

1 AN ACT relating to the limited liability entity tax.

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

3 ➔Section 1. KRS 141.0401 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Kentucky gross receipts" means an amount equal to the computation of the
6 numerator of the apportionment fraction under KRS 141.120, any
7 administrative regulations related to the computation of the sales factor, and
8 KRS 141.121 and includes the proportionate share of Kentucky gross receipts
9 of all wholly or partially owned limited liability pass-through entities,
10 including all layers of a multi-layered pass-through structure;

11 (b) "Gross receipts from all sources" means an amount equal to the computation
12 of the denominator of the apportionment fraction under KRS 141.120, any
13 administrative regulations related to the computation of the sales factor, and
14 KRS 141.121 and includes the proportionate share of gross receipts from all
15 sources of all wholly or partially owned limited liability pass-through entities,
16 including all layers of a multi-layered pass-through structure;

17 (c) "Affiliated group" has the same meaning as in KRS 141.201;

18 (d) "Cost of goods sold" means:

19 1. Amounts that are:

20 a. Allowable as cost of goods sold pursuant to the Internal Revenue
21 Code and any guidelines issued by the Internal Revenue Service
22 relating to cost of goods sold, unless modified by this paragraph;
23 and

24 b. Incurred in acquiring or producing the tangible product generating
25 the Kentucky gross receipts.

26 2. For manufacturing, producing, reselling, retailing, or wholesaling
27 activities, cost of goods sold shall only include costs directly incurred in

1 acquiring or producing the tangible product. In determining cost of
2 goods sold:

- 3 a. Labor costs shall be limited to direct labor costs as defined in
4 paragraph (f) of this subsection;
- 5 b. Bulk delivery costs as defined in paragraph (g) of this subsection
6 may be included; and
- 7 c. Costs allowable under Section 263A of the Internal Revenue Code
8 may be included only to the extent the costs are incurred in
9 acquiring or producing the tangible product generating the
10 Kentucky gross receipts. Notwithstanding the foregoing, indirect
11 labor costs allowable under Section 263A shall not be included;
- 12 3. For any activity other than manufacturing, producing, reselling,
13 retailing, or wholesaling, no costs shall be included in cost of goods
14 sold.

15 As used in this paragraph, "guidelines issued by the Internal Revenue Service"
16 includes regulations, private letter rulings, or any other guidance issued by the
17 Internal Revenue Service that may be relied upon by taxpayers under reliance
18 standards established by the Internal Revenue Service;

- 19 (e) 1. "Kentucky gross profits" means Kentucky gross receipts reduced by
20 returns and allowances attributable to Kentucky gross receipts, less the
21 cost of goods sold attributable to Kentucky gross receipts. If the amount
22 of returns and allowances attributable to Kentucky gross receipts and the
23 cost of goods sold attributable to Kentucky gross receipts is zero, then
24 "Kentucky gross profits" means Kentucky gross receipts; and
- 25 2. "Gross profits from all sources" means gross receipts from all sources
26 reduced by returns and allowances attributable to gross receipts from all
27 sources, less the cost of goods sold attributable to gross receipts from all

- 1 sources. If the amount of returns and allowances attributable to gross
2 receipts from all sources and the cost of goods sold attributable to gross
3 receipts from all sources is zero, then gross profits from all sources
4 means gross receipts from all sources;
- 5 (f) "Direct labor" means labor that is incorporated into the tangible product sold
6 or is an integral part of the manufacturing process;
- 7 (g) "Bulk delivery costs" means the cost of delivering the product to the
8 consumer if:
- 9 1. The tangible product is delivered in bulk and requires specialized
10 equipment that generally precludes commercial shipping; and
11 2. The tangible product is taxable under KRS 138.220;
- 12 (h) "Manufacturing" and "producing" means:
- 13 1. Manufacturing, producing, constructing, or assembling components to
14 produce a significantly different or enhanced end tangible product;
15 2. Mining or severing natural resources from the earth; or
16 3. Growing or raising agricultural or horticultural products or animals;
- 17 (i) "Real property" means land and anything growing on, attached to, or erected
18 on it, excluding anything that may be severed without injury to the land;
- 19 (j) "Reselling," "retailing," and "wholesaling" mean the sale of a tangible
20 product;
- 21 (k) "Tangible personal property" means property, other than real property, that
22 has physical form and characteristics; and
- 23 (l) "Tangible product" means real property and tangible personal property;
- 24 (2) (a) For taxable years beginning on or after January 1, 2007, **but prior to January**
25 **1, 2025**, an annual limited liability entity tax shall be paid by every
26 corporation and every limited liability pass-through entity doing business in
27 Kentucky on all Kentucky gross receipts or Kentucky gross profits except as

1 provided in this subsection. A small business exclusion from this tax shall be
2 provided based on the reduction contained in this subsection. The tax shall be
3 the greater of the amount computed under paragraph (b) of this subsection or
4 one hundred seventy-five dollars (\$175), regardless of the application of any
5 tax credits provided under this chapter or any other provisions of the
6 Kentucky Revised Statutes for which the business entity may qualify.

7 (b) The limited liability entity tax shall be the lesser of subparagraph 1. or 2. of
8 this paragraph:

9 1. a. If the corporation's or limited liability pass-through entity's gross
10 receipts from all sources are three million dollars (\$3,000,000) or
11 less, the limited liability entity tax shall be one hundred seventy-
12 five dollars (\$175);

13 b. If the corporation's or limited liability pass-through entity's gross
14 receipts from all sources are greater than three million dollars
15 (\$3,000,000) but less than six million dollars (\$6,000,000), the
16 limited liability entity tax shall be nine and one-half cents (\$0.095)
17 per one hundred dollars (\$100) of the corporation's or limited
18 liability pass-through entity's Kentucky gross receipts reduced by
19 an amount equal to two thousand eight hundred fifty dollars
20 (\$2,850) multiplied by a fraction, the numerator of which is six
21 million dollars (\$6,000,000) less the amount of the corporation's or
22 limited liability pass-through entity's Kentucky gross receipts for
23 the taxable year, and the denominator of which is three million
24 dollars (\$3,000,000), but in no case shall the result be less than one
25 hundred seventy-five dollars (\$175);

26 c. If the corporation's or limited liability pass-through entity's gross
27 receipts from all sources are equal to or greater than six million

1 dollars (\$6,000,000), the limited liability entity tax shall be nine
2 and one-half cents (\$0.095) per one hundred dollars (\$100) of the
3 corporation's or limited liability pass-through entity's Kentucky
4 gross receipts.

5 2. a. If the corporation's or limited liability pass-through entity's gross
6 profits from all sources are three million dollars (\$3,000,000) or
7 less, the limited liability entity tax shall be one hundred seventy-
8 five dollars (\$175);

9 b. If the corporation's or limited liability pass-through entity's gross
10 profits from all sources are at least three million dollars
11 (\$3,000,000) but less than six million dollars (\$6,000,000), the
12 limited liability entity tax shall be seventy-five cents (\$0.75) per
13 one hundred dollars (\$100) of the corporation's or limited liability
14 pass-through entity's Kentucky gross profits, reduced by an
15 amount equal to twenty-two thousand five hundred dollars
16 (\$22,500) multiplied by a fraction, the numerator of which is six
17 million dollars (\$6,000,000) less the amount of the corporation's or
18 limited liability pass-through entity's Kentucky gross profits, and
19 the denominator of which is three million dollars (\$3,000,000), but
20 in no case shall the result be less than one hundred seventy-five
21 dollars (\$175);

22 c. If the corporation's or limited liability pass-through entity's gross
23 profits from all sources are equal to or greater than six million
24 dollars (\$6,000,000), the limited liability entity tax shall be
25 seventy-five cents (\$0.75) per one hundred dollars (\$100) of all of
26 the corporation's or limited liability pass-through entity's Kentucky
27 gross profits.

1 In determining eligibility for the reductions contained in this paragraph, a
2 member of an affiliated group shall consider the total gross receipts and the
3 total gross profits from all sources of the entire affiliated group, including
4 eliminating entries for transactions among the group.

5 (c) A credit shall be allowed against the tax imposed under paragraph (a) of this
6 subsection for the current year to a corporation or limited liability pass-
7 through entity that owns an interest in a limited liability pass-through entity.
8 The credit shall be the proportionate share of tax calculated under this
9 subsection by the lower-level pass-through entity, as determined after the
10 amount of tax calculated by the pass-through entity has been reduced by the
11 minimum tax of one hundred seventy-five dollars (\$175). The credit shall
12 apply across multiple layers of a multi-layered pass-through entity structure.
13 The credit at each layer shall include the credit from each lower layer, after
14 reduction for the minimum tax of one hundred seventy-five dollars (\$175) at
15 each layer.

16 (d) The department may promulgate administrative regulations to establish a
17 method for calculating the cost of goods sold attributable to Kentucky.

18 (3) A nonrefundable credit based on the tax calculated under subsection (2) of this
19 section shall be allowed against the tax imposed by KRS 141.020 or 141.040 *for*
20 *taxable years beginning on or after January 1, 2007, but prior to January 1,*
21 *2025.* The credit amount shall be determined as follows:

22 (a) The credit allowed a corporation subject to the tax imposed by KRS 141.040
23 shall be equal to the amount of tax calculated under subsection (2) of this
24 section for the current year after subtraction of any credits identified in KRS
25 141.0205, reduced by the minimum tax of one hundred seventy-five dollars
26 (\$175), plus any credit determined in paragraph (b) of this subsection for tax
27 paid by wholly or partially owned limited liability pass-through entities. The

1 amount of credit allowed to a corporation based on the amount of tax paid
2 under subsection (2) of this section for the current year shall be applied to the
3 income tax due from the corporation's activities in this state. Any remaining
4 credit from the corporation shall be disallowed.

5 (b) The credit allowed members, shareholders, or partners of a limited liability
6 pass-through entity shall be the members', shareholders', or partners'
7 proportionate share of the tax calculated under subsection (2) of this section
8 for the current year after subtraction of any credits identified in KRS
9 141.0205, as determined after the amount of tax paid has been reduced by the
10 minimum tax of one hundred seventy-five dollars (\$175). The credit allowed
11 to members, shareholders, or partners of a limited liability pass-through entity
12 shall be applied to income tax assessed on income from the limited liability
13 pass-through entity. Any remaining credit from the limited liability pass-
14 through entity shall be disallowed.

15 (4) Each taxpayer subject to the tax imposed in this section shall file a return, on forms
16 prepared by the department, on or before the fifteenth day of the fourth month
17 following the close of the taxpayer's taxable year. Any tax remaining due after
18 making the payments required in KRS 141.044 shall be paid by the original due
19 date of the return.

20 (5) The department shall prescribe forms and promulgate administrative regulations as
21 needed to administer the provisions of this section.

22 (6) The tax imposed by subsection (2) of this section shall not apply to:

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

24 1. Financial institutions, as defined in KRS 136.500, except banker's banks
25 organized under KRS 287.135 or 286.3-135;

26 2. Savings and loan associations organized under the laws of this state and
27 under the laws of the United States and making loans to members only;

- 1 3. Banks for cooperatives;
- 2 4. Production credit associations;
- 3 5. Insurance companies, including farmers' or other mutual hail, cyclone,
- 4 windstorm, or fire insurance companies, insurers, and reciprocal
- 5 underwriters;
- 6 6. Corporations or other entities exempt under Section 501 of the Internal
- 7 Revenue Code;
- 8 7. Religious, educational, charitable, or like corporations not organized or
- 9 conducted for pecuniary profit;
- 10 8. Corporations whose only owned or leased property located in this state
- 11 is located at the premises of a printer with which it has contracted for
- 12 printing, provided that:
 - 13 a. The property consists of the final printed product, or copy from
 - 14 which the printed product is produced; and
 - 15 b. The corporation has no individuals receiving compensation in this
 - 16 state as provided in KRS 141.901;
- 17 9. Public service corporations subject to tax under KRS 136.120;
- 18 10. Open-end registered investment companies organized under the laws of
- 19 this state and registered under the Investment Company Act of 1940;
- 20 11. Any property or facility which has been certified as a fluidized bed
- 21 energy production facility as defined in KRS 211.390;
- 22 12. An alcohol production facility as defined in KRS 247.910;
- 23 13. Real estate investment trusts as defined in Section 856 of the Internal
- 24 Revenue Code;
- 25 14. Regulated investment companies as defined in Section 851 of the
- 26 Internal Revenue Code;
- 27 15. Real estate mortgage investment conduits as defined in Section 860D of

- 1 the Internal Revenue Code;
- 2 16. Personal service corporations as defined in Section 269A(b)(1) of the
- 3 Internal Revenue Code;
- 4 17. Cooperatives described in Sections 521 and 1381 of the Internal
- 5 Revenue Code, including farmers' agricultural and other cooperatives
- 6 organized or recognized under KRS Chapter 272, advertising
- 7 cooperatives, purchasing cooperatives, homeowners associations
- 8 including those described in Section 528 of the Internal Revenue Code,
- 9 political organizations as defined in Section 527 of the Internal Revenue
- 10 Code, and rural electric and rural telephone cooperatives; or
- 11 18. Publicly traded partnerships as defined by Section 7704(b) of the
- 12 Internal Revenue Code that are treated as partnerships for federal tax
- 13 purposes under Section 7704(c) of the Internal Revenue Code, or their
- 14 publicly traded partnership affiliates. "Publicly traded partnership
- 15 affiliates" shall include any limited liability company or limited
- 16 partnership for which at least eighty percent (80%) of the limited
- 17 liability company member interests or limited partner interests are
- 18 owned directly or indirectly by the publicly traded partnership; and
- 19 (b) For taxable years beginning on or after January 1, 2021:
- 20 1. Insurance companies, including farmers' or other mutual hail, cyclone,
- 21 windstorm, or fire insurance companies, insurers, and reciprocal
- 22 underwriters;
- 23 2. Corporations or other entities exempt under Section 501 of the Internal
- 24 Revenue Code;
- 25 3. Religious, educational, charitable, or like corporations not organized or
- 26 conducted for pecuniary profit;
- 27 4. Corporations whose only owned or leased property located in this state

- 1 is located at the premises of a printer with which it has contracted for
2 printing, provided that:
- 3 a. The property consists of the final printed product, or copy from
4 which the printed product is produced; and
 - 5 b. The corporation has no individuals receiving compensation in this
6 state as provided in KRS 141.901;
- 7 5. Public service corporations subject to tax under KRS 136.120;
 - 8 6. Open-end registered investment companies organized under the laws of
9 this state and registered under the Investment Company Act of 1940;
 - 10 7. Any property or facility which has been certified as a fluidized bed
11 energy production facility as defined in KRS 211.390;
 - 12 8. An alcohol production facility as defined in KRS 247.910;
 - 13 9. Real estate investment trusts as defined in Section 856 of the Internal
14 Revenue Code;
 - 15 10. Regulated investment companies as defined in Section 851 of the
16 Internal Revenue Code;
 - 17 11. Real estate mortgage investment conduits as defined in Section 860D of
18 the Internal Revenue Code;
 - 19 12. Personal service corporations as defined in Section 269A(b)(1) of the
20 Internal Revenue Code;
 - 21 13. Cooperatives described in Sections 521 and 1381 of the Internal
22 Revenue Code, including farmers' agricultural and other cooperatives
23 organized or recognized under KRS Chapter 272, advertising
24 cooperatives, purchasing cooperatives, homeowners associations
25 including those described in Section 528 of the Internal Revenue Code,
26 political organizations as defined in Section 527 of the Internal Revenue
27 Code, and rural electric and rural telephone cooperatives; or

- 1 14. Publicly traded partnerships as defined by Section 7704(b) of the
2 Internal Revenue Code that are treated as partnerships for federal tax
3 purposes under Section 7704(c) of the Internal Revenue Code, or their
4 publicly traded partnership affiliates. "Publicly traded partnership
5 affiliates" shall include any limited liability company or limited
6 partnership for which at least eighty percent (80%) of the limited
7 liability company member interests or limited partner interests are
8 owned directly or indirectly by the publicly traded partnership.
- 9 (7) (a) As used in this subsection, "qualified exempt organization" means an entity
10 listed in subsection (6)(a) and (b) of this section and shall not include any
11 entity whose exempt status has been disallowed by the Internal Revenue
12 Service.
- 13 (b) Notwithstanding any other provisions of this section, any limited liability
14 pass-through entity that is owned in whole or in part by a qualified exempt
15 organization shall, in calculating its Kentucky gross receipts or Kentucky
16 gross profits, exclude the proportionate share of its Kentucky gross receipts or
17 Kentucky gross profits attributable to the ownership interest of the qualified
18 exempt organization.
- 19 (c) Any limited liability pass-through entity that reduces Kentucky gross receipts
20 or Kentucky gross profits in accordance with paragraph (b) of this subsection
21 shall disregard the ownership interest of the qualified exempt organization in
22 determining the amount of credit available under subsection (3) of this
23 section.
- 24 (d) The Department of Revenue may promulgate an administrative regulation to
25 further define "qualified exempt organization" to include an entity for which
26 exemption is constitutionally or legally required, or to exclude any entity
27 created primarily for tax avoidance purposes with no legitimate business

1 purpose.

2 (8) The credit permitted by subsection (3) of this section shall flow through multiple
3 layers of limited liability pass-through entities and shall be claimed by the taxpayer
4 who ultimately pays the tax on the income of the limited liability pass-through
5 entity.

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

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

10 (1) The nonrefundable business incentive credits against the tax imposed by KRS
11 141.020 shall be taken in the following order:

12 (a) The limited liability entity tax credit permitted by KRS 141.0401 *for taxable*
13 *years beginning on or after January 1, 2007, but prior to January 1, 2025;*

14 (b) The economic development credits computed under KRS 141.347, 141.381,
15 141.384, 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and
16 154.12-2088;

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

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

19 (e) The health insurance credit permitted by KRS 141.062;

20 (f) The tax paid to other states credit permitted by KRS 141.070;

21 (g) The credit for hiring the unemployed permitted by KRS 141.065;

22 (h) The recycling or composting equipment credit permitted by KRS 141.390;

23 (i) The tax credit for cash contributions in investment funds permitted by KRS
24 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
25 154.20-258;

26 (j) The research facilities credit permitted by KRS 141.395;

27 (k) The employer High School Equivalency Diploma program incentive credit

- 1 permitted under KRS 151B.402;
- 2 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 3 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 4 (n) The clean coal incentive credit permitted by KRS 141.428;
- 5 (o) The ethanol credit permitted by KRS 141.4242;
- 6 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 7 (q) The energy efficiency credits permitted by KRS 141.436;
- 8 (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 9 (s) The Endow Kentucky credit permitted by KRS 141.438;
- 10 (t) The New Markets Development Program credit permitted by KRS 141.434;
- 11 (u) The distilled spirits credit permitted by KRS 141.389;
- 12 (v) The angel investor credit permitted by KRS 141.396;
- 13 (w) The film industry credit permitted by KRS 141.383 for applications approved
- 14 on or after April 27, 2018, but before January 1, 2022;
- 15 (x) The inventory credit permitted by KRS 141.408; and
- 16 (y) The renewable chemical production credit permitted by KRS 141.4231;
- 17 (2) After the application of the nonrefundable credits in subsection (1) of this section,
- 18 the nonrefundable personal tax credits against the tax imposed by KRS 141.020
- 19 shall be taken in the following order:
- 20 (a) The individual credits permitted by KRS 141.020(3);
- 21 (b) The credit permitted by KRS 141.066;
- 22 (c) The tuition credit permitted by KRS 141.069;
- 23 (d) The household and dependent care credit permitted by KRS 141.067;
- 24 (e) The income gap credit permitted by KRS 141.066; and
- 25 (f) The Education Opportunity Account Program tax credit permitted by KRS
- 26 141.522;
- 27 (3) After the application of the nonrefundable credits provided for in subsection (2) of

1 this section, the refundable credits against the tax imposed by KRS 141.020 shall be
2 taken in the following order:

- 3 (a) The individual withholding tax credit permitted by KRS 141.350;
- 4 (b) The individual estimated tax payment credit permitted by KRS 141.305;
- 5 (c) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and
6 171.397(1)(b);
- 7 (d) The film industry tax credit permitted by KRS 141.383 for applications
8 approved prior to April 27, 2018, or on or after January 1, 2022;
- 9 (e) The development area tax credit permitted by KRS 141.398;
- 10 (f) The decontamination tax credit permitted by KRS 141.419; and
- 11 (g) The pass-through entity tax credit permitted by KRS 141.209;
- 12 (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the
13 tax imposed by KRS 141.040 for taxable years beginning on or after January 1,
14 2007, but prior to January 1, 2025;
- 15 (5) The following nonrefundable credits shall be applied against the sum of the tax
16 imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)
17 of this section, and the tax imposed by KRS 141.0401 in the following order:
 - 18 (a) The economic development credits computed under KRS 141.347, 141.381,
19 141.384, 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and
20 154.12-2088;
 - 21 (b) The qualified farming operation credit permitted by KRS 141.412;
 - 22 (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
 - 23 (d) The health insurance credit permitted by KRS 141.062;
 - 24 (e) The unemployment credit permitted by KRS 141.065;
 - 25 (f) The recycling or composting equipment credit permitted by KRS 141.390;
 - 26 (g) The coal conversion credit permitted by KRS 141.041;
 - 27 (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods

- 1 ending prior to January 1, 2008;
- 2 (i) The tax credit for cash contributions to investment funds permitted by KRS
3 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
4 154.20-258;
- 5 (j) The research facilities credit permitted by KRS 141.395;
- 6 (k) The employer High School Equivalency Diploma program incentive credit
7 permitted by KRS 151B.402;
- 8 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 9 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 10 (n) The clean coal incentive credit permitted by KRS 141.428;
- 11 (o) The ethanol credit permitted by KRS 141.4242;
- 12 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 13 (q) The energy efficiency credits permitted by KRS 141.436;
- 14 (r) The ENERGY STAR home or ENERGY STAR manufactured home credit
15 permitted by KRS 141.437;
- 16 (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 17 (t) The railroad expansion credit permitted by KRS 141.386;
- 18 (u) The Endow Kentucky credit permitted by KRS 141.438;
- 19 (v) The New Markets Development Program credit permitted by KRS 141.434;
- 20 (w) The distilled spirits credit permitted by KRS 141.389;
- 21 (x) The film industry credit permitted by KRS 141.383 for applications approved
22 on or after April 27, 2018, but before January 1, 2022;
- 23 (y) The inventory credit permitted by KRS 141.408;
- 24 (z) The renewable chemical production tax credit permitted by KRS 141.4231;
- 25 and
- 26 (aa) The Education Opportunity Account Program tax credit permitted by KRS
27 141.522; and

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