobiles;
- 18 2. Trucks;
- 19 3. Trailers, except combine header trailers; or
- 20 4. Truck-trailer combinations;
- 21 (12) Tombstones and other memorial grave markers;
- 22 (13) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or
23 handling. The exemption applies to the equipment, machinery, attachments, repair and
24 replacement parts, and any materials incorporated into the construction, renovation, or
25 repair of the facilities;
- 26 (14) On-farm facilities used exclusively for raising poultry or livestock. The exemption shall
27 apply to the equipment, machinery, attachments, repair and replacement parts, and any

- 1 materials incorporated into the construction, renovation, or repair of the facilities. The
2 exemption shall apply but not be limited to vent board equipment, waterer and feeding
3 systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In
4 addition, the exemption shall apply whether or not the seller is under contract to deliver,
5 assemble, and incorporate into real estate the equipment, machinery, attachments, repair
6 and replacement parts, and any materials incorporated into the construction, renovation, or
7 repair of the facilities;
- 8 (15) Gasoline, special fuels, liquefied petroleum gas, and natural gas used exclusively and
9 directly to:
- 10 (a) Operate farm machinery as defined in subsection (11) of this section;
- 11 (b) Operate on-farm grain or soybean drying facilities as defined in subsection (13) of
12 this section;
- 13 (c) Operate on-farm poultry or livestock facilities defined in subsection (14) of this
14 section;
- 15 (d) Operate on-farm ratite facilities defined in subsection (23) of this section;
- 16 (e) Operate on-farm llama or alpaca facilities as defined in subsection (25) of this
17 section; or
- 18 (f) Operate on-farm dairy facilities;
- 19 (16) Textbooks, including related workbooks and other course materials, purchased for use in a
20 course of study conducted by an institution which qualifies as a nonprofit educational
21 institution under KRS 139.495. The term "course materials" means only those items
22 specifically required of all students for a particular course but shall not include notebooks,
23 paper, pencils, calculators, tape recorders, or similar student aids;
- 24 (17) Any property which has been certified as an alcohol production facility as defined in KRS
25 247.910;
- 26 (18) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct
27 operation of aircraft in interstate commerce and used exclusively for the conveyance of

- 1 property or passengers for hire. Nominal intrastate use shall not subject the property to the
2 taxes imposed by this chapter;
- 3 (19) Any property which has been certified as a fluidized bed energy production facility as
4 defined in KRS 211.390;
- 5 (20) (a) 1. Any property to be incorporated into the construction, rebuilding, modification,
6 or expansion of a blast furnace or any of its components or appurtenant
7 equipment or structures as part of an approved supplemental project, as defined
8 by KRS 154.26-010; and
- 9 2. Materials, supplies, and repair or replacement parts purchased for use in the
10 operation and maintenance of a blast furnace and related carbon steel-making
11 operations as part of an approved supplemental project, as defined by KRS
12 154.26-010.
- 13 (b) The exemptions provided in this subsection shall be effective for sales made:
- 14 1. On and after July 1, 2018; and
- 15 2. During the term of a supplemental project agreement entered into pursuant to
16 KRS 154.26-090;
- 17 (21) Beginning on October 1, 1986, food or food products purchased for human consumption
18 with food coupons issued by the United States Department of Agriculture pursuant to the
19 Food Stamp Act of 1977, as amended, and required to be exempted by the Food Security
20 Act of 1985 in order for the Commonwealth to continue participation in the federal food
21 stamp program;
- 22 (22) Machinery or equipment purchased or leased by a business, industry, or organization in
23 order to collect, source separate, compress, bale, shred, or otherwise handle waste materials
24 if the machinery or equipment is primarily used for recycling purposes;
- 25 (23) Ratite birds and eggs to be used in an agricultural pursuit for the breeding and production
26 of ratite birds, feathers, hides, breeding stock, eggs, meat, and ratite by-products, and the
27 following items used in this agricultural pursuit:

- 1 (a) Feed and feed additives;
- 2 (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
- 3 (c) On-farm facilities, including equipment, machinery, attachments, repair and
- 4 replacement parts, and any materials incorporated into the construction, renovation,
- 5 or repair of the facilities. The exemption shall apply to incubation systems, egg
- 6 processing equipment, waterer and feeding systems, brooding systems, ventilation
- 7 systems, alarm systems, and curtain systems. In addition, the exemption shall apply
- 8 whether or not the seller is under contract to deliver, assemble, and incorporate into
- 9 real estate the equipment, machinery, attachments, repair and replacement parts, and
- 10 any materials incorporated into the construction, renovation, or repair of the facilities;
- 11 (24) Embryos and semen that are used in the reproduction of livestock, if the products of these
- 12 embryos and semen ordinarily constitute food for human consumption, and if the sale is
- 13 made to a person engaged in the business of farming;
- 14 (25) Llamas and alpacas to be used as beasts of burden or in an agricultural pursuit for the
- 15 breeding and production of hides, breeding stock, fiber and wool products, meat, and llama
- 16 and alpaca by-products, and the following items used in this pursuit:
- 17 (a) Feed and feed additives;
- 18 (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
- 19 (c) On-farm facilities, including equipment, machinery, attachments, repair and
- 20 replacement parts, and any materials incorporated into the construction, renovation,
- 21 or repair of the facilities. The exemption shall apply to waterer and feeding systems,
- 22 ventilation systems, and alarm systems. In addition, the exemption shall apply
- 23 whether or not the seller is under contract to deliver, assemble, and incorporate into
- 24 real estate the equipment, machinery, attachments, repair and replacement parts, and
- 25 any materials incorporated into the construction, renovation, or repair of the facilities;
- 26 (26) Baling twine and baling wire for the baling of hay and straw;
- 27 (27) Water sold to a person regularly engaged in the business of farming and used in the:

- 1 (a) Production of crops;
- 2 (b) Production of milk for sale; or
- 3 (c) Raising and feeding of:
- 4 1. Livestock or poultry, the products of which ordinarily constitute food for human
- 5 consumption; or
- 6 2. Ratites, llamas, alpacas, buffalo, cervids or aquatic organisms;
- 7 (28) Buffalos to be used as beasts of burden or in an agricultural pursuit for the production of
- 8 hides, breeding stock, meat, and buffalo by-products, and the following items used in this
- 9 pursuit:
- 10 (a) Feed and feed additives;
- 11 (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
- 12 (c) On-farm facilities, including equipment, machinery, attachments, repair and
- 13 replacement parts, and any materials incorporated into the construction, renovation,
- 14 or repair of the facilities. The exemption shall apply to waterer and feeding systems,
- 15 ventilation systems, and alarm systems. In addition, the exemption shall apply
- 16 whether or not the seller is under contract to deliver, assemble, and incorporate into
- 17 real estate the equipment, machinery, attachments, repair and replacement parts, and
- 18 any materials incorporated into the construction, renovation, or repair of the facilities;
- 19 (29) Aquatic organisms sold directly to or raised by a person regularly engaged in the business
- 20 of producing products of aquaculture, as defined in KRS 260.960, for sale, and the
- 21 following items used in this pursuit:
- 22 (a) Feed and feed additives;
- 23 (b) Water;
- 24 (c) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
- 25 (d) On-farm facilities, including equipment, machinery, attachments, repair and
- 26 replacement parts, and any materials incorporated into the construction, renovation,
- 27 or repair of the facilities and, any gasoline, special fuels, liquefied petroleum gas, or

1 natural gas used to operate the facilities. The exemption shall apply, but not be
2 limited to: waterer and feeding systems; ventilation, aeration, and heating systems;
3 processing and storage systems; production systems such as ponds, tanks, and
4 raceways; harvest and transport equipment and systems; and alarm systems. In
5 addition, the exemption shall apply whether or not the seller is under contract to
6 deliver, assemble, and incorporate into real estate the equipment, machinery,
7 attachments, repair and replacement parts, and any materials incorporated into the
8 construction, renovation, or repair of the facilities;

9 (30) Members of the genus cervidae permitted by KRS Chapter 150 that are used for the
10 production of hides, breeding stock, meat, and cervid by-products, and the following items
11 used in this pursuit:

- 12 (a) Feed and feed additives;
- 13 (b) Insecticides, fungicides, herbicides, rodenticides, and other chemicals; and
- 14 (c) On-site facilities, including equipment, machinery, attachments, repair and
15 replacement parts, and any materials incorporated into the construction, renovation,
16 or repair of the facilities. In addition, the exemption shall apply whether or not the
17 seller is under contract to deliver, assemble, and incorporate into real estate the
18 equipment, machinery, attachments, repair and replacement parts, and any materials
19 incorporated into the construction, renovation, or repair of the facilities;

20 (31) (a) Repair or replacement parts for the direct operation or maintenance of a motor
21 vehicle, including any towed unit, used exclusively in interstate commerce for the
22 conveyance of property or passengers for hire, provided the motor vehicle is licensed
23 for use on the highway and its declared gross vehicle weight with any towed unit is
24 forty-four thousand and one (44,001) pounds or greater. Nominal intrastate use shall
25 not subject the property to the taxes imposed by this chapter; and

- 26 (b) Repair or replacement parts for the direct operation and maintenance of a motor
27 vehicle operating under a charter bus certificate issued by the Transportation Cabinet

1 under KRS Chapter 281, or under similar authority granted by the United States
2 Department of Transportation.

3 (c) For the purposes of this subsection, "repair or replacement parts" means tires, brakes,
4 engines, transmissions, drive trains, chassis, body parts, and their components.
5 "Repair or replacement parts" shall not include fuel, machine oils, hydraulic fluid,
6 brake fluid, grease, supplies, or accessories not essential to the operation of the motor
7 vehicle itself, except when sold as part of the assembled unit, such as cigarette
8 lighters, radios, lighting fixtures not otherwise required by the manufacturer for
9 operation of the vehicle, or tool or utility boxes;

10 (32) Food donated by a retail food establishment or any other entity regulated under KRS
11 217.127 to a nonprofit organization for distribution to the needy;

12 (33) Drugs and over-the counter drugs, as defined in KRS 139.472, that are purchased by a
13 person regularly engaged in the business of farming and used in the treatment of cattle,
14 sheep, goats, swine, poultry, ratite birds, llamas, alpacas, buffalo, aquatic organisms, or
15 cervids;

16 (34) (a) Building materials, fixtures, or supplies purchased by a construction contractor if:

17 1. Fulfilled by a construction contract for a sewer or water project with:

18 a. A municipally owned water utility organized under KRS Chapter 96;

19 b. A water district or water commission formed or organized under KRS
20 Chapter 74;

21 c. A sanitation district established under KRS Chapter 220 or formed
22 pursuant to KRS Chapter 65;

23 d. A nonprofit corporation created under KRS 58.180 to act on behalf of a
24 governmental agency in the acquisition and financing of public projects;

25 e. Regional wastewater commissions formed under KRS Chapter 278;

26 f. A municipally owned joint sewer agency formed under KRS Chapter 76;

27 or

- 1 g. Any other governmental agency; and
- 2 2. The building materials, fixtures, or supplies:
- 3 a. Will be permanently incorporated into a structure or improvement to real
- 4 property, or will be completely consumed, in fulfilling a construction
- 5 contract for the purpose of furnishing water or sewer services to the
- 6 general public; and
- 7 b. Would be exempt if purchased directly by the entities listed in
- 8 subparagraph 1. of this paragraph.
- 9 (b) As used in this subsection, "construction contract" means a:
- 10 1. Lump sum contract;
- 11 2. Cost plus contract;
- 12 3. Materials only contract;
- 13 4. Labor and materials contract; or
- 14 5. Any other type of contract.
- 15 (c) The exemption provided in this subsection shall apply without regard to the payment
- 16 arrangement between the construction contractor, the retailer, and the entities listed in
- 17 paragraph (a)1. of this subsection or to the place of delivery for the building
- 18 materials, fixtures, or supplies;
- 19 (35) (a) On or after February 25, 2022, the rental of space for meetings, conventions, short-
- 20 term business uses, entertainment events, weddings, banquets, parties, and other
- 21 short-term social events, as referenced in KRS 139.200, if the tax established in KRS
- 22 139.200 is paid by the primary lessee to the lessor.
- 23 (b) For the purpose of this subsection, "primary lessee" means the person who leases the
- 24 space and who has a contract with the lessor of the space only if:
- 25 1. The contract between the lessor and the lessee specifies that the lessee may
- 26 sublease, subrent, or otherwise sell the space; and
- 27 2. The space is then sublet, subrented, or otherwise sold to exhibitors, vendors,

1 sponsors, or other entities and persons who will use the space associated with
 2 the event to be conducted under the primary lease; ~~and~~

3 (36) Prewritten computer software access services sold to or purchased by a retailer that
 4 develops prewritten computer software for print technology and uses and sells prewritten
 5 computer software access services for print technology; and

6 **(37) (a) Currency or bullion.**

7 **(b) As used in this subsection:**

8 **1. "Bullion":**

9 **a. Means bars, ingots, or coins, which are:**

10 **i. Made of gold, silver, platinum, palladium, or a combination of**
 11 **these metals;**

12 **ii. Valued based on the content of the metal and not its form; and**

13 **iii. Used, or have been used, as a medium of exchange, security, or**
 14 **commodity by any state, the United States government, or a**
 15 **foreign nation; and**

16 **b. Does not include medallions or coins that are incorporated into a**
 17 **pendant or other jewelry; and**

18 **2. "Currency":**

19 **a. Means a coin or currency made of gold, silver, platinum, palladium, or**
 20 **other metal or paper money that is or has been used as legal tender and**
 21 **is sold based on its value as a collectible item rather than the value as a**
 22 **medium of exchange; and**

23 **b. Does not include a coin or currency that has been incorporated into**
 24 **jewelry.**

25 ➔Section 34. KRS 139.480 (Effective January 1, 2025) is amended to read as follows:

26 Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail,"
 27 "retail sale," "use," "storage," and "consumption," as used in this chapter, shall not include the

1 sale, use, storage, or other consumption of:

2 (1) Locomotives or rolling stock, including materials for the construction, repair, or
3 modification thereof, or fuel or supplies for the direct operation of locomotives and trains,
4 used or to be used in interstate commerce;

5 (2) Coal for the manufacture of electricity;

6 (3) (a) All energy or energy-producing fuels used in the course of manufacturing,
7 processing, mining, or refining and any related distribution, transmission, and
8 transportation services for this energy that are billed to the user, to the extent that the
9 cost of the energy or energy-producing fuels used, and related distribution,
10 transmission, and transportation services for this energy that are billed to the user
11 exceed three percent (3%) of the cost of production.

12 (b) Cost of production shall be computed on the basis of a plant facility, which shall
13 include all operations within the continuous, unbroken, integrated manufacturing or
14 industrial processing process that ends with a product packaged and ready for sale.

15 (c) A person who performs a manufacturing or industrial processing activity for a fee and
16 does not take ownership of the tangible personal property that is incorporated into, or
17 becomes the product of, the manufacturing or industrial processing activity is a tollor.
18 For periods on or after July 1, 2018, the costs of the tangible personal property shall
19 be excluded from the tollor's cost of production at a plant facility with tolling
20 operations in place as of July 1, 2018.

21 (d) For plant facilities that begin tolling operations after July 1, 2018, the costs of
22 tangible personal property shall be excluded from the tollor's cost of production if the
23 tollor:

24 1. Maintains a binding contract for periods after July 1, 2018, that governs the
25 terms, conditions, and responsibilities with a separate legal entity, which holds
26 title to the tangible personal property that is incorporated into, or becomes the
27 product of, the manufacturing or industrial processing activity;

- 1 2. Maintains accounting records that show the expenses it incurs to fulfill the
2 binding contract that include but are not limited to energy or energy-producing
3 fuels, materials, labor, procurement, depreciation, maintenance, taxes,
4 administration, and office expenses;
- 5 3. Maintains separate payroll, bank accounts, tax returns, and other records that
6 demonstrate its independent operations in the performance of its tolling
7 responsibilities;
- 8 4. Demonstrates one (1) or more substantial business purposes for the tolling
9 operations germane to the overall manufacturing, industrial processing
10 activities, or corporate structure at the plant facility. A business purpose is a
11 purpose other than the reduction of sales tax liability for the purchases of
12 energy and energy-producing fuels; and
- 13 5. Provides information to the department upon request that documents fulfillment
14 of the requirements in subparagraphs 1. to 4. of this paragraph and gives an
15 overview of its tolling operations with an explanation of how the tolling
16 operations relate and connect with all other manufacturing or industrial
17 processing activities occurring at the plant facility;
- 18 (4) Livestock of a kind the products of which ordinarily constitute food for human
19 consumption, provided the sales are made for breeding or dairy purposes and by or to a
20 person regularly engaged in the business of farming;
- 21 (5) Poultry for use in breeding or egg production;
- 22 (6) Farm work stock for use in farming operations;
- 23 (7) Seeds, the products of which ordinarily constitute food for human consumption or are to be
24 sold in the regular course of business, and commercial fertilizer to be applied on land, the
25 products from which are to be used for food for human consumption or are to be sold in the
26 regular course of business; provided ~~the~~^{such} sales are made to farmers who are regularly
27 engaged in the occupation of tilling and cultivating the soil for the production of crops as a

- 1 business, or who are regularly engaged in the occupation of raising and feeding livestock or
2 poultry or producing milk for sale; and provided further that tangible personal property so
3 sold is to be used only by those persons designated above who are so purchasing;
- 4 (8) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals to be used in
5 the production of crops as a business, or in the raising and feeding of livestock or poultry,
6 the products of which ordinarily constitute food for human consumption;
- 7 (9) Feed, including pre-mixes and feed additives, for livestock or poultry of a kind the products
8 of which ordinarily constitute food for human consumption;
- 9 (10) Machinery for new and expanded industry;
- 10 (11) Farm machinery. As used in this section, the term "farm machinery":
- 11 (a) Means machinery used exclusively and directly in the occupation of:
- 12 1. Tilling the soil for the production of crops as a business;
- 13 2. Raising and feeding livestock or poultry for sale; or
- 14 3. Producing milk for sale;
- 15 (b) Includes machinery, attachments, and replacements therefor, repair parts, and
16 replacement parts which are used or manufactured for use on, or in the operation of
17 farm machinery and which are necessary to the operation of the machinery, and are
18 customarily so used, including but not limited to combine header wagons, combine
19 header trailers, or any other implements specifically designed and used to move or
20 transport a combine head; and
- 21 (c) Does not include:
- 22 1. Automobiles;
- 23 2. Trucks;
- 24 3. Trailers, except combine header trailers; or
- 25 4. Truck-trailer combinations;
- 26 (12) Tombstones and other memorial grave markers;
- 27 (13) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or

- 1 handling. The exemption applies to the equipment, machinery, attachments, repair and
2 replacement parts, and any materials incorporated into the construction, renovation, or
3 repair of the facilities;
- 4 (14) On-farm facilities used exclusively for raising poultry or livestock. The exemption shall
5 apply to the equipment, machinery, attachments, repair and replacement parts, and any
6 materials incorporated into the construction, renovation, or repair of the facilities. The
7 exemption shall apply but not be limited to vent board equipment, waterer and feeding
8 systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In
9 addition, the exemption shall apply whether or not the seller is under contract to deliver,
10 assemble, and incorporate into real estate the equipment, machinery, attachments, repair
11 and replacement parts, and any materials incorporated into the construction, renovation, or
12 repair of the facilities;
- 13 (15) Gasoline, special fuels, liquefied petroleum gas, and natural gas used exclusively and
14 directly to:
- 15 (a) Operate farm machinery as defined in subsection (11) of this section;
 - 16 (b) Operate on-farm grain or soybean drying facilities as defined in subsection (13) of
17 this section;
 - 18 (c) Operate on-farm poultry or livestock facilities defined in subsection (14) of this
19 section;
 - 20 (d) Operate on-farm ratite facilities defined in subsection (23) of this section;
 - 21 (e) Operate on-farm llama or alpaca facilities as defined in subsection (25) of this
22 section; or
 - 23 (f) Operate on-farm dairy facilities;
- 24 (16) Textbooks, including related workbooks and other course materials, purchased for use in a
25 course of study conducted by an institution which qualifies as a nonprofit educational
26 institution under KRS 139.495. The term "course materials" means only those items
27 specifically required of all students for a particular course but shall not include notebooks,

- 1 paper, pencils, calculators, tape recorders, or similar student aids;
- 2 (17) Any property which has been certified as an alcohol production facility as defined in KRS
3 247.910;
- 4 (18) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct
5 operation of aircraft in interstate commerce and used exclusively for the conveyance of
6 property or passengers for hire. Nominal intrastate use shall not subject the property to the
7 taxes imposed by this chapter;
- 8 (19) Any property which has been certified as a fluidized bed energy production facility as
9 defined in KRS 211.390;
- 10 (20) (a) 1. Any property to be incorporated into the construction, rebuilding, modification,
11 or expansion of a blast furnace or any of its components or appurtenant
12 equipment or structures as part of an approved supplemental project, as defined
13 by KRS 154.26-010; and
- 14 2. Materials, supplies, and repair or replacement parts purchased for use in the
15 operation and maintenance of a blast furnace and related carbon steel-making
16 operations as part of an approved supplemental project, as defined by KRS
17 154.26-010.
- 18 (b) The exemptions provided in this subsection shall be effective for sales made:
- 19 1. On and after July 1, 2018; and
- 20 2. During the term of a supplemental project agreement entered into pursuant to
21 KRS 154.26-090;
- 22 (21) Beginning on October 1, 1986, food or food products purchased for human consumption
23 with food coupons issued by the United States Department of Agriculture pursuant to the
24 Food Stamp Act of 1977, as amended, and required to be exempted by the Food Security
25 Act of 1985 in order for the Commonwealth to continue participation in the federal food
26 stamp program;
- 27 (22) Machinery or equipment purchased or leased by a business, industry, or organization in

- 1 order to collect, source separate, compress, bale, shred, or otherwise handle waste materials
2 if the machinery or equipment is primarily used for recycling purposes;
- 3 (23) Ratite birds and eggs to be used in an agricultural pursuit for the breeding and production
4 of ratite birds, feathers, hides, breeding stock, eggs, meat, and ratite by-products, and the
5 following items used in this agricultural pursuit:
- 6 (a) Feed and feed additives;
 - 7 (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - 8 (c) On-farm facilities, including equipment, machinery, attachments, repair and
9 replacement parts, and any materials incorporated into the construction, renovation,
10 or repair of the facilities. The exemption shall apply to incubation systems, egg
11 processing equipment, waterer and feeding systems, brooding systems, ventilation
12 systems, alarm systems, and curtain systems. In addition, the exemption shall apply
13 whether or not the seller is under contract to deliver, assemble, and incorporate into
14 real estate the equipment, machinery, attachments, repair and replacement parts, and
15 any materials incorporated into the construction, renovation, or repair of the facilities;
- 16 (24) Embryos and semen that are used in the reproduction of livestock, if the products of these
17 embryos and semen ordinarily constitute food for human consumption, and if the sale is
18 made to a person engaged in the business of farming;
- 19 (25) Llamas and alpacas to be used as beasts of burden or in an agricultural pursuit for the
20 breeding and production of hides, breeding stock, fiber and wool products, meat, and llama
21 and alpaca by-products, and the following items used in this pursuit:
- 22 (a) Feed and feed additives;
 - 23 (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - 24 (c) On-farm facilities, including equipment, machinery, attachments, repair and
25 replacement parts, and any materials incorporated into the construction, renovation,
26 or repair of the facilities. The exemption shall apply to waterer and feeding systems,
27 ventilation systems, and alarm systems. In addition, the exemption shall apply

- 1 whether or not the seller is under contract to deliver, assemble, and incorporate into
2 real estate the equipment, machinery, attachments, repair and replacement parts, and
3 any materials incorporated into the construction, renovation, or repair of the facilities;
- 4 (26) Baling twine and baling wire for the baling of hay and straw;
- 5 (27) Water sold to a person regularly engaged in the business of farming and used in the:
- 6 (a) Production of crops;
- 7 (b) Production of milk for sale; or
- 8 (c) Raising and feeding of:
- 9 1. Livestock or poultry, the products of which ordinarily constitute food for human
10 consumption; or
- 11 2. Ratites, llamas, alpacas, buffalo, cervids or aquatic organisms;
- 12 (28) Buffalos to be used as beasts of burden or in an agricultural pursuit for the production of
13 hides, breeding stock, meat, and buffalo by-products, and the following items used in this
14 pursuit:
- 15 (a) Feed and feed additives;
- 16 (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
- 17 (c) On-farm facilities, including equipment, machinery, attachments, repair and
18 replacement parts, and any materials incorporated into the construction, renovation,
19 or repair of the facilities. The exemption shall apply to waterer and feeding systems,
20 ventilation systems, and alarm systems. In addition, the exemption shall apply
21 whether or not the seller is under contract to deliver, assemble, and incorporate into
22 real estate the equipment, machinery, attachments, repair and replacement parts, and
23 any materials incorporated into the construction, renovation, or repair of the facilities;
- 24 (29) Aquatic organisms sold directly to or raised by a person regularly engaged in the business
25 of producing products of aquaculture, as defined in KRS 260.960, for sale, and the
26 following items used in this pursuit:
- 27 (a) Feed and feed additives;

- 1 (b) Water;
- 2 (c) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
- 3 (d) On-farm facilities, including equipment, machinery, attachments, repair and
- 4 replacement parts, and any materials incorporated into the construction, renovation,
- 5 or repair of the facilities and, any gasoline, special fuels, liquefied petroleum gas, or
- 6 natural gas used to operate the facilities. The exemption shall apply, but not be
- 7 limited to: waterer and feeding systems; ventilation, aeration, and heating systems;
- 8 processing and storage systems; production systems such as ponds, tanks, and
- 9 raceways; harvest and transport equipment and systems; and alarm systems. In
- 10 addition, the exemption shall apply whether or not the seller is under contract to
- 11 deliver, assemble, and incorporate into real estate the equipment, machinery,
- 12 attachments, repair and replacement parts, and any materials incorporated into the
- 13 construction, renovation, or repair of the facilities;
- 14 (30) Members of the genus cervidae permitted by KRS Chapter 150 that are used for the
- 15 production of hides, breeding stock, meat, and cervid by-products, and the following items
- 16 used in this pursuit:
- 17 (a) Feed and feed additives;
- 18 (b) Insecticides, fungicides, herbicides, rodenticides, and other chemicals; and
- 19 (c) On-site facilities, including equipment, machinery, attachments, repair and
- 20 replacement parts, and any materials incorporated into the construction, renovation,
- 21 or repair of the facilities. In addition, the exemption shall apply whether or not the
- 22 seller is under contract to deliver, assemble, and incorporate into real estate the
- 23 equipment, machinery, attachments, repair and replacement parts, and any materials
- 24 incorporated into the construction, renovation, or repair of the facilities;
- 25 (31) (a) Repair or replacement parts for the direct operation or maintenance of a motor
- 26 vehicle, including any towed unit, used exclusively in interstate commerce for the
- 27 conveyance of property or passengers for hire, provided the motor vehicle is licensed

- 1 for use on the highway and its declared gross vehicle weight with any towed unit is
2 forty-four thousand and one (44,001) pounds or greater. Nominal intrastate use shall
3 not subject the property to the taxes imposed by this chapter; and
- 4 (b) Repair or replacement parts for the direct operation and maintenance of a motor
5 vehicle operating under a charter bus certificate issued by the Transportation Cabinet
6 under KRS Chapter 281, or under similar authority granted by the United States
7 Department of Transportation.
- 8 (c) For the purposes of this subsection, "repair or replacement parts" means tires, brakes,
9 engines, transmissions, drive trains, chassis, body parts, and their components.
10 "Repair or replacement parts" shall not include fuel, machine oils, hydraulic fluid,
11 brake fluid, grease, supplies, or accessories not essential to the operation of the motor
12 vehicle itself, except when sold as part of the assembled unit, such as cigarette
13 lighters, radios, lighting fixtures not otherwise required by the manufacturer for
14 operation of the vehicle, or tool or utility boxes;
- 15 (32) Food donated by a retail food establishment or any other entity regulated under KRS
16 217.127 to a nonprofit organization for distribution to the needy;
- 17 (33) Drugs and over-the counter drugs, as defined in KRS 139.472, that are purchased by a
18 person regularly engaged in the business of farming and used in the treatment of cattle,
19 sheep, goats, swine, poultry, ratite birds, llamas, alpacas, buffalo, aquatic organisms, or
20 cervids;
- 21 (34) (a) Building materials, fixtures, or supplies purchased by a construction contractor if:
22 1. Fulfilled by a construction contract for a sewer or water project with:
23 a. A municipally owned water utility organized under KRS Chapter 96;
24 b. A water district or water commission formed or organized under KRS
25 Chapter 74;
26 c. A sanitation district established under KRS Chapter 220 or formed
27 pursuant to KRS Chapter 65;

- 1 d. A nonprofit corporation created under KRS 58.180 to act on behalf of a
2 governmental agency in the acquisition and financing of public projects;
- 3 e. Regional wastewater commissions formed under KRS Chapter 278;
- 4 f. A municipally owned joint sewer agency formed under KRS Chapter 76;
5 or
- 6 g. Any other governmental agency; and
- 7 2. The building materials, fixtures, or supplies:
- 8 a. Will be permanently incorporated into a structure or improvement to real
9 property, or will be completely consumed, in fulfilling a construction
10 contract for the purpose of furnishing water or sewer services to the
11 general public; and
- 12 b. Would be exempt if purchased directly by the entities listed in
13 subparagraph 1. of this paragraph.
- 14 (b) As used in this subsection, "construction contract" means a:
- 15 1. Lump sum contract;
- 16 2. Cost plus contract;
- 17 3. Materials only contract;
- 18 4. Labor and materials contract; or
- 19 5. Any other type of contract.
- 20 (c) The exemption provided in this subsection shall apply without regard to the payment
21 arrangement between the construction contractor, the retailer, and the entities listed in
22 paragraph (a)1. of this subsection or to the place of delivery for the building
23 materials, fixtures, or supplies;
- 24 (35) (a) On or after February 25, 2022, the rental of space for meetings, conventions, short-
25 term business uses, entertainment events, weddings, banquets, parties, and other
26 short-term social events, as referenced in KRS 139.200, if the tax established in KRS
27 139.200 is paid by the primary lessee to the lessor.

1 (b) For the purpose of this subsection, "primary lessee" means the person who leases the
2 space and who has a contract with the lessor of the space only if:

3 1. The contract between the lessor and the lessee specifies that the lessee may
4 sublease, subrent, or otherwise sell the space; and

5 2. The space is then sublet, subrented, or otherwise sold to exhibitors, vendors,
6 sponsors, or other entities and persons who will use the space associated with
7 the event to be conducted under the primary lease;

8 (36) Prewritten computer software access services sold to or purchased by a retailer that
9 develops prewritten computer software for print technology and uses and sells prewritten
10 computer software access services for print technology;~~and~~

11 **(37) (a) Currency or bullion.**

12 **(b) As used in this subsection:**

13 **1. "Bullion":**

14 **a. Means bars, ingots, or coins, which are:**

15 **i. Made of gold, silver, platinum, palladium, or a combination of**
16 **these metals;**

17 **ii. Valued based on the content of the metal and not its form; and**

18 **iii. Used, or have been used, as a medium of exchange, security, or**
19 **commodity by any state, the United States government, or a**
20 **foreign nation; and**

21 **b. Does not include medallions or coins that are incorporated into a**
22 **pendant or other jewelry; and**

23 **2. "Currency":**

24 **a. Means a coin or currency made of gold, silver, platinum, palladium, or**
25 **other metal or paper money that is or has been used as legal tender and**
26 **is sold based on its value as a collectible item rather than the value as a**
27 **medium of exchange; and**

1 b. Does not include a coin or currency that has been incorporated into
 2 jewelry; and

3 ~~(38)~~~~(37)~~ Medicinal cannabis as defined in KRS 218B.010 when sold, used, stored, or
 4 consumed in accordance with KRS Chapter 218B.

5 ➔Section 35. KRS 140.040 is amended to read as follows:

6 (1) As used in this section, "power of appointment":

7 (a) Means only a general power of appointment that may be exercised in favor of:

8 1. The individual holding the power of appointment;

9 2. That individual's estate;

10 3. That individual's creditors; or

11 4. The creditors of that individual's estate;

12 (b) Does not include a power that is:

13 1. Limited by an ascertainable standard relating to the health, education,
 14 maintenance, and support of the individual holding the power of
 15 appointment; or

16 2. Exercisable only by the individual holding the power of appointment in
 17 conjunction with another person having a substantial interest in the property
 18 subject to the power of appointment which is adverse to the exercise in favor
 19 of:

20 a. The individual holding the power of appointment;

21 b. That individual's estate;

22 c. That individual's creditors; or

23 d. The creditors of that individual's estate; and

24 (c) Shall be administered by the Department of Revenue as nearly as practicable
 25 identical to a general power of appointment as defined in 26 U.S.C. sec. 2041(b).

26 (2) (a) Whenever any person exercises~~[shall exercise]~~ a power of appointment derived from
 27 any disposition of property;

1 1. ~~{(}Whether by will, deed, trust agreement, contract, insurance policy or other~~
 2 instrument; and)}

3 2. Regardless of when the person exercises the power of appointment;~~{made,}~~
 4 the power of~~{such}~~ appointment shall be deemed a transfer taxable under the
 5 provisions of this chapter in the same manner as though the property to which
 6 the~~{such}~~ appointment relates belonged absolutely to the donee of the~~{such}~~ power
 7 and had been bequeathed or devised by the~~{such}~~ donee by will. ~~{, and }~~

8 (b) Whenever any person possessing~~{ such }~~ a power of appointment omits or fails~~{so}~~
 9 ~~derived shall omit or fail}~~ to exercise the power of appointment,~~{same}~~ in whole or in
 10 part, within the time provided therefor, a transfer taxable under the provisions of this
 11 chapter shall be deemed to take place to the person~~{ or persons }~~ receiving the~~{such}~~
 12 property as a result of the~~{such}~~ omission or failure to the same extent that the~~{such}~~
 13 property would have been subject to taxation if it had passed under the will of the
 14 donee~~{ of such power }.~~

15 (c) The time at which a~~{such}~~ transfer shall be deemed to take place, for the purpose of
 16 taxation, shall be governed by the provisions of subsections (3) to (5)~~{(2) to (4)}~~ of
 17 this section.

18 (3)~~{(2)}~~ (a) In the case of a power of appointment which passes to the donee~~{ thereof }~~ at the
 19 death of the donor, under any instrument; ~~{, and if the donor dies on or after April 24,~~
 20 ~~1936,}~~

21 1. The transfer shall be deemed to take place, for the purpose of taxation, at the
 22 time of the death of the donor; ~~{ and }~~

23 2. The assessment shall be made at that time against the life interest of the donee
 24 and the remainder against the corpus; ~~{ }~~

25 3. The value of the property~~{ to which the power of appointment relates }~~ shall be
 26 determined as of the date of the death of the donor; ~~{ and }~~

27 4. The donee of the property shall be taxed at the rates and be subject to the

1 exemptions in effect at the death of the donor; and[-.]

2 5. The determination of the applicable rates and exemptions, ~~{(in effect at the~~
3 ~~death of the donor,[-])}~~ shall be governed by the relationship of the beneficiary to
4 the donee of the power of appointment.

5 (b) In the event the payment of the tax at the death of the donor should operate to provide
6 an exemption for any beneficiary of a donee not authorized by KRS 140.080, then
7 the~~[such]~~ exemption shall be retrospectively disallowed at the time of the death of the
8 donee.~~[It is further provided that]~~

9 (c) The remainder interest passing under the donee's power of appointment, whether
10 exercised or not, shall be added to and made a part of the distributable share of the
11 donee's estate for the purpose of determining the applicable exemption and rates~~[~~
12 ~~applicable thereto]~~.

13 (4)~~[-(3)]~~ In all cases other than that described in subsection (3) of this section:~~[-(2)]~~

14 (a) The transfer shall be deemed to take place, for the purpose of taxation, at the time of
15 the death of the donee:~~[- In such cases,]~~

16 (b) The value of the property to which the power of appointment relates shall be
17 determined as of the date of the death of the donee and shall be taxed at the rates and
18 be subject to the exemptions in effect at the death of the donee; and[-.]

19 (c) The determination of the applicable rates and exemptions, ~~{(in effect at the death of~~
20 ~~the donee,[-])}~~ shall be governed by the relationship of the beneficiary to the donee of
21 the power of appointment.

22 (5)~~[-(4)]~~ (a) The provisions of subsection (3) of this section:~~[-(2)]~~ shall not preclude the
23 taxation, at the death of the donee, of any transfer made by means of a power of
24 appointment if the~~[such]~~ transfer was not in fact reported to or a tax assessed~~[~~
25 ~~thereon]~~ by the Department of Revenue within the period of limitation prescribed by
26 KRS 140.160.

27 (b) If the transfer by the power of appointment is not~~[- so]~~ reported or a tax is not

1 assessed~~[thereon]~~, the period of limitation prescribed in KRS 140.160 shall not begin
2 to run until the death of the donee of ~~the~~^[such] power of appointment.~~†~~

3 ~~(5) The amendments to this section, adopted by the 1948 General Assembly, shall apply to all~~
4 ~~powers of appointment whether created before or after the effective date of said~~
5 ~~amendments. It is the declared intention of the General Assembly to impose a tax upon~~
6 ~~every transfer of property by means of a power of appointment, regardless of when or how~~
7 ~~created, and it is the declared intention of the General Assembly that the use of the power~~
8 ~~of appointment device shall not permit the transfer of property, to which such a power~~
9 ~~relates, to escape thereby the payment of state inheritance taxes.]~~

10 ➔Section 36. KRS 141.040 is amended to read as follows:

11 (1) Every corporation doing business in this state, except those corporations listed in
12 paragraphs (a) and (b) of this subsection, shall pay for each taxable year a tax to be
13 computed by the taxpayer on taxable net income at the rates specified in this section:

14 (a) For taxable years beginning prior to January 1, 2021:

- 15 1. Financial institutions, as defined in KRS 136.500, except bankers banks
16 organized under KRS 286.3-135;
- 17 2. Savings and loan associations organized under the laws of this state and under
18 the laws of the United States and making loans to members only;
- 19 3. Banks for cooperatives;
- 20 4. Production credit associations;
- 21 5. Insurance companies, including farmers' or other mutual hail, cyclone,
22 windstorm, or fire insurance companies, insurers, and reciprocal underwriters;
- 23 6. Corporations or other entities exempt under Section 501 of the Internal Revenue
24 Code;
- 25 7. Religious, educational, charitable, or like corporations not organized or
26 conducted for pecuniary profit; and
- 27 8. Corporations whose only owned or leased property located in this state is

1 located at the premises of a printer with which it has contracted for printing,
2 provided that:

3 a. The property consists of the final printed product, or copy from which the
4 printed product is produced; and

5 b. The corporation has no individuals receiving compensation in this state as
6 provided in KRS 141.120(8)(b); and

7 (b) For taxable years beginning on or after January 1, 2021:

8 1. Insurance companies, including farmers' or other mutual hail, cyclone,
9 windstorm, or fire insurance companies, insurers, and reciprocal underwriters;

10 2. Corporations or other entities exempt under Section 501 of the Internal Revenue
11 Code;

12 3. Religious, educational, charitable, or like corporations not organized or
13 conducted for pecuniary profit;

14 4. Corporations whose only owned or leased property located in this state is
15 located at the premises of a printer with which it has contracted for printing,
16 provided that:

17 a. The property consists of the final printed product, or copy from which the
18 printed product is produced; and

19 b. The corporation has no individuals receiving compensation in this state as
20 provided in KRS 141.120(8)(b); and

21 5. For taxable years beginning before January 1, ~~2027~~²⁰²⁵, a disaster response
22 business.

23 (2) For taxable years beginning on or after January 1, 2018, the rate of five percent (5%) of
24 taxable net income shall apply.

25 (3) For taxable years beginning on or after January 1, 2007, and before January 1, 2018, the
26 following rates shall apply:

27 (a) Four percent (4%) of the first fifty thousand dollars (\$50,000) of taxable net income;

- 1 (b) Five percent (5%) of taxable net income over fifty thousand dollars (\$50,000) up to
 2 one hundred thousand dollars (\$100,000); and
- 3 (c) Six percent (6%) of taxable net income over one hundred thousand dollars
 4 (\$100,000).
- 5 (4) (a) An S corporation shall pay income tax on the same items of income and in the same
 6 manner as required for federal purposes, except to the extent required by differences
 7 between this chapter and the federal income tax law and regulations.
- 8 (b) 1. If the S corporation is required under Section 1363(d) of the Internal Revenue
 9 Code to submit installments of tax on the recapture of LIFO benefits,
 10 installments to pay the Kentucky tax due shall be paid on or before the due date
 11 of the S corporation's return, as extended, if applicable.
- 12 2. Notwithstanding KRS 141.170(3), no interest shall be assessed on the
 13 installment payment for the period of extension.
- 14 (c) If the S corporation is required under Section 1374 or 1375 of the Internal Revenue
 15 Code to pay tax on built-in gains or on passive investment income, the amount of tax
 16 imposed by this subsection shall be computed by applying the highest rate of tax for
 17 the taxable year.

18 ➔SECTION 37. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS
 19 CREATED TO READ AS FOLLOWS:

20 *As used in Sections 37 to 41 of this Act:*

21 *(1) "Affiliate" means the following:*

- 22 *(a) Members of a family, including only brothers and sisters of the whole or half*
 23 *blood, spouse, ancestors, and lineal descendants of an individual;*
- 24 *(b) An individual, and a corporation more than fifty percent (50%) in value of the*
 25 *outstanding stock of which is owned, directly or indirectly, by or for that individual;*
- 26 *(c) An individual, and a limited liability company of which more than fifty percent*
 27 *(50%) of the capital interest or profits are owned or controlled, directly or*

1 indirectly, by or for that individual;

2 (d) Two (2) corporations which are members of the same controlled group, which
3 includes and is limited to:

4 1. One (1) or more chains of corporations connected through stock ownership
5 with a common parent corporation if:

6 a. Stock possessing more than fifty percent (50%) of the total combined
7 voting power of all classes of stock entitled to vote or more than fifty
8 percent (50%) of the total value of shares of all classes of stock of each
9 of the corporations, except the common parent corporation, is owned by
10 one (1) or more of the other corporations; and

11 b. The common parent corporation owns stock possessing more than fifty
12 percent (50%) of the total combined voting power of all classes of stock
13 entitled to vote or more than fifty percent (50%) of the total value of
14 shares of all classes of stock of at least one (1) of the other corporations,
15 excluding, in computing the voting power or value, stock owned directly
16 by the other corporations; or

17 2. Two (2) or more corporations if five (5) or fewer persons who are individuals,
18 estates, or trusts own stock possessing more than fifty percent (50%) of the
19 total combined voting power of all classes of stock entitled to vote or more
20 than fifty percent (50%) of the total value of shares of all classes of stock of
21 each corporation, taking into account the stock ownership of each person
22 only to the extent the stock ownership is identical with respect to each
23 corporation;

24 (e) A grantor and a fiduciary of any trust;

25 (f) A fiduciary of a trust and a fiduciary of another trust, if the same person is a
26 grantor of both trusts;

27 (g) A fiduciary of a trust and a beneficiary of that trust;

- 1 (h) A fiduciary of a trust and a beneficiary of another trust, if the same person is a
2 grantor of both trusts;
- 3 (i) A fiduciary of a trust and a corporation more than fifty percent (50%) in value of
4 the outstanding stock of which is owned, directly or indirectly, by or for the trust or
5 by or for a person who is a grantor of the trust;
- 6 (j) A fiduciary of a trust and a limited liability company more than fifty percent (50%)
7 of the capital interest, or the interest in profits, of which is owned directly or
8 indirectly, by or for the trust or by or for a person who is a grantor of the trust;
- 9 (k) A corporation, a partnership, or a limited partnership if the same persons own:
10 1. More than fifty percent (50%) in value of the outstanding stock of the
11 corporation; and
12 2. More than fifty percent (50%) of the capital interest, or the profits interest, in
13 the partnership or limited partnership;
- 14 (l) A corporation and a limited liability company if the same persons own:
15 1. More than fifty percent (50%) in value of the outstanding stock of the
16 corporation; and
17 2. More than fifty percent (50%) of the capital interest or the profits in the
18 limited liability company;
- 19 (m) A partnership or limited partnership and a limited liability company if the same
20 persons own:
21 1. More than fifty percent (50%) of the capital interest or profits in the
22 partnership or limited partnership; and
23 2. More than fifty percent (50%) of the capital interest or the profits in the
24 limited liability company; and
- 25 (n) Two (2) or more limited liability companies, if the same persons own more than
26 fifty percent (50%) of the capital interest or are entitled to more than fifty percent
27 (50%) of the capital profits in the limited liability companies;

1 (2) "Approved company" means an eligible company that has received final approval from
2 the authority;

3 (3) "Authority" means the Kentucky Economic Development Finance Authority established
4 by KRS 154.20-010;

5 (4) "Colocation tenant" means an entity that contracts with the owner or operator for space
6 within a qualified data center project;

7 (5) "Commonwealth" means the Commonwealth of Kentucky;

8 (6) "Data center equipment":

9 (a) Means computer equipment and software for the processing, storage, retrieval, or
10 communication of data, used directly and exclusively in a qualified data center
11 project, including but not limited to:

12 1. a. Servers;

13 b. Routers;

14 c. Connections;

15 d. Monitoring and security systems for the data center equipment;

16 e. Fiber optic cabling and network equipment leading to and from the data
17 center project; and

18 f. Other enabling machinery, equipment, and hardware;

19 regardless of whether the property is affixed to or incorporated into real
20 property;

21 2. Equipment used in the operation of computer equipment or software or for
22 the benefit of the data center project, including component parts,
23 installations, refreshments, replacements, and upgrades, regardless of
24 whether the property is affixed to or incorporated into real property;

25 3. All equipment necessary for the transformation, generation, distribution, or
26 management of electricity that is required to operate computer server
27 equipment, including substations, generators, uninterruptible energy

1 equipment, supplies, conduit, fuel piping and storage, cabling, duct banks,
2 switches, switchboards, batteries, testing equipment, and backup generators;

3 4. All equipment necessary to cool and maintain a controlled environment for
4 the operation of the computer servers and other components of the data
5 center project, including chillers, mechanical equipment, refrigerant piping,
6 fuel piping and storage, adiabatic and free cooling systems, cooling towers,
7 water softeners, air handling units, indoor direct exchange units, fans,
8 ducting, and filters;

9 5. All water conservation systems for the equipment, including facilities or
10 mechanisms that are designed to collect, conserve, and reuse water;

11 6. All computer server equipment, chassis, networking equipment, switches,
12 racks, fiber optic and copper cabling, trays, and conduit;

13 7. All monitoring equipment and security systems for the data center project,
14 including security system monitoring services;

15 8. All software and prewritten computer software access services;

16 9. Extended warranty services with respect to data center equipment; and

17 10. Any other tangible personal property that is essential to the operations of the
18 qualified data center project, excluding:

19 a. Electricity used by a qualified data center project; and

20 b. Property used for administrative purposes at the data center project,
21 including office equipment; and

22 (b) Does not include:

23 1. Construction equipment; or

24 2. Building and construction materials permanently incorporated as an
25 improvement to real property;

26 (7) "Department" means the Department of Revenue;

27 (8) "Eligible company":

- 1 (a) Means any corporation, limited liability company, partnership, limited partnership,
2 sole proprietorship, business trust, or any other entity with a qualified data center
3 project; and
- 4 (b) Includes an operator, an owner, a project organizer, and a colocation tenant;
- 5 (9) "Eligible costs" means expenditures made by the preliminarily approved company or
6 approved company after preliminary approval for the purchase, installation, repair, and
7 replacement of data center equipment for the qualified data center project;
- 8 (10) "Final approval" means the action taken by the authority to verify that, on or before the
9 fifth anniversary of the preliminary approval, the minimum capital investment has been
10 made, with respect to the data center project;
- 11 (11) "Memorandum of agreement" means the agreement between the eligible company and
12 the authority executed under Section 41 of this Act;
- 13 (12) "Operator":
- 14 (a) Means any entity, other than an owner, a project organizer, or a colocation tenant:
- 15 1. Operating a qualified data center project pursuant to a lease or other contract
16 with the owner; and
- 17 2. Is responsible for the control, oversight, or maintenance of a data center
18 project; and
- 19 (b) Includes:
- 20 1. An affiliate of an operator;
- 21 2. A licensed property management company;
- 22 3. A property lessor; or
- 23 4. Any other individual or entity responsible for the control, oversight, or
24 maintenance of a data center project;
- 25 (13) "Owner" means an entity, other than a project organizer, holding fee title to a data
26 center project and includes an affiliate of an owner;
- 27 (14) "Preliminary approval" means the action taken by the authority to enter into a

1 memorandum of agreement with an eligible company;

2 (15) "Project organizer" means an entity that:

3 (a) Solely provides qualified data center infrastructure for a qualified data center
4 project; and

5 (b) Will enter into or has entered into a separate agreement with another entity for the
6 purchase, use, or operation of the qualified data center infrastructure;

7 (16) "Qualified data center infrastructure" means providing site development and
8 organization for a qualified data center project, including but not limited to:

9 (a) An uninterruptible power supply, including electrical substations and back-up
10 generators for safety against power disruptions;

11 (b) Availability of water and natural gas service, including any necessary
12 infrastructure; and

13 (c) Multiple layers of security, including:

14 1. Physical security at the data center project, including fencing, entry control
15 and monitoring, or security guards;

16 2. Infrastructure monitoring, including monitoring for water, power,
17 telecommunications, and internet connectivity; and

18 3. Environmental control measures, including sensors or responsive equipment
19 for detecting fire, flood, or other natural disasters;

20 (17) "Qualified data center project":

21 (a) Means:

22 1. Providing qualified data center infrastructure;

23 2. Acquiring, leasing, rehabilitating, expanding, or constructing one (1) or more
24 buildings that:

25 a. House a group of networked server computers in order to centralize the
26 storage, management, and dissemination of data and information for a
27 single project; and

1 **b. Contain:**

2 **i. Dedicated cooling equipment for the computing machines and**
3 **related infrastructure;**

4 **ii. Extra capacity for data redundancy, including the ability to**
5 **maintain or replace equipment without a system shutdown; and**

6 **iii. Physically isolated systems to avoid disruption from both planned**
7 **and unplanned events; or**

8 **3. Any combination of the activities described in subparagraphs 1. and 2.**
9 **of this paragraph;**

10 **(b) Has the following minimum capital investment on or before the fifth anniversary of**
11 **the preliminary approval:**

12 **1. For an owner, operator, or colocation tenant, at least four hundred fifty**
13 **million dollars (\$450,000,000); or**

14 **2. For a project organizer, at least one hundred fifty million dollars**
15 **(\$150,000,000);**

16 **(c) Is located within a consolidated local government having a population equal to or**
17 **greater than five hundred thousand (500,000), determined using the county's**
18 **population estimate from the most recently available five (5) year American**
19 **Community Survey as published by the United States Census Bureau at the time of**
20 **application by the eligible company;**

21 **(d) Does not include any data center project that:**

22 **1. Will result in the replacement of data centers existing in the Commonwealth;**

23 **2. Applies for or accepts any other economic development incentives under KRS**
24 **Chapter 154; or**

25 **3. Benefits from the sales and use tax exemption for the sale or purchase of**
26 **electricity used in commercial mining of cryptocurrency; and**

27 **(18) "Term" means the period of time for which a memorandum of agreement may be in**

1 effect, which shall not exceed:

2 (a) Fifteen (15) years for a qualified data center project of a project organizer; and

3 (b) For any other qualified data center project:

4 1. Fifty (50) years for a data center project having a capital investment equal to
 5 or greater than four hundred fifty million dollars (\$450,000,000); or

6 2. Twenty-five (25) years for a data center project having a capital investment
 7 less than four hundred fifty million dollars (\$450,000,000).

8 ➔SECTION 38. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS
 9 CREATED TO READ AS FOLLOWS:

10 (1) The purposes of Sections 37 to 41 are to:

11 (a) Provide incentives for an approved company with a qualified data center project;

12 (b) Encourage the location of data centers within the Commonwealth; and

13 (c) Advance the public purposes of the:

14 1. Creation of new jobs that would not exist within the Commonwealth;

15 2. Creation of new sources of tax revenues for the support of public services
 16 provided by the Commonwealth;

17 3. Improvement in the quality of life for Kentucky citizens through the creation
 18 of sustainable jobs with higher salaries; and

19 4. Provision of an economic stimulus to the Commonwealth.

20 (2) To qualify for the sales and use tax exemption provided in Section 42 of this Act, an
 21 eligible company shall enter into a memorandum of agreement with the authority and
 22 incur eligible costs for a qualified data center project.

23 (3) The General Assembly finds and declares that the authority granted in Sections 37 to 41
 24 and the purposes accomplished are proper governmental and public purposes for which
 25 public moneys may be expended, and that the inducement of the location of data center
 26 projects within the Commonwealth is of paramount importance to the economic well-
 27 being of the Commonwealth.

1 ➔SECTION 39. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS
2 CREATED TO READ AS FOLLOWS:

3 *(1) The application, approval, and review process under Sections 37 to 41 of this Act shall be*
4 *as follows.*

5 *(a) An eligible company with a proposed data center project may submit an application*
6 *to the authority detailing the proposed data center project;*

7 *(b) Upon review of the application and any additional information submitted, the*
8 *authority may, by resolution, give preliminary approval to an eligible company and*
9 *authorize the negotiation and execution of a memorandum of agreement;*

10 *(c) The memorandum of agreement shall establish the estimated eligible costs for the*
11 *qualified data center project;*

12 *(d) Upon preliminary approval:*

13 *1. The preliminarily approved company may:*

14 *a. Undertake the project in accordance with the memorandum of*
15 *agreement;*

16 *b. Begin to make the capital investment; and*

17 *c. Begin to purchase or lease data center equipment exempt from sales and*
18 *use tax as provided in Section 42 of this Act.*

19 *2. The authority shall:*

20 *a. Notify the department of the preliminary approval, provide the*
21 *department with the information contained in the memorandum of*
22 *agreement, and authorize the department to issue a certificate of*
23 *exemption to the preliminarily approved company under Section 42 of*
24 *this Act; and*

25 *b. Post the preliminarily approved company's name, the location of the*
26 *qualified data center project, and the amount of investment costs on the*
27 *cabinet's website.*

- 1 3. The preliminarily approved company shall submit any documentation
2 required by the authority upon request of the authority;
- 3 (e) If, on or before the fifth anniversary of the memorandum of agreement, the
4 preliminarily approved company fails to meet the minimum capital investment as
5 established in the memorandum of agreement:
- 6 1. The authority shall notify the department;
7 2. The department shall revoke the certificate of exemption; and
8 3. The preliminarily approved company shall immediately pay the tax that was
9 not paid as a result of the sales tax exemption upon receipt of the notice of
10 assessment issued by the department under Section 42 of this Act; and
- 11 (f) 1. To obtain final approval, a preliminarily approved company shall submit
12 documentation required by the authority to confirm that the requirements
13 established in the memorandum of agreement have been met.
- 14 2. Upon review and confirmation of the documentation, the authority may, by
15 resolution, give final approval to the preliminarily approved company.
- 16 3. Upon final approval, the approved company shall be finally approved for the
17 exemption provided by Section 42 of this Act for the term of the memorandum
18 of agreement.
- 19 (2) (a) The authority may establish procedures and standards for the review and approval
20 of eligible companies and their data center projects through the promulgation of
21 administrative regulations in accordance with KRS Chapter 13A.
- 22 (b) Standards to be used by the authority in reviewing and approving an eligible
23 company and its data center project shall include but not be limited to:
- 24 1. The creditworthiness of the eligible company;
25 2. The proposed capital investment to be made; and
26 3. The likelihood of the economic success of the proposed data center project.
- 27 (3) The application shall include but not be limited to:

1 (a) The name of the applicant for the proposed data center project;

2 (b) A description of the proposed data center project, including its location, the total
 3 proposed capital investment in the proposed project, and total proposed eligible
 4 costs; and

5 (c) Any other information the authority may require.

6 ➔SECTION 40. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS
 7 CREATED TO READ AS FOLLOWS:

8 (1) The authority shall not approve a proposed data center project that otherwise meets the
 9 requirements of Sections 37 to 41 of this Act if the proposed data center project will
 10 result in the replacement of facilities existing in the state, except as provided in this
 11 section.

12 (2) The authority may approve a proposed data center project that:

13 (a) Rehabilitates an existing data center used for activities of an eligible company, if:

14 1. The data center to be rehabilitated has not been in operation for a period of
 15 ninety (90) or more consecutive days;

16 2. a. The current occupant of the data center to be rehabilitated has
 17 advertised a notice of closure; and

18 b. The eligible company proposing the data center project is not an
 19 affiliate of the current occupant of the data center to be rehabilitated; or

20 3. a. The data center to be rehabilitated is sold or transferred pursuant to a
 21 foreclosure ordered by a court of competent jurisdiction or an order of a
 22 bankruptcy court of competent jurisdiction; and

23 b. The title to the data center to be rehabilitated prior to the sale is not
 24 vested in the eligible company;

25 (b) Replaces an existing data center of an eligible company if:

26 1. a. Title to the data center to be replaced:

27 i. Is held by exercise of the power of eminent domain; or

1 ii. May be taken pursuant to a nonappealable judgment granting
 2 authority to exercise the power of eminent domain; and

3 b. Normal operations at the data center to be replaced cannot be resumed
 4 within twelve (12) months; or

5 2. The data center to be replaced has been damaged or destroyed by fire or other
 6 casualty to the extent that normal operations cannot be resumed at the facility
 7 within twelve (12) months; or

8 (c) Replaces an existing data center located in the same county if the existing data
 9 center cannot be expanded due to the unavailability of real estate at or adjacent to
 10 the data center to be replaced. Any qualifying data center project satisfying the
 11 requirements of this paragraph shall be eligible for incentives under this
 12 subchapter only to the extent of the expansion. No incentives shall be available for
 13 the equivalent of the facility to be replaced or rehabilitated.

14 (3) The authority shall not approve a proposed data center project under this section which
 15 results in a lease abandonment or lease termination by the eligible company without the
 16 consent of the lessor.

17 ➔SECTION 41. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS
 18 CREATED TO READ AS FOLLOWS:

19 The authority, with preliminary approval of an eligible company, may execute a memorandum
 20 of agreement with the eligible company. The terms and conditions of the memorandum of
 21 agreement shall be negotiated between the authority and the company. The terms of the
 22 memorandum of agreement shall include but not be limited to the following provisions:

23 (1) The estimated capital investment for the qualified data center project;

24 (2) That the preliminarily approved company shall provide the authority with all
 25 documentation requested in a manner acceptable to the authority and within the
 26 timeframes required by the authority related to the minimum capital investment
 27 requirement to be used in monitoring compliance of the memorandum of agreement;

- 1 (3) That failure of a preliminarily approved company to meet the minimum capital
2 investment on or before the fifth anniversary of the preliminary approval shall result in
3 cancellation of the memorandum of agreement with the preliminarily approved
4 company;
- 5 (4) The term of the agreement, which shall not exceed:
- 6 (a) Fifteen (15) years for a qualified data center project of a project organizer; or
7 (b) 1. Fifty (50) years for a qualified data center project having a capital investment
8 of at least four hundred fifty million dollars (\$450,000,000); or
9 2. Twenty-five (25) years for any other qualified data center project;
- 10 (5) A provision requiring the preliminarily approved company to notify the authority
11 immediately if the eligible company sells or otherwise transfers or disposes of the land on
12 which a qualified data center project is located;
- 13 (6) Authorization for the department to issue a certificate of exemption to the preliminarily
14 approved company under Section 42 of this Act;
- 15 (7) A provision detailing the elimination of the sales and use tax exemption and the notice of
16 assessment by the department provided under Section 42 of this Act that shall occur if
17 the preliminarily approved company fails to make the minimum capital investment;
- 18 (8) (a) A statement that the memorandum of agreement may remain in effect, even if there
19 is a future transfer, sale, or disposition, directly or indirectly, of the qualified data
20 center project, upon the adoption of a resolution by the authority to that effect.
- 21 (b) If continuation of the sales and use tax exemption is desired by the subsequent
22 owner:
- 23 1. The memorandum of agreement may be assigned to that owner under
24 paragraph (a) of this subsection provided the subsequent owner assumes the
25 prior owner's obligations under that agreement; or
- 26 2. The subsequent owner shall enter into a memorandum of agreement with the
27 authority for the remainder of the eligibility period.

1 (c) The authority shall notify the department regarding the events that transpire under
 2 paragraphs (a) and (b) of this subsection;

3 (9) That the approved company shall make available to the authority all of its records
 4 pertaining to the qualified data center project, including but not limited to records
 5 relating to eligible costs and any other records pertaining to the project that the authority
 6 may require;

7 (10) (a) That the authority may share information with the department; and

8 (b) That the department may share information with the authority;

9 for the purposes of monitoring and enforcing the terms of the memorandum of
 10 agreement;

11 (11) That, if the preliminarily approved company fails to comply with its obligations under
 12 the memorandum of agreement by the fifth anniversary of the preliminary approval, the
 13 authority shall:

14 (a) Suspend the memorandum of agreement;

15 (b) Terminate the incentives available to the preliminarily approved company under
 16 the memorandum of agreement;

17 (c) Notify the department of the authority's actions;

18 (d) Instruct the department to proceed with the notice of assessment; and

19 (e) Pursue any other remedy set forth in the memorandum of agreement or to which it
 20 may be entitled by law; and

21 (12) Any other provisions not inconsistent with this subchapter and determined to be
 22 necessary or appropriate by the parties to the memorandum of agreement.

23 ➔SECTION 42. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ

24 AS FOLLOWS:

25 (1) As used in this section:

26 (a) 1. "Approved company";

27 2. "Authority";

1 3. "Data center equipment";

2 4. "Eligible costs";

3 5. "Memorandum of agreement";

4 6. "Preliminarily approved company";

5 7. "Qualified data center project"; and

6 8. "Term";

7 have the same meaning as in Section 37 of this Act;

8 (b) "Certificate of exemption" means a completed form provided by the department
9 stating at least:

10 1. The name, address, and federal employer identification number of the
11 approved company or preliminarily approved company;

12 2. That the approved company or preliminarily approved company is exempt
13 from sales and use tax on data center equipment purchased for use in a
14 qualified data center project in the Commonwealth; and

15 3. The date of expiration based on the term of the memorandum of agreement;
16 and

17 (c) "Fiscal year" means a period beginning on July 1 and continuing until the
18 following June 30.

19 (2) The taxes imposed by this chapter shall not apply to the sale, purchase, use, storage,
20 consumption, installation, repair, and replacement of data center equipment to or by a
21 preliminarily approved company or an approved company in accordance with the
22 memorandum of agreement with the preliminarily approved company or the approved
23 company as provided in subsection (4) of this section.

24 (3) (a) The exemption provided in subsection (2) of this section shall apply whether or not
25 the seller is under contract to deliver, assemble, and incorporate the data center
26 equipment into real estate for the qualified data center project.

27 (b) An approved company or preliminarily approved company may provide the seller

1 the certificate of exemption issued by the department to claim the exemption. The
2 certificate may be executed by either:

3 1. An approved company or preliminarily approved company; or

4 2. Jointly by a contractor and an approved company or preliminarily approved
5 company in any case in which a contractor under contract with the approved
6 company or preliminarily approved company purchases the data center
7 equipment.

8 (4) Upon notification that the authority has executed a memorandum of agreement with a
9 preliminarily approved company, the department shall issue a certificate of exemption to
10 the preliminarily approved company or the approved company.

11 (5) (a) Upon notification that the authority has terminated the sales and use tax
12 exemptions available to the preliminarily approved company or the approved
13 company as provided in Section 41 of this Act, the department shall issue a notice
14 of assessment to the approved company or preliminarily approved company.

15 (b) The aggregate amount of sales and use tax recovered shall not exceed the sum of
16 the aggregate value of tax not paid as a result of the tax exemption under this
17 section together with interest required under KRS Chapter 131.

18 (c) If the notice of assessment is issued to:

19 1. A preliminarily approved company, notwithstanding KRS 139.620, the notice
20 of assessment under paragraph (b) of this subsection shall be considered
21 timely if the department issues the notice of assessment the later of:

22 a. One hundred eighty (180) days from the date the department is notified
23 by the authority related to termination of the memorandum of
24 agreement; or

25 b. The date on which a notice of assessment could otherwise be issued in a
26 timely manner under KRS 139.620;

27 2. An approved company, the notice of assessment shall be assessed on the open

1 periods and subject to KRS 139.620; and

2 3. A subsequent owner under subsection (8)(b)1. of Section 41 of this Act, the
 3 notice of assessment shall include the tax assumed by the subsequent owner
 4 and the open periods for assessment shall be determined under
 5 subparagraphs 1. and 2. of this paragraph and depend solely on whether the
 6 subsequent owner is a preliminarily approved company or an approved
 7 company.

8 (6) Beginning September 1, 2025, and on or before September 1 for each year thereafter, a
 9 preliminarily approved company shall report to the department annually:

10 (a) The name, address, and any other identifying information the department may
 11 require for the qualified data center project;

12 (b) The county in which the qualified data center project is located; and

13 (c) An itemized schedule of qualified data center equipment purchased during the
 14 fiscal year and the applicable sales and use tax that was not paid as a result of the
 15 sales and use tax exemption, including verification and certification by an
 16 independent third party unrelated to the preliminarily approved company.

17 (7) Beginning November 1, 2025, and on or before November 1 of each year thereafter, the
 18 department shall report to the authority and the Interim Joint Committee on
 19 Appropriations and Revenue the data reported for data center project under subsection
 20 (6) of this section.

21 (8) All information required to be reported under this section shall not be considered
 22 confidential taxpayer information and shall not be subject to KRS Chapter 131 or any
 23 other provisions of the Kentucky Revised Statutes prohibiting disclosure or reporting of
 24 information.

25 ➔Section 43. KRS 131.400 is amended to read as follows:

26 (1) KRS 131.410 to 131.445 shall be known as and may be cited as the "Kentucky Tax
 27 Amnesty Act."

- 1 (2) As used in KRS 131.410 to 131.445:
- 2 (a) "Account receivable" means an amount of state or federal tax, penalty, fee, or interest
3 which has been recorded as due and entered in the account records of the department,
4 or which the taxpayer should reasonably expect to become due as a direct or indirect
5 result of any pending or completed audit or investigation which the taxpayer knows is
6 being conducted by any federal or state government taxing authority;
- 7 (b) "Amnesty period" means the period of time established pursuant to subsection (3) of
8 this section during which a taxpayer may apply for tax amnesty;
- 9 (c) "Due and owing" means an assessment which has become final and is owed to the
10 Commonwealth due to either the expiration of the taxpayer's appeal rights pursuant to
11 KRS 131.110 or, if an assessment has been appealed, the issuance of a final order by
12 the board or by any court of this Commonwealth. For the purposes of KRS 131.410
13 to 131.445, assessments that have been appealed shall be final, due and owing fifteen
14 (15) days after the last unappealed or unappealable order sustaining the assessment or
15 any part thereof has become final;
- 16 (d) "Federal government" means either the United States Department of the Treasury or
17 the Internal Revenue Service; and
- 18 (e) "Taxpayer" means any individual, partnership, joint venture, association, corporation,
19 receiver, trustee, guardian, executor, administrator, fiduciary, limited liability
20 company, limited liability partnership, or any other entity of any kind subject to any
21 tax set forth in subsection (3) of this section or any person required to collect any
22 such tax under subsection (3) of this section.
- 23 (3) Notwithstanding the provisions of any other law to the contrary, a tax amnesty program
24 shall be conducted for a period of sixty (60) days, beginning on October 1, 2024~~[2022]~~, and
25 ending on November 29, 2024~~[2022]~~. The program shall be available to all taxpayers
26 owing:
- 27 (a) Taxes, penalties, fees, or interest subject to the administrative jurisdiction of the

1 department, with the exception of:

- 2 1. Ad valorem taxes levied on real property pursuant to KRS Chapter 132;
- 3 2. Ad valorem taxes on motor vehicles and motorboats collected by the county
- 4 clerks;
- 5 3. Ad valorem taxes on personal property levied pursuant to KRS Chapter 132 that
- 6 are payable to local officials; and
- 7 4. Any penalties imposed under KRS 131.630 or 138.205; and
- 8 (b) Federal taxes, penalties, fees, or interest referred to the department from the federal
- 9 government for collection purposes.

10 (4) If the department is unable to secure a successful bid for the procurement of services under
11 KRS 131.435, the department shall implement a tax amnesty program during a sixty (60)
12 day period similar to the period established in subsection (3) of this section, except that the
13 sixty (60) day period shall be held during the calendar year 2025~~[2023]~~.

14 (5) The program shall apply to tax liabilities for taxable periods ending or transactions
15 occurring on or after October 1, 2011, but prior to December 1, 2023~~[2021]~~, and any
16 federal tax liability referred to the department.

17 ➔Section 44. KRS 131.420 is amended to read as follows:

18 (1) The provisions of KRS 131.400 to 131.445 shall apply to any eligible taxpayer who files an
19 application for amnesty within the time prescribed under KRS 131.400(3) and does the
20 following:

21 (a) Files completed tax returns for all years or tax reporting periods as stated on the
22 application for which returns have not previously been filed and files completed
23 amended tax returns for all years or tax reporting periods as stated on the application
24 for which the tax liability was underreported, except in cases in which the tax liability
25 has been established through audit;

26 (b) Pays in full the taxes due for the periods and taxes applied for at the time the
27 application or amnesty tax returns are filed within the amnesty period and pays the

- 1 amount of any additional tax owed within thirty (30) days of notification by the
2 department;
- 3 (c) Pays in full within the amnesty period all taxes previously assessed by the department
4 that are due and owing at the time the application or amnesty tax returns are filed;
- 5 (d) Pays in full within the amnesty period all taxes, penalties, fees, and interest assessed
6 by the federal government and referred to the department for collection purposes; and
- 7 (e) With regard to the program described in KRS 131.400(3), agrees to file all tax returns
8 when due and make all tax payments when due for three (3) years following the date
9 amnesty is granted to the taxpayer.
- 10 (2) An eligible taxpayer may participate in the amnesty program whether or not the taxpayer is
11 under audit, notwithstanding the fact that the amount due is included in a proposed
12 assessment or an assessment, bill, notice, or demand for payment issued by the department,
13 and without regard to whether the amount due is subject to a pending administrative or
14 judicial proceeding. An eligible taxpayer may participate in the amnesty program to the
15 extent of the uncontested portion of any assessed liability. However, participation in the
16 program shall be conditioned upon the taxpayer's agreement that the right to protest or
17 initiate an administrative or judicial proceeding or to claim any refund of moneys paid
18 under the program is barred with respect to the amounts paid under the amnesty programs.
- 19 (3) (a) The department may enter into an installment payment agreement as provided in KRS
20 131.081(9) in cases of severe hardship in lieu of the complete payment required under
21 subsection (1) of this section.
- 22 (b) Failure of the taxpayer to make timely payments shall void the amnesty granted the
23 taxpayer.
- 24 (c) All agreements and payments under the program described in KRS 131.400(3) shall
25 include interest as provided under KRS 131.425(3).
- 26 (d) All required payments under an installment payment agreement under the program
27 described in KRS 131.400(3) shall be made on or before May 31, 2025~~[2023]~~.

- 1 (e) 1. If a taxpayer fails to make all required payments under paragraph (d) of this
2 subsection by May 31, ~~2025~~[2023], the amnesty received by the taxpayer shall
3 be invalidated, and all civil penalties, fees, and interest waived under the
4 amnesty agreement shall:
- 5 a. Be reinstated;
6 b. Be subject to immediate collection by the department; and
7 c. Not be subject to protest under KRS 131.110.
- 8 2. The department may utilize any remedy allowed by law to recover the amounts
9 reinstated, and no statute of limitations shall apply.
- 10 (4) If, following the termination of the tax amnesty period, the department issues a deficiency
11 assessment based upon information independent of that shown on a return filed pursuant to
12 subsection (1) of this section, the department shall have the authority to impose penalties
13 and criminal action may be brought where authorized by law only with respect to the
14 difference between the amount shown on the amnesty tax return and the correct amount of
15 tax due. The imposition of penalties or criminal action shall not invalidate any waiver
16 granted under KRS 131.410. With the exception of the cost-of-collection fee imposed
17 under KRS 131.440(1), all assessments issued by the department under KRS 131.410 to
18 131.445 may be protested by the taxpayer in the same manner as other assessments
19 pursuant to the terms of this chapter.
- 20 ➔Section 45. KRS 131.435 is amended to read as follows:
- 21 (1) The department and the Finance and Administration Cabinet shall begin procurement for
22 services necessary to implement the tax amnesty program under KRS Chapter 45A, except
23 as provided under subsection (2) of this section.
- 24 (2) (a) The department shall issue a request for proposal, which complies with KRS 131.081,
25 to solicit sufficient information for evaluating firms submitting statements of interest
26 in providing tax amnesty services according to the following criteria:
- 27 1. The qualifications of the firm to:

- 1 a. Provide advertising services prior to the start of the program described in
2 KRS 131.400(3) and a toll-free telephone number for taxpayers to call for
3 assistance;
- 4 b. Provide a customer-service approach and strategy to ensure a positive
5 relationship with each taxpayer;
- 6 c. Contact every amnesty-eligible taxpayer, including by written
7 correspondence and other forms of electronic and nonelectronic
8 communication delivery channels, using contact and account receivable
9 data supplied by the department related to tax amnesty and the tax
10 amnesty period;
- 11 d. Employ the use of contact information correction sources, including data
12 for all undeliverable mail, updated telephone numbers, and electronic mail
13 addresses;
- 14 e. Assist any amnesty-eligible taxpayer by using tax-specific data, billing
15 codes, or other information provided by the department;
- 16 f. Maintain the confidentiality of all data under KRS 131.190 which is
17 supplied by the department or the taxpayer; and
- 18 g. Remit daily to the department all amnesty applications and tax payments
19 received and all data corrections for the department's databases;
- 20 2. The ability of all professional personnel employed by the firm that will provide
21 tax amnesty services, including:
 - 22 a. The total number of personnel that will provide tax amnesty services to
23 taxpayers leading up to and during the amnesty period;
 - 24 b. The title of each specific position type and total number of personnel
25 filling each specific position type; and
 - 26 c. The minimum qualifications for each specific position type;
- 27 3. The past record and experience of the firm in performing tax amnesty services

- 1 or other tax-related services;
- 2 4. Performance data related to past tax amnesty services or other tax-related
- 3 services performed by the firm;
- 4 5. Certification that the firm will meet the time requirements for the tax amnesty
- 5 program and will conclude all services in a timely manner as required by the
- 6 department or pay to the department a fee for failure to meet the timeframe;
- 7 6. Verification of the location of all employees providing tax amnesty services;
- 8 7. An agreement by the firm to provide a report to the department for posting to
- 9 the department's website~~[Web site]~~ related to the following items:
- 10 a. A report of the public information campaign performed by the firm,
- 11 including an itemized cost incurred;
- 12 b. The number of incoming telephone calls answered by week;
- 13 c. The number of mailings sent to taxpayers;
- 14 d. The number of returned mail items received;
- 15 e. The number of amnesty applications received from taxpayers by week;
- 16 f. The number of amnesty applications that were approved by taxpayer type;
- 17 g. The number of amnesty applications that were denied by taxpayer type
- 18 and the number of denied amnesty applications by reason for denial;
- 19 h. According to the address listed on the amnesty application, information
- 20 related to the absolute number and percentage of total for:
- 21 i. Amnesty applications received from businesses or individuals and
- 22 whether the taxpayer was in-state or out-of-state;
- 23 ii. Amounts collected from businesses or individuals and whether the
- 24 taxpayer was in-state or out-of-state; and
- 25 iii. The total amount collected by county, including the number of
- 26 applications received by a business, individual, or office or member
- 27 and the total amount paid for each category;

- 1 i. The number of amnesty applications received by appropriate payment
- 2 ranges for the population of applications;
- 3 j. The payment amount received by type of tax;
- 4 k. The amount of tax collected by tax year;
- 5 l. The amount of federal tax collected by tax year;
- 6 m. The number of newly registered taxpayers; and
- 7 n. The amount of tax collected on protested audits by tax type and whether
- 8 the amnesty payment paid the tax protested in full or was a partial
- 9 payment on the audit; and
- 10 8. Any other information required by the department.
- 11 (b) When evaluating firms submitting statements of interest in providing tax amnesty
- 12 services, the department shall use a weighted-evaluation approach to select a firm,
- 13 including:
- 14 1. The ability of the firm to:
- 15 a. Provide a customer-service and taxpayer-assistance approach in providing
- 16 amnesty services, including communication with taxpayers before and
- 17 during the amnesty period, weighted no more than thirty percent (30%) of
- 18 the evaluation score; and
- 19 b. Maintain lines of communication with the department related to strategy
- 20 for and delivery of amnesty services and report to the department
- 21 regarding the results from the firm delivering amnesty services, weighted
- 22 no more than twenty-five percent (25%) of the evaluation score;
- 23 2. The bid of the firm to provide amnesty services, weighted no more than fifteen
- 24 percent (15%) of the evaluation score; and
- 25 3. The past performance of the firm with other states, including how well the firm
- 26 met goals established by the other states, weighted no more than thirty percent
- 27 (30%) of the evaluation score.

1 (3) For purposes of accounting for the revenues received pursuant to KRS 131.410 to 131.445,
2 the department shall establish within the general fund a separate and distinct tax amnesty
3 receipt account. All receipts collected as a result of the amnesty program shall be paid into
4 this account, and all transactions involving this account shall be accounted for and reported
5 as such.

6 (4) Following receipt of the report required by subsection (2) of this section and the disposition
7 of moneys as required by subsection (3) of this section, the department shall provide a
8 report summarizing the amnesty program results to the Interim Joint Committee on
9 Appropriations and Revenue no later than July 1, 2025~~[2023]~~.

10 ➔Section 46. KRS 131.440 is amended to read as follows:

11 (1) For purposes of the program described in KRS 131.400(3):

12 (a) In addition to all other penalties provided under KRS 131.180, 131.410 to 131.445,
13 131.990 and any other law, there are hereby imposed after the expiration of the tax
14 amnesty period the following cost-of-collection fees:

15 1. A cost-of-collection fee of twenty-five percent (25%) on all taxes which are or
16 become due and owing to the department for any reporting period, regardless of
17 when due. This fee shall be in addition to any other applicable fee provided in
18 this paragraph;

19 2. Taxes which are assessed and collected after the amnesty period for taxable
20 periods ending or transactions occurring prior to December 1, 2023~~[2021]~~, shall
21 be charged a cost-of-collection fee of twenty-five percent (25%) at the time of
22 assessment; and

23 3. For any taxpayer who failed to file a return for any previous tax period for
24 which amnesty is available and fails to file the return during the amnesty period,
25 the cost-of-collection fee shall be fifty percent (50%) of any tax deficiency
26 assessed after the amnesty period.

27 (b) After expiration of the tax amnesty period, an amnesty-eligible tax liability that

1 remains unpaid and that is not covered by an installment agreement as provided in
2 KRS 131.420 shall accrue interest at a rate that is two percent (2%) above the interest
3 rate established by KRS 131.183 or other applicable provisions of the Kentucky
4 Revised Statutes, beginning on the day after the tax amnesty period ends.

5 (2) The commissioner shall have the right to waive any penalties or collection fees when it is
6 demonstrated that any deficiency of the taxpayer was due to reasonable cause as defined in
7 KRS 131.010(9). However, any taxes that cannot be paid under the amnesty program
8 because of the exclusions under KRS 131.410(2) shall not be subject to these fees.

9 (3) The provisions of subsection (1) of this section shall not relate to any account which has
10 been protested pursuant to KRS 131.110 as of the expiration of the amnesty period and
11 which does not become due and owing, or to any account on which the taxpayer is
12 remitting timely payments under a payment agreement negotiated with the department
13 prior to or during the amnesty period.

14 (4) The fee levied under subsection (1) of this section shall not apply to taxes paid pursuant to
15 the terms of the amnesty program nor shall the judgment penalty of twenty percent (20%)
16 levied under KRS 135.060(3) apply in any case in which the fee levied under this section is
17 applicable.

18 ➔Section 47. KRS 131.445 is amended to read as follows:

19 (1) After the expiration of the tax amnesty period, the department shall vigorously pursue all
20 civil, administrative, and criminal penalties authorized by state and federal law for all taxes
21 found to be due the Commonwealth.

22 (2) In addition to all other penalties provided under KRS 131.180, 131.410 to 131.445,
23 131.990, and any other law, any taxpayer who willfully fails to make a return or willfully
24 makes a false return, or who willfully fails to pay taxes owing or collected, with intent to
25 evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class
26 D felony.

27 (3) (a) Amnesty received by a taxpayer under the program described in KRS 131.400(3)

- 1 shall be invalidated if:
- 2 1. The taxpayer fails to timely file any tax return or timely pay any tax and interest
- 3 due for any period ending on or after October 1, 2011, but prior to December 1,
- 4 2023~~[2021]~~; or
- 5 2. The taxpayer fails to timely file any tax return or timely pay any tax for any
- 6 period beginning December 1, 2023~~[2021]~~, and ending within three (3) years of
- 7 the date amnesty was granted to the taxpayer.
- 8 (b) Except as provided in paragraph (d) of this subsection, if the provisions of paragraph
- 9 (a) of this subsection apply, then the civil penalties, fees, and interest waived pursuant
- 10 to KRS 131.410 shall:
- 11 1. Be reinstated;
- 12 2. Be subject to immediate collection by the department; and
- 13 3. Not be subject to protest under KRS 131.110.
- 14 (c) The department may utilize any remedy permitted under the law to collect amounts
- 15 due under this subsection, and no statute of limitations shall apply.
- 16 (d) If paragraph (a) of this subsection applies to a taxpayer as the result of an audit or other
- 17 investigation by the department, the amnesty shall not be invalidated until the taxpayer has
- 18 had the opportunity to protest as provided in KRS 131.110, and has failed to pay the tax
- 19 within thirty (30) days of the date on which the assessment becomes final, due, and owing
- 20 as provided in KRS 131.500(1).

21 ➔Section 48. **Revenue Replacement:** Notwithstanding KRS 43.070(3), during the 2024-

22 2026 fiscal biennium, counties shall bear one-half of the actual expense of audits conducted

23 pursuant to KRS 43.070(1)(a)2. and (2)(a).

24 ➔Section 49. **Authority to Sell:** Notwithstanding KRS 154.15-020, the Kentucky

25 Communications Network Authority shall have the authority to enter into contracts with public

26 and private entities to carry out its duties and responsibilities, which may include the sale of all

27 or portions of the Commonwealth's open-access broadband network known as KentuckyWired.

1 A contract or other agreement involving the acquisition or disposition of a property interest by
2 the Commonwealth shall be signed by the Secretary of the Finance and Administration Cabinet.
3 KRS Chapters 45A and 56 may require the Secretary's signature on other contracts or
4 agreements.

5 →Section 50. **Sale of Properties:** Notwithstanding KRS 45A.045(4), the Finance and
6 Administration Cabinet may sell, trade, or otherwise dispose of the three properties used by the
7 Education and Labor Cabinet located in the cities of Winchester, Morehead, and Hazard at a
8 selling price that is below the appraised value by July 1, 2025. Notwithstanding KRS 45.777, up
9 to \$3,000,000 of proceeds from the disposal of the above-mentioned properties shall be used to
10 reduce the Wagner-Peyser deficit.

11 →Section 51. **Kentucky Group Self-Insurance Guaranty Fund:** Notwithstanding KRS
12 342.908(4), no assessments from the members of the Kentucky Group Self-Insurance Guaranty
13 Fund shall exceed an amount in excess of \$5,000,000 at any given time. Notwithstanding KRS
14 342.908(4) and (5), the Board of Directors shall raise assessments to a percentage of the
15 premium for each member of the Kentucky Group Self-Insurance Guaranty Fund sufficient to
16 pay outstanding claims.

17 →Section 52. **Billing for Security Services:** Notwithstanding any statute to the contrary,
18 the Department of Kentucky State Police shall bill and accept payment from nonstate-operated
19 event sponsors for security services provided by the Department.

20 →Section 53. **Jailer Canteen Accounts:** Notwithstanding KRS 67.0802(6)(a), any
21 compensation resulting from the disposal of real or personal property that was purchased from a
22 canteen account under KRS 441.135 shall be returned to the canteen account from which the real
23 or personal property was originally purchased. All proceeds resulting from the disposal of real or
24 personal property purchased from a canteen account shall be reported to the Interim Joint
25 Committee on Appropriations and Revenue by December 1 of each fiscal year.

26 →Section 54. **Administrative Fee on Infrastructure for Economic Development Fund**
27 **Projects:** A one-half of one percent administrative fee is authorized to be paid to the Kentucky

1 Infrastructure Authority for the administration of each project funded by the Infrastructure for
2 Economic Development Fund for Coal-Producing Counties and the Infrastructure for Economic
3 Development Fund for Tobacco Counties. These administrative fees shall be paid, upon
4 inception of the project, out of the fund from which the project was allocated.

5 →Section 55. **Charges for Federal, State, and Local Audits:** Any additional expenses
6 incurred by the Auditor of Public Accounts for required audits of Federal Funds shall be charged
7 to the government or agency that is the subject of the audit. The Auditor of Public Accounts
8 receives General Fund appropriations for audits of the statewide systems of personnel and
9 payroll, cash and investments, revenue collection, and the state accounting system. Any expenses
10 incurred by the Auditor of Public Accounts for any other audits shall be charged to the agency
11 that is the subject of such audit. The Auditor of Public Accounts shall maintain a record of all
12 time and expenses for each audit or investigation.

13 Any expenses incurred by the Auditor of Public Accounts for auditing individual
14 governmental entities when mandated by a legislative committee shall be charged to the agency
15 or entity receiving audit services.

16 →Section 56. **Personnel Board Operating Assessment:** Each Agency of the Executive
17 Branch with employees covered by KRS Chapter 18A shall be assessed each fiscal year the
18 amount required for the operation of the Personnel Board. The agency assessment shall be
19 determined by the Secretary of the Finance and Administration Cabinet based on the authorized
20 full-time positions of each agency on July 1 of each year of the biennium. The Secretary of the
21 Finance and Administration Cabinet shall collect the assessment.

22 →Section 57. **Water Withdrawal Fees:** The water withdrawal fees imposed by the
23 Kentucky River Authority shall not be subject to state and local taxes. Notwithstanding KRS
24 151.710(10), Tier 1 water withdrawal fees shall be used to support the operations of the
25 Authority and for contractual services for water supply and quality studies.

26 →Section 58. **Urgent Needs School Assistance:** If a school district receives an allotment
27 for an Urgent Needs School authorized in 2014 Ky. Acts ch. 117, Part I, A., 28., (5), 2014 Ky.

1 Acts ch. 117, Part I, C., 1., (19)(b), 2016 Ky. Acts ch. 149, Part I, A., 28., (4) and (5), 2018 Ky.
2 Acts ch. 169, Part I, A., 27., (3), or 2021 Ky. Acts ch. 169, Part I, A., 28., (3), and subsequently,
3 as a result of litigation or insurance, receives funds for the original facility, the school district
4 shall reimburse the Commonwealth an amount equal to that received for such purposes. If the
5 litigation or insurance receipts are less than the amount received, the district shall reimburse the
6 Commonwealth an amount equal to that received as a result of litigation or insurance less the
7 district's costs and legal fees in securing the judgment or payment. Any funds received in this
8 manner shall be deposited in the General Fund.

9 ➔Section 59. **Premium and Retaliatory Taxes:** Notwithstanding KRS 304.17B-
10 021(4)(d), premium taxes collected under KRS Chapter 136 from any insurer and retaliatory
11 taxes collected under KRS 304.3-270 from any insurer shall be credited to the General Fund.

12 ➔Section 60. **Monthly Per Employee Health Insurance Benefits Assessment:** The
13 Personnel Cabinet shall collect a benefits assessment per month per employee eligible for health
14 insurance coverage in the state group for duly authorized use by the Personnel Cabinet in
15 administering its statutory and administrative responsibilities, including but not limited to
16 administration of the Commonwealth's health insurance program.

17 ➔Section 61. **Executive Branch Ethics Commission:** The Executive Branch Ethics
18 Commission may increase the amount of the registration fee provided under KRS 11A.211(6) for
19 the purpose of funding a new online filing system.

20 ➔Section 62. **Tax Expenditure Analysis:** (1) By September 1, 2024, and September
21 1, 2025, in conjunction with the publication of the Tax Expenditure Analysis and with the
22 assistance of the Department of Revenue, the Office of State Budget Director shall provide, to
23 the Legislative Research Commission and the Interim Joint Committee on Appropriations and
24 Revenue, recommendations of tax expenditures which may be considered by the General
25 Assembly.

26 (2) The recommendations shall:

27 (a) Contain two lists, each containing 20 tax expenditures for consideration by the

1 General Assembly, one of which is for immediate sunset and one of which may be sunset within
2 five years;

3 (b) Consider all tax expenditures within the Tax Expenditure Analysis; and

4 (c) Include a description of the tax expenditure recommended for sunset, the estimated
5 fiscal impact of sunsetting the tax expenditure, and a list of specific taxpayers which will be
6 impacted if the General Assembly acts upon the recommendations.

7 (3) The information required to be reported under this section shall not be considered
8 confidential taxpayer information and shall not be subject to KRS Chapter 131 or any other
9 provisions of the Kentucky Revised Statutes prohibiting disclosure or reporting of information.

10 ➔Section 63. Sections 10, 18, 19, 20, and 34 of this Act take effect January 1, 2025.

11 ➔Section 64. Section 15 of this Act applies to the fiscal year 2023-2024 calculation of
12 GF appropriations.

13 ➔Section 65. Sections 21, 28, and 33 of this Act take effect August 1, 2024.

14 ➔Section 66. Section 30 of this Act applies to fiscal years beginning or after July 1,
15 2020.

16 ➔Section 67. Sections 48 to 60 of this Act apply to the fiscal year beginning July 1,
17 2024, and ending June 30, 2025, and the fiscal year beginning July 1, 2025, and ending June 30,
18 2026, and shall expire at the end of June 30, 2026.

19 ➔Section 68. Whereas fiscal matters are necessary in the growth and stability of the
20 Commonwealth's economy, an emergency is declared to exist, and Sections 4, 15, and 48 to 60
21 of this Act take effect upon its passage and approval by the Governor or upon its otherwise
22 becoming a law."
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Senate Members

House Members

Robert Stivers

David Osborne

David Givens

David Meade

Damon Thayer

Steven Rudy

Julie Raque Adams

Derrick Graham

Reginald Thomas

Suzanne Miles

Mike Wilson

Cherlynn Stevenson

Christian McDaniel

Jason Nemes

Amanda Mays Bledsoe

Rachel Roberts

Jason Petrie

Adam Bowling

Josh Bray

The above-named members, in separate votes by house, all concur in the provisions of this report.

DATE

March 28, 2024

For Clerk's Use:

1 Adopted: _____
2 Repassage Vote: _____
3