

1 AN ACT implementing the federal education opportunity program in Kentucky.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 14 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) Pursuant to 26 U.S.C. sec. 25F(g):*

6 *(a) The General Assembly hereby designates itself under state law to make the*  
7 *election on behalf of the Commonwealth with respect to federal tax benefits*  
8 *under 26 U.S.C. sec. 25F;*

9 *(b) The General Assembly hereby elects that in each calendar year the*  
10 *Commonwealth of Kentucky shall:*

- 11 *1. Participate in the qualified elementary and secondary education*  
12 *scholarship federal tax credit established under 26 U.S.C. sec. 25F, or*  
13 *any successor program, for individuals who make qualifying*  
14 *contributions to scholarship granting organizations; and*  
15 *2. Identify scholarship granting organizations in the state;*

16 *(c) The Secretary of State is hereby designated under Kentucky law as the sole*  
17 *official authorized to:*

- 18 *1. Report the state's election to participate in the qualified elementary*  
19 *and secondary education scholarship federal tax credit under 26*  
20 *U.S.C. sec. 25F; and*  
21 *2. Submit a list as described in 26 U.S.C. sec. 25F(g) and perform other*  
22 *functions necessary to implement the General Assembly's election*  
23 *under paragraph (a) of this subsection; and*

24 *(d) The Secretary of State shall notify the United States Secretary of the*  
25 *Treasury of the Commonwealth's participation in the qualified elementary*  
26 *and secondary education scholarship federal tax credit and submit the list*  
27 *established by the Secretary of State by January 1 of each year.*

- 1 (2) The Secretary of State shall publish the associated administrative regulations and  
2 other applicable guidance issued by the United States Secretary of the Treasury  
3 or the Internal Revenue Service on the Secretary of State's website.
- 4 (3) The Secretary of State may promulgate administrative regulations in accordance  
5 with KRS Chapter 13A necessary to carry out this section.
- 6 (4) The Secretary of State shall collect a fee from scholarship granting organizations  
7 or accept private contributions to pay the necessary costs of administration of this  
8 section. All amounts received under this subsection shall be deposited in a  
9 restricted fund account, not commingled, and shall be used solely to administer  
10 this section.
- 11 (5) Any immunity under the Eleventh Amendment to the Constitution of the United  
12 States is waived under this section.