

1 AN ACT relating to income taxation of military pensions.

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

3 ➔Section 1. KRS 141.019 is amended to read as follows:

4 In the case of taxpayers other than corporations:

- 5 (1) Adjusted gross income shall be calculated by subtracting from the gross income of
6 those taxpayers the deductions allowed individuals by Section 62 of the Internal
7 Revenue Code and adjusting as follows:
- 8 (a) Exclude income that is exempt from state taxation by the Kentucky
9 Constitution and the Constitution and statutory laws of the United States;
 - 10 (b) Exclude income from supplemental annuities provided by the Railroad
11 Retirement Act of 1937 as amended and which are subject to federal income
12 tax by Pub. L. No. 89-699;
 - 13 (c) Include interest income derived from obligations of sister states and political
14 subdivisions thereof;
 - 15 (d) Exclude employee pension contributions picked up as provided for in KRS
16 6.505, 16.545, 21.360, 61.523, 61.560, 65.155, 67A.320, 67A.510, 78.610,
17 and 161.540 upon a ruling by the Internal Revenue Service or the federal
18 courts that these contributions shall not be included as gross income until such
19 time as the contributions are distributed or made available to the employee;
 - 20 (e) Exclude Social Security and railroad retirement benefits subject to federal
21 income tax;
 - 22 (f) Exclude any money received because of a settlement or judgment in a lawsuit
23 brought against a manufacturer or distributor of "Agent Orange" for damages
24 resulting from exposure to Agent Orange by a member or veteran of the
25 Armed Forces of the United States or any dependent of such person who
26 served in Vietnam;
 - 27 (g) 1. a. For taxable years beginning after December 31, 2005, but before

1 January 1, 2018, exclude up to forty-one thousand one hundred ten
2 dollars (\$41,110) of total distributions from pension plans, annuity
3 contracts, profit-sharing plans, retirement plans, or employee
4 savings plans;~~and~~

5 b. For taxable years beginning on or after January 1, 2018, exclude
6 up to thirty-one thousand one hundred ten dollars (\$31,110) of
7 total distributions from pension plans, annuity contracts, profit-
8 sharing plans, retirement plans, or employee savings plans; and

9 c. For taxable years beginning on or after January 1, 2026, but
10 before January 1, 2030, in addition to the exclusion provided in
11 subdivision b. of this subparagraph, exclude all distributions
12 from military pension plans received by a:

13 i. Retired member of the active duty components of the
14 Armed Forces of the United States;

15 ii. Retired member of the reserve components of the Armed
16 Forces of the United States;

17 iii. Retired member of the National Guard; and

18 iv. Retired member's surviving spouse or former spouse under
19 a survivor benefit plan derived from the retired member's
20 military pension plan.

21 2. a. The purpose of the military pension exclusion under
22 subparagraph 1.c. of this paragraph is to encourage military
23 personnel and military families to remain residents of Kentucky
24 after retirement.

25 b. The department shall report the following information to the
26 Legislative Research Commission and the Interim Joint
27 Committee on Appropriations and Revenue no later than

1 November 1, 2026, and on or before each November 1 thereafter
2 as long as the exclusion is claimed on any return filed:

3 i. The number of tax returns claiming the exclusion for each
4 taxable year;

5 ii. The total amount of the exclusions claimed and the total
6 amount of the reduced tax liability for each taxable year;

7 iii. The cumulative total of the reduced tax liability by county,
8 based on the mailing address on the return claiming the
9 exclusion, for each taxable year; and

10 iv. Based on ranges of adjusted gross income of no larger than
11 five thousand dollars (\$5,000), the total amount of the
12 reduced tax liability for each adjusted gross income range
13 for each taxable year.

14 ~~3[2]~~. As used in this paragraph:

- 15 a. "Annuity contract" has the same meaning as set forth in Section
16 1035 of the Internal Revenue Code;
- 17 b. "Distributions" includes but is not limited to any lump-sum
18 distribution from pension or profit-sharing plans qualifying for the
19 income tax averaging provisions of Section 402 of the Internal
20 Revenue Code; any distribution from an individual retirement
21 account as defined in Section 408 of the Internal Revenue Code;
22 and any disability pension distribution; and
- 23 c. "Pension plans, profit-sharing plans, retirement plans, or employee
24 savings plans" means any trust or other entity created or organized
25 under a written retirement plan and forming part of a stock bonus,
26 pension, or profit-sharing plan of a public or private employer for
27 the exclusive benefit of employees or their beneficiaries and

- 1 includes plans qualified or unqualified under Section 401 of the
2 Internal Revenue Code and individual retirement accounts as
3 defined in Section 408 of the Internal Revenue Code;
- 4 (h) 1. a. Exclude the portion of the distributive share of a shareholder's net
5 income from an S corporation subject to the franchise tax imposed
6 under KRS 136.505 or the capital stock tax imposed under KRS
7 136.300; and
- 8 b. Exclude the portion of the distributive share of a shareholder's net
9 income from an S corporation related to a qualified subchapter S
10 subsidiary subject to the franchise tax imposed under KRS
11 136.505 or the capital stock tax imposed under KRS 136.300.
- 12 2. The shareholder's basis of stock held in an S corporation where the S
13 corporation or its qualified subchapter S subsidiary is subject to the
14 franchise tax imposed under KRS 136.505 or the capital stock tax
15 imposed under KRS 136.300 shall be the same as the basis for federal
16 income tax purposes;
- 17 (i) Exclude income received for services performed as a precinct worker for
18 election training or for working at election booths in state, county, and local
19 primaries or regular or special elections;
- 20 (j) Exclude any capital gains income attributable to property taken by eminent
21 domain;
- 22 (k) 1. Exclude all income from all sources for members of the Armed Forces
23 who are on active duty and who are killed in the line of duty, for the
24 year during which the death occurred and the year prior to the year
25 during which the death occurred.
- 26 2. For the purposes of this paragraph, "all income from all sources" shall
27 include all federal and state death benefits payable to the estate or any

- 1 beneficiaries;
- 2 (l) Exclude all military pay received by members of the Armed Forces while on
3 active duty;
- 4 (m) 1. Include the amount deducted for depreciation under 26 U.S.C. sec. 167
5 or 168; and
6 2. Exclude the amounts allowed by KRS 141.0101 for depreciation;
- 7 (n) Include the amount deducted under 26 U.S.C. sec. 199A;
- 8 (o) Ignore any change in the cost basis of the surviving spouse's share of property
9 owned by a Kentucky community property trust occurring for federal income
10 tax purposes as a result of the death of the predeceasing spouse;
- 11 (p) Allow the same treatment allowed under Pub. L. No. 116-260, secs. 276 and
12 278, related to the tax treatment of forgiven covered loans, deductions
13 attributable to those loans, and tax attributes associated with those loans for
14 taxable years ending on or after March 27, 2020, but before January 1, 2022;
15 and
- 16 (q) For taxable years beginning on or after January 1, 2020, but before March 11,
17 2023, allow the same treatment of restaurant revitalization grants in
18 accordance with Pub. L. No. 117-2, sec. 9673 and 15 U.S.C. sec. 9009c,
19 related to the tax treatment of the grants, deductions attributable to those
20 grants, and tax attributes associated with those grants; and
- 21 (2) Net income shall be calculated by subtracting from adjusted gross income all the
22 deductions allowed individuals by Chapter 1 of the Internal Revenue Code, as
23 modified by KRS 141.0101, except:
- 24 (a) Any deduction allowed by 26 U.S.C. sec. 164 for taxes;
- 25 (b) Any deduction allowed by 26 U.S.C. sec. 165 for losses, except wagering
26 losses allowed under Section 165(d) of the Internal Revenue Code;
- 27 (c) Any deduction allowed by 26 U.S.C. sec. 213 for medical care expenses;

- 1 (d) Any deduction allowed by 26 U.S.C. sec. 217 for moving expenses;
- 2 (e) Any deduction allowed by 26 U.S.C. sec. 67 for any other miscellaneous
3 deduction;
- 4 (f) Any deduction allowed by the Internal Revenue Code for amounts allowable
5 under KRS 140.090(1)(h) in calculating the value of the distributive shares of
6 the estate of a decedent, unless there is filed with the income return a
7 statement that the deduction has not been claimed under KRS 140.090(1)(h);
- 8 (g) Any deduction allowed by 26 U.S.C. sec. 151 for personal exemptions and
9 any other deductions in lieu thereof;
- 10 (h) Any deduction allowed for amounts paid to any club, organization, or
11 establishment which has been determined by the courts or an agency
12 established by the General Assembly and charged with enforcing the civil
13 rights laws of the Commonwealth, not to afford full and equal membership
14 and full and equal enjoyment of its goods, services, facilities, privileges,
15 advantages, or accommodations to any person because of race, color, religion,
16 national origin, or sex, except nothing shall be construed to deny a deduction
17 for amounts paid to any religious or denominational club, group, or
18 establishment or any organization operated solely for charitable or educational
19 purposes which restricts membership to persons of the same religion or
20 denomination in order to promote the religious principles for which it is
21 established and maintained; and
- 22 (i) A taxpayer may elect to claim the standard deduction allowed by KRS
23 141.081 instead of itemized deductions allowed pursuant to 26 U.S.C. sec. 63
24 and as modified by this section.

25 ➔Section 2. KRS 131.190 is amended to read as follows:

- 26 (1) No present or former commissioner or employee of the department, present or
27 former member of a county board of assessment appeals, present or former property

1 valuation administrator or employee, present or former secretary or employee of the
2 Finance and Administration Cabinet, former secretary or employee of the Revenue
3 Cabinet, or any other person, shall intentionally and without authorization inspect
4 or divulge any information acquired by him or her of the affairs of any person, or
5 information regarding the tax schedules, returns, or reports required to be filed with
6 the department or other proper officer, or any information produced by a hearing or
7 investigation, insofar as the information may have to do with the affairs of the
8 person's business.

9 (2) The prohibition established by subsection (1) of this section shall not extend to:

- 10 (a) Information required in prosecutions for making false reports or returns of
11 property for taxation, or any other infraction of the tax laws;
- 12 (b) Any matter properly entered upon any assessment record, or in any way made
13 a matter of public record;
- 14 (c) Furnishing any taxpayer or his or her properly authorized agent with
15 information respecting his or her own return;
- 16 (d) Testimony provided by the commissioner or any employee of the department
17 in any court, or the introduction as evidence of returns or reports filed with the
18 department, in an action for violation of state or federal tax laws or in any
19 action challenging state or federal tax laws;
- 20 (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or
21 energy resources assessed under KRS 132.820, or owners of surface land
22 under which the unmined minerals lie, factual information about the owner's
23 property derived from third-party returns filed for that owner's property, under
24 the provisions of KRS 132.820, that is used to determine the owner's
25 assessment. This information shall be provided to the owner on a confidential
26 basis, and the owner shall be subject to the penalties provided in KRS
27 131.990(2). The third-party filer shall be given prior notice of any disclosure

- 1 of information to the owner that was provided by the third-party filer;
- 2 (f) Providing to a third-party purchaser pursuant to an order entered in a
3 foreclosure action filed in a court of competent jurisdiction, factual
4 information related to the owner or lessee of coal, oil, gas reserves, or any
5 other mineral resources assessed under KRS 132.820. The department may
6 promulgate an administrative regulation establishing a fee schedule for the
7 provision of the information described in this paragraph. Any fee imposed
8 shall not exceed the greater of the actual cost of providing the information or
9 ten dollars (\$10);
- 10 (g) Providing information to a licensing agency, the Transportation Cabinet, or
11 the Kentucky Supreme Court under KRS 131.1817;
- 12 (h) Statistics of gasoline and special fuels gallonage reported to the department
13 under KRS 138.210 to 138.448;
- 14 (i) Providing any utility gross receipts license tax return information that is
15 necessary to administer the provisions of KRS 160.613 to 160.617 to
16 applicable school districts on a confidential basis;
- 17 (j) Providing documents, data, or other information to a third party pursuant to an
18 order issued by a court of competent jurisdiction;
- 19 (k) Publishing administrative writings on its official website in accordance with
20 KRS 131.020(1)(b); or
- 21 (l) Providing information to the Legislative Research Commission under:
- 22 1. KRS 139.519 for purposes of the sales and use tax refund on building
23 materials used for disaster recovery;
- 24 2. KRS 141.436 for purposes of the energy efficiency products credits;
- 25 3. KRS 141.437 for purposes of the ENERGY STAR home and the
26 ENERGY STAR manufactured home credits;
- 27 4. KRS 141.383 for purposes of the film industry incentives;

- 1 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization
2 credit~~{tax credits}~~ and the job assessment fees;
- 3 6. KRS 141.068 for purposes of the Kentucky investment fund;
- 4 7. KRS 141.396 for purposes of the angel investor ~~{tax}~~credit;
- 5 8. KRS 141.389 for purposes of the distilled spirits credit;
- 6 9. KRS 141.408 for purposes of the inventory credit;
- 7 10. KRS 141.390 for purposes of the recycling and composting
8 credits~~{credit}~~;
- 9 11. KRS 141.3841 for purposes of the selling farmer ~~{tax}~~credit;
- 10 12. KRS 141.4231 for purposes of the renewable chemical production ~~{tax}~~
11 }~~credit~~;
- 12 13. KRS 141.524 for purposes of the Education Opportunity Account
13 Program ~~{tax}~~credit;
- 14 14. KRS 141.398 for purposes of the development area ~~{tax}~~credit;
- 15 15. KRS 139.516 for ~~{the}~~purposes of the sales and use tax exemptions
16 for~~{exemption on}~~ the commercial mining of cryptocurrency;
- 17 16. KRS 141.419 for purposes of the decontamination ~~{tax}~~credit;
- 18 17. KRS 141.391 for purposes of the qualified broadband investment ~~{tax}~~
19 }~~credit~~; ~~{and}~~
- 20 18. KRS 139.499 for purposes of the sales and use tax
21 exemptions~~{exemption}~~ for a qualified data center project; and
- 22 19. Section 1 of this Act for purposes of the income tax exclusion for
23 military pension.

24 (3) The commissioner shall make available any information for official use only and on
25 a confidential basis to the proper officer, agency, board or commission of this state,
26 any Kentucky county, any Kentucky city, any other state, or the federal
27 government, under reciprocal agreements whereby the department shall receive

1 similar or useful information in return.

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

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

14 (6) Notwithstanding any provision of law to the contrary, beginning with mine-map
15 submissions for the 1989 tax year, the department may make public or divulge only
16 those portions of mine maps submitted by taxpayers to the department pursuant to
17 KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-
18 out parcel areas. These electronic maps shall not be relied upon to determine actual
19 boundaries of mined-out parcel areas. Property boundaries contained in mine maps
20 required under KRS Chapters 350 and 352 shall not be construed to constitute land
21 surveying or boundary surveys as defined by KRS 322.010 and any administrative
22 regulations promulgated thereto.