

1 AN ACT relating to revenue measures and declaring an emergency.

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

3 ➔Section 1. KRS 139.450 is amended to read as follows:

4 (1) It shall be presumed that:

5 (a) Tangible personal property shipped or brought to this state by the purchaser; ~~†~~
6 ~~or~~†

7 (b) Digital property delivered or transferred electronically into this state; or

8 (c) A service provided to a purchaser in this state;

9 was purchased from a retailer for storage, use, or other consumption in this state.

10 (2) (a) A marketplace provider that makes retail sales on its own behalf or facilitates
11 retail sales of tangible personal property, digital property, or services that are
12 delivered, ~~for~~ transferred electronically, or provided to a purchaser in this
13 state for one (1) or more marketplace retailers that in any sales combination
14 exceeds one hundred thousand dollars (\$100,000) ~~for reaches two hundred~~
15 ~~(200) or more separate transactions in the immediately preceding calendar~~
16 ~~year or current calendar year~~ shall be subject to this section.

17 (b) The marketplace provider shall:

18 1. Register for a sales and use tax permit number to report and remit the
19 tax due; and

20 2. Collect tax imposed under this chapter;
21 no later than the first day of the calendar month that is at the most sixty (60)
22 days after the ~~either~~ threshold in paragraph (a) of this subsection is reached.

23 (c) The marketplace provider may register for:

24 1. A single sales and use tax permit number to report and remit all the tax
25 due on the marketplace provider's direct sales and sales the marketplace
26 provider facilitates for one (1) or more marketplace retailers; or

27 2. a. One (1) sales and use tax permit number to report and remit the tax

- 1 due on the marketplace provider's direct sales; and
- 2 b. One (1) additional sales and use tax permit number to report and
- 3 remit the tax due on all sales the marketplace provider facilitates
- 4 for one (1) or more marketplace retailers.
- 5 (d) 1. If the marketplace provider elects to report and remit the tax due on a
- 6 single sales and use tax permit number as provided in paragraph (c)1. of
- 7 this subsection, the marketplace provider shall, upon request of the
- 8 department, provide a separate breakdown of receipts from the
- 9 marketplace provider's direct sales and the sales the marketplace
- 10 provider facilitates for the preceding fiscal year ending June 30.
- 11 2. The department may request the breakdown of receipts no more than
- 12 once annually.
- 13 (e) The marketplace provider shall collect Kentucky tax on the entire sales price
- 14 or purchase price paid by a purchaser on each retail sale subject to tax under
- 15 this chapter that is made on its own behalf or that is facilitated by the
- 16 marketplace provider, regardless of whether the seller would have been
- 17 required to collect the tax had the retail sale not been facilitated by the
- 18 marketplace provider.
- 19 (3) Nothing in this section shall be construed to relieve the marketplace provider of
- 20 liability for collecting but failing to remit the taxes imposed under this chapter.
- 21 (4) (a) The marketplace provider shall be subject to audit on all sales made on its
- 22 own behalf and on all sales facilitated by the marketplace provider.
- 23 (b) The marketplace retailer shall be relieved of all liability for the collection and
- 24 remittance of the sales or use tax on sales facilitated by the marketplace
- 25 provider.
- 26 (5) No class action may be brought against a marketplace provider on behalf of
- 27 purchasers arising from or in any way related to an overpayment of tax collected by

1 the marketplace provider.

2 ➔Section 2. KRS 131.183 is amended to read as follows:

- 3 (1) (a) Except for the addition to tax required when an underpayment of estimated
4 tax occurs under KRS 141.044 and 141.305, all taxes payable to the
5 Commonwealth not paid at the time prescribed by statute shall accrue interest
6 at the tax interest rate.
- 7 (b) 1. a. Except as provided by subparagraph 2 of this paragraph, the tax
8 interest rate shall be equal to the adjusted prime rate charged by
9 banks rounded to the nearest full percent as adjusted by subsection
10 (2) of this section.
- 11 b. The commissioner of revenue shall adjust the tax interest rate not
12 later than November 15 of each year if the adjusted prime rate
13 charged by banks during September of that year, rounded to the
14 nearest full percent, is at least one (1) percentage point more or
15 less than the tax interest rate which is then in effect. The adjusted
16 tax interest rate shall become effective on January 1 of the
17 immediately succeeding year.
- 18 2. For additional tax billed in accordance with KRS 136.180(2), the tax
19 interest rate shall be equal to the federal short-term rate applicable to
20 each quarter of the period that begins on the date the protest was filed by
21 the taxpayer under KRS 131.110 and ends on the due date of the tax as
22 stated on the final tax bill. The federal short-term rate for each quarter
23 shall be the federal short-term rate determined by the Secretary of the
24 Treasury under Section 6621(b) of the Internal Revenue Code of 1986
25 or equivalent section in case of amendment. The two percent (2%)
26 adjustment provided by subsection (2)(a) of this section shall not apply
27 to the interest rate determined under this subparagraph.

- 1 (2) (a) ~~1. All taxes payable to the Commonwealth that have not been paid at the~~
 2 ~~time prescribed by statute shall accrue interest at the tax interest rate as~~
 3 ~~determined in accordance with subsection (1) of this section until May 1,~~
 4 ~~2008.~~
- 5 ~~2. Beginning on May 1, 2008,~~ All taxes payable to the Commonwealth
 6 that have not been paid at the time prescribed by statute shall accrue
 7 interest at the tax interest rate as determined in accordance with
 8 subsection (1) of this section plus two percent (2%).
- 9 (b) 1. ~~Interest shall be allowed and paid upon any overpayment as defined in~~
 10 ~~KRS 134.580 in respect of any of the taxes provided for in Chapters~~
 11 ~~131, 132, 134, 136, 137, 138, 139, 140, 141, 142, 143, 143A, and 243 of~~
 12 ~~the Kentucky Revised Statutes and KRS 160.613 and 160.614 at the rate~~
 13 ~~provided in subsection (1) of this section until May 1, 2008.~~
- 14 ~~2. Beginning on May 1, 2008,~~ Interest shall be allowed and paid upon any
 15 overpayment as defined in KRS 134.580 at the rate provided in
 16 subsection (1) of this section minus two percent (2%).
- 17 ~~2. [3.] [Effective for refunds issued after April 24, 2008,]~~Except for the
 18 provisions of KRS 138.351, 141.044(2), **and** 141.235(3)~~],~~ and
 19 subsection (3) of this section, interest authorized under this subsection
 20 shall begin to accrue sixty (60) days after the latest of:
- 21 a. The due date of the return;
 22 b. The date the return was filed;
 23 c. The date the tax was paid;
 24 d. The last day prescribed by law for filing the return; or
 25 e. The date an amended return claiming a refund is filed.
- 26 (c) In no case shall interest be paid in an amount less than five dollars (\$5).
- 27 (d) ~~A [No]~~ refund shall **not** be made of any estimated tax paid unless:

- 1 do not apply to the taxes imposed under KRS 141.040 and 141.0401;
- 2 (c) The addition to tax identified by 26 U.S.C. sec. 6655(a) shall instead be
- 3 considered a penalty under KRS 131.180;
- 4 (d) The tax interest rate identified under KRS 131.183 shall be used to determine
- 5 the underpayment rate instead of the rate under 26 U.S.C. sec. 6621;
- 6 (e) Any waiver of penalties shall be performed as provided in KRS 131.175; and
- 7 (f) 1. A refund of taxes collected under this section shall include interest at the
- 8 tax interest rate as defined in KRS 131.010~~[(6)]~~.
- 9 2. Interest shall not begin to accrue until ninety (90) days after the latest of:
- 10 a. The due date of the return;
- 11 b. The date the return was filed;
- 12 c. The date the tax was paid;
- 13 d. The last day prescribed by law for filing the return; or
- 14 e. The date an amended return claiming a refund is filed.
- 15 3. ~~A~~~~[No]~~ refund shall ***not*** be made of any estimated tax paid unless:
- 16 ***a. i. An application is made by the taxpayer or officer***
- 17 ***authorized to make the request on a form prescribed by the***
- 18 ***department; and***
- 19 ***ii. It is determined that the estimated tax was paid to the***
- 20 ***department in error; or***
- 21 ***b.*** A return is filed as required by this chapter.
- 22 (3) The department may promulgate administrative regulations ***in accordance with***
- 23 ***KRS Chapter 13A*** to implement this section.
- 24 ➔Section 4. KRS 96.895 is amended to read as follows:
- 25 (1) As used in this section, unless the context requires otherwise:
- 26 (a) "Book value" means original cost unadjusted for depreciation as reflected in
- 27 the TVA's books of account;

- 1 (b) "Fund" means the regional development agency assistance fund established in
2 subsection (4) of this section;
- 3 (c) "Fund-eligible county" means one (1) of Adair, Allen, Ballard, Barren, Bell,
4 Butler, Caldwell, Calloway, Carlisle, Christian, Clinton, Cumberland,
5 Edmonson, Fulton, Graves, Grayson, Harlan, Hart, Henderson, Hickman,
6 Livingston, Logan, Lyon, Marshall, McCracken, McCreary, Metcalfe,
7 Monroe, Muhlenberg, Ohio, Russell, Simpson, Todd, Trigg, Union, Warren,
8 Wayne, Webster, or Whitley Counties;
- 9 (d) "Regional development agency" or "agency" means a special purpose
10 governmental entity as defined in KRS 65A.010(9) that is designated by a
11 fiscal court to receive a payment pursuant to this section;
- 12 (e) "TVA" means the Tennessee Valley Authority; and
- 13 (f) "TVA property" means land owned by the United States and in the custody of
14 the TVA, together with improvements that have a fixed situs on the land,
15 including work in progress but excluding temporary construction facilities, if
16 these improvements either:
- 17 1. Were in existence when title to the land on which they are situated was
18 acquired by the United States; or
 - 19 2. Are allocated by the TVA or determined by it to be allocable to power.
20 However, manufacturing machinery as interpreted by the Department of
21 Revenue for franchise tax determination; ash disposal systems; and coal
22 handling facilities, including railroads, cranes and hoists, and crushing
23 and conveying equipment, shall be excluded.
- 24 (2) Book value shall be determined, for purposes of applying this section, as of the June
25 30 used by the TVA in computing the annual payment to the Commonwealth that is
26 subject to redistribution by the Commonwealth.
- 27 (3) Except for payments made directly by the TVA to counties, the total fiscal year

1 payment received by the Commonwealth of Kentucky from the TVA, as authorized
2 by Section 13 of the Tennessee Valley Authority Act, as amended, shall be prorated
3 thirty percent (30%) to the general fund of the Commonwealth and seventy percent
4 (70%) among counties, cities, and school districts, as provided in subsections (6)
5 and (7) of this section.

6 (4) (a) The regional development agency assistance fund is hereby established in the
7 State Treasury.

8 (b) The fund shall be administered by the Department for Local Government for
9 the purpose of providing funding to agencies that are designated to receive
10 funding in a given fiscal year by the fiscal court of each fund-eligible county
11 through the Regional Development Agency Assistance Program established in
12 KRS 96.905.

13 (c) The fund shall only receive the moneys transferred from the general fund
14 pursuant to subsection (5) of this section.

15 (d) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close
16 of the fiscal year shall not lapse but shall be carried forward into the
17 succeeding fiscal year. Any interest earnings of the fund shall become a part
18 of the fund and shall not lapse.

19 (5) (a) For fiscal years beginning on or after July 1, 2020, a portion of the total fiscal
20 year payment received by the Commonwealth that is allocated to the general
21 fund shall be transferred from the general fund to the regional development
22 agency assistance fund established in subsection (4) of this section.

23 (b) This portion shall be equal to six million dollars (\$6,000,000).

24 (c) Distribution of these moneys shall be made by dividing the amount in
25 paragraph (b) of this subsection equally among each fund-eligible county.

26 (6) The payment to each county, city, and school district shall be determined by the
27 proportion that the book value of TVA property in such taxing district, multiplied

1 by the current tax rate, bears to the total of the book values of TVA property in all
2 such taxing districts in the Commonwealth, multiplied by their respective tax rates.
3 However, for purposes of this calculation, each public school district shall have its
4 tax rate increased by thirty cents (\$0.30).

5 (7) (a) As soon as practicable after the amount of payment to be made to the
6 Commonwealth is finally determined by the TVA, the Department of
7 Revenue shall determine the book value of TVA property in each county, city,
8 and school district and shall prorate the payments allocated to counties, cities,
9 and school districts under subsection (3) of this section among the distributees
10 as provided in subsection (6) of this section.

11 (b) The Department of Revenue shall:

- 12 1. Certify the payment due each county, city, and school district, including
13 the amount distributed to the county under subsection (5) of this section,
14 to the Finance and Administration Cabinet; and
- 15 2. Notify the Department for Local Government of that certification.

16 (c) Upon certification by the Department of Revenue, the Finance and
17 Administration Cabinet shall make the payment to such district.

18 (8) In each fiscal year, after the Department of Revenue has calculated the prorated
19 payment amount that is due to each county, city, and school district under
20 subsections (6) and (7) of this section, the Department for Local Government shall
21 notify in writing the fiscal court of each fund-eligible county regarding the amount
22 that the county, city, and school district shall receive for the fiscal year, including
23 the amount distributed to the county under subsection (5) of this section.

24 (9) No amount shall be taken from the fund to pay administrative expenses by the
25 Department for Local Government.

26 (10) All agencies receiving funds under this section shall provide a written report
27 annually, no later than October 1, to the fiscal court that designated it for payment

1 and to the Department for Local Government~~Interim Joint Committee on~~
 2 ~~Appropriations and Revenue~~. The report shall describe how the funds were
 3 expended and the results of the use of funds in terms of economic development and
 4 job creation.

5 **(11) No later than December 1 of each year, the Department for Local Government**
 6 **shall report to the Legislative Research Commission for referral to the Interim**
 7 **Joint Committee on Appropriations and Revenue the total amount of funds**
 8 **distributed to each agency for the fiscal year, how each agency expended the**
 9 **funds, and the results of the use of funds in terms of economic development and**
 10 **job creation.**

11 ➔Section 5. KRS 154.30-030 is amended to read as follows:

12 (1) **(a)** The Commonwealth shall offer three (3) tax increment financing participation
 13 programs. The first program, the criteria and details of which are set forth in
 14 KRS 154.30-040, relates to a pledge of state real property ad valorem taxes
 15 only. The second program, the criteria and details of which are set forth in
 16 KRS 154.30-050, is the Signature Projects Program. The third program, the
 17 criteria and details of which are set forth in KRS 154.30-060, relates to the
 18 pledge of state tax revenues to support mixed-use development in blighted
 19 urban areas.

20 **(b) 1. The programs under paragraph (a) of this subsection shall sunset on**
 21 **the effective date of this section of this Act, and new applications shall**
 22 **not be submitted or considered for approval after the effective date of**
 23 **this section of this Act.**

24 **2. Projects approved prior to the effective date of this section of this Act**
 25 **shall continue to be governed in accordance with the tax incentive**
 26 **agreement's terms and conditions as set forth in KRS 154.30-070.**

27 **3. Tax incentive agreements related to the programs under paragraph (a)**

1 of this subsection shall not be amended or have activation date
2 extensions approved by the Commonwealth after the effective date of
3 this section of this Act.

4 (2) (a) A city or county that has established a development area pursuant to KRS
5 65.7049, 65.7051, and 65.7053, or an agency designated as the entity
6 managing a development area established pursuant to KRS 65.7049, 65.7051,
7 and 65.7053, may submit an application to the authority requesting that the
8 Commonwealth participate in a project, before the effective date of this
9 section of this Act.

10 1. The application shall identify the specific program under which state
11 participation is being requested and shall include the following
12 attachments, in addition to any requirements developed by the authority
13 pursuant to paragraph (b) of this subsection:

14 a. A copy of the ordinance adopted by the city or county establishing
15 the development area;

16 b. A copy of the local participation agreement; and

17 c. Data and information supporting the determinations and findings
18 required by KRS 65.7049.

19 2. The staff of the authority shall review the application to determine if the
20 applicant has met all of the statutory and regulatory requirements
21 established by this subchapter and shall notify the applicant in writing of
22 its determination. This review shall be preliminary in nature and shall
23 not constitute approval of the request. All applications for participation
24 by the Commonwealth shall be reviewed by the authority for approval.

25 3. a. Applications meeting all statutory and regulatory requirements
26 requesting participation by the Commonwealth pursuant to KRS
27 154.30-040, along with any supporting materials, shall be referred

- 1 by the staff of the authority to the authority for consideration.
- 2 b. i. Applicants meeting all statutory and regulatory requirements
3 requesting participation by the Commonwealth pursuant to
4 KRS 154.30-050(3)(b) or 154.30-060 shall be required to
5 submit a report prepared by an independent consultant or
6 financial adviser as described in subsection (6) of this section
7 for the application to be complete. The staff of the authority
8 shall notify the applicants of the report requirements and
9 shall provide information regarding the contents and
10 requirements for the report at the same time it notifies the
11 applicant of the results of its preliminary review.
- 12 ii. Upon receipt and review of the report, the staff of the
13 authority shall refer the application and supporting
14 information to the authority for consideration.
- 15 (b) Additional standards and requirements for the application process shall be
16 established by the authority through the promulgation of administrative
17 regulations in accordance with KRS Chapter 13A.
- 18 (3) (a) The authority may request any materials and make any inquiries concerning
19 an application that the authority deems necessary.
- 20 (b) The authority shall, through the promulgation of administrative regulations in
21 accordance with KRS Chapter 13A, establish commercially reasonable
22 limitations on the financing costs that may be recovered under the provisions
23 of KRS 154.30-050.
- 24 (4) Upon review of an application and other information available, the authority may
25 pledge all or a portion of the state real property ad valorem tax incremental revenue
26 of the Commonwealth or state tax revenues attributable to the footprint of the
27 project, as limited by KRS 154.30-040, 154.30-050, or 154.30-060, whichever is

1 applicable.

2 (a) If incremental revenues are pledged from less than one hundred percent
3 (100%) of the footprint of the project, a description of the included portion of
4 the development area shall be provided.

5 (b) State tax revenues from the development area that have not been pledged to
6 projects within the development area may be used to support other economic
7 development projects or tourism projects approved under KRS 139.536 and
8 148.851 to 148.860, provided that state tax revenues shall not be pledged
9 more than once during the existence of the development area. Thus, state tax
10 revenues pledged to support increment bonds issued for the development area,
11 or a project in the development area shall not be pledged to support any other
12 development area, project, program, development, or undertaking during the
13 life of the development area. If less than one hundred percent (100%) of
14 incremental revenues are pledged pursuant to the provisions of this
15 subchapter, the remaining incremental revenues shall not be used to support
16 other economic development projects or tourism projects approved under
17 KRS 139.536 and 148.851 to 148.860.

18 (5) The pledge of incremental state real property ad valorem tax revenues or state tax
19 revenues of the Commonwealth by the authority shall be implemented through the
20 execution of a tax incentive agreement between the Commonwealth and the agency,
21 city, or county, as the case may be, in accordance with KRS 154.30-070.

22 (6) (a) The authority shall engage the services of a qualified independent outside
23 consultant or financial adviser to analyze the data related to the project and
24 the development area and prepare the report required by subsection (2) of this
25 section. The report shall include the following:

26 1. The estimated approved public infrastructure costs for the project and, if
27 relevant, approved signature project costs, financing costs, and costs

- 1 associated with land preparation, demolition, and clearance;
- 2 2. The feasibility of the project, taking into account the scope and location
- 3 of the project;
- 4 3. The estimated amount of local tax revenues and state tax revenues, as
- 5 applicable, that would be generated by the project over the period,
- 6 which may be up to twenty (20) years or thirty (30) years, as applicable,
- 7 from the activation date;
- 8 4. The estimated amount of local tax revenues and state tax revenues, as
- 9 applicable, that would be displaced within the Commonwealth, for the
- 10 purpose of quantifying economic activity which is being shifted over the
- 11 same period as that set forth in subparagraph 3. of this paragraph. The
- 12 projections for displaced activity shall include economic activity that is
- 13 lost to the Commonwealth as a result of the project, as well as economic
- 14 activity that is diverted to the project that formerly took place at existing
- 15 establishments within the Commonwealth prior to the commencement
- 16 date of the project;
- 17 5. The estimated amount of local and state old revenues that would have
- 18 been generated in the footprint of the project in the absence of the
- 19 project, computed over the same time period as set forth in subparagraph
- 20 3. of this paragraph;
- 21 6. In the process of estimating the revenues and impacts prescribed in
- 22 subparagraphs 3. and 4. of this paragraph, the independent outside
- 23 consultant shall not consider any of the following:
- 24 a. Revenues or economic impacts associated with any projects within
- 25 the development area where the new project will be located; and
- 26 b. Revenues or economic impacts associated with economic
- 27 development projects and approved Kentucky Tourism

- 1 Development Act projects under KRS Chapter 148;
- 2 7. The relationship of the estimated incremental revenues to the financing
- 3 needs, including any increment bonds, of the project;
- 4 8. When estimating the fiscal impact of the project, the consultant shall
- 5 evaluate the amount of revenue estimated in subparagraph 3. of this
- 6 paragraph and shall deduct the amounts estimated in subparagraphs 4.
- 7 and 5. of this paragraph. The resulting difference shall be compared to
- 8 the estimated incremental revenues to determine the presence or absence
- 9 of a positive fiscal impact; and
- 10 9. A determination that the project will not occur if not for the designation
- 11 of the development area, the granting of incremental revenues by the
- 12 taxing district or districts, other than the Commonwealth, and the
- 13 granting of the state tax incremental revenues.
- 14 (b) 1. The independent consultant or financial advisor shall consult with the
- 15 Office of State Budget Director, and the Finance and Administration
- 16 Cabinet in the development of the report.
- 17 2. The Office of State Budget Director and the staff of the authority, in
- 18 collaboration with the independent consultant or financial advisor, shall
- 19 agree on a methodology to be used and assumptions to be made by the
- 20 independent consultant or financial consultant in preparing its report.
- 21 3. On the basis of the independent consultant's report and the other
- 22 materials provided, prior to any approval of a project by the authority,
- 23 the Office of State Budget Director and the Finance and Administration
- 24 Cabinet shall certify to the authority whether there is a projected net
- 25 positive economic impact to the Commonwealth and the expected
- 26 amount of state tax incremental revenues from the project.
- 27 4. The city, county, or agency making the application shall pay all costs

1 associated with the independent consultant's or financial advisor's report.

2 →Section 6. KRS 141.010 is amended to read as follows:

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

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

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

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

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

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

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

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

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

24 2. For the purposes of this paragraph:

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

1 and

2 b. "Owned or constructively owned" means owning shares or having
3 an ownership interest in the real estate investment trust, or owning
4 an interest in an entity that owns shares or has an ownership
5 interest in the real estate investment trust. Constructive ownership
6 shall be determined by looking across multiple layers of a
7 multilayer pass-through structure; and

8 (c) The real estate investment trust is not owned by another real estate investment
9 trust;

10 (3) "Commissioner" means the commissioner of the department;

11 (4) "Corporation" has the same meaning as in Section 7701(a)(3) of the Internal
12 Revenue Code;

13 (5) "Critical infrastructure" means property and equipment owned or used by
14 communications networks, electric generation, transmission or distribution systems,
15 gas distribution systems, or water or wastewater pipelines that service multiple
16 customers or citizens, including but not limited to real and personal property such
17 as buildings, offices, lines, poles, pipes, structures, or equipment;

18 (6) "Declared state disaster or emergency" means a disaster or emergency event for
19 which:

20 (a) The Governor has declared a state of emergency pursuant to KRS 39A.100; or

21 (b) A presidential declaration of a federal major disaster or emergency has been
22 issued;

23 (7) "Department" means the Department of Revenue;

24 (8) "Dependent" means those persons defined as dependents in the Internal Revenue
25 Code;

26 (9) "Disaster or emergency-related work" means repairing, renovating, installing,
27 building, or rendering services that are essential to the restoration of critical

- 1 infrastructure that has been damaged, impaired, or destroyed by a declared state
2 disaster or emergency;
- 3 (10) "Disaster response business" means any entity:
- 4 (a) That has no presence in the state and conducts no business in the state, except
5 for disaster or emergency-related work during a disaster response period;
- 6 (b) Whose services are requested by a registered business or by a state or local
7 government for purposes of performing disaster or emergency-related work in
8 the state during a disaster response period; and
- 9 (c) That has no registrations, tax filings, or nexus in this state other than disaster
10 or emergency-related work during the calendar year immediately preceding
11 the declared state disaster or emergency;
- 12 (11) "Disaster response employee" means an employee who does not work or reside in
13 the state, except for disaster or emergency-related work during the disaster response
14 period;
- 15 (12) "Disaster response period" means a period that begins ten (10) days prior to the first
16 day of the Governor's declaration under KRS 39A.100, or the President's
17 declaration of a federal major disaster or emergency, whichever occurs first, and
18 that extends thirty (30) calendar days after the declared state disaster or emergency;
- 19 (13) "Doing business in this state" includes but is not limited to:
- 20 (a) Being organized under the laws of this state;
- 21 (b) Having a commercial domicile in this state;
- 22 (c) Owning or leasing property in this state;
- 23 (d) Having one (1) or more individuals performing services in this state;
- 24 (e) Maintaining an interest in a pass-through entity doing business in this state;
- 25 (f) Deriving income from or attributable to sources within this state, including
26 deriving income directly or indirectly from a trust doing business in this state,
27 or deriving income directly or indirectly from a single-member limited

1 liability company that is doing business in this state and is disregarded as an
2 entity separate from its single member for federal income tax purposes; or

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

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

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

10 (15) "Employer" has the same meaning as in Section 3401(d) of the Internal Revenue
11 Code;

12 (16) "Fiduciary" has the same meaning as in Section 7701(a)(6) of the Internal Revenue
13 Code;

14 (17) "Financial institution" means:

15 (a) A national bank organized as a body corporate and existing or in the process
16 of organizing as a national bank association pursuant to the provisions of the
17 National Bank Act, 12 U.S.C. secs. 21 et seq., in effect on December 31,
18 1997, exclusive of any amendments made subsequent to that date;

19 (b) Any bank or trust company incorporated or organized under the laws of any
20 state, except a banker's bank organized under KRS 286.3-135;

21 (c) Any corporation organized under the provisions of 12 U.S.C. secs. 611 to 631,
22 in effect on December 31, 1997, exclusive of any amendments made
23 subsequent to that date, or any corporation organized after December 31,
24 1997, that meets the requirements of 12 U.S.C. secs. 611 to 631, in effect on
25 December 31, 1997; or

26 (d) Any agency or branch of a foreign depository as defined in 12 U.S.C. sec.
27 3101, in effect on December 31, 1997, exclusive of any amendments made

1 subsequent to that date, or any agency or branch of a foreign depository
2 established after December 31, 1997, that meets the requirements of 12 U.S.C.
3 sec. 3101 in effect on December 31, 1997;

4 (18) "Fiscal year" has the same meaning as in Section 7701(a)(24) of the Internal
5 Revenue Code;

6 (19) "Gross income":

7 (a) In the case of taxpayers other than corporations, has the same meaning as in
8 Section 61 of the Internal Revenue Code; and

9 (b) In the case of corporations, means the amount calculated in KRS 141.039;

10 (20) "Individual" means a natural person;

11 (21) "Internal Revenue Code" means for taxable years beginning on or after January 1,
12 ~~2026~~[2025], the Internal Revenue Code in effect on December 31, ~~2025~~[2024],
13 exclusive of any amendments made subsequent to that date, other than amendments
14 that extend provisions in effect on December 31, 2024, that would otherwise
15 terminate;

16 (22) "Limited liability pass-through entity" means any pass-through entity that affords
17 any of its partners, members, shareholders, or owners, through function of the laws
18 of this state or laws recognized by this state, protection from general liability for
19 actions of the entity;

20 (23) "Modified gross income" means the greater of:

21 (a) Adjusted gross income as defined in 26 U.S.C. sec. 62, including any
22 amendments in effect on December 31 of the taxable year, and adjusted as
23 follows:

24 1. Include interest income derived from obligations of sister states and
25 political subdivisions thereof; and

26 2. Include lump-sum pension distributions taxed under the special
27 transition rules of Pub. L. No. 104-188, sec. 1401(c)(2); or

- 1 (b) Adjusted gross income as defined in subsection (1) of this section and
2 adjusted to include lump-sum pension distributions taxed under the special
3 transition rules of Pub. L. No. 104-188, sec. 1401(c)(2);
- 4 (24) "Net income":
- 5 (a) In the case of taxpayers other than corporations, means the amount calculated
6 in KRS 141.019; and
- 7 (b) In the case of corporations, means the amount calculated in KRS 141.039;
- 8 (25) "Nonresident" means any individual not a resident of this state;
- 9 (26) "Number of withholding exemptions claimed" means the number of withholding
10 exemptions claimed in a withholding exemption certificate in effect under KRS
11 141.325, except that if no such certificate is in effect, the number of withholding
12 exemptions claimed shall be considered to be zero;
- 13 (27) "Part-year resident" means any individual that has established or abandoned
14 Kentucky residency during the calendar year;
- 15 (28) "Pass-through entity" means any partnership, S corporation, limited liability
16 company, limited liability partnership, limited partnership, or similar entity
17 recognized by the laws of this state that is not taxed for federal purposes at the
18 entity level, but instead passes to each partner, member, shareholder, or owner their
19 proportionate share of income, deductions, gains, losses, credits, and any other
20 similar attributes;
- 21 (29) "Payroll period" has the same meaning as in Section 3401(b) of the Internal
22 Revenue Code;
- 23 (30) "Person" has the same meaning as in Section 7701(a)(1) of the Internal Revenue
24 Code;
- 25 (31) "Registered business" means a business entity that owns or otherwise possesses
26 critical infrastructure and that is registered to do business in the state prior to the
27 declared state disaster or emergency;

- 1 (32) "Resident" means an individual domiciled within this state or an individual who is
2 not domiciled in this state, but maintains a place of abode in this state and spends in
3 the aggregate more than one hundred eighty-three (183) days of the taxable year in
4 this state;
- 5 (33) "S corporation" has the same meaning as in Section 1361(a) of the Internal Revenue
6 Code;
- 7 (34) "State" means a state of the United States, the District of Columbia, the
8 Commonwealth of Puerto Rico, or any territory or possession of the United States;
- 9 (35) "Taxable net income":
- 10 (a) In the case of corporations that are taxable in this state, means "net income" as
11 defined in subsection (24) of this section;
- 12 (b) In the case of corporations that are taxable in this state and taxable in another
13 state, means "net income" as defined in subsection (24) of this section and as
14 allocated and apportioned under KRS 141.120;
- 15 (c) For homeowners' associations as defined in Section 528(c) of the Internal
16 Revenue Code, means "taxable income" as defined in Section 528(d) of the
17 Internal Revenue Code. Notwithstanding the provisions of subsection (21) of
18 this section, the Internal Revenue Code sections referred to in this paragraph
19 shall be those code sections in effect for the applicable tax year; and
- 20 (d) For a corporation that meets the requirements established under Section 856
21 of the Internal Revenue Code to be a real estate investment trust, means "real
22 estate investment trust taxable income" as defined in Section 857(b)(2) of the
23 Internal Revenue Code, except that a captive real estate investment trust shall
24 not be allowed any deduction for dividends paid;
- 25 (36) "Taxable year" means the calendar year or fiscal year ending during such calendar
26 year, upon the basis of which net income is computed, and in the case of a return
27 made for a fractional part of a year under the provisions of this chapter or under

1 administrative regulations prescribed by the commissioner, "taxable year" means
2 the period for which the return is made; and

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

6 ➔Section 7. KRS 141.019 is amended to read as follows:

7 In the case of taxpayers other than corporations:

8 (1) Adjusted gross income shall be calculated by subtracting from the gross income of
9 those taxpayers the deductions allowed individuals by Section 62 of the Internal
10 Revenue Code and adjusting as follows:

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

13 (b) Exclude income from supplemental annuities provided by the Railroad
14 Retirement Act of 1937 as amended and which are subject to federal income
15 tax by Pub. L. No. 89-699;

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

18 (d) Exclude employee pension contributions picked up as provided for in KRS
19 6.505, 16.545, 21.360, 61.523, 61.560, 65.155, 67A.320, 67A.510, 78.610,
20 and 161.540 upon a ruling by the Internal Revenue Service or the federal
21 courts that these contributions shall not be included as gross income until such
22 time as the contributions are distributed or made available to the employee;

23 (e) Exclude Social Security and railroad retirement benefits subject to federal
24 income tax;

25 (f) Exclude any money received because of a settlement or judgment in a lawsuit
26 brought against a manufacturer or distributor of "Agent Orange" for damages
27 resulting from exposure to Agent Orange by a member or veteran of the

1 Armed Forces of the United States or any dependent of such person who
2 served in Vietnam;

- 3 (g) 1. a. For taxable years beginning after December 31, 2005, but before
4 January 1, 2018, exclude up to forty-one thousand one hundred ten
5 dollars (\$41,110) of total distributions from pension plans, annuity
6 contracts, profit-sharing plans, retirement plans, or employee
7 savings plans; and
- 8 b. For taxable years beginning on or after January 1, 2018, exclude
9 up to thirty-one thousand one hundred ten dollars (\$31,110) of
10 total distributions from pension plans, annuity contracts, profit-
11 sharing plans, retirement plans, or employee savings plans.
- 12 2. As used in this paragraph:
- 13 a. "Annuity contract" has the same meaning as set forth in Section
14 1035 of the Internal Revenue Code;
- 15 b. "Distributions" includes but is not limited to any lump-sum
16 distribution from pension or profit-sharing plans qualifying for the
17 income tax averaging provisions of Section 402 of the Internal
18 Revenue Code; any distribution from an individual retirement
19 account as defined in Section 408 of the Internal Revenue Code;
20 and any disability pension distribution; and
- 21 c. "Pension plans, profit-sharing plans, retirement plans, or employee
22 savings plans" means any trust or other entity created or organized
23 under a written retirement plan and forming part of a stock bonus,
24 pension, or profit-sharing plan of a public or private employer for
25 the exclusive benefit of employees or their beneficiaries and
26 includes plans qualified or unqualified under Section 401 of the
27 Internal Revenue Code and individual retirement accounts as

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

1 active duty;

2 (m) 1. Include the amount deducted for depreciation under 26 U.S.C. sec. 167
3 or 168; and

4 2. Exclude the amounts allowed by KRS 141.0101 for depreciation;

5 (n) Include the amount deducted under 26 U.S.C. sec. 199A;

6 (o) Ignore any change in the cost basis of the surviving spouse's share of property
7 owned by a Kentucky community property trust occurring for federal income
8 tax purposes as a result of the death of the predeceasing spouse;

9 (p) Allow the same treatment allowed under Pub. L. No. 116-260, secs. 276 and
10 278, related to the tax treatment of forgiven covered loans, deductions
11 attributable to those loans, and tax attributes associated with those loans for
12 taxable years ending on or after March 27, 2020, but before January 1, 2022;[
13 ~~and~~]

14 (q) For taxable years beginning on or after January 1, 2020, but before March 11,
15 2023, allow the same treatment of restaurant revitalization grants in
16 accordance with Pub. L. No. 117-2, sec. 9673 and 15 U.S.C. sec. 9009c,
17 related to the tax treatment of the grants, deductions attributable to those
18 grants, and tax attributes associated with those grants;[~~and~~]

19 **(r) For taxable years beginning on or after January 1, 2026:**

20 **1. Include the amount deducted for domestic research or experimental**
21 **expenditures under 26 U.S.C. sec. 174A; and**

22 **2. Exclude the amount deducted for domestic research or experimental**
23 **expenditures under 26 U.S.C. sec. 174, as that section existed on**
24 **December 31, 2024;**

25 **(s) Include the amount deducted for any qualified film or television production,**
26 **any qualified live theatrical production, and any qualified sound recording**
27 **production under 26 U.S.C. sec. 181; and**

1 (t) Include interest deducted under 26 U.S.C. sec. 139L for amounts paid to a
2 qualified lender on any qualified real estate loan; and

- 3 (2) Net income shall be calculated by subtracting from adjusted gross income all the
4 deductions allowed individuals by Chapter 1 of the Internal Revenue Code, as
5 modified by KRS 141.0101, except:
- 6 (a) Any deduction allowed by 26 U.S.C. sec. 164 for taxes;
 - 7 (b) Any deduction allowed by 26 U.S.C. sec. 165 for losses, except wagering
8 losses allowed under Section 165(d) of the Internal Revenue Code;
 - 9 (c) Any deduction allowed by 26 U.S.C. sec. 213 for medical care expenses;
 - 10 (d) Any deduction allowed by 26 U.S.C. sec. 217 for moving expenses;
 - 11 (e) Any deduction allowed by 26 U.S.C. sec. 67 for any other miscellaneous
12 deduction;
 - 13 (f) Any deduction allowed by the Internal Revenue Code for amounts allowable
14 under KRS 140.090(1)(h) in calculating the value of the distributive shares of
15 the estate of a decedent, unless there is filed with the income return a
16 statement that the deduction has not been claimed under KRS 140.090(1)(h);
 - 17 (g) Any deduction allowed by 26 U.S.C. sec. 151 for personal exemptions and
18 any other deductions in lieu thereof;
 - 19 (h) Any deduction allowed for amounts paid to any club, organization, or
20 establishment which has been determined by the courts or an agency
21 established by the General Assembly and charged with enforcing the civil
22 rights laws of the Commonwealth, not to afford full and equal membership
23 and full and equal enjoyment of its goods, services, facilities, privileges,
24 advantages, or accommodations to any person because of race, color, religion,
25 national origin, or sex, except nothing shall be construed to deny a deduction
26 for amounts paid to any religious or denominational club, group, or
27 establishment or any organization operated solely for charitable or educational

1 purposes which restricts membership to persons of the same religion or
 2 denomination in order to promote the religious principles for which it is
 3 established and maintained;~~and~~

4 (i) A taxpayer may elect to claim the standard deduction allowed by KRS
 5 141.081 instead of itemized deductions allowed pursuant to 26 U.S.C. sec. 63
 6 and as modified by this section;

7 (j) For taxable years beginning on or after January 1, 2026, any deduction
 8 allowed by 26 U.S.C. sec. 163(h)(3) as qualified residence interest shall be
 9 limited to the amount of interest paid or accrued during the taxable year on
 10 the acquisition indebtedness of the principal residence of the taxpayer and
 11 shall not be claimed for more than one (1) qualified residence;

12 (k) Any deduction allowed by 26 U.S.C. sec. 224 for qualified tips;

13 (l) Any deduction allowed by 26 U.S.C. sec. 225 for qualified overtime
 14 compensation; and

15 (m) Any deduction allowed by 26 U.S.C. sec. 163(h)(4) for qualified passenger
 16 vehicle loan interest.

17 ➔Section 8. KRS 141.039 is amended to read as follows:

18 In the case of corporations:

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

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

23 (b) Exclude all dividend income;

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

26 (d) Exclude fifty percent (50%) of gross income derived from any disposal of
 27 coal covered by Section 631(c) of the Internal Revenue Code if the

1 corporation does not claim any deduction for percentage depletion, or for
 2 expenditures attributable to the making and administering of the contract
 3 under which such disposition occurs or to the preservation of the economic
 4 interests retained under such contract;

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

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

8 (g) Include the amount of depreciation deduction calculated under 26 U.S.C. sec.
 9 167 or 168;

10 (h) Allow the same treatment allowed under Pub. L. No. 116-260, secs. 276 and
 11 278, related to the tax treatment of forgiven covered loans, deductions
 12 attributable to those loans, and tax attributes associated with those loans for
 13 taxable years ending on or after March 27, 2020, but before January 1, 2022;~~†~~
 14 ~~and~~

15 (i) For taxable years beginning on or after January 1, 2020, but before March 11,
 16 2023, allow the same treatment of restaurant revitalization grants in
 17 accordance with Pub. L. No. 117-2, sec. 9673 and 15 U.S.C. sec. 9009c,
 18 related to the tax treatment of the grants, deductions attributable to those
 19 grants, and tax attributes associated with those grants;~~† and~~

20 †

21 **(j) For taxable years beginning on or after January 1, 2026:**

22 **1. Include the amount deducted for domestic research or experimental**
 23 **expenditures under 26 U.S.C. sec. 174A; and**

24 **2. Exclude the amount deducted for domestic research or experimental**
 25 **expenditures under 26 U.S.C. sec. 174, as that section existed on**
 26 **December 31, 2024;**

27 **(k) Include the amount deducted for any qualified film or television production,**

1 *any qualified live theatrical production, and any qualified sound recording*
2 *production under 26 U.S.C. sec. 181;*

3 *(l) Include interest deducted under 26 U.S.C. sec. 139L for amounts paid to a*
4 *qualified lender on any qualified real estate loan; and*

5 *(m) For purposes of determining the limitation on business interest under 26*
6 *U.S.C. sec. 163(j), the provisions of that section in effect on December 31,*
7 *2024, exclusive of any amendments made subsequent to that date, shall be*
8 *used; and*

- 9 (2) Net income shall be calculated by subtracting from gross income:
- 10 (a) The deduction for depreciation allowed by KRS 141.0101;
- 11 (b) Any amount paid for vouchers or similar instruments that provide health
12 insurance coverage to employees or their families;
- 13 (c) All the deductions from gross income allowed corporations by Chapter 1 of
14 the Internal Revenue Code, as modified by KRS 141.0101, except:
- 15 1. Any deduction for a state tax which is computed, in whole or in part, by
16 reference to gross or net income and which is paid or accrued to any
17 state of the United States, the District of Columbia, the Commonwealth
18 of Puerto Rico, any territory or possession of the United States, or to any
19 foreign country or political subdivision thereof;
- 20 2. The deductions contained in Sections 243, 245, and 247 of the Internal
21 Revenue Code;
- 22 3. The provisions of Section 281 of the Internal Revenue Code shall be
23 ignored in computing net income;
- 24 4. Any deduction directly or indirectly allocable to income which is either
25 exempt from taxation or otherwise not taxed under the provisions of this
26 chapter, except for deductions allowed under Pub. L. No. 116-260, secs.
27 276 and 278, related to the tax treatment of forgiven covered loans and

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

9 5. Any deduction for amounts paid to any club, organization, or
10 establishment which has been determined by the courts or an agency
11 established by the General Assembly and charged with enforcing the
12 civil rights laws of the Commonwealth, not to afford full and equal
13 membership and full and equal enjoyment of its goods, services,
14 facilities, privileges, advantages, or accommodations to any person
15 because of race, color, religion, national origin, or sex, except nothing
16 shall be construed to deny a deduction for amounts paid to any religious
17 or denominational club, group, or establishment or any organization
18 operated solely for charitable or educational purposes which restricts
19 membership to persons of the same religion or denomination in order to
20 promote the religious principles for which it is established and
21 maintained;

22 6. Any deduction prohibited by KRS 141.205; and

23 7. Any dividends-paid deduction of any captive real estate investment
24 trust; and

25 (d) 1. A deferred tax deduction in an amount computed in accordance with this
26 paragraph.

27 2. For purposes of this paragraph:

- 1 a. "Net deferred tax asset" means that deferred tax assets exceed the
2 deferred tax liabilities of the combined group, as computed in
3 accordance with accounting principles generally accepted in the
4 United States of America; and
- 5 b. "Net deferred tax liability" means deferred tax liabilities that
6 exceed the deferred tax assets of a combined group as defined in
7 KRS 141.202, as computed in accordance with accounting
8 principles generally accepted in the United States of America.
- 9 3. Only publicly traded companies, including affiliated corporations
10 participating in the filing of a publicly traded company's financial
11 statements prepared in accordance with accounting principles generally
12 accepted in the United States of America, as of January 1, 2019, shall be
13 eligible for this deduction.
- 14 4. If the provisions of KRS 141.202 result in an aggregate increase to the
15 member's net deferred tax liability, an aggregate decrease to the
16 member's net deferred tax asset, or an aggregate change from a net
17 deferred tax asset to a net deferred tax liability, the combined group
18 shall be entitled to a deduction, as determined in this paragraph.
- 19 5. For ten (10) years beginning with the combined group's first taxable
20 year beginning on or after January 1, ~~2028~~²⁰²⁶, a combined group
21 shall be entitled to a deduction from the combined group's entire net
22 income equal to one-tenth (1/10) of the amount necessary to offset the
23 increase in the net deferred tax liability, decrease in the net deferred tax
24 asset, or aggregate change from a net deferred tax asset to a net deferred
25 tax liability. The increase in the net deferred tax liability, decrease in the
26 net deferred tax asset, or the aggregate change from a net deferred tax
27 asset to a net deferred tax liability shall be computed based on the

- 1 change that would result from the imposition of the combined reporting
2 requirement under KRS 141.202, but for the deduction provided under
3 this paragraph as of June 27, 2019.
- 4 6. The deferred tax impact determined in subparagraph 5. of this paragraph
5 shall be converted to the annual deferred tax deduction amount, as
6 follows:
- 7 a. The deferred tax impact determined in subparagraph 5. of this
8 paragraph shall be divided by the tax rate determined under KRS
9 141.040;
- 10 b. The resulting amount shall be further divided by the
11 apportionment factor determined by KRS 141.120 or 141.121 that
12 was used by the combined group in the calculation of the deferred
13 tax assets and deferred tax liabilities as described in subparagraph
14 5. of this paragraph; and
- 15 c. The resulting amount represents the total net deferred tax
16 deduction available over the ten (10) year period as described in
17 subparagraph 5. of this paragraph.
- 18 7. The deduction calculated under this paragraph shall not be adjusted as a
19 result of any events happening subsequent to the calculation, including
20 but not limited to any disposition or abandonment of assets. The
21 deduction shall be calculated without regard to the federal tax effect and
22 shall not alter the tax basis of any asset. If the deduction under this
23 section is greater than the combined group's entire Kentucky net income,
24 any excess deduction shall be carried forward and applied as a deduction
25 to the combined group's entire net income in future taxable years until
26 fully utilized.
- 27 8. Any combined group intending to claim a deduction under this paragraph shall file

1 a statement with the department on or before July 1, 2019. The statement shall specify the
2 total amount of the deduction which the combined group claims on the form, including
3 calculations and other information supporting the total amounts of the deduction as
4 required by the department. No deduction shall be allowed under this paragraph for any
5 taxable year, except to the extent claimed on the timely filed statement in accordance
6 with this paragraph.

7 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
8 READ AS FOLLOWS:

9 (1) As used in this section:

10 (a) "Adjusted gross fantasy contest receipts" means the total sum of entry fees
11 collected by a fantasy contest service provider from all fantasy contest
12 participants entering a fantasy contest, less winnings paid to fantasy contest
13 participants in the contest;

14 (b) "Athlete":

15 1. Means a professional or amateur competitor in a real-world lawful
16 sporting event or an organized video game competition that is:

17 a. Regulated by a sports governing body; and

18 b. Held between players who play individually or as a team; and

19 2. Includes equine competitors;

20 (c) "Department" means the Department of Revenue;

21 (d) "Fantasy contest":

22 1. Means any online fantasy or simulated game or contest that meets the
23 following conditions:

24 a. There are no fewer than two (2) fantasy contest participants;

25 i. All fantasy contest participants are natural persons; and

26 ii. A fantasy contest service provider shall not be construed to
27 be a participant;

- 1 b. i. The values of all prizes offered to winning fantasy contest
2 participants are established and made known to fantasy
3 contest participants in advance of the contest;
4 ii. Multiple winning participants may share a prize; and
5 iii. Prizes may consist of fixed amounts, tiered payouts, or
6 other conditional bonus payouts, provided that all prize
7 structures are disclosed in advance by the fantasy contest
8 service provider;
9 c. All winning outcomes reflect the relative knowledge and skill of
10 the fantasy contest participant and are determined
11 predominantly by the accumulated statistical performance or
12 finishing position of multiple athletes across one (1) or more
13 real-world sporting events;
14 d. Fantasy contest participants assemble a fictional entry or roster
15 of actual athletes and exercise management or selection control
16 over the roster;
17 e. Fantasy contest participants compete for prizes awarded by a
18 fantasy contest service provider based on terms and conditions
19 published by the fantasy contest service provider and made
20 known to the fantasy contest participant in advance of the
21 contest;
22 f. Winning outcomes are determined by clearly established scoring
23 criteria based on one (1) or more statistical results of the
24 performance of an individual athlete, including but not limited to
25 a fantasy score;
26 g. A winning outcome is not based:
27 i. On the score, point spread, or outcome of a single real-

- 1 world team or combination of teams; or
- 2 ii. Solely on any single performance of an individual athlete
- 3 or participant in any single actual event; and
- 4 h. The game or contest does not violate any provision of federal
- 5 law;
- 6 2. Includes contests in which fantasy contest participants compete
- 7 against each other; and
- 8 3. Does not include any fantasy contest:
- 9 a. Without a fantasy contest entry fee; or
- 10 b. Betting against the fantasy contest service provider;
- 11 (e) "Fantasy contest entry fee" means the cash or cash equivalent that is
- 12 required to be paid by a fantasy contest participant in advance to a fantasy
- 13 contest service provider in order to participate in a fantasy contest;
- 14 (f) "Fantasy contest participant" means a person who is twenty-one (21) years
- 15 of age or older who is:
- 16 1. Kentucky resident who participates in a fantasy contest offered by a
- 17 fantasy contest service provider; and
- 18 2. Not a Kentucky resident who participates in a fantasy contest offered
- 19 by a fantasy contest service provider while in Kentucky; and
- 20 (g) "Fantasy contest service provider":
- 21 1. Means a person or entity that offers fantasy contests to the general
- 22 public; and
- 23 2. Does not include an internet service provider or a provider of mobile
- 24 data services merely as a result of that provider's transporting of
- 25 general traffic that may include a fantasy contest.
- 26 (2) Beginning on January 1, 2027, the Commonwealth shall impose and collect a tax
- 27 at a rate of twelve percent (12%) of the fantasy contest service provider's adjusted

1 gross fantasy contest receipts. The accrual method of accounting shall be used
 2 for purposes of calculating the amount of tax owed by the licensee.

3 (3) The tax imposed by subsection (2) of this section is due and payable monthly and
 4 shall be remitted to the department on or before the twentieth day of the next
 5 succeeding calendar month.

6 (4) The fantasy contest service provider's payment shall be accompanied by a return
 7 prescribed by the department indicating the amount of tax due for the previous
 8 calendar month as well as any other information the department shall require
 9 through an administrative regulation promulgated in accordance with KRS
 10 Chapter 13A.

11 (5) Any fantasy contest service provider who violates any provision of this section
 12 shall be subject to the uniform civil penalties imposed under KRS 131.180.

13 (6) In every case, any tax not paid on or before the due date shall bear interest at the
 14 tax interest rate as defined in KRS 131.010 from the due date until the date of
 15 payment.

16 (7) It is the purpose and intent of the General Assembly to levy taxes on persons
 17 engaged in the operations of fantasy contests. It is not the intent of the General
 18 Assembly to legalize these activities.

19 ➔Section 10. KRS 2.015 is amended to read as follows:

20 Persons of the age of eighteen (18) years are of the age of majority for all purposes in this
 21 Commonwealth except for:

22 (1) The purchase of alcoholic beverages;

23 (2) Participating in fantasy sports contests; and

24 (3) For purposes of care and treatment of children with disabilities[.];

25 for which twenty-one (21) years is the age of majority, all other statutes to the contrary
 26 notwithstanding.

27 ➔Section 11. KRS 139.010 is amended to read as follows:

1 As used in this chapter, unless the context otherwise provides:

2 (1) (a) "Admissions" means the fees paid for:

3 1. The right of entrance to a display, program, sporting event, music
4 concert, performance, play, show, movie, exhibit, fair, or other
5 entertainment or amusement event or venue; and

6 2. The privilege of using facilities or participating in an event or activity,
7 including but not limited to:

8 a. Bowling centers;

9 b. Skating rinks;

10 c. Health spas;

11 d. Swimming pools;

12 e. Tennis courts;

13 f. Weight training facilities;

14 g. Fitness and recreational sports centers; and

15 h. Golf courses, both public and private;

16 regardless of whether the fee paid is per use or in any other form,
17 including but not limited to an initiation fee, monthly fee, membership
18 fee, or combination thereof.

19 (b) "Admissions" does not include:

20 1. Any fee paid to enter or participate in a fishing tournament; or

21 2. Any fee paid for the use of a boat ramp for the purpose of allowing
22 boats to be launched into or hauled out from the water;

23 (2) "Advertising and promotional direct mail" means direct mail the primary purpose of
24 which is to attract public attention to a product, person, business, or organization, or
25 to attempt to sell, popularize, or secure financial support for a product, person,
26 business, or organization. As used in this definition, "product" means tangible
27 personal property, an item transferred electronically, or a service;

- 1 (3) "Business" includes any activity engaged in by any person or caused to be engaged
2 in by that person with the object of gain, benefit, or advantage, either direct or
3 indirect;
- 4 (4) "Commonwealth" means the Commonwealth of Kentucky;
- 5 (5) (a) "Cosmetic surgery services" means modifications to all areas of the head,
6 neck, and body to enhance appearance through surgical and medical
7 techniques.
- 8 (b) "Cosmetic surgery services" does not include surgery services that are
9 medically necessary to reconstruct or correct dysfunctional areas of the face
10 and body due to birth disorders, trauma, burns, or disease;
- 11 (6) **"Data brokering services" means the act of collecting, aggregating, and**
12 **analyzing personal data for sale to a third party while possession of the personal**
13 **data is maintained by the person providing the data brokering services or by the**
14 **third party, wherever located, regardless of whether the charge for the services**
15 **provided is on a per use, per user, per license, subscription, or some other basis;**
- 16 (7) "Department" means the Department of Revenue;
- 17 ~~(8)~~~~(7)~~ (a) "Digital audio-visual works" means a series of related images which,
18 when shown in succession, impart an impression of motion, with
19 accompanying sounds, if any.
- 20 (b) "Digital audio-visual works" includes movies, motion pictures, musical
21 videos, news and entertainment programs, and live events.
- 22 (c) "Digital audio-visual works" **does**~~shall~~ not include video greeting cards,
23 video games, and electronic games;
- 24 ~~(9)~~~~(8)~~ (a) "Digital audio works" means works that result from the fixation of a
25 series of musical, spoken, or other sounds.
- 26 (b) "Digital audio works" includes ringtones, recorded or live songs, music,
27 readings of books or other written materials, speeches, or other sound

1 recordings.

2 (c) "Digital audio works" ~~does~~~~shall~~ not include audio greeting cards sent by
3 electronic mail;

4 ~~(10)~~~~(9)~~ (a) "Digital books" means works that are generally recognized in the
5 ordinary and usual sense as books, including any literary work expressed in
6 words, numbers, or other verbal or numerical symbols or indicia if the literary
7 work is generally recognized in the ordinary or usual sense as a book.

8 (b) "Digital books" ~~does~~~~shall~~ not include digital audio-visual works, digital
9 audio works, periodicals, magazines, newspapers, or other news or
10 information products, chat rooms, or weblogs;

11 ~~(11)~~~~(10)~~ (a) "Digital code" means a code which provides a purchaser with a right to
12 obtain one (1) or more types of digital property. A "digital code" may be
13 obtained by any means, including electronic mail messaging or by tangible
14 means, regardless of the code's designation as a song code, video code, or
15 book code.

16 (b) "Digital code" ~~does~~~~shall~~ not include a code that represents:

- 17 1. A stored monetary value that is deducted from a total as it is used by the
18 purchaser; or
- 19 2. A redeemable card, gift card, or gift certificate that entitles the holder to
20 select specific types of digital property;

21 ~~(12)~~~~(11)~~ (a) "Digital property" means any of the following which is transferred
22 electronically:

- 23 1. Digital audio works;
- 24 2. Digital books;
- 25 3. Finished artwork;
- 26 4. Digital photographs;
- 27 5. Periodicals;

- 1 6. Newspapers;
- 2 7. Magazines;
- 3 8. Video greeting cards;
- 4 9. Audio greeting cards;
- 5 10. Video games;
- 6 11. Electronic games; or
- 7 12. Any digital code related to this property.

8 (b) "Digital property" ~~does~~^{shall} not include digital audio-visual works or
9 satellite radio programming;

10 ~~(13)~~⁽¹²⁾ (a) "Direct mail" means printed material delivered or distributed by United
11 States mail or other delivery service to a mass audience or to addressees on a
12 mailing list provided by the purchaser or at the direction of the purchaser
13 when the cost of the items are not billed directly to the recipient.

14 (b) "Direct mail" includes tangible personal property supplied directly or
15 indirectly by the purchaser to the direct mail retailer for inclusion in the
16 package containing the printed material.

17 (c) "Direct mail" does not include multiple items of printed material delivered to
18 a single address;

19 ~~(14)~~⁽¹³⁾ "Directly used in the manufacturing or industrial processing process" means
20 the process that commences with the movement of raw materials from storage into
21 a continuous, unbroken, integrated process and ends when the finished product is
22 packaged and ready for sale;

23 ~~(15)~~⁽¹⁴⁾ (a) "Executive employee recruitment services" means services provided by
24 a person to locate potential candidates to fill open senior-level management
25 positions.

26 (b) "Executive employee recruitment services" includes but is not limited to
27 making a detailed list of client requirements, researching and identifying

1 potential candidates, performing prescreening interviews, and providing
2 contract and salary negotiations;

3 ~~(16)~~~~(15)~~ (a) "Extended warranty services" means services provided through a service
4 contract agreement between the contract provider and the purchaser where the
5 purchaser agrees to pay compensation for the contract and the provider agrees
6 to repair, replace, support, or maintain tangible personal property, digital
7 property, real property, or prewritten computer software access services
8 according to the terms of the contract.

9 (b) "Extended warranty services" does not include the sale of a service contract
10 agreement for tangible personal property to be used by a small telephone
11 utility as defined in KRS 278.516 or a Tier III CMRS provider as defined in
12 KRS 65.7621 to deliver communications services as defined in KRS 136.602
13 or broadband;

14 ~~(17)~~~~(16)~~ (a) "Finished artwork" means final art that is used for actual reproduction
15 by photomechanical or other processes or for display purposes.

16 (b) "Finished artwork" includes:

- 17 1. Assemblies;
- 18 2. Charts;
- 19 3. Designs;
- 20 4. Drawings;
- 21 5. Graphs;
- 22 6. Illustrative materials;
- 23 7. Lettering;
- 24 8. Mechanicals;
- 25 9. Paintings; and
- 26 10. Paste-ups;

27 ~~(18)~~~~(17)~~ (a) "Gross receipts" and "sales price" mean the total amount or

1 consideration, including cash, credit, property, and services, for which
2 tangible personal property, digital property, or services are sold, leased, or
3 rented, valued in money, whether received in money or otherwise, without
4 any deduction for any of the following:

- 5 1. The retailer's cost of the tangible personal property, digital property, or
6 services sold;
- 7 2. The cost of the materials used, labor or service cost, interest, losses, all
8 costs of transportation to the retailer, all taxes imposed on the retailer, or
9 any other expense of the retailer;
- 10 3. Charges by the retailer for any services necessary to complete the sale;
- 11 4. Delivery charges, which are defined as charges by the retailer for the
12 preparation and delivery to a location designated by the purchaser
13 including transportation, shipping, postage, handling, crating, and
14 packing;
- 15 5. Any amount for which credit is given to the purchaser by the retailer,
16 other than credit for tangible personal property or digital property traded
17 when the tangible personal property or digital property traded is of like
18 kind and character to the property purchased and the property traded is
19 held by the retailer for resale; and
- 20 6. The amount charged for labor or services rendered in installing or
21 applying the tangible personal property, digital property, or service sold.

22 (b) "Gross receipts" and "sales price"~~[-shall]~~ include consideration received by
23 the retailer from a third party if:

- 24 1. The retailer actually receives consideration from a third party and the
25 consideration is directly related to a price reduction or discount on the
26 sale to the purchaser;
- 27 2. The retailer has an obligation to pass the price reduction or discount

- 1 through to the purchaser;
- 2 3. The amount of consideration attributable to the sale is fixed and
- 3 determinable by the retailer at the time of the sale of the item to the
- 4 purchaser; and
- 5 4. One (1) of the following criteria is met:
- 6 a. The purchaser presents a coupon, certificate, or other
- 7 documentation to the retailer to claim a price reduction or discount
- 8 where the coupon, certificate, or documentation is authorized,
- 9 distributed, or granted by a third party with the understanding that
- 10 the third party will reimburse any seller to whom the coupon,
- 11 certificate, or documentation is presented;
- 12 b. The price reduction or discount is identified as a third-party price
- 13 reduction or discount on the invoice received by the purchaser or
- 14 on a coupon, certificate, or other documentation presented by the
- 15 purchaser; or
- 16 c. The purchaser identifies himself or herself to the retailer as a
- 17 member of a group or organization entitled to a price reduction or
- 18 discount. A "preferred customer" card that is available to any
- 19 patron does not constitute membership in such a group.
- 20 (c) "Gross receipts" and "sales price" ~~do shall~~ not include:
- 21 1. Discounts, including cash, term, or coupons that are not reimbursed by a
- 22 third party and that are allowed by a retailer and taken by a purchaser on
- 23 a sale;
- 24 2. Interest, financing, and carrying charges from credit extended on the
- 25 sale of tangible personal property, digital property, or services, if the
- 26 amount is separately stated on the invoice, bill of sale, or similar
- 27 document given to the purchaser;

1 3. Any taxes legally imposed directly on the purchaser that are separately
2 stated on the invoice, bill of sale, or similar document given to the
3 purchaser; or

4 4. Local alcohol regulatory license fees authorized under KRS 243.075 that
5 are separately stated on the invoice, bill of sale, or similar document
6 given to the purchaser.

7 (d) As used in this subsection, "third party" means a person other than the
8 purchaser;

9 (19)~~[(18)]~~ "In this state" or "in the state" means within the exterior limits of the
10 Commonwealth and includes all territory within these limits owned by or ceded to
11 the United States of America;

12 (20)~~[(19)]~~ "Industrial processing" includes:

13 (a) Refining;

14 (b) Extraction of minerals, ores, coal, clay, stone, petroleum, or natural gas;

15 (c) Mining, quarrying, fabricating, and industrial assembling;

16 (d) The processing and packaging of raw materials, in-process materials, and
17 finished products; and

18 (e) The processing and packaging of farm and dairy products for sale;

19 (21)~~[(20)]~~ (a) "Lease or rental" means any transfer of possession or control of tangible
20 personal property for a fixed or indeterminate term for consideration. A lease
21 or rental ***includes***~~[shall include]~~ future options to:

22 1. Purchase the property; or

23 2. Extend the terms of the agreement and agreements covering trailers
24 where the amount of consideration may be increased or decreased by
25 reference to the amount realized upon sale or disposition of the property
26 as defined in 26 U.S.C. sec. 7701(h)(1).

27 (b) "Lease or rental" ***does***~~[shall]~~ not include:

- 1 1. A transfer of possession or control of property under a security
2 agreement or deferred payment plan that requires the transfer of title
3 upon completion of the required payments;
- 4 2. A transfer of possession or control of property under an agreement that
5 requires the transfer of title upon completion of the required payments
6 and payment of an option price that does not exceed the greater of one
7 hundred dollars (\$100) or one percent (1%) of the total required
8 payments; or
- 9 3. Providing tangible personal property and an operator for the tangible
10 personal property for a fixed or indeterminate period of time. To qualify
11 for this exclusion, the operator must be necessary for the equipment to
12 perform as designed, and the operator must do more than maintain,
13 inspect, or setup the tangible personal property.
- 14 (c) This definition shall apply regardless of the classification of a transaction
15 under generally accepted accounting principles, the Internal Revenue Code, or
16 other provisions of federal, state, or local law;
- 17 ~~(22)~~~~(21)~~ (a) "Lobbying services" means the act of promoting or securing passage of
18 legislation or an attempt to influence or sway a public official or other public
19 servant toward a desired action, including but not limited to the support of or
20 opposition to a project or the passage, amendment, defeat, approval, or veto of
21 any legislation, regulation, rule, or ordinance.~~;~~
- 22 (b) "Lobbying services" includes but is not limited to the performance of
23 activities described as executive agency lobbying activities as defined in KRS
24 11A.201, activities described under the definition of lobby in KRS 6.611, and
25 any similar activities performed at the local, state, or federal levels;
- 26 ~~(23)~~~~(22)~~ (a) "Machinery for new and expanded industry" means machinery:
27 1. Directly used in the manufacturing or industrial processing process of:

- 1 a. Tangible personal property at a plant facility;
- 2 b. Distilled spirits or wine at a plant facility or on the premises of a
- 3 distiller, rectifier, winery, or small farm winery licensed under
- 4 KRS 243.030 that includes a retail establishment on the premises;
- 5 or
- 6 c. Malt beverages at a plant facility or on the premises of a brewer or
- 7 microbrewery licensed under KRS 243.040 that includes a retail
- 8 establishment;
- 9 2. Which is incorporated for the first time into:
- 10 a. A plant facility established in this state; or
- 11 b. Licensed premises located in this state; and
- 12 3. Which does not replace machinery in the plant facility or licensed
- 13 premises unless that machinery purchased to replace existing machinery:
- 14 a. Increases the consumption of recycled materials at the plant
- 15 facility by not less than ten percent (10%);
- 16 b. Performs different functions;
- 17 c. Is used to manufacture a different product; or
- 18 d. Has a greater productive capacity, as measured in units of
- 19 production, than the machinery being replaced.
- 20 (b) "Machinery for new and expanded industry" does not include repair,
- 21 replacement, or spare parts of any kind, regardless of whether the purchase of
- 22 repair, replacement, or spare parts is required by the manufacturer or seller as
- 23 a condition of sale or as a condition of warranty;
- 24 ~~(24)~~⁽²³⁾ "Manufacturing" means any process through which material having little or
- 25 no commercial value for its intended use before processing has appreciable
- 26 commercial value for its intended use after processing by the machinery;
- 27 ~~(25)~~⁽²⁴⁾ "Marketplace" means any physical or electronic means through which one (1)

1 or more retailers may advertise and sell tangible personal property, digital property,
2 or services, or lease tangible personal property or digital property, such as a catalog,
3 internet website, or television or radio broadcast, regardless of whether the tangible
4 personal property, digital property, or retailer is physically present in this state;

5 ~~(26)~~~~(25)~~ (a) "Marketplace provider" means a person, including any affiliate of the
6 person, that facilitates a retail sale by satisfying subparagraphs 1. and 2. of
7 this paragraph as follows:

- 8 1. The person directly or indirectly:
 - 9 a. Lists, makes available, or advertises tangible personal property,
10 digital property, or services for sale by a marketplace retailer in a
11 marketplace owned, operated, or controlled by the person;
 - 12 b. Facilitates the sale of a marketplace retailer's product through a
13 marketplace by transmitting or otherwise communicating an offer
14 or acceptance of a retail sale of tangible personal property, digital
15 property, or services between a marketplace retailer and a
16 purchaser in a forum including a shop, store, booth, catalog,
17 internet site, or similar forum;
 - 18 c. Owns, rents, licenses, makes available, or operates any electronic
19 or physical infrastructure or any property, process, method,
20 copyright, trademark, or patent that connects marketplace retailers
21 to purchasers for the purpose of making retail sales of tangible
22 personal property, digital property, or services;
 - 23 d. Provides a marketplace for making retail sales of tangible personal
24 property, digital property, or services, or otherwise facilitates retail
25 sales of tangible personal property, digital property, or services,
26 regardless of ownership or control of the tangible personal
27 property, digital property, or services, that are the subject of the

- 1 retail sale;
- 2 e. Provides software development or research and development
- 3 activities related to any activity described in this subparagraph, if
- 4 the software development or research and development activities
- 5 are directly related to the physical or electronic marketplace
- 6 provided by a marketplace provider;
- 7 f. Provides or offers fulfillment or storage services for a marketplace
- 8 retailer;
- 9 g. Sets prices for a marketplace retailer's sale of tangible personal
- 10 property, digital property, or services;
- 11 h. Provides or offers customer service to a marketplace retailer or a
- 12 marketplace retailer's customers, or accepts or assists with taking
- 13 orders, returns, or exchanges of tangible personal property, digital
- 14 property, or services sold by a marketplace retailer; or
- 15 i. Brands or otherwise identifies sales as those of the marketplace
- 16 provider; and
- 17 2. The person directly or indirectly:
- 18 a. Collects the sales price or purchase price of a retail sale of tangible
- 19 personal property, digital property, or services;
- 20 b. Provides payment processing services for a retail sale of tangible
- 21 personal property, digital property, or services;
- 22 c. Through terms and conditions, agreements, or arrangements with a
- 23 third party, collects payment in connection with a retail sale of
- 24 tangible personal property, digital property, or services from a
- 25 purchaser and transmits that payment to the marketplace retailer,
- 26 regardless of whether the person collecting and transmitting the
- 27 payment receives compensation or other consideration in exchange

1 for the service; or

2 d. Provides a virtual currency that purchasers are allowed or required
3 to use to purchase tangible personal property, digital property, or
4 services.

5 (b) "Marketplace provider" includes but is not limited to a person that satisfies the
6 requirements of this subsection through the ownership, operation, or control
7 of a digital distribution service, digital distribution platform, online portal, or
8 application store;

9 ~~(27)~~~~(26)~~ "Marketplace retailer" means a seller that makes retail sales through any
10 marketplace owned, operated, or controlled by a marketplace provider;

11 ~~(28)~~~~(27)~~ (a) "Occasional sale" includes:

12 1. A sale of tangible personal property or digital property not held or used
13 by a seller in the course of an activity for which he or she is required to
14 hold a seller's permit, provided such sale is not one (1) of a series of
15 sales sufficient in number, scope, and character to constitute an activity
16 requiring the holding of a seller's permit. In the case of the sale of the
17 entire, or a substantial portion of the nonretail assets of the seller, the
18 number of previous sales of similar assets shall be disregarded in
19 determining whether or not the current sale or sales shall qualify as an
20 occasional sale; or

21 2. Any transfer of all or substantially all the tangible personal property or
22 digital property held or used by a person in the course of such an activity
23 when after such transfer the real or ultimate ownership of such property
24 is substantially similar to that which existed before such transfer.

25 (b) For the purposes of this subsection, stockholders, bondholders, partners, or
26 other persons holding an interest in a corporation or other entity are regarded
27 as having the "real or ultimate ownership" of the tangible personal property or

1 digital property of such corporation or other entity;

2 ~~(29)~~~~(28)~~ (a) "Other direct mail" means any direct mail that is not advertising and
3 promotional direct mail, regardless of whether advertising and promotional
4 direct mail is included in the same mailing.

5 (b) "Other direct mail" includes but is not limited to:

- 6 1. Transactional direct mail that contains personal information specific to
7 the addressee, including but not limited to invoices, bills, statements of
8 account, and payroll advices;
- 9 2. Any legally required mailings, including but not limited to privacy
10 notices, tax reports, and stockholder reports; and
- 11 3. Other nonpromotional direct mail delivered to existing or former
12 shareholders, customers, employees, or agents, including but not limited
13 to newsletters and informational pieces.

14 (c) "Other direct mail" does not include the development of billing information or
15 the provision of any data processing service that is more than incidental to the
16 production of printed material;

17 ~~(30)~~~~(29)~~ "Person" includes any individual, firm, copartnership, joint venture,
18 association, social club, fraternal organization, corporation, estate, trust, business
19 trust, receiver, trustee, syndicate, cooperative, assignee, governmental unit or
20 agency, or any other group or combination acting as a unit;

21 ~~(31)~~~~(30)~~ "Permanent," as the term applies to digital property, means perpetual or for an
22 indefinite or unspecified length of time;

23 ~~(32)~~~~(31)~~ (a) "Photography and photofinishing services" means:

- 24 1. The taking, developing, or printing of an original photograph; or
- 25 2. Image editing, including shadow removal, tone adjustments, vertical and
26 horizontal alignment and cropping, composite image creation,
27 formatting, watermarking printing, and delivery of an original

1 photograph in the form of tangible personal property, digital property, or
2 other media.

3 (b) "Photography and photofinishing services" does not include photography
4 services necessary for medical or dental health;

5 ~~(33)~~~~(32)~~ "Plant facility" means a single location that is exclusively dedicated to
6 manufacturing or industrial processing activities. A location shall be deemed to be
7 exclusively dedicated to manufacturing or industrial processing activities even if
8 retail sales are made there, provided that the retail sales are incidental to the
9 manufacturing or industrial processing activities occurring at the location. The term
10 "plant facility" does~~shall~~ not include any restaurant, grocery store, shopping
11 center, or other retail establishment;

12 ~~(34)~~~~(33)~~ (a) "Prewritten computer software" means:

- 13 1. Computer software, including prewritten upgrades, that are not designed
14 and developed by the author or other creator to the specifications of a
15 specific purchaser;
- 16 2. Software designed and developed by the author or other creator to the
17 specifications of a specific purchaser when it is sold to a person other
18 than the original purchaser; or
- 19 3. Any portion of prewritten computer software that is modified or
20 enhanced in any manner, where the modification or enhancement is
21 designed and developed to the specifications of a specific purchaser,
22 unless there is a reasonable, separately stated charge on an invoice or
23 other statement of the price to the purchaser for the modification or
24 enhancement.

25 (b) When a person modifies or enhances computer software of which the person
26 is not the author or creator, the person shall be deemed to be the author or
27 creator only of the modifications or enhancements the person actually made.

1 (c) The combining of two (2) or more prewritten computer software programs or
2 portions thereof does not cause the combination to be other than prewritten
3 computer software;

4 ~~(35)~~~~(34)~~ "Prewritten computer software access services" means the right of access to
5 prewritten computer software where the object of the transaction is to use the
6 prewritten computer software while possession of the prewritten computer software
7 is maintained by the seller or a third party, wherever located, regardless of whether
8 the charge for the access or use is on a per use, per user, per license, subscription, or
9 some other basis;

10 ~~(36)~~~~(35)~~ (a) "Purchase" means any transfer of title or possession, exchange, barter,
11 lease, or rental, conditional or otherwise, in any manner or by any means
12 whatsoever, of:

- 13 1. Tangible personal property;
- 14 2. An extended warranty service;
- 15 3. Digital property transferred electronically; or
- 16 4. Services included in KRS 139.200;

17 for a consideration.

18 (b) "Purchase" includes:

- 19 1. When performed outside this state or when the customer gives a resale
20 certificate, the producing, fabricating, processing, printing, or imprinting
21 of tangible personal property for a consideration for consumers who
22 furnish either directly or indirectly the materials used in the producing,
23 fabricating, processing, printing, or imprinting;
- 24 2. A transaction whereby the possession of tangible personal property or
25 digital property is transferred but the seller retains the title as security
26 for the payment of the price; and
- 27 3. A transfer for a consideration of the title or possession of tangible

1 personal property or digital property which has been produced,
2 fabricated, or printed to the special order of the customer, or of any
3 publication;

4 (37)~~[(36)]~~ "Recycled materials" means materials which have been recovered or diverted
5 from the solid waste stream and reused or returned to use in the form of raw
6 materials or products;

7 (38)~~[(37)]~~ "Recycling purposes" means those activities undertaken in which materials
8 that would otherwise become solid waste are collected, separated, or processed in
9 order to be reused or returned to use in the form of raw materials or products;

10 (39)~~[(38)]~~ "Remote retailer" means a retailer with no physical presence in this state;

11 (40)~~[(39)]~~ (a) "Repair, replacement, or spare parts" means any tangible personal
12 property used to maintain, restore, mend, or repair machinery or equipment.

13 (b) "Repair, replacement, or spare parts" does not include machine oils, grease, or
14 industrial tools;

15 (41)~~[(40)]~~ (a) "Retailer" means:

16 1. Every person engaged in the business of making retail sales of tangible
17 personal property, digital property, or furnishing any services in a retail
18 sale included in KRS 139.200;

19 2. Every person engaged in the business of making sales at auction of
20 tangible personal property or digital property owned by the person or
21 others for storage, use or other consumption, except as provided in
22 paragraph (c) of this subsection;

23 3. Every person making more than two (2) retail sales of tangible personal
24 property, digital property, or services included in KRS 139.200 during
25 any twelve (12) month period, including sales made in the capacity of
26 assignee for the benefit of creditors, or receiver or trustee in bankruptcy;

27 4. Any person conducting a race meeting under the provision of KRS

1 Chapter 230, with respect to horses which are claimed during the
2 meeting.

3 (b) When the department determines that it is necessary for the efficient
4 administration of this chapter to regard any salesmen, representatives,
5 peddlers, or canvassers as the agents of the dealers, distributors, supervisors or
6 employers under whom they operate or from whom they obtain the tangible
7 personal property, digital property, or services sold by them, irrespective of
8 whether they are making sales on their own behalf or on behalf of the dealers,
9 distributors, supervisors or employers, the department may so regard them and
10 may regard the dealers, distributors, supervisors or employers as retailers for
11 purposes of this chapter.

12 (c) 1. Any person making sales at a charitable auction for a qualifying entity
13 shall not be a retailer for purposes of the sales made at the charitable
14 auction if:

15 a. The qualifying entity, not the person making sales at the auction, is
16 sponsoring the auction;

17 b. The purchaser of tangible personal property at the auction directly
18 pays the qualifying entity sponsoring the auction for the property
19 and not the person making the sales at the auction; and

20 c. The qualifying entity, not the person making sales at the auction, is
21 responsible for the collection, control, and disbursement of the
22 auction proceeds.

23 2. If the conditions set forth in subparagraph 1. of this paragraph are met,
24 the qualifying entity sponsoring the auction shall be the retailer for
25 purposes of the sales made at the charitable auction.

26 3. For purposes of this paragraph, "qualifying entity" means a resident:

27 a. Church;

- 1 b. School;
- 2 c. Civic club; or
- 3 d. Any other nonprofit charitable, religious, or educational
- 4 organization;

5 ~~(42)~~~~(41)~~ "Retail sale" means any sale, lease, or rental for any purpose other than resale,
6 sublease, or subrent;

7 ~~(43)~~~~(42)~~ (a) "Ringtones" means digitized sound files that are downloaded onto a
8 device and that may be used to alert the customer with respect to a
9 communication.

10 (b) "Ringtones" does~~shall~~ not include ringback tones or other digital files that
11 are not stored on the purchaser's communications device;

12 ~~(44)~~~~(43)~~ (a) "Sale" means:

- 13 1. The furnishing of any services included in KRS 139.200; or
- 14 2. Any transfer of title or possession, exchange, barter, lease, or rental,
15 conditional or otherwise, in any manner or by any means whatsoever,
16 of:
 - 17 a. Tangible personal property; or
 - 18 b. Digital property transferred electronically;

19 for a consideration.

20 (b) "Sale" includes but is not limited to:

- 21 1. The producing, fabricating, processing, printing, or imprinting of
22 tangible personal property or digital property for a consideration for
23 purchasers who furnish, either directly or indirectly, the materials used
24 in the producing, fabricating, processing, printing, or imprinting;
- 25 2. A transaction whereby the possession of tangible personal property or
26 digital property is transferred, but the seller retains the title as security
27 for the payment of the price; and

1 3. A transfer for a consideration of the title or possession of tangible
2 personal property or digital property which has been produced,
3 fabricated, or printed to the special order of the purchaser.

4 (c) This definition shall apply regardless of the classification of a transaction
5 under generally accepted accounting principles, the Internal Revenue Code, or
6 other provisions of federal, state, or local law;

7 ~~(45)~~~~((44))~~ "Seller" includes every person engaged in the business of selling tangible
8 personal property, digital property, or services of a kind, the gross receipts from the
9 retail sale of which are required to be included in the measure of the sales tax, and
10 every person engaged in making sales for resale;

11 ~~(46)~~~~((45))~~ (a) "Storage" includes any keeping or retention in this state for any purpose
12 except sale in the regular course of business or subsequent use solely outside
13 this state of tangible personal property, digital property, or prewritten
14 computer software access services purchased from a retailer.

15 (b) "Storage" does not include the keeping, retaining, or exercising any right or
16 power over tangible personal property for the purpose of subsequently
17 transporting it outside the state for use thereafter solely outside the state, or
18 for the purpose of being processed, fabricated, or manufactured into, attached
19 to, or incorporated into, other tangible personal property to be transported
20 outside the state and thereafter used solely outside the state;

21 ~~(47)~~~~((46))~~ "Tangible personal property" means personal property which may be seen,
22 weighed, measured, felt, or touched, or which is in any other manner perceptible to
23 the senses and includes natural, artificial, and mixed gas, electricity, water, steam,
24 and prewritten computer software;

25 ~~(48)~~~~((47))~~ "Taxpayer" means any person liable for tax under this chapter;

26 ~~(49)~~~~((48))~~ "Telemarketing services" means services provided via telephone, facsimile,
27 electronic mail, text messages, or other modes of communications to another

1 person, which are unsolicited by that person, for the purposes of:

- 2 (a) 1. Promoting products or services;
 3 2. Taking orders; or
 4 3. Providing information or assistance regarding the products or services;
 5 or
 6 (b) Soliciting contributions;

7 ~~(50)~~~~(49)~~ "Transferred electronically" means accessed or obtained by the purchaser by
 8 means other than tangible storage media; and

9 ~~(51)~~~~(50)~~ (a) "Use" includes the exercise of:

- 10 1. Any right or power over tangible personal property or digital property
 11 incident to the ownership of that property, or by any transaction in
 12 which possession is given, or by any transaction involving digital
 13 property or tangible personal property where the right of access is
 14 granted; or
 15 2. Any right or power to benefit from any services subject to tax under
 16 KRS 139.200(2)(p) to ~~(ay)~~~~(ax)~~.

17 (b) "Use" does not include the keeping, retaining, or exercising any right or
 18 power over:

- 19 1. Tangible personal property or digital property for the purpose of:
 20 a. Selling tangible personal property or digital property in the regular
 21 course of business; or
 22 b. Subsequently transporting tangible personal property outside the
 23 state for use thereafter solely outside the state, or for the purpose
 24 of being processed, fabricated, or manufactured into, attached to,
 25 or incorporated into, other tangible personal property to be
 26 transported outside the state and thereafter used solely outside the
 27 state; or

- 1 2. Prewritten computer software access services and data brokering
2 services purchased for use outside the state and transferred
3 electronically outside the state for use thereafter solely outside the state.

4 ➔Section 12. KRS 139.200 is amended to read as follows:

5 A tax is hereby imposed upon all retailers at the rate of six percent (6%) of the gross
6 receipts derived from:

7 (1) Retail sales of:

8 (a) Tangible personal property, regardless of the method of delivery, made within
9 this Commonwealth; and

10 (b) Digital property regardless of whether:

11 1. The purchaser has the right to permanently use the property;

12 2. The purchaser's right to access or retain the property is not permanent;
13 or

14 3. The purchaser's right of use is conditioned upon continued payment; and

15 (2) The furnishing of the following services:

16 (a) The rental of any room or rooms, lodgings, campsites, or accommodations
17 furnished by any hotel, motel, inn, tourist camp, tourist cabin, campgrounds,
18 recreational vehicle parks, or any other place in which rooms, lodgings,
19 campsites, or accommodations are regularly furnished to transients for a
20 consideration. The tax shall not apply to rooms, lodgings, campsites, or
21 accommodations supplied for a continuous period of thirty (30) days or more
22 to a person;

23 (b) Sewer services;

24 (c) The sale of admissions, except:

25 1. Admissions to enter the grounds or enclosure of any track licensed
26 under KRS Chapter 230 at which live horse racing or historical horse
27 racing is being conducted under the jurisdiction of the Kentucky Horse

- 1 Racing and Gaming Corporation;
- 2 2. Admissions taxed under KRS 229.031;
- 3 3. Admissions that are charged by nonprofit educational, charitable, or
- 4 religious institutions and for which an exemption is provided under KRS
- 5 139.495; and
- 6 4. Admissions that are charged by nonprofit civic, governmental, or other
- 7 nonprofit organizations and for which an exemption is provided under
- 8 KRS 139.498;
- 9 (d) Prepaid calling service and prepaid wireless calling service;
- 10 (e) Intrastate, interstate, and international communications services as defined in
- 11 KRS 139.195, including~~except~~ the furnishing of pay telephone service as
- 12 defined in KRS 139.195;
- 13 (f) Distribution, transmission, or transportation services for natural gas that is for
- 14 storage, use, or other consumption in this state, excluding those services
- 15 furnished:
- 16 1. For natural gas that is classified as residential use as provided in KRS
- 17 139.470(7); or
- 18 2. To a seller or reseller of natural gas;
- 19 (g) Landscaping services, including but not limited to:
- 20 1. Lawn care and maintenance services;
- 21 2. Tree trimming, pruning, or removal services;
- 22 3. Landscape design and installation services;
- 23 4. Landscape care and maintenance services; and
- 24 5. Snow plowing or removal services;
- 25 (h) Janitorial services, including but not limited to residential and commercial
- 26 cleaning services, and carpet, upholstery, and window cleaning services;
- 27 (i) Small animal veterinary services, excluding veterinary services for equine,

- 1 cattle, poultry, swine, sheep, goats, llamas, alpacas, ratite birds,
2 buffaloes~~[buffalo]~~, and cervids;
- 3 (j) Pet care services, including but not limited to grooming and boarding
4 services, pet sitting services, and pet obedience training services;
- 5 (k) Industrial laundry services, including but not limited to industrial uniform
6 supply services, protective apparel supply services, and industrial mat and rug
7 supply services;
- 8 (l) Non-coin-operated laundry and dry cleaning services;
- 9 (m) Linen supply services, including but not limited to table and bed linen supply
10 services and nonindustrial uniform supply services;
- 11 (n) Indoor skin tanning services, including but not limited to tanning booth or
12 tanning bed services and spray tanning services;
- 13 (o) Non-medical diet and weight reducing services;
- 14 (p) Extended warranty services;
- 15 (q) Photography and photofinishing services;
- 16 (r) Telemarketing services;
- 17 (s) Public opinion and research polling services;
- 18 (t) Lobbying services;
- 19 (u) Executive employee recruitment services;
- 20 (v) Website design and development services;
- 21 (w) Website hosting services;
- 22 (x) Facsimile transmission services;
- 23 (y) Private mailroom services, including:
- 24 1. Presorting mail and packages by postal code;
- 25 2. Address barcoding;
- 26 3. Tracking;
- 27 4. Delivery to postal service; and

- 1 5. Private mailbox rentals;
- 2 (z) Bodyguard services;
- 3 (aa) Residential and nonresidential security system monitoring services, excluding
- 4 separately stated onsite security guard services;
- 5 (ab) Private investigation services;
- 6 (ac) Process server services;
- 7 (ad) Repossession of tangible personal property services;
- 8 (ae) Personal background check services;
- 9 (af) Parking services;
- 10 1. Including:
- 11 a. Valet services; and
- 12 b. The use of parking lots and parking structures; but
- 13 2. Excluding any parking services at an educational institution;
- 14 (ag) Road and travel services provided by automobile clubs as defined in KRS
- 15 281.010;
- 16 (ah) Condominium time-share exchange services;
- 17 (ai) Rental of space for meetings, conventions, short-term business uses,
- 18 entertainment events, weddings, banquets, parties, and other short-term social
- 19 events;
- 20 (aj) Social event planning and coordination services;
- 21 (ak) Leisure, recreational, and athletic instructional services;
- 22 (al) Recreational camp tuition and fees;
- 23 (am) Personal fitness training services;
- 24 (an) Massage services, except when medically necessary;
- 25 (ao) Cosmetic surgery services;
- 26 (ap) Body modification services, including tattooing, piercing, scarification,
- 27 branding, tongue splitting, transdermal and subdermal implants, ear pointing,

1 teeth pointing, and any other modifications that are not necessary for medical
2 or dental health;

3 (aq) Laboratory testing services, excluding laboratory testing:

4 1. For medical, educational, or veterinary reasons; or

5 2. Required by a federal, state, or local statute, regulation, court order, or
6 other government-related requirement;

7 (ar) Interior decorating and design services;

8 (as) Household moving services;

9 (at) Specialized design services, including the design of clothing, costumes,
10 fashion, furs, jewelry, shoes, textiles, and lighting;

11 (au) Lapidary services, including cutting, polishing, and engraving precious
12 stones;

13 (av) Labor and services to repair or maintain commercial refrigeration equipment
14 and systems when no tangible personal property is sold in that transaction
15 including service calls and trip charges;

16 (aw) Labor to repair or alter apparel, footwear, watches, or jewelry when no
17 tangible personal property is sold in that transaction;~~and~~

18 (ax) Prewritten computer software access services; **and**

19 **(ay) Data brokering services.**

20 ➔Section 13. KRS 139.202 is amended to read as follows:

21 **(1)** Excluded from the additional taxable services imposed by KRS 139.200(2)(q) to
22 (ax) are gross receipts derived from:

23 ~~(a)(1)~~ Sales of the services in fulfillment of a lump-sum, fixed-fee contract or a
24 fixed price sales contract executed on or before February 25, 2022; and

25 ~~(b)(2)~~ A lease or rental agreement entered into on or before February 25, 2022.

26 **(2) Excluded from the additional taxable services imposed by subsection (2)(ay) of**
27 **Section 12 of this Act are gross receipts derived from:**

- 1 (a) Sales of the services in fulfillment of a lump-sum, fixed-fee contract or a
 2 fixed price sales contract executed on or before February 25, 2026; and
 3 (b) A lease or rental agreement entered into on or before February 25, 2026.

4 ➔Section 14. KRS 139.260 is amended to read as follows:

5 For the purpose of the proper administration of this chapter and to prevent evasion of the
 6 duty to collect the taxes imposed by KRS 139.200 and 139.310, it shall be presumed that
 7 all gross receipts and all tangible personal property, digital property, and services sold by
 8 any person for delivery or access in this state are subject to the tax until the contrary is
 9 established. The burden of proving the contrary is upon the person who makes the sale of:

10 (1) (a) Except as provided in paragraph (b) of this subsection, tangible personal
 11 property or digital property unless the person takes from the purchaser a
 12 certificate to the effect that the property is either:

- 13 1. Purchased for resale according to the provisions of KRS 139.270;
 14 2. Purchased through a fully completed certificate of exemption or fully
 15 completed Streamlined Sales and Use Tax Agreement Certificate of
 16 Exemption in accordance with KRS 139.270; or
 17 3. Purchased according to administrative regulations promulgated by the
 18 department governing a direct pay authorization; or

19 (b) Tangible personal property to a purchaser claiming an agriculture exemption
 20 under KRS 139.480(4) to (9), (11), (13) to (15), (22) to (29), or (32)~~[(23) to~~
 21 ~~(30), or (33)]~~ unless the person obtains from the purchaser an agriculture
 22 exemption license number or a fully completed Streamlined Sales and Use
 23 Tax Agreement Certificate of Exemption that contains an agriculture
 24 exemption license number in accordance with KRS 139.270;

25 (2) A service included in KRS 139.200(2)(a) to (f) unless the person takes from the
 26 purchaser a certificate to the effect that the service is purchased through a fully
 27 completed certificate of exemption or fully completed Streamlined Sales and Use

1 Tax Agreement Certificate of Exemption in accordance with KRS 139.270; and

2 (3) A service included in KRS 139.200(2)(g) to (ay)~~[(ax)]~~ unless the person takes from
3 the purchaser a certificate to the effect that the service is:

4 (a) Purchased for resale according to KRS 139.270;

5 (b) Purchased through a fully completed certificate of exemption or fully
6 completed Streamlined Sales and Use Tax Agreement Certificate of
7 Exemption in accordance with KRS 139.270; or

8 (c) Purchased according to administrative regulations promulgated by the
9 department governing a direct pay authorization.

10 ➔Section 15. KRS 139.310 is amended to read as follows:

11 (1) An excise tax is hereby imposed on the storage, use, or other consumption in this
12 state of tangible personal property, digital property, and services listed under KRS
13 139.200(2)(p) to (ay)~~[(ax)]~~ purchased for storage, use, or other consumption in this
14 state at the rate of six percent (6%) of the sales price.

15 (2) The excise tax applies to the purchase of digital property regardless of whether:

16 (a) The purchaser has the right to permanently use the goods;

17 (b) The purchaser's right to access or retain the digital property is not permanent;
18 or

19 (c) The purchaser's right of use is conditioned upon continued payment.

20 ➔Section 16. KRS 139.340 is amended to read as follows:

21 (1) Except as provided in KRS 139.470 and 139.480, every retailer engaged in business
22 in this state shall collect the tax imposed by KRS 139.310 from the purchaser and
23 give to the purchaser a receipt therefor in the manner and form prescribed by the
24 department. The taxes collected or required to be collected by the retailer under this
25 section shall be deemed to be held in trust for and on account of the
26 Commonwealth.

27 (2) "Retailer engaged in business in this state" as used in KRS 139.330 and this section

1 includes any of the following:

- 2 (a) Any retailer maintaining, occupying, or using, permanently or temporarily,
3 directly or indirectly, or through a subsidiary or any other related entity,
4 representative, or agent, by whatever name called, an office, place of
5 distribution, sales or sample room or place, warehouse or storage place, or
6 other place of business. Property owned by a person who has contracted with
7 a printer for printing, which consists of the final printed product, property
8 which becomes a part of the final printed product, or copy from which the
9 printed product is produced, and which is located at the premises of the
10 printer, shall not be deemed to be an office, place of distribution, sales or
11 sample room or place, warehouse or storage place, or other place of business
12 maintained, occupied, or used by the person;
- 13 (b) Any retailer having any representative, agent, salesman, canvasser, or solicitor
14 operating in this state under the authority of the retailer or its subsidiary for
15 the purpose of selling, delivering, or the taking of orders for any tangible
16 personal property, digital property, or any services subject to tax under KRS
17 139.200(2)(p) to (ay)~~[(ax)]~~. An unrelated printer with which a person has
18 contracted for printing shall not be deemed to be a representative, agent,
19 salesman, canvasser, or solicitor for the person;
- 20 (c) Any retailer soliciting orders for tangible personal property, digital property,
21 or any services subject to tax under KRS 139.200(2)(p) to (ay)~~[(ax)]~~ from
22 residents of this state on a continuous, regular, or systematic basis in which
23 the solicitation of the order, placement of the order by the customer or the
24 payment for the order utilizes the services of any financial institution,
25 telecommunication system, radio or television station, cable television
26 service, print media, or other facility or service located in this state;
- 27 (d) Any retailer deriving receipts from the lease or rental of tangible personal

- 1 property situated in this state;
- 2 (e) Any retailer soliciting orders for tangible personal property, digital property,
3 or any services subject to tax under KRS 139.200(2)(p) to (ay)~~[(ax)]~~ from
4 residents of this state on a continuous, regular, systematic basis if the retailer
5 benefits from an agent or representative operating in this state under the
6 authority of the retailer to repair or service tangible personal property or
7 digital property sold by the retailer;
- 8 (f) Any retailer located outside Kentucky that uses a representative in Kentucky,
9 either full-time or part-time, if the representative performs any activities that
10 help establish or maintain a marketplace for the retailer, including receiving or
11 exchanging returned merchandise; or
- 12 (g) 1. Any remote retailer selling tangible personal property, ~~or~~ digital
13 property, or services delivered, ~~or~~ transferred electronically, or
14 provided to a purchaser in this state, including retail sales facilitated by
15 a marketplace provider on behalf of the remote retailer~~;~~ if ~~:~~
- 16 ~~a. The remote retailer sold tangible personal property or digital property that was~~
17 ~~delivered or transferred electronically to a purchaser in this state in two~~
18 ~~hundred (200) or more separate transactions in the previous calendar~~
19 ~~year or the current calendar year; or~~
- 20 ~~b.~~ the remote retailer's gross receipts derived from the sale of tangible personal
21 property, ~~or~~ digital property, or services delivered, ~~or~~ transferred
22 electronically, or provided to a purchaser in this state in the previous
23 calendar year or current calendar year exceeds one hundred thousand
24 dollars (\$100,000).
- 25 2. Any remote retailer that meets the~~either~~ threshold provided in
26 subparagraph 1. of this paragraph shall register for a sales and use tax
27 permit and collect the tax imposed by KRS 139.310 from the purchaser

1 no later than the first day of the calendar month that is at the most sixty
2 (60) days after ~~the~~~~either~~ threshold is reached.

3 ➔Section 17. KRS 139.470 is amended to read as follows:

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

- 5 (1) Gross receipts from the sale of, and the storage, use, or other consumption in this
6 state of, tangible personal property or digital property which this state is prohibited
7 from taxing under the Constitution or laws of the United States, or under the
8 Constitution of this state;
- 9 (2) Gross receipts from sales of, and the storage, use, or other consumption in this state
10 of:
- 11 (a) Nonreturnable and returnable containers when sold without the contents to
12 persons who place the contents in the container and sell the contents together
13 with the container; and
- 14 (b) Returnable containers when sold with the contents in connection with a retail
15 sale of the contents or when resold for refilling;

16 As used in this ~~subsection~~~~section~~ the term "returnable containers" means
17 containers of a kind customarily returned by the buyer of the contents for reuse. All
18 other containers are "nonreturnable containers";

- 19 (3) Gross receipts from occasional sales of tangible personal property or digital
20 property and the storage, use, or other consumption in this state of tangible personal
21 property or digital property, the transfer of which to the purchaser is an occasional
22 sale;
- 23 (4) Gross receipts from sales of tangible personal property to a common carrier,
24 shipped by the retailer via the purchasing carrier under a bill of lading, whether the
25 freight is paid in advance or the shipment is made freight charges collect, to a point
26 outside this state and the property is actually transported to the out-of-state
27 destination for use by the carrier in the conduct of its business as a common carrier;

- 1 (5) Gross receipts from sales of tangible personal property sold through coin-operated
 2 bulk vending machines, if the sale amounts to fifty cents (\$0.50) or less, if the
 3 retailer is primarily engaged in making the sales and maintains records satisfactory
 4 to the department. As used in this subsection, "bulk vending machine" means a
 5 vending machine containing unsorted merchandise which, upon insertion of a coin,
 6 dispenses the same in approximately equal portions, at random and without
 7 selection by the customer;
- 8 (6) Gross receipts from sales:
- 9 (a) To any cabinet, department, bureau, commission, board, or other statutory or
 10 constitutional agency of the state and gross receipts from sales to counties,
 11 cities, or special districts as defined in KRS 65.005. This exemption shall
 12 apply only to purchases of tangible personal property, digital property, or
 13 services for use solely in the government function. A purchaser not qualifying
 14 as a governmental agency or unit shall not be entitled to the exemption even
 15 though the purchaser may be the recipient of public funds or grants; and
- 16 (b) Of data brokering services by:
- 17 1. Any cabinet, department, bureau, commission, board, or other
 18 statutory or constitutional agency of this state; or
- 19 2. Counties, cities, or special districts as defined in KRS 65.005;
- 20 (7) (a) Gross receipts from the sale of sewer services, water, and fuel to Kentucky
 21 residents for use in heating, water heating, cooking, lighting, and other
 22 residential uses if the sewer services, water, and fuel are purchased and
 23 declared by the resident as used in his or her place of domicile.
- 24 (b) As used in this subsection:
- 25 1. "Fuel" includes but is not ~~shall include but not be~~ limited to natural
 26 gas, electricity, fuel oil, bottled gas, coal, coke, and wood; and
- 27 2. "Place of domicile" means the place where an individual has his or her

1 legal, true, fixed, and permanent home and principal establishment, and
2 to which, whenever the individual is absent, the individual has the
3 intention of returning.

4 (c) Determinations of eligibility for the exemption shall be made by the
5 department.

6 (d) The exemption shall apply to charges for sewer service, water, and fuel billed
7 to an owner or operator of a multi-unit residential rental facility or mobile
8 home and recreational vehicle park if the owner or operator declares that the
9 sewer services, water, and fuel are purchased for Kentucky residents to be
10 used in the resident's place of domicile.

11 (e) The exemption shall apply also to residential property which may be held by
12 legal or equitable title, by the entirety, jointly, in common, as a
13 condominium, or indirectly by the stock ownership or membership
14 representing the owner's or member's proprietary interest in a corporation
15 owning a fee or a leasehold initially in excess of ninety-eight (98) years if the
16 sewer services, water, and fuel are purchased for and declared by the
17 Kentucky resident as used in his or her place of domicile;

18 (8) Gross receipts from sales to an out-of-state agency, organization, or institution
19 exempt from sales and use tax in its state of residence when that agency,
20 organization, or institution gives proof of its tax-exempt status to the retailer and the
21 retailer maintains a file of the proof;

22 (9) (a) Gross receipts derived from the sale of tangible personal property, as provided
23 in paragraph (b) of this subsection, to a manufacturer or industrial processor if
24 the property is to be directly used in the manufacturing or industrial
25 processing process of:

- 26 1. Tangible personal property at a plant facility;
- 27 2. Distilled spirits or wine at a plant facility or on the premises of a

1 distiller, rectifier, winery, or small farm winery licensed under KRS
2 243.030 that includes a retail establishment on the premises; or

3 3. Malt beverages at a plant facility or on the premises of a brewer or
4 microbrewery licensed under KRS 243.040 that includes a retail
5 establishment;

6 and which will be for sale.

7 (b) The following tangible personal property shall qualify for exemption under
8 this subsection:

9 1. Materials which enter into and become an ingredient or component part
10 of the manufactured product;

11 2. Other tangible personal property which is directly used in the
12 manufacturing or industrial processing process, if the property has a
13 useful life of less than one (1) year. Specifically, these items are
14 categorized as follows:

15 a. Materials. This refers to the raw materials which become an
16 ingredient or component part of supplies or industrial tools exempt
17 under subdivisions b. and c. below;

18 b. Supplies. This category includes supplies such as lubricating and
19 compounding oils, grease, machine waste, abrasives, chemicals,
20 solvents, fluxes, anodes, filtering materials, fire brick, catalysts,
21 dyes, refrigerants, and explosives. The supplies indicated above
22 need not come in direct contact with a manufactured product to be
23 exempt. "Supplies" does not include repair, replacement, or spare
24 parts of any kind; and

25 c. Industrial tools. This group is limited to hand tools such as jigs,
26 dies, drills, cutters, rolls, reamers, chucks, saws, and spray guns
27 and to tools attached to a machine such as molds, grinding balls,

1 grinding wheels, dies, bits, and cutting blades. Normally, for
2 industrial tools to be considered directly used in the manufacturing
3 or industrial processing process, they shall come into direct
4 contact with the product being manufactured or processed; and

5 3. Materials and supplies that are not reusable in the same manufacturing
6 or industrial processing process at the completion of a single
7 manufacturing or processing cycle. A single manufacturing cycle shall
8 be considered to be the period elapsing from the time the raw materials
9 enter into the manufacturing process until the finished product emerges
10 at the end of the manufacturing process.

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

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

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

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

24 (11) (a) 1. Gross receipts from the sale of newspaper inserts or catalogs purchased
25 for storage, use, or other consumption outside this state and delivered by
26 the retailer's own vehicle to a location outside this state, or delivered to
27 the United States Postal Service, a common carrier, or a contract carrier

1 for delivery outside this state, regardless of whether the carrier is
2 selected by the purchaser or retailer or an agent or representative of the
3 purchaser or retailer, or whether the F.O.B. is retailer's shipping point or
4 purchaser's destination.

5 ~~2.[(a)]~~ As used in this paragraph~~[subsection]~~:

6 a.[(1)] "Catalogs" means tangible personal property that is printed to the
7 special order of the purchaser and composed substantially of
8 information regarding goods and services offered for sale; and

9 b.[(2)] "Newspaper inserts" means printed materials that are placed in or
10 distributed with a newspaper of general circulation.

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

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

15 (13) (a) 1. Gross receipts from the sale of metal retail fixtures manufactured in this
16 state and purchased for storage, use, or other consumption outside this
17 state and delivered by the retailer's own vehicle to a location outside this
18 state, or delivered to the United States Postal Service, a common carrier,
19 or a contract carrier for delivery outside this state, regardless of whether
20 the carrier is selected by the purchaser or retailer or an agent or
21 representative of the purchaser or retailer, or whether the F.O.B. is the
22 retailer's shipping point or the purchaser's destination.

23 ~~2.[(a)]~~ As used in this paragraph~~[subsection]~~, "metal retail fixtures"
24 means check stands and belted and nonbelted checkout counters,
25 whether made in bulk or pursuant to specific purchaser specifications,
26 that are to be used directly by the purchaser or to be distributed by the
27 purchaser.

- 1 (b) The retailer shall be responsible for establishing that delivery was made to a
2 non-Kentucky location through shipping documents or other credible
3 evidence as determined by the department;
- 4 (14) Gross receipts from the sale of unenriched or enriched uranium purchased for
5 ultimate storage, use, or other consumption outside this state and delivered to a
6 common carrier in this state for delivery outside this state, regardless of whether the
7 carrier is selected by the purchaser or retailer, or is an agent or representative of the
8 purchaser or retailer, or whether the F.O.B. is the retailer's shipping point or
9 purchaser's destination;
- 10 (15) Amounts received from a tobacco buydown. As used in this subsection, "buydown"
11 means an agreement whereby an amount, whether paid in money, credit, or
12 otherwise, is received by a retailer from a manufacturer or wholesaler based upon
13 the quantity and unit price of tobacco products sold at retail that requires the retailer
14 to reduce the selling price of the product to the purchaser without the use of a
15 manufacturer's or wholesaler's coupon or redemption certificate;
- 16 (16) Gross receipts from the sale of tangible personal property or digital property
17 returned by a purchaser when the full sales price is refunded either in cash or credit.
18 This exclusion shall not apply if the purchaser, in order to obtain the refund, is
19 required to purchase other tangible personal property or digital property at a price
20 greater than the amount charged for the property that is returned;
- 21 (17) Gross receipts from the sales of gasoline and special fuels subject to tax under KRS
22 Chapter 138;
- 23 (18) The amount of any tax imposed by the United States upon or with respect to retail
24 sales, whether imposed on the retailer or the consumer, not including any
25 manufacturer's excise or import duty;
- 26 (19) Gross receipts from the sale of any motor vehicle as defined in KRS 138.450 which
27 is:

- 1 (a) Sold to a Kentucky resident, registered for use on the public highways, and
2 upon which any applicable tax levied by KRS 138.460 has been paid; or
- 3 (b) Sold to a nonresident of Kentucky if the nonresident registers the motor
4 vehicle in a state that:
- 5 1. Allows residents of Kentucky to purchase motor vehicles without
6 payment of that state's sales tax at the time of sale; or
- 7 2. Allows residents of Kentucky to remove the vehicle from that state
8 within a specific period for subsequent registration and use in Kentucky
9 without payment of that state's sales tax;
- 10 (20) Gross receipts from the sale of a semi-trailer as defined in KRS 189.010(12) and
11 trailer as defined in KRS 189.010(17);
- 12 (21) Gross receipts from the collection of:
- 13 (a) Any fee or charge levied by a local government pursuant to KRS 65.760;
- 14 (b) The charge imposed by KRS 65.7629(3);
- 15 (c) The fee imposed by KRS 65.7634; and
- 16 (d) The service charge imposed by KRS 65.7636;
- 17 (22) Gross receipts derived from charges for labor or services to apply, install, repair, or
18 maintain tangible personal property directly used in manufacturing or industrial
19 processing process of:
- 20 (a) Tangible personal property at a plant facility;
- 21 (b) Distilled spirits or wine at a plant facility or on the premises of a distiller,
22 rectifier, winery, or small farm winery licensed under KRS 243.030; or
- 23 (c) Malt beverages at a plant facility or on the premises of a brewer or
24 microbrewery licensed under KRS 243.040;
- 25 that is not otherwise exempt under subsection (9) of this section or KRS
26 139.480(10), if the charges for labor or services are separately stated on the invoice,
27 bill of sale, or similar document given to purchaser;

- 1 (23) (a) For persons selling services included in KRS 139.200(2)(g) to (ax) prior to
2 January 1, 2025, gross receipts derived from the sale of those services if the
3 gross receipts were less than twelve thousand dollars (\$12,000) during
4 calendar year 2024. When gross receipts from these services exceed twelve
5 thousand dollars (\$12,000) in a calendar year:
- 6 1. All gross receipts over twelve thousand dollars (\$12,000) are taxable in
7 that calendar year; and
 - 8 2. All gross receipts are subject to tax in subsequent calendar years.
- 9 (b) The exemption provided in this subsection shall not apply to a person also
10 engaged in the business of selling tangible personal property, digital property,
11 or services included in KRS 139.200(2)(a) to (f); and
- 12 (24) (a) For persons that first begin making sales of services included in KRS
13 139.200(2)(g) to (ax) on or after January 1, 2025, gross receipts derived from
14 the sale of those services if the gross receipts are less than twelve thousand
15 dollars (\$12,000) within the first calendar year of operation. When gross
16 receipts from these services exceed twelve thousand dollars (\$12,000) in a
17 calendar year:
- 18 1. All gross receipts over twelve thousand dollars (\$12,000) are taxable in
19 that calendar year; and
 - 20 2. All gross receipts are subject to tax in subsequent calendar years.
- 21 (b) The exemption provided in this subsection shall not apply to a person that is
22 also engaged in the business of selling tangible personal property, digital
23 property, or services included in KRS 139.200(2)(a) to (f).
- 24 ➔Section 18. 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
27 on the public highways that is self-propelled, including a low-speed motor

1 vehicle as 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
21 Kentucky shall pay to the retailer a one dollar (\$1) fee at the time of the
22 purchase of that tire. The fee shall not be subject to the Kentucky sales
23 tax.

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

- 1 3. Beginning July 1, 2020, but prior to July 1, ~~2034~~[2026], a fee is hereby
2 imposed upon a retailer at the rate of two dollars (\$2) for each new
3 motor vehicle, trailer, or semitrailer tire sold in Kentucky. The fee shall
4 be subject to the Kentucky sales tax.
- 5 4. A retailer may pass the fee imposed by this paragraph on to the
6 purchaser of the new tire.
- 7 (b) 1. A new tire is a tire that has never been placed on a motor vehicle, trailer,
8 or semitrailer wheel rim.
- 9 2. A new tire is not a tire placed on a motor vehicle, trailer, or semitrailer
10 prior to its original retail sale or a recapped tire.
- 11 (3) When a retailer sells a new motor vehicle tire in Kentucky to replace another tire,
12 the tire that is replaced becomes a waste tire subject to the waste tire program. The
13 retailer shall encourage the purchaser of the new tire to leave the waste tire with the
14 retailer or meet the following requirements:
- 15 (a) Dispose of the waste tire in accordance with KRS 224.50-856(1);
- 16 (b) Deliver the waste tire to a person registered in accordance with the waste tire
17 program; or
- 18 (c) Reuse the waste tire for its original intended purpose or an agricultural
19 purpose.
- 20 (4) (a) A retailer shall report to the Department of Revenue on or before the
21 twentieth day of each month the number of new motor vehicle tires sold
22 during the preceding month and the number of waste tires received from
23 customers that month.
- 24 (b) The report shall be filed on forms and contain information as the Department
25 of Revenue may require.
- 26 (c) The retailer shall be allowed to retain an amount equal to five percent (5%) of
27 the fees due, provided the amount due is not delinquent at the time of

1 payment.

2 (5) A retailer shall:

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

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

6 1. The retailer to accept, if offered, a waste tire for each new motor vehicle
7 tire sold and that a person purchasing a new motor vehicle tire to replace
8 another tire shall comply with subsection (3) of this section; and

9 2. The two dollar (\$2) new tire fee is used by the state to oversee the
10 management of waste tires, including cleaning up abandoned waste tire
11 piles and preventing illegal dumping of waste tires.

12 (6) A retailer shall comply with the requirements of the recordkeeping system for waste
13 tires established by KRS 224.50-874.

14 (7) A retailer shall transfer waste tires only to a person who presents a letter from the
15 cabinet approving the registration issued under KRS 224.50-858 or a copy of a solid
16 waste disposal facility permit issued by the cabinet, unless the retailer is delivering
17 the waste tires to a destination outside Kentucky and the waste tires will remain in
18 the retailer's possession until they reach that destination.

19 (8) The cabinet shall, in conjunction with the Waste Tire Working Group, develop the
20 informational fact sheet to be made publicly available on the cabinet's website and
21 available in print upon request. The fact sheet shall identify ways to properly
22 dispose of the waste tire and present information on the problems caused by
23 improper waste tire disposal.

24 ➔Section 19. KRS 224.50-872 is amended to read as follows:

25 (1) The cabinet shall report to the General Assembly no later than January 15 each year
26 on the effectiveness of the waste tire program in developing markets for waste tires,
27 the amount of revenue generated and the effectiveness of the fee established in KRS

1 224.50-868 in funding the cabinet's implementation of the waste tire program, to
2 include any waste tire amnesty program established by the cabinet as provided for
3 in KRS 224.50-880(1)(b), whether the fee should be extended, comparative data on
4 the number of waste tires generated each year, the number disposed of, the number
5 of orphan tire piles, and the cost of tire disposal by counties in the Commonwealth.

6 **(2) The cabinet shall gather the following information related to the waste tire trust**
7 **fund in KRS 224.50-880 and submit an annual report to the Legislative Research**
8 **Commission for referral to the Interim Joint Committee on Appropriations and**
9 **Revenue by November 1, 2026, and by each November 1 thereafter as long as the**
10 **new tire fee established in Section 18 of this Act is collected:**

11 **(a) Total receipts deposited into the fund from the new tire fee during the**
12 **preceding fiscal year;**

13 **(b) A detailed accounting of the activities supported by fund moneys, including**
14 **the amount spent on each activity;**

15 **(c) A detailed accounting of all administrative expenses;**

16 **(d) Identification of any unexpended funds and the reason why the funds were**
17 **not expended;**

18 **(e) An explanation of how all expenditures align with program objectives;**

19 **(f) A list of recipients receiving money from the fund with a detailed**
20 **accounting of the amount of money received by each recipient and the use**
21 **of the moneys; and**

22 **(g) A compilation of the information required to be reported to the cabinet**
23 **under KRS 224.50-878(4).**

24 ➔Section 20. KRS 45.760 is amended to read as follows:

25 The provisions of any other law notwithstanding:

26 (1) During any biennium the amount allotted, from all sources, for expenditure on any
27 project in the State Capital Construction Program for that biennium shall not exceed

1 the estimated cost of the project during that biennium, as shown in any branch
2 budget bill enacted by the General Assembly, except as provided in this section and
3 KRS 45.770 and 45.780;[]

4 (2) When the General Assembly disapproves a capital project or item of equipment that
5 was previously approved, it shall be eliminated as a capital project or major item of
6 equipment in the Capital Projects Program. General fund moneys appropriated for
7 that project or item of equipment but not allotted, and general fund moneys allotted
8 but not expended to the project or equipment account, shall be transferred to the
9 capital construction and equipment purchase contingency account in the capital
10 construction fund. Agency or federal funds for a disapproved project or item, that
11 have been appropriated but unallotted or allotted but unexpended, shall be returned
12 to the appropriate agency fund. Road fund moneys for a disapproved project or item
13 that have been appropriated but unallotted or allotted but unexpended, shall be
14 returned to the Road Fund Surplus Account;[]

15 (3) Capital projects and major items of equipment disapproved under subsection (2) of
16 this section shall be terminated;[]

17 (4) During any biennium, the amount allotted from all sources for expenditure for the
18 purchase of any major item of equipment shall not exceed the estimated cost of the
19 item as shown in any branch budget bill enacted by the General Assembly and
20 authorizing the purchase, except as provided in subsections (5) and (6) of this
21 section and in KRS 45.770 and 45.780;[]

22 (5) A major item of equipment to be used for medical, scientific, or research purposes,
23 excluding computer equipment and aircraft, may be authorized even though it is not
24 specifically listed in any branch budget bill enacted for the current biennium,
25 subject to the following conditions and procedures:

26 (a) Moneys specifically budgeted and appropriated by the General Assembly for
27 another purpose shall not be reallocated for expenditure on the item; moneys

- 1 utilized shall not jeopardize any existing program and shall not require the use
2 of any current general funds specifically dedicated to existing programs;
- 3 (b) Funds are available for the purchase and the method of financing the purchase
4 will not require an additional appropriation of state funds to acquire the item;
5 and
- 6 (c) The purchasing agency shall, within thirty (30) days after making the
7 purchase, report the purchase to the Capital Projects and Bond Oversight
8 Committee. The report shall include a description of the item, the purpose for
9 which it will be used, the necessity for the purchase, and the amount expended
10 for the purchase from each source of funds used; ~~[-]~~
- 11 (6) Moneys from any source may be transferred to the allotment account of any capital
12 project authorized by the General Assembly under this section, subject to the
13 following conditions and procedures:
- 14 (a) The total amount transferred shall not exceed five percent (5%) ~~fifteen~~
15 ~~percent (15%)~~ of the amount authorized by the General Assembly unless:
- 16 1. The source of funds is private or federal; or
17 2. An unforeseen decision by a federal or state court or regulatory agency
18 requires the transfer; ~~[-]~~
- 19 (b) Moneys specifically budgeted and appropriated by the General Assembly for
20 another purpose shall not be allotted or reallocated for expenditure on the
21 capital project; ~~[-]~~
- 22 (c) Moneys utilized shall not jeopardize any existing program and shall not
23 require the use of any current general funds specifically dedicated to existing
24 programs; ~~[-]~~
- 25 (d) The relevant entity head, or his or her designee, shall submit the capital
26 project to the Capital Projects and Bond Oversight Committee at least
27 fourteen (14) days prior to the committee meeting. The submission shall

1 include a written certification to the committee that the transfer, in excess of
2 five percent (5%)~~fifteen percent (15%)~~ of the amount authorized by the
3 General Assembly, is:

- 4 1. Paid for out of private or federal funds; or
- 5 2. Required by an unforeseen decision by a federal or state court or
6 regulatory agency; and
- 7 3. Not allotted or reallocated from moneys specifically budgeted and
8 appropriated by the General Assembly for another purpose; and
- 9 4. Not jeopardizing any existing program and not requiring the use of any
10 current general funds specifically dedicated to existing programs; and~~;~~

11 (e) If a capital project is financed with road funds, the cost overruns or scope
12 increases shall be paid out of the highway contingency account established
13 pursuant to KRS 45.247;~~;~~

14 (7) A capital construction project or a major item of equipment may be authorized even
15 though it is not specifically listed in any branch budget bill, subject to the following
16 conditions and procedures:

17 (a) Fifty percent (50%) or more of the actual cost shall be funded by federal or
18 private funds, and fifty percent (50%) or less of the actual cost shall be funded
19 by moneys appropriated to the capital construction and equipment purchase
20 contingency account or, if the purpose of the project or equipment is to reduce
21 energy costs, the relevant entity head certifies projected energy cost savings
22 associated with the project or equipment are reasonable and sufficient to
23 produce an aggregate simple payback period, as defined by KRS 56.770, of
24 five (5) years or less;

25 (b) Moneys specifically budgeted and appropriated by the General Assembly for
26 another purpose shall not be allotted or reallocated for expenditure on the
27 project or major item of equipment; moneys utilized shall not jeopardize any

1 existing program and shall not require the use of any current general funds
2 specifically dedicated to existing programs; and

3 (c) The relevant entity head, or his *or her* designee, shall submit the project or
4 major item of equipment to the committee for review as provided by KRS
5 45.800;~~[-]~~

6 (8) The capital construction and equipment purchase contingency fund may be used to
7 advance funds to projects authorized to be financed by bonds, to finance feasibility
8 studies for projects which may be contemplated for future funding, or to audit the
9 capital projects program when authorized by the General Assembly;~~[-]~~

10 (9) On or before October 1, each branch of government shall submit to the committee
11 the following information:

12 (a) A complete list and summary description of every capital construction project
13 and major item of equipment not completed as of June 30 of the prior fiscal
14 year;~~[-and]~~

15 (b) For each project and major item of equipment, as of July 1, of the current
16 fiscal year:

17 1. The project phase;

18 2. The project account number, project name, and any other term employed
19 to identify the project or major item of equipment;

20 3. The available balance in the project or major item of equipment account,
21 and any sums considered available for that project or major item of
22 equipment;

23 4. A statement of the transfers of funds to or from the project or major item
24 of equipment account; and, any account to which transfers from each
25 project or major item of equipment has been made;

26 5. The year in which the project or major item of equipment was approved,
27 with specific reference to the legislation by which the project or item

1 was approved;

2 6. Total expenditure on the project or major item of equipment;

3 7. The current estimated completion cost, including the amount required
4 for annual inflation; and

5 8. A statement that additional funds for the completion of the project or
6 major item of equipment are or are not required; and, if required, why
7 sufficient funds for completion are not available; and

8 (c) The balance in the appropriated, but unallotted account; and the balance in
9 any account, however designated, that contains appropriated, but unallotted
10 funds for capital construction; ~~and~~]

11 (10) When the General Assembly authorizes a capital construction item in the capital
12 construction section of a branch budget bill, the entity head charged with executing
13 the branch budget shall construct the capital construction item according to the
14 requirements set forth in the branch budget bill, supporting documentation
15 considered by the General Assembly, and branch budget records. The entity head
16 shall not deviate from these requirements with regard to:

17 (a) Purpose or location to the extent that the capital construction item no longer
18 meets the identified needs; or

19 (b) Configuration for reasons other than practical accommodation to the
20 construction site or specific program to be accommodated within that capital
21 construction item.

22 ➔Section 21. KRS 45.770 is amended to read as follows:

23 (1) There is created within the capital construction fund the capital construction and
24 equipment purchase contingency account. The account shall consist of moneys
25 appropriated to the account by the General Assembly.

26 (2) Money in the capital construction and equipment purchase contingency account
27 may be transferred to the allotment account of a capital construction project,

1 authorized by the General Assembly under KRS 45.760, subject to the following
2 conditions and procedures:

- 3 (a) Except as provided in paragraphs (b) and (c) of this subsection, during any
4 biennium, the amount that may be transferred from the capital construction
5 and equipment purchase contingency account to the allotment account of an
6 authorized project shall not exceed an amount equal to five percent
7 ~~(5%) [fifteen percent (15%)]~~ of the estimated cost of the project, for that
8 biennium, approved by the General Assembly in the manner provided by KRS
9 45.760; ~~[-]~~
- 10 (b) Subject to paragraph (c) of this subsection, if the cost of an authorized project
11 exceeds, by more than five percent (5%) ~~[fifteen percent (15%)]~~, its estimated
12 cost, as approved by the General Assembly, due to an unforeseen decision by
13 a federal or state court or regulatory agency, moneys in excess of five percent
14 ~~(5%) [fifteen percent (15%)]~~ of the estimated cost of the project may be
15 transferred from the capital construction and equipment purchase contingency
16 account to the allotment account of the project; and ~~[-]~~
- 17 (c) The Finance and Administration Cabinet shall, prior to making any transfer
18 under this subsection, present the proposed transfer to the Capital Projects and
19 Bond Oversight Committee, at least fourteen (14) days prior to the committee
20 meeting, for review as provided by KRS 45.800. Presentation of a proposed
21 transfer under paragraph (b) of this subsection shall include written
22 certification to the committee from the commissioner of the Department for
23 Facilities and Support Services, Finance and Administration Cabinet, that the
24 transfer is necessitated by cost increases resulting from an unforeseen decision
25 by a federal or state court or regulatory agency.
- 26 (3) Money in the capital construction and equipment purchase contingency account
27 may be transferred to the allotment account of a major item of equipment,

1 authorized by the General Assembly under KRS 45.760, for expenditure on that
2 item subject to the following conditions and procedures:

- 3 (a) Except as provided in paragraphs (b) and (c) of this subsection, during any
4 biennium, the amount that may be transferred from the capital construction
5 and equipment purchase contingency account to the allotment account of an
6 authorized major item of equipment shall not exceed an amount equal to five
7 percent (5%)~~fifteen percent (15%)~~ of the estimated cost of the item, for that
8 biennium, approved by the General Assembly in the manner provided by KRS
9 45.760;~~;~~
- 10 (b) If the cost of an authorized major item of equipment exceeds, by more than
11 five percent (5%)~~fifteen percent (15%)~~, its estimated cost, as approved by
12 the General Assembly, due to an unforeseen decision by a federal or state
13 court or regulatory agency, moneys in excess of five percent (5%)~~fifteen~~
14 ~~percent (15%)~~ of the estimated cost may be transferred from the capital
15 construction and equipment purchase contingency account to the allotment
16 account of the item; and~~;~~
- 17 (c) The Finance and Administration Cabinet shall, prior to making any transfer
18 under this subsection, present the proposed transfer to the Capital Projects and
19 Bond Oversight Committee, at least fourteen (14) days prior to the committee
20 meeting, for review as provided by KRS 45.800. Presentation of a proposed
21 transfer under paragraph (b) of this subsection shall include written
22 certification to the committee from the secretary of the Finance and
23 Administration Cabinet that the transfer is necessitated by cost increases
24 resulting from an unforeseen decision by a federal or state court or regulatory
25 agency.
- 26 (4) Money in the capital construction and equipment purchase contingency account
27 may be transferred to a capital project account to be used for nonrecurring moving

1 expenses of state agencies to address issues of public health and safety or
2 governmental efficiency, subject to the following conditions and procedures:

3 (a) The Finance and Administration Cabinet shall, prior to making any transfer
4 under this subsection, present the proposed transfer to the Capital Projects and
5 Bond Oversight Committee, at least fourteen (14) days prior to the committee
6 meeting, for review as provided by KRS 45.800;[~~]~~

7 (b) Presentation of a proposed transfer shall include written certification to the
8 committee from the secretary of the Finance and Administration Cabinet that
9 the moving costs are nonrecurring, and describing the specific benefits,
10 including but not limited to fiscal and efficiency savings associated with the
11 proposal; and[~~]~~

12 (c) No transfer shall be used for capital improvements.

13 (5) No later than thirty (30) days after a project has been accepted by the
14 Commonwealth of Kentucky and the contracts encumbered against that project
15 have been closed, moneys constituting the available balance in the project or
16 equipment account shall be transferred as follows:

17 (a) If the project was a line item in the budget and not funded with road funds,
18 then the balance shall be transferred to the capital construction surplus
19 account;[~~]~~

20 (b) If the project was a line item in the budget and funded with road funds, then
21 the balance shall be transferred to the road fund surplus account;[~~]~~

22 (c) If the project was completed within the biennium in which it was authorized,
23 and if the project was funded from a major maintenance pool, then the balance
24 shall be transferred to that major maintenance pool; or[~~]~~

25 (d) If the project was not completed within the biennium in which it was
26 authorized, without being expressly reauthorized by a succeeding session of
27 the General Assembly, then the balance shall be transferred to the capital

1 construction surplus account.

2 →Section 22. KRS 45.345 is amended to read as follows:

3 (1) (a) In addition to any payment method authorized by law, and notwithstanding
4 any statute to the contrary, any state agency may accept the following
5 methods of payment to secure funds for deposit into the State Treasury:

6 ~~1.(a)~~ Credit card;

7 ~~2.(b)~~ Debit card;

8 ~~3.(c)~~ Electronic check;

9 ~~4.(d)~~ Automated clearinghouse (ACH) debit; or

10 ~~5.(e)~~ Any other electronic payment method upon the prior written
11 approval of both the Finance and Administration Cabinet and the Office
12 of the State Treasurer.

13 ~~(b)(2)~~ Any fees charged to a state agency by the provider of the payment
14 services listed in paragraph (a) of this subsection~~[(1) of this section]~~ shall be
15 deemed to represent collection expenses and may be considered normal
16 operating expenses of the agency, or the agency may collect convenience fees
17 from users to supplement agency costs of delivering services.

18 (2) (a) In satisfaction of debts owed to the Commonwealth:

19 1. Rounding cash transactions to the nearest five cent (\$0.05) increment
20 shall occur:

21 a. When pennies are not available to complete resolution of a
22 transaction; and

23 b. On settlement of the final bill of sale, invoice, or fee after all
24 individual items, duties, fees, taxes, and charges are calculated to
25 the exact cent; and

26 2. Noncash transactions shall continue to be settled to the cent without
27 rounding.

1 (b) As used in this subsection, "the nearest five cent (\$0.05) increment" means:

2 1. Amounts ending in one cent (\$0.01) and two cents (\$0.02) are rounded
3 down to the nearest ten (\$0.10) cents;

4 2. Amounts ending in three cents (\$0.03) and four cents (\$0.04) are
5 rounded up to the nearest five (\$0.05) cents;

6 3. Amounts ending in six cents (\$0.06) and seven cents (\$0.07) are
7 rounded down to the nearest five (\$0.05) cents;

8 4. Amounts ending in eight cents (\$0.08) and nine cents (\$0.09) are
9 rounded up to the nearest ten (\$0.10) cents; and

10 5. Amounts ending in zero (\$0.00) cents and five (\$0.05) cents remain
11 unchanged.

12 (c) Notwithstanding any other statute to the contrary, any person selling goods
13 or services shall not be in violation of any requirements, laws,
14 administrative regulations, or standards of this state or political subdivision
15 of this state based on any action taken in compliance with this section.

16 ➔SECTION 23. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
17 READ AS FOLLOWS:

18 (1) In satisfaction of debts owed to cities, counties, and local government entities:

19 (a) Rounding cash transactions to the nearest five cent (\$0.05) increment shall
20 occur:

21 1. When pennies are not available to complete resolution of a
22 transaction; and

23 2. On settlement of the final bill of sale, invoice, or fee after all
24 individual items, duties, fees, taxes, and charges are calculated to the
25 exact cent; and

26 (b) Noncash transactions shall continue to be settled to the cent without
27 rounding.

- 1 (2) As used in this section, "the nearest five cent (\$0.05) increment" means:
- 2 (a) Amounts ending in one cent (\$0.01) and two cents (\$0.02) are rounded
- 3 down to the nearest ten (\$0.10) cents;
- 4 (b) Amounts ending in three cents (\$0.03) and four cents (\$0.04) are rounded
- 5 up to the nearest five (\$0.05) cents;
- 6 (c) Amounts ending in six cents (\$0.06) and seven cents (\$0.07) are rounded
- 7 down to the nearest five (\$0.05) cents;
- 8 (d) Amounts ending in eight cents (\$0.08) and nine cents (\$0.09) are rounded
- 9 up to the nearest ten (\$0.10) cents; and
- 10 (e) Amounts ending in zero (\$0.00) cents and five (\$0.05) cents remain
- 11 unchanged.
- 12 (3) Notwithstanding any other statute to the contrary, any person selling goods or
- 13 services shall not be in violation of any requirements, laws, administrative
- 14 regulations, or standards of this state or political subdivision of this state based
- 15 on any action taken in compliance with this section.
- 16 ➔Section 24. KRS 139.210 is amended to read as follows:
- 17 (1) Except as provided in subsections (2) and (3) of this section, the tax shall be
- 18 required to be collected by the retailer from the purchaser. The tax shall be
- 19 displayed separately from the sales price, the price advertised in the premises, the
- 20 marked price, or other price on the sales receipt or other proof of sales.
- 21 (2) The department may relieve certain retailers from the requirement in subsection (1)
- 22 of this section of separate display of the tax when the circumstances of the retailer
- 23 make compliance impracticable. If the retailer establishes to the satisfaction of the
- 24 department that the sales tax has been added to the total amount of the sales price
- 25 and has not been absorbed by the retailer, the amount of the sales price shall be the
- 26 amount received exclusive of the tax imposed.
- 27 (3) Retailers that provide road and travel services that are taxable under KRS 139.200

1 shall not be required to state the tax separately from the sales price if the retailer can
 2 establish and provide evidence that the sales tax has been added to the total amount
 3 of the sales price charged to the purchaser and has not been absorbed by the retailer.
 4 The amount of the sales price shall be the amount received exclusive of the tax
 5 imposed.

6 (4) The taxes collected under this section shall be deemed to be held in trust by the
 7 retailer for and on account of the Commonwealth.

8 (5) The taxes to be collected under this section shall constitute a debt of the retailer to
 9 the Commonwealth.

10 **(6) Regardless of a purchaser's method of payment, a retailer shall not be relieved of**
 11 **the retailer's responsibility to collect and remit the correct amount of tax due.**

12 ➔SECTION 25. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
 13 READ AS FOLLOWS:

14 **(1) In satisfaction of debts owed to a school district:**

15 **(a) Rounding cash transactions to the nearest five cent (\$0.05) increment shall**
 16 **occur:**

17 **1. When pennies are not available to complete resolution of a**
 18 **transaction; and**

19 **2. On settlement of the final bill of sale, invoice, or fee after all**
 20 **individual items, duties, fees, taxes, and charges are calculated to the**
 21 **exact cent; and**

22 **(b) Noncash transactions shall continue to be settled to the cent without**
 23 **rounding.**

24 **(2) As used in this section, "the nearest five cent (\$0.05) increment" means:**

25 **(a) Amounts ending in one cent (\$0.01) and two cents (\$0.02) are rounded**
 26 **down to the nearest ten (\$0.10) cents;**

27 **(b) Amounts ending in three cents (\$0.03) and four cents (\$0.04) are rounded**

- 1 up to the nearest five (\$0.05) cents;
 2 (c) Amounts ending in six cents (\$0.06) and seven cents (\$0.07) are rounded
 3 down to the nearest five (\$0.05) cents;
 4 (d) Amounts ending in eight cents (\$0.08) and nine cents (\$0.09) are rounded
 5 up to the nearest ten (\$0.10) cents; and
 6 (e) Amounts ending in zero (\$0.00) cents and five (\$0.05) cents remain
 7 unchanged.
 8 (3) Notwithstanding any other statute to the contrary, any person selling goods or
 9 services shall not be in violation of any requirements, laws, administrative
 10 regulations, or standards of this state or political subdivision of this state based
 11 on any action taken in compliance with this section.

12 ➔SECTION 26. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO
 13 READ AS FOLLOWS:

- 14 (1) In satisfaction of debts owed in buying or selling goods or services or related to
 15 transactions occurring in accordance with KRS Chapters 154A, 230, and 238:
 16 (a) Rounding cash transactions to the nearest five cent (\$0.05) increment may
 17 occur:
 18 1. When pennies are not available to complete resolution of a
 19 transaction; and
 20 2. On settlement of the final bill of sale, invoice, or fee after all
 21 individual items, duties, fees, taxes, and charges are calculated to the
 22 exact cent; and
 23 (b) Noncash transactions shall continue to be settled to the cent without
 24 rounding.
 25 (2) As used in this section, "the nearest five cent (\$0.05) increment" means:
 26 (a) Amounts ending in one cent (\$0.01) and two cents (\$0.02) are rounded
 27 down to the nearest ten (\$0.10) cents;

- 1 (b) Amounts ending in three cents (\$0.03) and four cents (\$0.04) are rounded
 2 up to the nearest five (\$0.05) cents;
- 3 (c) Amounts ending in six cents (\$0.06) and seven cents (\$0.07) are rounded
 4 down to the nearest five (\$0.05) cents;
- 5 (d) Amounts ending in eight cents (\$0.08) and nine cents (\$0.09) are rounded
 6 up to the nearest ten (\$0.10) cents; and
- 7 (e) Amounts ending in zero (\$0.00) cents and five (\$0.05) cents remain
 8 unchanged.

9 (3) Notwithstanding any other statute to the contrary, any person selling goods or
 10 services and any person making transactions in accordance with KRS Chapters
 11 154A, 230, and 238 shall not be in violation of any requirements, laws,
 12 administrative regulations, or standards of this state or political subdivision of
 13 this state based on any action taken in compliance with this section.

14 ➔SECTION 27. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
 15 READ AS FOLLOWS:

16 As used in Sections 27 to 30 of this Act:

17 (1) "Board" means the board of trustees of a district established under Section 29 of
 18 this Act;

19 (2) "District" means a regional industrial taxing district established by an interlocal
 20 agreement as permitted under Section 28 of this Act;

21 (3) "Infrastructure development" means the construction or improvement, within a
 22 district, of roads and facilities necessary or desirable for improvements of the real
 23 estate, including:

24 (a) Surveys;

25 (b) Site tests and inspections;

26 (c) Environmental remediation;

27 (d) Subsurface site work;

- 1 (e) Excavation;
- 2 (f) Removal of structures, roadways, cemeteries, and other underground and
- 3 surface obstructions;
- 4 (g) Filling, grading, and the provision of drainage, storm water retention,
- 5 utility installation, including but not limited to water, sewer, sewage
- 6 treatment, gas, electricity, and communications; and
- 7 (h) Utility extensions to the boundaries of a district;
- 8 (4) "Local government" means a city, county, urban-county government, charter
- 9 county government, consolidated local government, or unified local government
- 10 located within the Commonwealth;
- 11 (5) "Multicounty region" means multiple counties, multiple cities not located in the
- 12 same county, or a combination of counties and cities with at least two (2) local
- 13 governments from different counties; and
- 14 (6) "Trustee" means an individual appointed to the board that collectively holds
- 15 overall responsibility for managing and controlling the affairs of a district in
- 16 accordance with KRS Chapter 65A.

17 ➔ Section 28. KRS 65.302 is amended to read as follows:

- 18 (1) ~~{As used in this section:~~
- 19 ~~(a) "Board" means the board of trustees of a district;~~
- 20 ~~(b) "District" means a taxing district established under subsection (2)(b) of this~~
- 21 ~~section;~~
- 22 ~~(c) "Local government" means a city, county, urban-county government, charter~~
- 23 ~~county government, consolidated local government, or unified local~~
- 24 ~~government located within the Commonwealth; and~~
- 25 ~~(d) "Multicounty region" means multiple counties, multiple cities not located in~~
- 26 ~~the same county, or a combination of counties and cities with at least two (2)~~
- 27 ~~local governments from different counties.~~

- 1 ~~(2)~~ (a) 1. **After providing notice in accordance with Section 30 of this Act,** two
 2 (2) or more governing bodies of local governments constituting a
 3 multicounty region may join together by entering into an interlocal
 4 agreement under KRS 65.210 to 65.300 to develop real estate as part of
 5 a regional economic development project. The interlocal agreement
 6 shall specify the investment dollars contributed to the regional economic
 7 development project by each local government, the use of those
 8 investment dollars for the project, and the provision of services provided
 9 by each local government.
- 10 2. The regional economic development project shall:
- 11 a. Consist of three hundred (300) or more contiguous acres located in
 12 the jurisdiction of a local government that is a party to the
 13 interlocal agreement; and
- 14 b. Result in the creation of at least five hundred (500) new jobs.
- 15 (b) 1. The territory that will be used in a regional economic development
 16 project may be organized into a taxing district for the purpose of levying
 17 taxes to:
- 18 a. Provide for the establishment, operation, and maintenance of **the**
 19 **district and** governmental services for the district; ~~and~~
- 20 b. Pay **the** debt service on bonds issued to finance the cost of ~~the~~
 21 ~~building~~ infrastructure **development** in the district;
- 22 **c. Pay the Commonwealth for funds appropriated for the**
 23 **development of the district; and**
- 24 **d. Invest in future regional economic development projects located**
 25 **in the jurisdiction of any local government that is a party to the**
 26 **interlocal agreement.**
- 27 **2.** A taxing district created under this paragraph shall comply with KRS

1 65.182 to 65.190, including the petition requirements, but not the
2 percentage of registered voter signature requirements under KRS
3 65.182(1)(a).{

4 ~~2.—The territory located within the district shall not be subject to annexation~~
5 ~~without the consent of the governing bodies of all of the local~~
6 ~~governments that are a party to the interlocal agreement.}~~

7 (2)~~{(3)}~~ (a) Once created, the district shall constitute a taxing district within the
8 meaning of Section 157 of the Constitution of Kentucky and is authorized to
9 levy a special ad valorem tax on property located within the jurisdictional
10 boundaries of the district.

11 (b) The special ad valorem tax rate shall not exceed ten cents (\$0.10) per one
12 hundred dollars (\$100) of the assessed value of the property.

13 (c) The special ad valorem tax shall be:

- 14 1. In addition to all other ad valorem taxes; and
15 2. Administered and collected in the same manner as the county ad
16 valorem taxes, except the revenues shall be turned over to the board.

17 (3)~~{(4)}~~ (a) In addition to the special ad valorem tax levied under subsection (2)~~{(3)}~~
18 of this section, the governing body of a local government in which the district
19 is located may, with agreement of the governing bodies of all of the local
20 governments that are a party to the interlocal agreement, impose and collect
21 an occupational license fee on businesses, trades, professions, or occupations
22 performed, rendered, or conducted within the district, at a percentage rate not
23 to exceed three percent (3%) of:

- 24 1. Salaries, wages, commissions, and other compensation earned by
25 persons within the district for work done and services performed,
26 rendered, or conducted within the district;
27 2. The net profits of self-employed individuals, partnerships, professional

1 associations, or joint ventures resulting from businesses, trades,
2 professions, occupations, or activities conducted in the district; and

3 3. The net profits of corporations resulting from businesses, trades,
4 professions, occupations, or activities conducted in the district.

5 (b) Once an occupational license fee is imposed under this subsection, the rate of
6 the occupational license fee shall never increase.

7 (c) ~~[Except for an occupational license fee imposed under KRS Chapter 160, an~~
8 ~~occupational license fee imposed under this subsection shall be the only~~
9 ~~occupational license fee imposed on businesses, trades, professions, or~~
10 ~~occupations performed, rendered, or conducted within the district.~~

11 ~~(d)~~—]The occupational license fee shall not apply to businesses, trades,
12 professions, or occupations exempt under KRS 68.180, 68.197, or 91.200.

13 ~~(d)~~~~(e)]~~ Each local government that is a party to the interlocal agreement shall
14 receive a portion of the revenues collected from the occupational license fee
15 as specified by the agreement. The revenues may be deposited into the general
16 fund of the local government *pursuant to the interlocal agreement*~~[to be used~~
17 ~~in accordance with the purposes set out in subsection (2)(b) of this section].~~

18 **(4) (a) If a district is located within the jurisdiction of a city, the city may impose a**
19 **license fee. The city shall not impose an occupational license fee until all**
20 **cities that are a party to the interlocal agreement approve of the imposition**
21 **of the occupational license fee and the rate that is to be imposed.**

22 **(b) Persons who pay a county license fee and a license fee to a city under**
23 **paragraph (a) of this subsection shall be allowed to credit their city license**
24 **fee against their county license fee in accordance with KRS 68.197.**

25 **(5) Wage assessments may be imposed upon salaries, wages, commissions, and other**
26 **compensation earned by persons within the district for work done and services**
27 **performed, rendered, or conducted within the district. Any wage assessments**

1 imposed within the district shall expire and no longer be imposed upon the earlier

2 of:

3 (a) Twenty (20) years after the date of imposition;

4 (b) The date bonds for the district supported by the wage assessments are
5 retired; or

6 (c) All financial assistance received from the Commonwealth for infrastructure
7 are repaid;

8 ~~(f) An occupational license fee imposed under this subsection shall expire twenty (20)~~
9 ~~years after the year of imposition. After the occupational license fee has expired, an~~
10 ~~additional occupational license fee shall not be imposed under this subsection.~~

11 ~~(5) (a) A board shall be established to control and manage the affairs of the district.~~

12 ~~(b) The board shall:~~

13 ~~1. Represent a multicounty region;~~

14 ~~2. Comply with the provisions of KRS Chapter 65A;~~

15 ~~3. Agree, in writing, to the use or distribution of the revenue generated from a special~~
16 ~~ad valorem tax levied under subsection (3) of this section;~~

17 ~~4. Agree, in writing, to the collection and distribution of the revenue generated from~~
18 ~~an occupational license fee imposed under subsection (4) of this section;~~

19 ~~5. Operate in accordance with the following:~~

20 ~~a. The board membership shall consist of at least one (1) trustee from each local~~
21 ~~government that is a party to the interlocal agreement;~~

22 ~~b. The trustees shall serve staggered terms of four (4) years;~~

23 ~~c. The chair of the board shall be elected by the trustees from among its membership;~~

24 ~~d. The board may appoint a secretary, an executive director, and other officials and~~
25 ~~employees who need not be members of the board;~~

26 ~~e. A quorum for the transacting of the business of the board shall consist of a majority~~
27 ~~of its membership;~~

- 1 f. — A trustee of the board may be removed as provided by KRS 65.007; and
- 2 g. — Vacancies of the board shall be filled in the same manner as the original
- 3 appointments; and
- 4 6. — Provide an annual report by August 1 of each year to the Department for Local
- 5 Government containing:
- 6 a. — A description of the regional economic development project, including the location,
- 7 specific boundaries, and the total number of acres;
- 8 b. — A description of each business located in the district;
- 9 c. — The total number of jobs created by the regional economic development project;
- 10 d. — The total number of people employed within the boundaries of the district;
- 11 e. — The name of each local government that is a party to the interlocal agreement;
- 12 f. — The total amount of money contributed by each local government for the regional
- 13 economic development project and a description of how the money was used;
- 14 g. — The rate of a special ad valorem tax levied under this section, the total revenues
- 15 collected from the tax for each year, and a breakdown of how the revenues were
- 16 used; and
- 17 h. — The rate of an occupational license fee imposed under this section, the total
- 18 revenues collected from the fee for each year, and a breakdown of how the revenues
- 19 were used.
- 20 (6) — No later than October 1 of each year, the Department for Local Government shall
- 21 compile the information reported under subsection (5)(b)6. of this section and
- 22 report the compiled information to the Interim Joint Committee on Appropriations
- 23 and Revenue].

24 ➔SECTION 29. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO

25 READ AS FOLLOWS:

26 **(1) A board shall be established to control and manage the affairs of the district. The**

27 **board shall:**

- 1 (a) Represent a multicounty region;
- 2 (b) Comply with the provisions of KRS Chapter 65A;
- 3 (c) Agree, in writing, to the use or distribution of the revenue generated from a
 4 special ad valorem tax levied under Section 28 of this Act;
- 5 (d) Agree, in writing, to the collection and distribution of the revenue generated
 6 from an occupational license fee imposed under Section 28 of this Act; and
- 7 (e) Operate in accordance with the following:
- 8 1. The board membership shall consist of at least one (1) trustee from
 9 each local government that is a party to the interlocal agreement;
- 10 2. The trustees shall serve staggered terms of four (4) years;
- 11 3. The chair of the board shall be elected by the trustees from among its
 12 membership;
- 13 4. The board may appoint a secretary, an executive director, and other
 14 officials and employees who need not be members of the board;
- 15 5. A quorum for the transacting of the business of the board shall consist
 16 of a majority of its membership;
- 17 6. A trustee of the board may be removed as provided by KRS 65.007;
 18 and
- 19 7. Vacancies of the board shall be filled in the same manner as the
 20 original appointments.
- 21 (2) No later than October 1 of each year, the Department for Local Government shall
 22 compile the information received by the board pursuant to KRS Chapter 65A and
 23 report it to the Legislative Research Commission for referral to the Interim Joint
 24 Committee on Appropriations and Revenue.

25 ➔SECTION 30. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
 26 READ AS FOLLOWS:

- 27 (1) (a) Before the execution of an interlocal agreement to create a district, all local

1 governments with territory wholly or partially within the boundaries of the
2 multicounty region shall be provided written notice of the intent to create
3 the district by the governing body of the local governments seeking to create
4 the district.

5 (b) The written notice shall:

6 1. Be delivered no less than thirty (30) days prior to the execution of the
7 agreement to the chief executive officer of each local government with
8 territory wholly or partially within the boundaries of the multicounty
9 region, by certified mail or official electronic delivery;

10 2. Identify the proposed participating entities;

11 3. Describe the proposed boundaries of the district;

12 4. Include a summary of the anticipated tax structure; and

13 5. Specify the infrastructure development projects that will be supported
14 by the revenues generated from the tax structure.

15 (2) (a) Notwithstanding any provision of law to the contrary, a city shall not be
16 required to participate in a district unless the city has adopted an ordinance
17 or resolution authorizing participation.

18 (b) A district shall not include any portion of a city located within its
19 geographic boundaries that has not consented to participation under
20 paragraph (a) of this subsection.

21 (c) Sections 27 to 30 of this Act shall not be construed to limit a city's authority
22 to levy and collect an occupational license tax under KRS 91.200 or 91.280
23 unless the city has voluntarily joined a district and agreed to the imposition
24 of an occupational tax by the district under subsection (3) of Section 28 of
25 this Act.

26 (d) Notwithstanding KRS 81A.534(1), a district created pursuant to Sections 27
27 to 30 of this Act that is wholly located within unincorporated territory of one

1 *(1) or more counties and meets the requirements of KRS 81A.534(2) shall*
 2 *qualify automatically as a county industrial district under the provisions of*
 3 *KRS 81A.532 to 81A.536 upon the enactment of a single, final ordinance*
 4 *designating the district as a county industrial district by the fiscal court of*
 5 *any county or counties in which the district is physically located. Except for*
 6 *the county or counties in which the district is physically located that enact*
 7 *an ordinance designating the county industrial district, any county*
 8 *industrial district created in the manner authorized by this paragraph shall*
 9 *not be deemed to constitute a county industrial district under KRS*
 10 *81A.534(4) for any other counties participating in the district.*

11 ➔Section 31. KRS 143A.030 is amended to read as follows:

12 The taxes imposed in KRS 143A.020 do not apply to ~~fluorspar,~~ lead, zinc, and barite
 13 severed for any purposes or to rock, limestone, or gravel used for privately maintained
 14 but publicly dedicated roads or limestone when sold or used by the taxpayer for
 15 agricultural purposes so as to qualify for exemption from sales and use taxes as provided
 16 in KRS 139.480.

17 ➔Section 32. KRS 143A.010 is amended to read as follows:

18 As used in this chapter:

- 19 (1) "Department" means the Department of Revenue;
- 20 (2) "Natural resource" means all forms of minerals, including but not limited to rock,
 21 stone, limestone, shale, gravel, sand, clay, fluorspar, natural gas, and natural gas
 22 liquids, which are contained in or on the soils or waters of this state. For purposes
 23 of this chapter, "natural resource" does not include coal and oil which are taxed
 24 under KRS 143.020 and 137.120;
- 25 (3) "Severing" or "severed" means the physical removal of the natural resource from
 26 the earth or waters of this state by any means; however, "severing" or "severed"
 27 shall not include the removal of natural gas from underground storage facilities into

1 which the natural gas has been mechanically injected following its initial removal
2 from the earth;

3 (4) (a) "Taxpayer" means and includes any individual, partnership, joint venture,
4 association, corporation, receiver, trustee, guardian, executor, administrator,
5 fiduciary, or representative of any kind engaged in the business of severing
6 and/or processing natural resources in this state for sale or use. In instances
7 where contracts, either oral or written, are entered into whereby persons,
8 organizations, or businesses are engaged in the business of severing and/or
9 processing a natural resource but do not obtain title to or do not have an
10 economic interest therein, the party who owns the natural resource or has an
11 economic interest is the taxpayer.

12 (b) For purposes of this chapter, a taxpayer possesses an economic interest in a
13 natural resource where the taxpayer has acquired by investment any interest in
14 a natural resource and secures, by any form of legal relationship, income
15 derived from the severance or processing of the natural resource, to which *the*
16 taxpayer~~he~~ must look for a return of *the taxpayer's*~~his~~ capital. A party
17 who has no capital investment in the natural resource or who only receives an
18 arm's length royalty shall not be considered as having an economic interest;

19 (5) "Gross value" is defined as follows:

20 (a) For natural resources severed and/or processed and sold during a reporting
21 period, gross value is the amount received or receivable by the taxpayer;

22 (b) For natural resources severed and/or processed, but not sold during a reporting
23 period, gross value shall be determined as follows:

- 24 1. If the natural resource is to be sold under the terms of an existing
25 contract, the contract price shall be used in computing gross value; and
- 26 2. If there is no existing contract, the fair market value for that grade and
27 quality of the natural resource shall be used in computing gross value;

- 1 (c) In a transaction involving related parties, gross value shall not be less than the
2 fair market value for natural resources of similar grade and quality;
- 3 (d) In the absence of a sale, gross value shall be the fair market value for natural
4 resources of similar grade and quality;
- 5 (e) If severed natural resources are purchased for the purpose of processing and
6 resale, the gross value is the amount received or receivable during the
7 reporting period reduced by the amount paid or payable to the taxpayer
8 actually severing the natural resource;
- 9 (f) If severed natural resources are purchased for the purpose of processing and
10 consumption, the gross value is the fair market value of processed natural
11 resources of similar grade and quality reduced by the amount paid or payable
12 to the taxpayer actually severing the natural resource;
- 13 (g) In all instances, the gross value shall not be reduced by any taxes including
14 the tax levied in KRS 143A.020, royalties, sales commissions, or any other
15 expense; and
- 16 (h) In all instances, transportation expense incurred in transporting a natural
17 resource shall not be considered as gross income from the property;
- 18 (6) "Processing" includes but is not limited to breaking, crushing, cleaning, drying,
19 sizing, or loading or unloading for any purpose. "Processing" shall not include the
20 act of unloading or loading for shipment natural resources that have not been
21 severed, cleaned, broken, crushed, dried, sized or otherwise treated in Kentucky;
- 22 (7) "Related parties" means two (2) or more persons, organizations, or businesses
23 owned or controlled directly or indirectly by the same interests; and
- 24 (8) (a) "Transportation expense" means:
- 25 1. The amount paid by a taxpayer to a third party for transporting natural
26 resources; and
- 27 2. The expenses incurred by a taxpayer using the taxpayer's~~his~~ own

1 facilities in transporting natural resources from the point of extraction to
2 a processing plant, tipple, or loading dock.

3 (b) "Transportation expense" shall not include:

- 4 1. The cost of acquisition, improvements, and maintenance of real
5 property;
- 6 2. The cost of acquisition and operating expenses of mining and nonmining
7 loading or unloading facilities; or
- 8 3. The cost of acquisition and operating expenses of equipment used to
9 load or unload the natural resource at the point of extraction, processing
10 facility, or mining and nonmining loading facility.

11 ➔Section 33. KRS 140.160 is amended to read as follows:

12 (1) The Department of Revenue shall have full supervision of the collection of all taxes
13 due under the provisions of this chapter, including the power to institute suit in this
14 and other states. It may employ attorneys and other persons necessary to carry out
15 the full intent and purpose of this chapter. The department shall furnish, upon
16 application, blank forms covering information as may be necessary to determine the
17 amount of tax due the state on the transfer of all property subject to tax.

18 (2) The department may cause personal representatives or beneficiaries to file all
19 statements required by this chapter with the clerks of the proper courts and with the
20 department, and may require them to furnish any additional information deemed
21 necessary to support the computation of the amount of tax that should be paid by
22 the estate. The personal representative, or the beneficiaries in the absence of a
23 personal representative, shall compute the taxes imposed by this chapter on the tax
24 return provided by the department when:

- 25 (a) 1. A United States estate tax return is required to be filed under federal law
26 and applicable regulations; and
- 27 2. The estate includes property over which Kentucky has jurisdiction for

1 purposes of the taxes imposed by this chapter; or

2 (b) Any assets from the estate subject to the taxes imposed by this chapter pass to
3 a beneficiary taxable under KRS 140.070.

4 **(3) (a) For deaths prior to July 1, 2026,** the tax return, when required, shall be filed
5 with the department within eighteen (18) months after the death of the
6 decedent or at the time payment of the tax is made pursuant to KRS 140.210.

7 **(b) For deaths on or after July 1, 2026, the tax return, when required, shall be**
8 **filed with the department within twenty-four (24) months after the death of**
9 **the decedent or at the time payment of the tax is made pursuant to Section**
10 **34 of this Act.**

11 ~~(4)(3)~~ Except as herein provided, no action to enforce the collection of the tax
12 imposed by this chapter shall be commenced more than ten (10) years after the
13 cause of action first accrued. In case the settlement of an estate is delayed because
14 of litigation or other unavoidable cause, the delay shall suspend the limitation,
15 prescribed by this subsection, until the cause of delay is removed. In the case of a
16 fraudulent return or any other fraudulent representation affecting the amount of or
17 the liability for the tax imposed by this chapter notwithstanding any provision of
18 limitation provided elsewhere, the tax due by reason thereof may at any time be
19 assessed and collected by the methods set out in this chapter, including action in a
20 court of competent jurisdiction.

21 ➔Section 34. KRS 140.210 is amended to read as follows:

22 (1) **(a) For deaths prior to July 1, 2026,** all taxes imposed by this chapter, unless
23 otherwise provided in this chapter, shall be due at the death of the decedent
24 and shall be payable to the Department of Revenue within eighteen (18)
25 months thereafter. If they are paid within nine (9) months, a discount of five
26 percent (5%) shall be allowed, and if they are paid within eighteen (18)
27 months, no interest shall be charged and collected thereon. If the taxes due are

1 not paid within eighteen (18) months, interest at the tax interest rate as defined
 2 in KRS 131.010~~[(6)]~~ shall be paid from the expiration of the eighteen (18)
 3 months until payment is actually made to the department.

4 **(b) For deaths on or after July 1, 2026, all taxes imposed by this chapter, unless**
 5 **otherwise provided in this chapter, shall be due at the death of the decedent**
 6 **and shall be payable to the Department of Revenue within twenty-four (24)**
 7 **months thereafter. If they are paid within fourteen (14) months, a discount**
 8 **of five percent (5%) shall be allowed, and if they are paid within twenty-four**
 9 **(24) months, no interest shall be charged and collected thereon. If the taxes**
 10 **due are not paid within twenty-four (24) months, interest at the tax interest**
 11 **rate as defined in KRS 131.010 shall be paid from the expiration of the**
 12 **twenty-four (24) months until payment is actually made to the department.**

13 (2) In all cases where the personal representatives or trustees do not pay the taxes by
 14 the applicable eighteen (18) month or twenty-four (24) month deadline
 15 established in subsection (1) of this section~~[within eighteen (18) months from the~~
 16 ~~death of the decedent]~~, they shall be required to give bond, in the form and to the
 17 effect prescribed by the department, for the payment of the taxes and interest.

18 ➔Section 35. KRS 140.222 is amended to read as follows:

19 (1) When the net tax due from a beneficiary's distributive share exceeds five thousand
 20 dollars (\$5,000), the beneficiary may elect to pay the inheritance tax in ten (10)
 21 equal installments. The first installment shall be due at the time the return is filed
 22 with succeeding payments due in annual installments beginning one (1) year after
 23 the return is filed.

24 (2) **(a) For deaths prior to July 1, 2026,** the portion of the tax deferred under this
 25 section shall be charged with interest at the tax interest rate as defined in KRS
 26 131.010~~[(6)]~~ commencing eighteen (18) months after the date of death.

27 **(b) For deaths on or after July 1, 2026, the portion of the tax deferred under**

1 *this section shall be charged with interest at the tax interest rate as defined*
 2 *in KRS 131.010 commencing twenty-four (24) months after the date of*
 3 *death.*

4 (3) When the beneficiary elects to pay the tax on *the beneficiary's*~~his~~ share as
 5 provided in this section, such election must be made in writing and signed by the
 6 beneficiary and must be filed with the Department of Revenue at the time of filing
 7 the tax return for the decedent's estate under KRS 140.160~~(3)~~~~(2)~~. The filing of the
 8 election together with payment of the first installment shall relieve the personal
 9 representative or trustee of the estate from further liability for the tax payments
 10 deferred under this section and the bond requirements of KRS 140.210, subject to
 11 the final approval by the Department of Revenue of all other taxes due under this
 12 chapter.

13 (4) A beneficiary electing to defer the payment of taxes under this section shall be
 14 personally liable for the amount of deferred taxes until paid.

15 (5) The period of limitations for actions to enforce the collection of taxes imposed by
 16 this chapter as provided by KRS 140.160~~(4)~~~~(3)~~ shall be suspended for the period
 17 of time for deferred payment granted by this section.

18 ➔Section 36. KRS 134.490 is amended to read as follows:

19 (1) (a) Within fifty (50) days after the delivery of a certificate of delinquency by the
 20 clerk to a third-party purchaser, the third-party purchaser shall send a notice to
 21 the delinquent taxpayer informing the delinquent taxpayer that the certificate
 22 of delinquency has been purchased by the third-party purchaser.

23 (b) *The third-party purchaser shall send this notice once every six (6)*
 24 *months*~~[At least annually thereafter,]~~ until the notice required by subsection
 25 (2) of this section is sent~~[, the third party purchaser shall send a notice to the~~
 26 ~~delinquent taxpayer].~~

27 (c) The notices included in this subsection shall be sent by certified mail with

1 proof of mailing and include the information required by subsection (3)(d) of
2 this section. A copy of each notice shall be sent to each mortgagee who holds
3 a mortgage on the property that is the subject of the certificate of delinquency.

4 (2) Anytime after the expiration of the one (1) year tolling period established by KRS
5 134.546, the third-party purchaser may institute an action to collect the amount due
6 on a certificate of delinquency. At least forty-five (45) days before instituting a
7 legal action, the third-party purchaser shall send a notice to the taxpayer and a copy
8 of the notice to each mortgagee who holds a mortgage on the property by certified
9 mail with proof of mailing. The notice shall:

- 10 (a) Inform the taxpayer that enforcement action will be taken;
- 11 (b) Include a statement advising the taxpayer that substantial additional
12 administrative costs and fees associated with collection in addition to the
13 amount due on the certificate of delinquency may be imposed and that
14 collection actions may include foreclosure; and
- 15 (c) Include the information required by subsection (3) of this section.

16 The notice shall be in addition to any notice sent under subsection (1) of this
17 section.

18 (3) (a) 1. For certificates of delinquency for all property except property described
19 in paragraph (b) of this subsection, third-party purchasers or their
20 designees shall obtain from the office of the property valuation
21 administrator of the county in which the real property is located the
22 most recent address for the property owner.

23 2. To obtain information from the office of the property valuation
24 administrator, the third-party purchaser shall, at the option of the
25 property valuation administrator, either:

- 26 a. Obtain information from an up-to-date public access list or
27 website~~[Web site]~~ offered by the property valuation administrator;

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b. Submit a list of addresses, map identification numbers, or parcel numbers for which updated information is requested to the property valuation administrator, who shall update his or her records with regard to the properties for which information is requested and provide the updated information to the third-party purchaser within ten (10) days.

3. For this service, the property valuation administrator may charge a fee not to exceed two dollars (\$2) for each address provided or obtained.

4. Except as provided in paragraph (b) of this subsection, the third-party purchaser shall send the notices required by subsections (1) and (2) of this section to the address provided by the property valuation administrator. Unless the provisions of subparagraph 7. of this paragraph apply, the third-party purchaser shall not be required to send a notice to any party other than the owner of record as provided by the property valuation administrator at the time the notice is sent and the mortgagee as required by subsections (1) and (2) of this section.

5. If, due to insufficient staffing, the property valuation administrator is unable to provide the requested information to the third-party purchaser within ten (10) days of submission, the property valuation administrator shall immediately notify the third-party purchaser, and the third-party purchaser may send the notices required by subsections (1) and (2) of this section to the address reflected in the public records of the property valuation administrator.

6. Any notices sent pursuant to information obtained under this paragraph that are returned as undeliverable shall be re-sent by certified mail with proof of mailing addressed to the "Occupant" at the address of the

1 property that is the subject of the certificate of delinquency. These
2 notices shall be sent within twenty (20) days of receipt of the returned
3 notice.

4 7. If a third-party purchaser becomes aware of a more recent or more
5 accurate address for a delinquent taxpayer that is different from the
6 address reflected in the records of the property valuation administrator,
7 the third-party purchaser shall send notices to the updated address in the
8 manner required by this subsection, and shall notify the property
9 valuation administrator of the updated address.

10 8. If a third-party purchaser receives an address from the property
11 valuation administrator during an address check after a first notice is
12 sent and returned as undeliverable, and the address is the same as was
13 originally provided, the third-party purchaser shall send the notice
14 addressed to "Occupant" at the address of the property that is the subject
15 of the certificate of delinquency in the manner required by this
16 subsection.

17 (b) 1. For certificates of delinquency relating to unmined coal, oil or gas
18 reserves, or any other mineral or energy resources assessed separately
19 from the surface real property pursuant to KRS 132.820, third-party
20 purchasers or their designees shall obtain from the department the most
21 recent address for the property owner.

22 2. To obtain information about a particular property, the third-party
23 purchaser shall submit to the department a list of addresses, map
24 identification numbers, parcel numbers, and any other information the
25 department may require. The department shall:

26 a. Update its records with regard to the properties for which
27 information is requested; and

- 1 b. Provide the updated information to the third-party purchaser
2 within ten (10) business days.
- 3 3. For this service, the department may charge a fee not to exceed two
4 dollars (\$2) for each address provided.
- 5 4. The third-party purchaser shall send the notices required by subsections
6 (1) and (2) of this section relating to unmined coal, oil or gas reserves,
7 or any other mineral or energy resources assessed separately from the
8 surface real property pursuant to KRS 132.820 to the address provided
9 by the department. Unless the provisions of subparagraph 5.f. of this
10 paragraph apply, the third-party purchaser shall not be required to send a
11 notice to any party other than the owner of record as provided by the
12 department at the time the notice is sent and the mortgagee as required
13 by subsections (1) and (2) of this section.
- 14 5. a. Any notice sent pursuant to subsections (1) and (2) of this section
15 based on information obtained pursuant to this paragraph and
16 returned as undeliverable shall be submitted to the department
17 within ten (10) days of receipt of the returned notice.
- 18 b. The department shall attempt to obtain an updated address for the
19 owner of the property subject to the certificate of delinquency
20 from the individual or entity filing the property tax return for the
21 property.
- 22 c. The individual or entity filing the property tax return shall provide
23 an address of the property owner upon request of the department.
- 24 d. The department shall provide any updated address information to
25 the third-party purchaser.
- 26 e. If updated information is provided, the notices shall be re-sent by
27 certified mail with proof of mailing to the updated address of the

1 owner within ten (10) days of the receipt of the updated
2 information from the department.

3 f. If a third-party purchaser becomes aware of a more recent or more
4 accurate address for a delinquent taxpayer that is different from the
5 address reflected in the records of the department, the third-party
6 purchaser shall send notices to the updated address in the manner
7 required by this subsection, and shall notify the department of the
8 updated address.

9 (c) The third-party purchaser shall maintain complete and accurate records of all
10 notices sent pursuant to this section.

11 (d) The notices required by this section shall include the following information:

12 1. A statement that the certificate of delinquency is a lien of record against
13 the property for which delinquent taxes are owed;

14 2. A statement that the certificate bears interest at the rate provided in KRS
15 134.125;

16 3. A statement that if the certificate is not paid, it will be subject to
17 collection as provided by law, and that collection actions may include
18 foreclosure. The notice required by subsection (2) of this section shall
19 also include a statement of the intent to institute legal action to collect
20 the amount due;

21 4. A complete listing of the amount due, as of the date of the notice,
22 broken down as follows:

23 a. The purchase price of the certificate of delinquency;

24 b. Interest accrued subsequent to the purchase of the certificate of
25 delinquency; and

26 c. Fees imposed by the third-party purchaser;

27 5. If the third-party purchaser is required to register with the department as

1 provided in KRS 134.128(3), for certificates of delinquency purchased
2 after June 1, 2012, a statement informing the taxpayer that upon written
3 request and the payment of a processing fee, the third-party purchaser
4 will offer a payment plan; and

5 6. Information, in a format and with content as determined by the
6 department, detailing the provisions of the law relating to third-party
7 purchaser fees and charges.

8 (e) In addition, the notice shall provide the following information to the taxpayer:

- 9 1. The legal name of the third-party purchaser;
- 10 2. The third-party purchaser's physical address;
- 11 3. The third-party purchaser's mailing address for payments, if different
12 from the physical address; and
- 13 4. The third-party purchaser's telephone number.

14 If the information required by this paragraph changes, the third-party
15 purchaser shall, within thirty (30) days of the change becoming effective, send
16 a notice to each taxpayer by certified mail with proof of mailing with the
17 corrected information. The third-party purchaser shall also update contact
18 information included in the records of the county clerk within ten (10) days of
19 the change becoming effective. Failure to send the original notice or any
20 correction notices shall result in the suspension of the accrual of all interest
21 and any fees incurred by the third-party purchaser after that date until proper
22 notice is given as required by this subsection.

23 (4) If a person entitled to pay a certificate of delinquency to a third-party purchaser
24 makes payment on the certificate of delinquency to the county clerk under the
25 conditions described in KRS 134.127(3)(d), the payment shall constitute payment in
26 full, and no other amounts may be collected by the third-party purchaser from the
27 person.

- 1 (5) (a) For certificates of delinquency purchased after June 1, 2012, at the written
2 request of a delinquent taxpayer, a third-party purchaser required to register
3 with the department as provided in KRS 134.128(3) shall provide a monthly
4 installment payment plan to a taxpayer.
- 5 (b) The taxpayer and third-party purchaser shall sign an agreement detailing the
6 terms of the installment payment plan.
- 7 (c) The third-party purchaser may impose a processing fee, not to exceed eight
8 dollars (\$8) per month to offset the administrative cost of providing the
9 payment plan. No other fees, charges, interest, or other amounts not expressly
10 authorized by this chapter shall be charged, assessed, or collected by the third-
11 party purchaser.
- 12 (d) The existence of an agreement to provide a payment plan shall not impact the
13 right of the third-party purchaser to pursue legal action if the delinquent
14 taxpayer fails to follow the terms of the installment payment agreement.
- 15 (e) Upon default of a delinquent taxpayer:
- 16 1. The third-party purchaser shall retain all amounts paid, which shall be
17 applied to the outstanding balance due; and
- 18 2. The third-party purchaser shall not be required to offer the delinquent
19 taxpayer another opportunity for an installment payment plan.
- 20 (f) If a third-party purchaser who was required to offer payment plans pursuant to
21 paragraph (a) of this subsection, subsequently does not purchase a sufficient
22 number of certificates of delinquency to require registration with the
23 department, the third-party purchaser shall continue to offer payment plans
24 under the conditions established by this subsection for all delinquent
25 taxpayers whose certificates of delinquency were purchased during a period in
26 which the third-party purchaser was required to register with the department.
- 27 (g) A third-party purchaser who is not required to register with the department as

1 provided in KRS 134.128(3), or who holds certificates of delinquency
 2 purchased prior to June 1, 2012, may voluntarily offer installment payment
 3 plans to delinquent taxpayers in accordance with the provisions of this
 4 subsection.

5 (h) The department may establish additional terms and conditions for installment
 6 payment plans in an administrative regulation.

7 (6) Any person to whom a third-party purchaser transfers or assigns a
 8 certificate of delinquency shall be considered a third-party purchaser
 9 under this chapter.

10 ➔Section 37. KRS 138.130 is amended to read as follows:

11 As used in KRS 138.130 to 138.205:

12 (1) ~~[(a)]~~ "Chewing tobacco":

13 (a) Means any leaf tobacco that is not intended to be smoked; ~~and~~

14 (b) Includes loose leaf chewing tobacco, plug chewing tobacco, and twist
 15 chewing tobacco; and~~.~~

16 ~~(b) "Chewing tobacco"~~

17 (c) Does not include snuff;

18 (2) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, or any
 19 substitute for tobacco, irrespective of size or shape and whether or not the tobacco
 20 is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of
 21 which is made of paper or any other substance or material, except tobacco;

22 (3) "Cigarette tax" means the group of taxes consisting of:

23 (a) The tax imposed by KRS 138.140(1)(a);

24 (b) The surtax imposed by KRS 138.140(1)(b); and

25 (c) The surtax imposed by KRS 138.140(1)(c);

26 (4) ~~[(a)]~~ "Closed vapor cartridge":

27 (a) Means a pre-filled disposable cartridge that:

- 1 1. Is intended to be used with or in a noncombustible product that employs
2 a heating element, battery, power source, electronic circuit, or other
3 electronic, chemical, or mechanical means, regardless of shape or size,
4 to deliver vaporized or aerosolized nicotine, non-nicotine substances, or
5 other materials to users that may be inhaling from the product, ***including***
6 ***but not limited to*** ~~such as~~ any electronic cigarette, electronic cigar,
7 electronic cigarillo, electronic pipe, or other similar product or device
8 and every variation thereof, regardless of whether marketed as ***one of***
9 ***these products*** ~~such~~; and
- 10 2. Contains nicotine or non-nicotine substances or other material consumed
11 during the process of vaporization or aerosolization; ***and*** ~~and~~
- 12 (b) ~~["Closed vapor cartridge"]~~ Does not include any product regulated as a drug
13 or device by the United States Food and Drug Administration under Chapter
14 V of the Food, Drug, and Cosmetic Act;
- 15 (5) "Department" means the Department of Revenue;
- 16 (6) "Distributor" means any person ***located:***
- 17 ***(a) In this state or outside*** ~~within~~ this state in possession of tobacco products or
18 vapor products for resale within this state; ***or***
- 19 ***(b) Outside this state selling tobacco products or vapor products to consumers***
20 ***in this state;***
- 21 on which the tobacco products tax imposed under KRS 138.140(2) has not been
22 paid;
- 23 (7) "Half-pound unit" means a consumer-sized container, pouch, or package:
- 24 (a) Containing at least four (4) ounces but not more than eight (8) ounces of
25 chewing tobacco by net weight;
- 26 (b) Produced by the manufacturer to be sold to consumers as a half-pound unit
27 and not produced to be divided or sold separately; and

- 1 (c) Containing one (1) individual container, pouch, or package;
- 2 (8) "Manufacturer" means any person who manufactures or produces cigarettes or
3 tobacco products within or without this state;
- 4 (9) "Nonresident wholesaler" means any person who purchases cigarettes directly from
5 the manufacturer and maintains a permanent location outside this state where
6 Kentucky cigarette tax evidence is attached or from where Kentucky cigarette tax is
7 reported and paid;
- 8 (10) ~~[(a)]~~ "Open vaping system":
9 (a) Means:
- 10 1. Any noncombustible product that employs a heating element, battery,
11 power source, electronic circuit, or other electronic, chemical, or
12 mechanical means, regardless of shape or size~~[and including the~~
13 ~~component parts and accessories thereto]~~, that uses a refillable liquid
14 solution to deliver vaporized or aerosolized nicotine, non-nicotine
15 substances, or other materials to users that may be inhaling from the
16 product; and
- 17 2. Any liquid solution that is intended to be used with the product
18 described in subparagraph 1. of this paragraph;
- 19 (b) Includes:~~[such as]~~
- 20 1. Any electronic cigarette, electronic cigar, electronic cigarillo, electronic
21 pipe, or similar product or device and every variation thereof, regardless
22 of whether marketed as one of those products~~[such]~~; and
- 23 2. Any component parts to or accessories for a product described in
24 paragraph (a)1. of this subsection; and~~liquid solution that is intended~~
25 ~~to be used with the product described in subparagraph 1. of this~~
26 ~~paragraph.]~~
- 27 ~~(c)~~~~[(b)]~~ ~~["Open vaping system"]~~ Does not include any product regulated as a

1 drug or device by the United States Food and Drug Administration under
2 Chapter V of the Food, Drug, and Cosmetic Act;

3 (11) "Person" means:

4 **(a)** Any individual, firm, copartnership, joint venture, association, municipal
5 **corporation,** or private corporation, whether organized for profit or not;~~;~~

6 **(b)** The Commonwealth of Kentucky or any of its political subdivisions; ~~and;~~

7 **(c)** An estate, trust, or any other group or combination acting as a unit;

8 (12) "Pound unit" means a consumer-sized container, pouch, or package:

9 (a) Containing more than eight (8) ounces but not more than sixteen (16) ounces
10 of chewing tobacco by net weight;

11 (b) Produced by the manufacturer to be sold to consumers as a pound unit and not
12 produced to be divided or sold separately; and

13 (c) Containing one (1) individual container, pouch, or package;

14 (13) **"Premium cigar" means a cigar that:**

15 **(a) Is wrapped in whole leaf tobacco;**

16 **(b) Contains one hundred percent (100%) leaf tobacco binder;**

17 **(c) Is made manually combining the wrapper, filler, and binder;**

18 **(d) Has no filter, tip, or nontobacco mouthpiece and is capped by hand; and**

19 **(e) Weighs more than six (6) pounds per one thousand (1,000) units;**

20 **(14)** "Reference products" means tobacco products, vapor products, or cigarettes made
21 by a manufacturer specifically for an accredited state college or university to be
22 held by the college or university until sale or transfer to a laboratory, hospital,
23 medical center, institute, college or university, manufacturer, or other institution;

24 **(15)**~~(14)~~ "Resident wholesaler" means any person who purchases at least seventy-five
25 percent (75%) of all cigarettes purchased by the wholesaler directly from the
26 manufacturer on which the cigarette tax is unpaid, and who maintains an
27 established place of business in this state where the wholesaler attaches cigarette tax

1 evidence or receives untax-paid cigarettes;

2 ~~(16)~~~~(15)~~ "Retail distributor" means a retailer who has obtained a retail distributor's
3 license under KRS 138.195;

4 ~~(17)~~~~(16)~~ "Retailer" means any person who sells to a consumer or to any person for any
5 purpose other than resale;

6 ~~(18)~~~~(17)~~ "Sale" or "sell" means any transfer for a consideration, exchange, barter, gift,
7 offer for sale, advertising for sale, soliciting an order for cigarettes ~~or~~ tobacco
8 products, ***or vapor products***, and distribution in any manner or by any means
9 whatsoever;

10 ~~(19)~~~~(18)~~ "Sale at retail" means a sale to any person for any other purpose other than
11 resale;

12 ~~(20)~~~~(19)~~ "Single unit" means a consumer-sized container, pouch, or package:

13 (a) Containing less than four (4) ounces of chewing tobacco by net weight;

14 (b) Produced by the manufacturer to be sold to consumers as a single unit and not
15 produced to be divided or sold separately; and

16 (c) Containing one (1) individual container, pouch, or package;

17 ~~(21)~~~~(20)~~ ~~(a)~~ "Snuff":

18 ~~(a)~~ Means tobacco that:

19 1. Is finely cut, ground, or powdered; and

20 2. Is not for smoking; ***and*** ~~(c)~~

21 (b) ~~"Snuff"~~ Includes snus;

22 ~~(22)~~~~(21)~~ ***"Subjobber"*** ~~"Sub-jobber"~~ means any person who purchases cigarettes from
23 a resident wholesaler, nonresident wholesaler, or unclassified acquirer licensed
24 under KRS 138.195 on which the cigarette tax has been paid and makes them
25 available to retailers for resale. ~~A~~ ~~No~~ person shall ***not*** make cigarettes available to
26 retailers for resale unless the person certifies and establishes to the satisfaction of
27 the department that firm arrangements have been made to regularly supply at least

1 five (5) retail locations with Kentucky tax-paid cigarettes for resale in the regular
2 course of business;

3 ~~(23)~~~~(22)~~ "Tax evidence" means any stamps, metered impressions, or other indicia
4 prescribed by the department within an~~by~~ administrative regulation promulgated
5 in accordance with KRS Chapter 13A as a means of denoting the payment of
6 cigarette taxes;

7 ~~(24)~~~~(23)~~ "Tobacco products" means any smokeless tobacco products, smoking tobacco,
8 chewing tobacco, and any kind or form of tobacco prepared in a manner suitable for
9 chewing or smoking, or both, or any kind or form of tobacco that is suitable to be
10 placed in an individual's oral cavity, except cigarettes;

11 ~~(25)~~~~(24)~~ "Tobacco products tax" means the tax imposed by KRS 138.140(2)(a)1. to
12 4.~~3.~~;

13 ~~(26)~~~~(25)~~ "Transporter" means any person transporting untax-paid cigarettes obtained
14 from any source to any destination within this state, other than cigarettes
15 transported by the manufacturer thereof;

16 ~~(27)~~~~(26)~~ "Unclassified acquirer" means any person in this state who acquires cigarettes
17 from any source on which the cigarette tax has not been paid, and who is not a
18 person otherwise required to be licensed under KRS 138.195;

19 ~~(28)~~~~(27)~~ "Untax-paid cigarettes" means any cigarettes on which the cigarette tax
20 imposed by KRS 138.140 has not been paid;

21 ~~(29)~~~~(28)~~ "Untax-paid tobacco or vapor products" means any tobacco products or vapor
22 products on which the tax imposed by KRS 138.140(2) has not been paid;

23 ~~(30)~~~~(29)~~ "Vapor products" means a closed vapor cartridge or an open vaping system;

24 ~~(31)~~~~(30)~~ "Vapor products tax" means tax imposed under KRS 138.140(2)(a)~~4. and~~ 5.
25 and 6.; and

26 ~~(32)~~~~(31)~~ "Vending machine operator" means any person that~~who~~ operates one (1) or
27 more vending machines containing cigarettes, tobacco products, vapor products,

1 or a combination thereof [~~cigarette vending machines~~].

2 ➔Section 38. KRS 138.140 is amended to read as follows:

- 3 (1) (a) A tax shall be paid on the sale of cigarettes within the state at a proportionate
4 rate of three cents (\$0.03) on each twenty (20) cigarettes.
- 5 (b) Effective July 1, 2018, a surtax shall be paid in addition to the tax levied in
6 paragraph (a) of this subsection at a proportionate rate of one dollar and six
7 cents (\$1.06) on each twenty (20) cigarettes.
- 8 (c) A surtax shall be paid in addition to the tax levied in paragraph (a) of this
9 subsection and in addition to the surtax levied by paragraph (b) of this
10 subsection, at a proportionate rate of one cent (\$0.01) on each twenty (20)
11 cigarettes. The revenues from this surtax shall be deposited in the cancer
12 research institutions matching fund created in KRS 164.043.
- 13 (d) The surtaxes imposed by paragraphs (b) and (c) of this subsection shall be
14 paid at the time that the tax imposed by paragraph (a) of this subsection is
15 paid.
- 16 (2) (a) An excise tax is hereby imposed upon every distributor for the privilege of
17 selling tobacco products in this state at the following rates:
- 18 1. Upon snuff at the rate of nineteen cents (\$0.19) per each one and one-
19 half (1-1/2) ounces or portion thereof by net weight sold;
- 20 2. Upon chewing tobacco at the rate of:
- 21 a. Nineteen cents (\$0.19) per each single unit sold;
- 22 b. Forty cents (\$0.40) per each half-pound unit sold; or
- 23 c. Sixty-five cents (\$0.65) per each pound unit sold.
- 24 If the container, pouch, or package on which the tax is levied contains
25 more than sixteen (16) ounces by net weight, the rate that shall be
26 applied to the unit shall equal the sum of sixty-five cents (\$0.65) plus
27 nineteen cents (\$0.19) for each increment of four (4) ounces or portion

1 thereof exceeding sixteen (16) ounces sold;

2 3. **Beginning July 1, 2026, upon premium cigars sold, at the rate of six**
 3 **percent (6%) of the actual price for which the distributor sells**
 4 **premium cigars;**

5 4. **a. Prior to July 1, 2026,** upon tobacco products sold, at the rate of
 6 fifteen percent (15%) of the actual price for which the distributor
 7 sells tobacco products, except snuff and chewing tobacco, within
 8 the Commonwealth; **and**

9 **b. On or after July 1, 2026, upon tobacco products sold, at the rate**
 10 **of fifteen percent (15%) of the actual price for which the**
 11 **distributor sells tobacco products, except snuff, chewing tobacco,**
 12 **and premium cigars, within the Commonwealth;**

13 ~~5.14.~~ Upon closed vapor cartridges, one dollar and fifty cents (\$1.50) per
 14 cartridge; and

15 ~~6.15.~~ Upon open vaping systems, fifteen percent (15%) of the actual price for
 16 which the distributor sells:

17 a. The open vaping system when the actual price includes the items
 18 described in both KRS 138.130(10)(a)1. and 2.; or

19 b. The liquid solution described in KRS 138.130(10)(a)2. when the
 20 solution is sold separately.

21 (b) The net weight posted by the manufacturer on the container, pouch, or
 22 package or on the manufacturer's invoice shall be used to calculate the tax due
 23 on snuff or chewing tobacco.

24 (c) 1. A retailer located in this state shall not purchase tobacco products for
 25 resale to consumers from any person within or outside this state unless
 26 that person is a distributor licensed under KRS 138.195(7)(a) or the
 27 retailer applies for and is granted a retail distributor's license under KRS

- 1 138.195(7)(b) for the privilege of purchasing untax-paid tobacco
2 products and remitting the tax as provided in this paragraph.
- 3 2. A licensed retail distributor of tobacco products shall be subject to the
4 excise tax as follows:
- 5 a. On purchases of untax-paid snuff, at the same rate levied by
6 paragraph (a)1. of this subsection;
- 7 b. On purchases of untax-paid chewing tobacco, at the same rates
8 levied by paragraph (a)2. of this subsection;
- 9 c. *On purchases of untax-paid premium cigars, at the same rate*
10 *levied by paragraph (a)3. of this subsection;*
- 11 *d.* On purchases of untax-paid tobacco products, except snuff,
12 *premium cigars,* and chewing tobacco, fifteen percent (15%) of
13 the total purchase price as invoiced by the retail distributor's
14 supplier;
- 15 ~~*e.*~~ On purchases of untax-paid closed vapor cartridges, at the same
16 rate levied by paragraph (a)~~*5.*~~~~*4.*~~ of this subsection; and
- 17 ~~*f.*~~~~*e.*~~ On purchases of untax-paid open vaping systems, fifteen percent
18 (15%) of the total purchase price as invoiced by the retail
19 distributor's supplier as described in paragraph (a)~~*6.*~~~~*5.*~~ of this
20 subsection.
- 21 (d) 1. The licensed distributor that first possesses tobacco products or vapor
22 products for sale to a retailer in this state or for sale to a person who is
23 not licensed under KRS 138.195(7) shall be the distributor liable for the
24 tax imposed by this subsection except as provided in subparagraph 2. of
25 this paragraph.
- 26 2. A distributor licensed under KRS 138.195(7)(a) may sell tobacco
27 products or vapor products to another distributor licensed under KRS

- 1 138.195(7)(a) without payment of the excise tax. In such case, the
 2 purchasing licensed distributor shall be the distributor liable for the tax.
- 3 3. A licensed distributor or licensed retail distributor shall:
- 4 a. Identify and display the distributor's or retail distributor's license
 5 number on the invoice to the retailer; and
- 6 b. Identify and display the excise tax separately on the invoice to the
 7 retailer. If the excise tax is included as part of the product's sales
 8 price, the licensed distributor or licensed retail distributor shall list
 9 the total excise tax in summary form by tax type with invoice
 10 totals.
- 11 4. It shall be presumed that the excise tax has not been paid if the licensed
 12 distributor or licensed retail distributor does not comply with
 13 subparagraph 3. of this paragraph.
- 14 (e) ~~A tax~~ tax shall ***not*** be imposed on tobacco products or vapor products under
 15 this subsection that are ***outside***~~[not within]~~ the taxing power of this state under
 16 the Commerce Clause of the United States Constitution.
- 17 (3) (a) The taxes imposed by subsections (1) and (2) of this section:
- 18 1. Shall not apply to reference products; and
- 19 2. Shall be paid only once, regardless of the number of times the cigarettes
 20 or tobacco products may be sold.
- 21 (b) The taxes imposed by subsection (1)(a) and (b) and subsection (2) of this
 22 section shall be reduced by:
- 23 1. Fifty percent (50%) on any product as to which a modified risk tobacco
 24 product order is issued under 21 U.S.C. sec. 387k(g)(1); or
- 25 2. Twenty-five percent (25%) for any product as to which a modified risk
 26 tobacco product order is issued under 21 U.S.C. sec. 387k(g)(2).
- 27 (4) A reference product shall carry a marking labeling the contents as a research

1 cigarette, research vapor product, or a research tobacco product to be used only for
2 tobacco-health research and experimental purposes and shall not be offered for sale,
3 sold, or distributed to consumers.

4 (5) The department may prescribe forms and promulgate administrative regulations to
5 execute and administer the provisions of this section.

6 (6) The General Assembly recognizes that increasing taxes on tobacco products should
7 reduce consumption, and therefore result in healthier lifestyles for Kentuckians. The
8 relative taxes on tobacco products proposed in this section reflect the growing data
9 from scientific studies suggesting that although smokeless tobacco poses some
10 risks, those health risks are significantly less than the risks posed by other forms of
11 tobacco products. Moreover, the General Assembly acknowledges that some in the
12 public health community recognize that tobacco harm reduction should be a
13 complementary public health strategy regarding tobacco products. Taxing tobacco
14 products according to relative risk is a rational tax policy and may well serve the
15 public health goal of reducing smoking-related mortality and morbidity and
16 lowering health care costs associated with tobacco-related disease.

17 (7) Any person subject to the taxes imposed under subsections (1) and (2) of this
18 section that:

19 (a) Files an application related to a modified risk tobacco product shall report to
20 the department that an application has been filed within thirty (30) days of
21 that filing; and

22 (b) Receives an order authorizing the marketing of a modified risk tobacco
23 product shall report to the department that an authorizing order has been
24 received.

25 (8) Upon receipt of the information required by subsection (7)(b) of this section, the
26 department shall reduce the tax imposed on the modified risk tobacco product as
27 required by subsection (3)(b) of this section on the first day of the calendar month

1 following the expiration of forty-five (45) days following receipt of the information
2 required by subsection (7)(b) of this section.

3 ➔Section 39. KRS 138.143 is amended to read as follows:

4 (1) Every retailer, subjobber~~[sub-jobber]~~, resident wholesaler, nonresident wholesaler,
5 and unclassified acquirer shall:

6 (a) Take a physical inventory of all cigarettes in packages bearing Kentucky tax
7 stamps, and all unaffixed Kentucky cigarette tax stamps possessed by them or
8 in their control at 11:59 p.m. on June 30, 2018. Inventory of cigarettes in
9 vending machines may be accomplished by:

- 10 1. Taking an actual physical inventory;
- 11 2. Estimating the cigarettes in vending machines by reporting one-half
12 (1/2) of the normal fill capacity of the machines, as reflected in
13 individual inventory records maintained for vending machines; or
- 14 3. Using a combination of the methods prescribed in subparagraphs 1. and
15 2. of this paragraph;

16 (b) File a return with the department on or before July 10, 2018, showing the
17 entire wholesale and retail inventories of cigarettes in packages bearing
18 Kentucky tax stamps, and all unaffixed Kentucky cigarette tax stamps
19 possessed by them or in their control at 11:59 p.m. on June 30, 2018; and

20 (c) Pay a floor stock tax at a proportionate rate equal to fifty cents (\$0.50) on
21 each twenty (20) cigarettes in packages bearing a Kentucky tax stamp and
22 unaffixed Kentucky tax stamps in their possession or control at 11:59 p.m. on
23 June 30, 2018.

24 (2) Every retailer and subjobber~~[sub-jobber]~~ shall:

- 25 (a) 1. Take a physical inventory of all units of snuff possessed by them or in
26 their control at 11:59 p.m. on March 31, 2009;
- 27 2. File a return with the department on or before April 10, 2009, showing

- 1 the entire inventory of snuff possessed by them or in their control at
2 11:59 p.m. on March 31, 2009; and
- 3 3. Pay a floor stock tax at a proportionate rate equal to nine and one-half
4 cents (\$0.095) on each unit of snuff in their possession or control at
5 11:59 p.m. on March 31, 2009; and
- 6 (b) 1. a. Take a physical inventory of all other tobacco products possessed
7 by them or in their control at 11:59 p.m. on March 31, 2009;
8 b. File a return with the department on or before April 10, 2009,
9 showing the entire inventories of other tobacco products possessed
10 by them or in their control at 11:59 p.m. on March 31, 2009; and
11 c. Pay a floor stock tax at a proportionate rate equal to seven and
12 one-half percent (7.5%) on the purchase price of other tobacco
13 products in their possession or control at 11:59 p.m. on March 31,
14 2009.
- 15 2. a. As used in this paragraph, "purchase price" means the actual
16 amount paid for the other tobacco products subject to the tax
17 imposed by this paragraph.
18 b. If the retailer or subjobber~~sub-jobber~~ cannot determine the
19 actual amount paid for each item of other tobacco product, the
20 retailer or subjobber~~sub-jobber~~ may use as the purchase price
21 the amount per unit paid as reflected on the most recent invoice
22 received prior to April 1, 2009,~~---~~ for the same category of other
23 tobacco product.
24 c. To prevent double taxation, if the invoice used by the retailer or
25 subjobber~~sub-jobber~~ to determine the purchase price of the
26 other tobacco product does not separately state the tax paid by the
27 wholesaler, the retailer or subjobber~~sub-jobber~~ may reduce the

1 amount paid per unit by seven and one-half percent (7.5%).

2 (3) (a) The taxes imposed by this section may be paid in three (3) installments. The
3 first installment, in an amount equal to at least one-third (1/3) of the total
4 amount due, shall be remitted with the return provided by the department on
5 or before July 10, 2018. The second installment, in an amount that brings the
6 total amount paid to at least two-thirds (2/3) of the total amount due, shall be
7 remitted on or before August 10, 2018. The third installment, in an amount
8 equal to the remaining balance, shall be remitted on or before September 10,
9 2018.

10 (b) Interest shall not be imposed against any outstanding installment payment not
11 yet due from any retailer, subjobber~~sub-jobber~~, resident wholesaler,
12 nonresident wholesaler, or unclassified acquirer who files the return and
13 makes payments as required under this section.

14 (c) Any retailer, subjobber~~sub-jobber~~, resident wholesaler, nonresident
15 wholesaler, or unclassified acquirer who fails to file a return or make a
16 payment on or before the dates provided in this section shall, in addition to the
17 tax, pay interest at the tax interest rate as defined in KRS 131.010(6) from the
18 date on which the return was required to be filed.

19 ➔Section 40. KRS 138.146 is amended to read as follows:

20 (1) The cigarette tax shall be due when any licensed wholesaler or unclassified acquirer
21 takes possession within this state of untax-paid cigarettes.

22 (2) (a) The cigarette tax shall be paid by the purchase of stamps by a resident
23 wholesaler within forty-eight (48) hours after the wholesaler receives the
24 cigarettes.

25 (b) A stamp shall be affixed to each package of an aggregate denomination not
26 less than the amount of the cigarette tax on the package.

27 (c) The affixed stamp shall be prima facie evidence of payment of the cigarette

1 tax.

2 (d) Unless stamps have been previously affixed, they shall be affixed by each
3 resident wholesaler prior to the delivery of any cigarettes to a retail location or
4 any person in this state.

5 (e) The evidence of cigarette tax payment shall be affixed to each individual
6 package of cigarettes by a nonresident wholesaler prior to the introduction or
7 importation of the cigarettes into the territorial limits of this state.

8 (f) The evidence of cigarette tax payment shall be affixed by an unclassified
9 acquirer within twenty-four (24) hours after the cigarettes are received by the
10 unclassified acquirer.

11 (3) (a) The department shall, by an administrative regulation promulgated in
12 accordance with KRS Chapter 13A, prescribe the form of cigarette tax
13 evidence, the method and manner of the sale and distribution of cigarette tax
14 evidence, and the method and manner that tax evidence shall be affixed to the
15 cigarettes.

16 (b) All cigarette tax evidence prescribed by the department shall be designed and
17 furnished in a fashion to permit identification of the person that affixed the
18 cigarette tax evidence to the particular package of cigarettes, by means of
19 numerical rolls or other mark on the cigarette tax evidence.

20 (c) The department shall maintain for at least three (3) years information
21 identifying the person that affixed the cigarette tax evidence to each package
22 of cigarettes. This information shall not be kept confidential or exempt from
23 disclosure to the public through open records.

24 (4) (a) Units of cigarette tax evidence shall be sold at their face value, but the
25 department shall allow as compensation to any licensed wholesaler an amount
26 of tax evidence equal to a proportionate rate of one and one-half cents
27 (\$0.015) on each twenty (20) cigarettes.

1 (b) The department shall have the power to withhold compensation as provided in
2 paragraph (a) of this subsection from any licensed wholesaler for failure to
3 abide by any provisions of KRS 138.130 to 138.205 or any administrative
4 regulations promulgated thereunder. Any refund or credit for unused cigarette
5 tax evidence shall be reduced by the amount allowed as compensation at the
6 time of purchase.

7 (5) (a) Payment for units of cigarette tax evidence shall be made at the time the units
8 are sold, unless the licensed wholesaler:

9 1. Has filed with the department a bond, issued by a corporation authorized
10 to do surety business in Kentucky, in an amount:

11 a. Determined by the department; or

12 b. i. Not less than the monthly average of payments by the
13 wholesaler for the units of cigarette tax evidence purchased
14 in the immediately preceding calendar year, which may be
15 delayed under paragraph (b) of this subsection; and

16 ii. No greater than ten million dollars (\$10,000,000); and

17 2. Has registered and agrees to make the payment of tax to the department
18 electronically.

19 ~~[At no time shall]~~ The licensed wholesaler ***shall not*** be allowed to delay any
20 payment for units of cigarette tax evidence, including tax, penalty, interest, or
21 collection fees, which would exceed the amount of bond filed with the
22 department.

23 (b) Except as provided in paragraph (c) of this subsection, if the licensed
24 wholesaler qualifies under paragraph (a) of this subsection, the licensed
25 wholesaler shall have ten (10) days from the date of purchase to remit
26 payment of cigarette tax, without the assessment of civil penalties under KRS
27 131.180 or interest under KRS 131.183 during the ten (10) day period.

- 1 (c) 1. The ten (10) day payment period under paragraph (b) of this subsection
 2 shall not apply to the payment for units of cigarette tax evidence during
 3 the last ten (10) days of the month of June during each fiscal year.
- 4 2. All payments for units of cigarette tax evidence made under paragraph
 5 (b) of this subsection during the month of June shall be made the earlier
 6 of:
- 7 a. The ten (10) day period; or
 8 b. June 25.
- 9 (d) If the licensed wholesaler does not make the payment of cigarette tax within
 10 the ten (10) day period, or within the period of time under paragraph (c) of
 11 this subsection, the department shall:
- 12 1. Revoke the license required under KRS 138.195;
 13 2. Issue a demand for payment in an amount equal to the cigarette tax
 14 evidence purchased, plus all penalties, interest, and collection fees
 15 applicable, up to the amount of the required bond; and
 16 3. Require immediate payment of the bond.
- 17 (6) (a) The bond required under subsection (5) of this section shall be on a form and
 18 with a surety approved by the department.
- 19 (b) The licensed wholesaler shall be named as the principal obligor and the
 20 department shall be named as the obligee within the bond.
- 21 (c) The bond shall be conditioned upon the payment by the licensed wholesaler of
 22 all cigarette tax imposed by the Commonwealth.
- 23 (d) The provisions of KRS 131.110 shall not apply to the demand for payment
 24 required under subsection (5)(c)2. of this section.
- 25 (7) (a) ~~[-No-]~~ Tax evidence ***shall not***~~[-may-]~~ be affixed~~[-]~~ or used in any way~~[-]~~ by any
 26 person other than the person purchasing the ***tax*** evidence from the department.
- 27 (b) Tax evidence ***shall***~~[-may-]~~ not be transferred or negotiated, and ***shall***~~[-may-]~~ not,

1 by any scheme or device, be given, bartered, sold, traded, or loaned to any
2 other person.

3 (c) Unaffixed tax evidence may be returned to the department for credit or refund
4 for any reason satisfactory to the department.

5 (8) (a) In the event any retailer ~~takes~~~~[receives into his]~~ possession ***of*** cigarettes to
6 which evidence of Kentucky tax payment is not properly affixed, the retailer
7 shall, within twenty-four (24) hours, notify the department of the receipt.

8 (b) The notification to the department shall be in writing, stating the name of the
9 person from whom the cigarettes were received and the quantity of those
10 cigarettes.

11 (c) The written notice may be:

12 1. Given to any field agent of the department; or

13 2. Directed to the commissioner of the Department of Revenue, Frankfort,
14 Kentucky.

15 (d) If the notice is given by means of the United States mail, it shall be sent by
16 certified mail.

17 (e) Any~~[such]~~ cigarettes ***to which evidence of Kentucky tax payment is not***
18 ***properly affixed*** shall be retained by the retailer, and not sold, for a period of
19 fifteen (15) days after giving the notice provided in this subsection.

20 (f) The retailer may, at ***the retailer's***~~[his]~~ option, pay the tax due on those
21 cigarettes according to administrative regulations prescribed by the
22 department, and proceed to sell those cigarettes after the payment.

23 (9) (a) Cigarettes stamped with the cigarette tax evidence of another state shall at no
24 time be commingled with cigarettes on which the Kentucky cigarette tax
25 evidence has been affixed.

26 (b) Any licensed wholesaler, licensed ***subjobber***~~[sub-jobber]~~, or licensed vending
27 machine operator may hold cigarettes stamped with the tax evidence of

1 another state for any period of time, subsection (2) of this section
2 notwithstanding.

3 →Section 41. KRS 138.195 is amended to read as follows:

- 4 (1) (a) ~~A~~~~no~~ person other than a manufacturer shall **not** acquire cigarettes in this
5 state on which the Kentucky cigarette tax has not been paid, nor act as a
6 resident wholesaler, nonresident wholesaler, vending machine operator,
7 **subjobber**~~[sub-jobber]~~, transporter or unclassified acquirer of such cigarettes
8 without first obtaining a license from the department as **provided**~~[set out]~~ in
9 this section.
- 10 (b) ~~A~~~~no~~ person shall **not** act as a distributor of tobacco products or vapor
11 products without first obtaining a license from the department as **provided**~~[set~~
12 ~~out]~~ in this section.
- 13 (c) ~~An~~~~[For licenses effective for periods beginning on or after July 1, 2015, no]~~
14 individual, entity, or any other group or combination acting as a unit **shall**
15 **not**~~[may]~~ be eligible to obtain a license under this section if the individual, or
16 any partner, director, principal officer, or manager of the entity or any other
17 group or combination acting as a unit has been convicted of or entered a plea
18 of guilty or nolo contendere to:
- 19 1. A crime relating to the reporting, distribution, sale, or taxation of
 - 20 cigarettes, tobacco products, or vapor products; or
 - 21 2. A crime involving fraud, falsification of records, improper business
 - 22 transactions or reporting;
 - 23 for ten (10) years from the expiration of probation or final discharge from
 - 24 parole or maximum expiration of sentence.
- 25 (2) (a) Each resident wholesaler shall secure a separate license for each place of
26 business at which cigarette tax evidence is affixed or at which cigarettes on
27 which the Kentucky cigarette tax has not been paid are received.

- 1 (b) Each nonresident wholesaler shall secure a separate license for each place of
2 business at which evidence of Kentucky cigarette tax is affixed or from where
3 Kentucky cigarette tax is reported and paid.
- 4 (c) Each license shall be secured on or before July 1 of each year.
- 5 (d) Each licensee shall pay the sum of five hundred dollars (\$500) for each year,
6 or portion thereof, for which each license is secured.
- 7 (3) (a) Each subjobber~~[sub-jobber]~~ shall secure a separate license for each place of
8 business from which cigarettes, upon which the cigarette tax has been paid,
9 are made available to retailers, whether the place of business is located within
10 or without this state.
- 11 (b) Each license shall be secured on or before July 1 of each year.
- 12 (c) Each licensee shall pay the sum of five hundred dollars (\$500) for each year,
13 or portion thereof, for which each license is secured.
- 14 (4) (a) Each vending machine operator shall secure a license for the privilege of
15 dispensing cigarettes, tobacco products, or vapor products by vending
16 machines on which the ~~[cigarette]~~ tax imposed by Section 38 of this Act is
17 required to be~~[has been]~~ paid~~[, by vending machines]~~.
- 18 (b) Each license shall be secured on or before July 1 of each year.
- 19 (c) Each licensee shall pay the sum of twenty-five dollars (\$25) for each year, or
20 portion thereof, for which each license is secured.
- 21 (d) ~~A~~~~no~~ vending machine shall not be operated within this Commonwealth
22 without having prominently affixed thereto the name of its operator and the
23 license number assigned to that operator by the department.
- 24 (e) The department shall prescribe by administrative regulation the manner in
25 which the information shall be affixed to the vending machine.
- 26 (5) (a) Each transporter shall secure a license for the privilege of transporting
27 cigarettes within this state.

- 1 (b) Each license shall be secured on or before July 1 of each year.
- 2 (c) Each licensee shall pay the sum of fifty dollars (\$50) for each year, or portion
3 thereof, for which each license is secured.
- 4 (d) ~~A~~~~Not~~ transporter shall ***not*** transport any cigarettes without having in actual
5 possession an invoice or bill of lading therefor, showing:
- 6 1. The name and address of the consignor and consignee;
- 7 2. The date acquired by the transporter;
- 8 3. The name and address of the transporter;
- 9 4. The quantity of cigarettes being transported; and
- 10 5. The license number assigned to the transporter by the department.
- 11 (6) (a) Each unclassified acquirer shall secure a license for the privilege of acquiring
12 cigarettes on which the cigarette tax has not been paid.
- 13 (b) ~~Each~~~~The~~ license shall be secured on or before July 1 of each year.
- 14 (c) Each licensee shall pay the sum of fifty dollars (\$50) for each year, or portion
15 thereof, for which the license is secured.
- 16 (7) (a) 1. Each distributor shall secure a license for the privilege of selling tobacco
17 products or vapor products in this state. Each license shall be secured on
18 or before July 1 of each year, and each licensee shall pay the sum of five
19 hundred dollars (\$500) for each year, or portion thereof, for which the
20 license is secured.
- 21 2. a. A resident wholesaler, nonresident wholesaler, or subjobber
22 licensed under this section may also obtain and maintain a
23 distributor's license at each place of business at no additional cost
24 each year.
- 25 b. An unclassified acquirer licensed under this section may also
26 obtain and maintain a distributor's license for the privilege of
27 selling tobacco products or vapor products in this state. The

1 license shall be secured on or before July 1 of each year, and each
2 licensee shall pay the sum of four hundred fifty dollars (\$450) for
3 each year, or portion thereof, for which the license is secured.

4 3. The department may, upon application, grant a distributor's license to a
5 person other than a retailer and who is not otherwise required to hold a
6 distributor's license under this paragraph. If the department grants the
7 license, the licensee shall pay the sum of five hundred dollars (\$500) for
8 each year, or portion thereof, for which the license is secured, and the
9 licensee shall be subject to the excise tax in the same manner and
10 subject to the same requirements as a distributor required to be licensed
11 under this paragraph.

12 (b) The department may, upon application, grant a retail distributor's license to a
13 retailer for the privilege of purchasing tobacco products or vapor products
14 from a distributor not licensed by the department. If the department grants the
15 license, the licensee shall pay the sum of one hundred dollars (\$100) for each
16 year, or portion thereof, for which the license is secured.

17 (8) ~~Nothing in~~ KRS 138.130 to 138.205 shall **not** be construed to prevent the
18 department from requiring a person to purchase more than one (1) license if the
19 nature of that person's business is so diversified as to justify the requirement.

20 (9) (a) The department may, by administrative regulation **promulgated in**
21 **accordance with KRS Chapter 13A,** require any person requesting a license
22 or holding a license under this section to supply such information concerning
23 his or her business, sales or any privilege exercised, as is deemed reasonably
24 necessary for the regulation of the licensees, and to protect the revenues of the
25 state.

26 (b) Failure on the part of the applicant or licensee to:

27 1. Comply with KRS 131.600 to 131.630, 138.130 to 138.205, 248.752, or

- 1 248.754 or any administrative regulations promulgated thereunder; or
- 2 2. Permit an inspection of premises, machines, or vehicles by an authorized
- 3 agent of the department at any reasonable time;
- 4 shall be grounds for the denial or revocation of any license issued by the
- 5 department, after due notice and a hearing by the department.
- 6 (c) The commissioner may assign a time and place for the hearing and may
- 7 appoint a conferee who shall conduct a hearing, receive evidence, and hear
- 8 arguments.
- 9 (d) The conferee shall thereupon file a report with the commissioner together
- 10 with a recommendation as to the denial or revocation of the license.
- 11 (e) From any denial or revocation made by the commissioner on the report, the
- 12 licensee may prosecute an appeal to the Board of Tax Appeals pursuant to
- 13 KRS 49.220.
- 14 (f) Any person whose license has been revoked for the willful violation of any
- 15 provision of KRS 131.600 to 131.630, 138.130 to 138.205, 248.752, or
- 16 248.754 or any administrative regulations promulgated thereunder shall not be
- 17 entitled to any license provided for in this section, or have any interest in any
- 18 license, either disclosed or undisclosed, either as an individual, partnership,
- 19 corporation or otherwise, for a period of two (2) years after the revocation.
- 20 (10) ~~A~~~~[No]~~ license issued under~~[pursuant to]~~ this section shall **not** be transferable or
- 21 negotiable, except that a license may be transferred between an individual and a
- 22 corporation if that individual is the exclusive owner of that corporation, or between
- 23 a subsidiary corporation and its parent corporation.
- 24 (11) Every manufacturer located or doing business in this state and the first person to
- 25 import cigarettes into this state shall keep written records of all shipments of
- 26 cigarettes to persons within this state, and shall submit to the department monthly
- 27 reports of the~~[such]~~ shipments. All books, records, invoices, and documents

1 required by this section shall be preserved in a form prescribed by the department
2 for not less than four (4) years from the making of the records unless the
3 department authorizes, in writing, the destruction of the records.

4 (12) ~~A~~~~[No]~~ person licensed under this section other than a~~[except]~~ nonresident
5 wholesaler~~[wholesalers]~~ shall either sell to or purchase from any other such
6 licensee untax-paid cigarettes.

7 (13) (a) Licensed distributors of tobacco products or vapor products shall pay and
8 report the tobacco products tax or vapor products tax on or before the
9 twentieth day of the calendar month following the month in which the
10 possession or title of the tobacco products or vapor products are transferred
11 from the licensed distributor to retailers or consumers in this state, as the case
12 may be.

13 (b) Retailers who have applied for and been granted a retail distributor's license
14 for the privilege of purchasing tobacco products or vapor products from a
15 person who is not a distributor licensed under KRS 138.195(7)(a) shall report
16 and pay the tobacco products tax or vapor products tax on or before the
17 twentieth day of the calendar month following the month in which the
18 products are acquired by the licensed retail distributors.

19 (c) If the distributor or retail distributor timely reports and pays the tax due, the
20 distributor or retail distributor may deduct an amount equal to one percent
21 (1%) of the tax due.

22 (d) The department shall promulgate administrative regulations in accordance
23 with KRS Chapter 13A to prescribe~~[setting forth]~~ the details of the reporting
24 requirements.

25 (14) A tax return shall be filed for each reporting period whether or not tax is due.

26 (15) Any license issued by the department under this section shall not be construed to
27 waive or condone any violation that occurred or may have occurred prior to the

1 issuance of the license and shall not prevent subsequent proceedings against the
2 licensee.

3 (16) (a) The department may deny the issuance of a license under this section if:

- 4 1. The applicant has made any material false statement on the application
5 for the license; or
- 6 2. The applicant has violated any provision of KRS 131.600 to 131.630,
7 138.130 to 138.205, 248.754, or 248.756 or any administrative
8 regulations promulgated thereunder.

9 (b) If the department denies the applicant a license under this section, the
10 department shall notify the applicant of the grounds for the denial, and
11 the applicant may request a hearing and appeal the denial as provided in
12 subsection (9) of this section.

13 ➔Section 42. KRS 138.349 is amended to read as follows:

14 No person shall execute a gasoline or special fuel refund invoice, as described in KRS
15 138.351, who is not a dealer, as defined in KRS 138.210 or a subjobber~~[sub-jobber]~~ duly
16 authorized by a licensed dealer, to execute refund invoices as his agent. In no instance
17 shall refund invoices be executed for purchases from retail filling stations.

18 ➔Section 43. KRS 141.0205 is amended to read as follows:

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

22 (1) The nonrefundable business incentive credits against the tax imposed by KRS
23 141.020 shall be taken in the following order:

- 24 (a) The limited liability entity tax credit permitted by KRS 141.0401;
- 25 (b) The economic development credits computed under KRS 141.347, 141.381,
26 141.384, 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and
27 154.12-2088;

- 1 (c) The qualified farming operation credit permitted by KRS 141.412;
- 2 (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a) ***and***
- 3 ***Section 59 of this Act;***
- 4 (e) The health insurance credit permitted by KRS 141.062;
- 5 (f) The tax paid to other states credit permitted by KRS 141.070;
- 6 (g) The credit for hiring the unemployed permitted by KRS 141.065;
- 7 (h) The recycling or composting equipment credit permitted by KRS 141.390;
- 8 (i) The ~~tax~~ credit for cash contributions in investment funds permitted by KRS
- 9 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
- 10 154.20-258;
- 11 (j) The research facilities credit permitted by KRS 141.395;
- 12 (k) The employer High School Equivalency Diploma program incentive credit
- 13 permitted under KRS 151B.402;
- 14 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 15 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 16 (n) The clean coal incentive credit permitted by KRS 141.428;
- 17 (o) The ethanol credit permitted by KRS 141.4242;
- 18 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 19 (q) The energy efficiency credits permitted by KRS 141.436;
- 20 (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 21 (s) The Endow Kentucky credit permitted by KRS 141.438;
- 22 (t) The New Markets Development Program credit permitted by KRS 141.434;
- 23 (u) The distilled spirits credit permitted by KRS 141.389;
- 24 (v) The angel investor credit permitted by KRS 141.396;
- 25 (w) The film industry credit permitted by KRS 141.383 for applications approved
- 26 on or after April 27, 2018, but before January 1, 2022;
- 27 (x) The inventory credit permitted by KRS 141.408;

- 1 (y) The renewable chemical production credit permitted by KRS 141.4231; and
- 2 (z) The qualified broadband investment ~~tax~~ credit permitted by KRS 141.391;
- 3 (2) After the application of the nonrefundable credits in subsection (1) of this section,
- 4 the nonrefundable personal tax credits against the tax imposed by KRS 141.020
- 5 shall be taken in the following order:
- 6 (a) The individual credits permitted by KRS 141.020(3);
- 7 (b) The credit permitted by KRS 141.066;
- 8 (c) The tuition credit permitted by KRS 141.069;
- 9 (d) The household and dependent care credit permitted by KRS 141.067;
- 10 (e) The income gap credit permitted by KRS 141.066; and
- 11 (f) The Education Opportunity Account Program ~~tax~~ credit permitted by KRS
- 12 141.522;
- 13 (3) After the application of the nonrefundable credits provided for in subsection (2) of
- 14 this section, the refundable credits against the tax imposed by KRS 141.020 shall be
- 15 taken in the following order:
- 16 (a) The individual withholding tax credit permitted by KRS 141.350;
- 17 (b) The individual estimated tax payment credit permitted by KRS 141.305;
- 18 (c) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and
- 19 171.397(1)(b) ***and Section 59 of this Act***;
- 20 (d) The film industry ~~tax~~ credit permitted by KRS 141.383 for applications
- 21 approved prior to April 27, 2018, or on or after January 1, 2022;
- 22 (e) The development area ~~tax~~ credit permitted by KRS 141.398;
- 23 (f) The decontamination ~~tax~~ credit permitted by KRS 141.419; and
- 24 (g) The pass-through entity tax credit permitted by KRS 141.209;
- 25 (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the
- 26 tax imposed by KRS 141.040;
- 27 (5) The following nonrefundable credits shall be applied against the sum of the tax

- 1 imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)
2 of this section, and the tax imposed by KRS 141.0401 in the following order:
- 3 (a) The economic development credits computed under KRS 141.347, 141.381,
4 141.384, 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and
5 154.12-2088;
 - 6 (b) The qualified farming operation credit permitted by KRS 141.412;
 - 7 (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a) **and**
8 **Section 59 of this Act;**
 - 9 (d) The health insurance credit permitted by KRS 141.062;
 - 10 (e) The unemployment credit permitted by KRS 141.065;
 - 11 (f) The recycling or composting equipment credit permitted by KRS 141.390;
 - 12 (g) The coal conversion credit permitted by KRS 141.041;
 - 13 (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods
14 ending prior to January 1, 2008;
 - 15 (i) The ~~tax~~ credit for cash contributions to investment funds permitted by KRS
16 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
17 154.20-258;
 - 18 (j) The research facilities credit permitted by KRS 141.395;
 - 19 (k) The employer High School Equivalency Diploma program incentive credit
20 permitted by KRS 151B.402;
 - 21 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
 - 22 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
 - 23 (n) The clean coal incentive credit permitted by KRS 141.428;
 - 24 (o) The ethanol credit permitted by KRS 141.4242;
 - 25 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
 - 26 (q) The energy efficiency credits permitted by KRS 141.436;
 - 27 (r) The ENERGY STAR home or ENERGY STAR manufactured home credit

- 1 permitted by KRS 141.437;
- 2 (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 3 (t) The railroad expansion credit permitted by KRS 141.386;
- 4 (u) The Endow Kentucky credit permitted by KRS 141.438;
- 5 (v) The New Markets Development Program credit permitted by KRS 141.434;
- 6 (w) The distilled spirits credit permitted by KRS 141.389;
- 7 (x) The film industry credit permitted by KRS 141.383 for applications approved
- 8 on or after April 27, 2018, but before January 1, 2022;
- 9 (y) The inventory credit permitted by KRS 141.408;
- 10 (z) The renewable chemical production ~~tax~~ credit permitted by KRS 141.4231;
- 11 (aa) The Education Opportunity Account Program ~~tax~~ credit permitted by KRS
- 12 141.522; and
- 13 (ab) The qualified broadband investment ~~tax~~ credit permitted by KRS 141.391;
- 14 and
- 15 (6) After the application of the nonrefundable credits in subsection (5) of this section,
- 16 the refundable credits shall be taken in the following order:
- 17 (a) The corporation estimated tax payment credit permitted by KRS 141.044;
- 18 (b) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and
- 19 171.397(1)(b) ***and Section 59 of this Act***;
- 20 (c) The film industry ~~tax~~ credit permitted by KRS 141.383 for applications
- 21 approved prior to April 27, 2018, or on or after January 1, 2022;
- 22 (d) The decontamination ~~tax~~ credit permitted by KRS 141.419; and
- 23 (e) The pass-through entity tax credit permitted by KRS 141.209.
- 24 ➔Section 44. KRS 131.190 is amended to read as follows:
- 25 (1) No present or former commissioner or employee of the department, present or
- 26 former member of a county board of assessment appeals, present or former property
- 27 valuation administrator or employee, present or former secretary or employee of the

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

- 8 (2) The prohibition established by subsection (1) of this section shall not extend to:
- 9 (a) Information required in prosecutions for making false reports or returns of
10 property for taxation, or any other infraction of the tax laws;
 - 11 (b) Any matter properly entered upon any assessment record, or in any way made
12 a matter of public record;
 - 13 (c) Furnishing any taxpayer or his or her properly authorized agent with
14 information respecting his or her own return;
 - 15 (d) Testimony provided by the commissioner or any employee of the department
16 in any court, or the introduction as evidence of returns or reports filed with the
17 department, in an action for violation of state or federal tax laws or in any
18 action challenging state or federal tax laws;
 - 19 (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or
20 energy resources assessed under KRS 132.820, or owners of surface land
21 under which the unmined minerals lie, factual information about the owner's
22 property derived from third-party returns filed for that owner's property, under
23 the provisions of KRS 132.820, that is used to determine the owner's
24 assessment. This information shall be provided to the owner on a confidential
25 basis, and the owner shall be subject to the penalties provided in KRS
26 131.990(2). The third-party filer shall be given prior notice of any disclosure
27 of information to the owner that was provided by the third-party filer;

- 1 (f) Providing to a third-party purchaser pursuant to an order entered in a
2 foreclosure action filed in a court of competent jurisdiction, factual
3 information related to the owner or lessee of coal, oil, gas reserves, or any
4 other mineral resources assessed under KRS 132.820. The department may
5 promulgate an administrative regulation establishing a fee schedule for the
6 provision of the information described in this paragraph. Any fee imposed
7 shall not exceed the greater of the actual cost of providing the information or
8 ten dollars (\$10);
- 9 (g) Providing information to a licensing agency, the Transportation Cabinet, or
10 the Kentucky Supreme Court under KRS 131.1817;
- 11 (h) Statistics of gasoline and special fuels gallonage reported to the department
12 under KRS 138.210 to 138.448;
- 13 (i) Providing any utility gross receipts license tax return information that is
14 necessary to administer the provisions of KRS 160.613 to 160.617 to
15 applicable school districts on a confidential basis;
- 16 (j) Providing documents, data, or other information to a third party pursuant to an
17 order issued by a court of competent jurisdiction;
- 18 (k) Publishing administrative writings on its official website in accordance with
19 KRS 131.020(1)(b); or
- 20 (l) Providing information to the Legislative Research Commission under:
- 21 1. KRS 139.519 for purposes of the sales and use tax refund on building
22 materials used for disaster recovery;
- 23 2. KRS 141.436 for purposes of the energy efficiency products credits;
- 24 3. KRS 141.437 for purposes of the ENERGY STAR home and the
25 ENERGY STAR manufactured home credits;
- 26 4. KRS 141.383 for purposes of the film industry incentives;
- 27 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization

- 1 credit and the job assessment fees;
- 2 6. KRS 141.068 for purposes of the Kentucky investment fund;
- 3 7. KRS 141.396 for purposes of the angel investor credit;
- 4 8. KRS 141.389 for purposes of the distilled spirits credit;
- 5 9. KRS 141.408 for purposes of the inventory credit;
- 6 10. KRS 141.390 for purposes of the recycling and composting credits;
- 7 11. KRS 141.3841 for purposes of the selling farmer credit;
- 8 12. KRS 141.4231 for purposes of the renewable chemical production
- 9 credit;
- 10 13. KRS 141.524 for purposes of the Education Opportunity Account
- 11 Program credit;
- 12 14. KRS 141.398 for purposes of the development area credit;
- 13 15. KRS 139.516 for purposes of the sales and use tax exemptions for the
- 14 commercial mining of cryptocurrency;
- 15 16. KRS 141.419 for purposes of the decontamination credit;
- 16 17. KRS 141.391 for purposes of the qualified broadband investment credit;
- 17 18. KRS 139.499 for purposes of the sales and use tax exemptions for a
- 18 qualified data center project;~~and~~
- 19 19. KRS 139.5325 for purposes of the sales and use tax incentive for a
- 20 qualifying attraction;
- 21 **20. Section 46 of this Act for purposes of the film and motion picture sales**
- 22 **tax exemption;**
- 23 **21. Section 53 of this Act for purposes of the hiring of unemployed**
- 24 **persons credit;**
- 25 **22. Section 54 of this Act for the purposes of the qualified farming**
- 26 **operations credit;**
- 27 **23. Section 56 of this Act for purposes of the High School Equivalency**

1 *Diploma Incentives credit; and*
2 *24. Section 103 of this Act for purposes of refunds issued for coal*
3 *transported directly to a market outside of the United States, but*
4 *within North America and for coal transported directly to a market*
5 *outside of North America.*

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

1 boundaries of mined-out parcel areas. Property boundaries contained in mine maps
2 required under KRS Chapters 350 and 352 shall not be construed to constitute land
3 surveying or boundary surveys as defined by KRS 322.010 and any administrative
4 regulations promulgated thereto.

5 ➔Section 45. KRS 160.6131 is amended to read as follows:

6 As used in KRS 160.613 to 160.617:

- 7 (1) "Department" means the Department of Revenue;
- 8 (2) "Communications service" means the provision, transmission, conveyance, or
9 routing, for consideration, of voice, data, video, or any other information signals of
10 the purchaser's choosing to a point or between or among points specified by the
11 purchaser, by or through any electronic, radio, light, fiber optic, or similar medium
12 or method now in existence or later devised.
- 13 (a) "Communications service" includes but is not limited to:
- 14 1. Local and long-distance telephone services;
 - 15 2. Telegraph and teletypewriter services;
 - 16 3. Postpaid calling services;
 - 17 4. Private communications services involving a direct channel specifically
18 dedicated to a customer's use between specific points;
 - 19 5. Channel services involving a path of communications between two (2)
20 or more points;
 - 21 6. Data transport services involving the movement of encoded information
22 between points by means of any electronic, radio, or other medium or
23 method;
 - 24 7. Caller ID services, ring tones, voice mail, and other electronic
25 messaging services;
 - 26 8. Mobile wireless telecommunications service and fixed wireless service
27 as defined in KRS 139.195; and

- 1 9. Voice over Internet Protocol (VOIP).
- 2 (b) "Communications service" does not include any of the following if the
- 3 charges are separately itemized on the bill provided to the purchaser:
- 4 1. Information services;
- 5 2. Internet access as defined in 47 U.S.C. sec. 151;
- 6 3. Installation, reinstallation, or maintenance of wiring or equipment on a
- 7 customer's premises. This exclusion does not apply to any charge
- 8 attributable to the connection, movement, change, or termination of a
- 9 communications service;
- 10 4. The sale of directory and other advertising and listing services;
- 11 5. Billing and collection services provided to another communications
- 12 service provider;
- 13 6. Cable service, satellite broadcast, satellite master antenna television,
- 14 wireless cable service, including direct-to-home satellite service as
- 15 defined in Section 602 of the federal Telecommunications Act of 1996,
- 16 and Internet protocol television provided through wireline facilities
- 17 without regard to delivery technology;
- 18 7. The sale of communications service to a communications provider that
- 19 is buying the communications service for sale or incorporation into a
- 20 communications service for sale, including:
- 21 a. Carrier access charges, excluding user access fees;
- 22 b. Right of access charges;
- 23 c. Interconnection charges paid by the provider of mobile
- 24 telecommunications services or other communications providers;
- 25 d. Charges for the sale of unbundled network elements as defined in
- 26 47 U.S.C. sec. 153(29) on January 1, 2001, to which access is
- 27 provided on an unbundled basis in accordance with 47 U.S.C. sec.

- 1 251(c)(3); and
- 2 e. Charges for use of facilities for providing or receiving
- 3 communications service;
- 4 8. ~~{The sale of communications services provided to the public by means~~
- 5 ~~of a pay phone;~~
- 6 9. ~~—~~Prepaid calling services and prepaid wireless calling service;
- 7 9.~~{10.}~~ Interstate telephone service, if the interstate charge is separately
- 8 itemized for each call; and
- 9 10.~~{11.}~~ If the interstate calls are not itemized, the portion of telephone
- 10 charges identified and set out on the customer's bill as interstate as
- 11 supported by the provider's books and records;
- 12 (3) "Gross cost" means the total cost of utility services including the cost of the
- 13 tangible personal property and any services associated with obtaining the utility
- 14 services regardless from whom purchased;
- 15 (4) "Gross receipts" means all amounts received in money, credits, property, or other
- 16 money's worth in any form, as consideration for the furnishing of utility services;
- 17 (5) "Utility services" means the furnishing of communications services, electric power,
- 18 water, and natural, artificial, and mixed gas;
- 19 (6) "Cable service" has the same meaning as in KRS 136.602;
- 20 (7) "Satellite broadcast and wireless cable service" has the same meaning as in KRS
- 21 136.602;
- 22 (8) "Ring tones" has the same meaning as in KRS 136.602;
- 23 (9) "Multichannel video programming service" has the same meaning as in KRS
- 24 136.602;
- 25 (10) "Industrial processing" has the same meaning as in KRS 139.010;
- 26 (11) "Manufacturing" has the same meaning as in KRS 139.010;
- 27 (12) "Plant facility" has the same meaning as in KRS 139.010;

1 (13) "Commercial mining of cryptocurrency" has the same meaning as in KRS 139.516;
2 and

3 (14) "Colocation facility" has the same meaning as in KRS 139.516.

4 ➔Section 46. KRS 139.538 is amended to read as follows:

5 (1) It is the intent and purpose of the General Assembly in enacting this section and
6 KRS 139.990(5), to encourage the motion picture industry to choose locations in
7 the Commonwealth for the filming or producing of motion pictures, by providing
8 an exemption from sales and use taxes. The exemption is accomplished by granting
9 a refundable credit for sales and use taxes paid on purchases made in connection
10 with the filming or producing of motion pictures in Kentucky.

11 (2) (a) On or after July 1, 2030~~[April 27, 2018, and until July 1, 2022]~~, the
12 department shall not accept any new applications as provided by subsection
13 (4) of this section.

14 (b) On or before November 1, 2026, and each November 1, thereafter as long as
15 this refundable credit is available~~[June 1, 2019]~~, the department shall report
16 to the Legislative Research Commission for referral ~~[provide the following~~
17 ~~information]~~ to the Interim Joint Committee on Appropriations and Revenue
18 for all fiscal years data is available:

- 19 1. The name and address of the motion picture company;
- 20 2. By county, the filming location or locations in this state;
- 21 3. A brief description of the production or productions;
- 22 4. The amount of sales and use tax refunded to the motion picture
23 company~~;~~ ~~and]~~
- 24 5. The total number of motion picture companies claiming the credit;
25 and
- 26 6. The total amount of all sales and use tax refunded to motion picture
27 production companies during each fiscal year reported.

1 *(c) The information required to be reported under this section shall not be*
2 *considered confidential taxpayer information and shall not be subject to*
3 *KRS Chapter 131 or any other provisions of the Kentucky Revised Statutes*
4 *prohibiting disclosure or reporting of information.*

- 5 (3) As used in this section and KRS 139.990(5):
- 6 (a) "Financial institution" means any bank or savings and loan institution in the
7 Commonwealth which carries FDIC or FSLIC insurance;
- 8 (b) "Motion picture production company" means a company engaged in the
9 business of producing motion pictures intended for a theatrical release or for
10 exhibition on national television either by a network or for national
11 syndication, or television programs which will serve as a pilot for or a
12 segment of a nationally televised dramatic series, either by a network or for
13 national syndication; and
- 14 (c) "Secretary" means the secretary of the Kentucky Finance and Administration
15 Cabinet.
- 16 (4) Any motion picture production company that intends to film all or parts of a motion
17 picture in the Commonwealth and desires to receive the credit provided for in
18 subsection (7) of this section shall, prior to the commencement of filming:
- 19 (a) Provide the department with the address of a Kentucky location at which
20 records of expenditures qualifying for the tax credit will be maintained, and
21 with the name of the individual maintaining these records; and
- 22 (b) File an application for the tax credit within sixty (60) days after the
23 completion of filming or production in Kentucky. The application shall
24 include a final expenditure report providing documentation for expenditures
25 in accordance with administrative regulations promulgated by the department.
- 26 (5) To qualify as a basis for the financial incentive, expenditures must be made by
27 check drawn upon any Kentucky financial institution.

- 1 (6) The twelve (12) month period during which expenditures may qualify for the tax
2 credit shall begin on the date of the earliest expenditure reported.
- 3 (7) Any motion picture production company which films or produces one (1) or more
4 motion pictures in the Commonwealth during any twelve (12) month period shall,
5 upon making application therefor and meeting the other requirements prescribed in
6 this section, be entitled to a refundable tax credit equal to the amount of Kentucky
7 sales and use tax paid for purchases made in connection with the filming or
8 production of a motion picture.
- 9 (8) The department shall, within sixty (60) days following the receipt of an application
10 for a credit for sales and use tax paid, calculate the total expenditures of the motion
11 picture production company for which there is documentation for funds expended
12 in the Commonwealth, calculate the amount of credit to which the applicant is
13 entitled, and certify the amount of the credit to the secretary. In the case of an audit,
14 as provided for in subsection (13) of this section, the department shall certify the
15 amount of the credit due to the secretary within one hundred eighty (180) days
16 following the receipt of the motion picture production company's application.
- 17 (9) Upon receipt of the certification of the amount of credit from the department, the
18 secretary shall cause the refund of sales taxes paid to be remitted to the motion
19 picture production company. For purposes of payment and funding thereof, the
20 credit shall be paid in the same manner as other claims on the State Treasury are
21 paid. They shall not be charged against any appropriation but shall be deducted
22 from tax receipts for the current fiscal year.
- 23 (10) The sales and use taxes paid by the motion picture production company for which a
24 refundable tax credit is granted shall be deemed not to have been legally paid into
25 the State Treasury, and the refund of the credit shall not be in violation of Section
26 59 of the Kentucky Constitution.
- 27 (11) Any tax credit or part thereof paid to a motion picture production company as a

1 result of error by the department shall be repaid by such company to the secretary.

2 (12) Any tax credit or part thereof paid to a motion picture production company as a
3 result of error or fraudulent statements made by the motion picture production
4 company shall be repaid by such company to the secretary, together with interest, at
5 the tax interest rate provided for in KRS 131.010(6).

6 (13) The department may require that reported expenditures and the application for the
7 tax credit from a motion picture production company be subjected to an audit by the
8 department auditors to verify expenditures.

9 (14) For companies in the business of producing films or television shows other than
10 those which would qualify them for the credit under the definition of "motion
11 picture production company," the department may require separate accounting
12 records for the reporting of expenditures made in connection with the application
13 for a refundable tax credit.

14 (15) The department may promulgate appropriate administrative regulations to carry out
15 the intent and purposes of this section.

16 ➔Section 47. KRS 132.096 is amended to read as follows:

17 The following classes of property shall be exempt from state and local ad valorem taxes,
18 including the county, city, school, and other taxing district in which it has a taxable situs:

19 (1) Farm implements and farm machinery owned by or leased to a person actually
20 engaged in farming and used in his or her farm operations;

21 (2) Livestock, ratite birds, and domestic fowl;

22 (3) Tangible personal property located in a foreign trade zone established pursuant to
23 19 U.S.C. secs. 81a to 81u, provided that the zone is activated in accordance with
24 the regulations of the United States Customs Service and the Foreign Trade Zones
25 Board;

26 (4) Property that is certified as an alcohol production facility as defined in KRS
27 247.910;

- 1 (5) ~~[Property that is certified as a fluidized bed energy production facility as defined in~~
2 ~~KRS 211.390;~~
- 3 ~~(6)~~ Computer software, except prewritten computer software as defined in KRS
4 139.010;
- 5 ~~(6)~~~~(7)~~ Trucks, tractors, and buses used on routes or in systems that are partly within
6 and partly outside this state, and that are subject to the fee imposed by KRS
7 136.188;
- 8 ~~(7)~~~~(8)~~ Semitrailers and trailers, as defined in KRS 189.010, if the semitrailers or
9 trailers are used on a route or in a system that is partly within and partly outside this
10 state. Semitrailers or trailers required to be registered under KRS 186.655 that are
11 used only in this state shall be subject to the ad valorem tax imposed by KRS
12 132.487;
- 13 ~~(8)~~~~(9)~~ All intangible personal property, except intangible personal property assessed
14 under KRS 132.030 or KRS Chapter 136. Nothing in this subsection shall prohibit
15 local taxation of franchises of:
- 16 (a) Corporations;
- 17 (b) Financial institutions as provided in KRS 136.575; or
- 18 (c) Domestic life insurance companies;
- 19 ~~(9)~~~~(10)~~ All real and personal property owned by another state or a political
20 subdivision of another state that is used exclusively for public purposes, if a
21 comparable exemption is provided in that state or political subdivision for property
22 owned by the Commonwealth of Kentucky or its political subdivisions;
- 23 ~~(10)~~~~(11)~~ Every fraternal benefit society organized or licensed under Subtitle 29 of KRS
24 Chapter 304 that is a charitable and benevolent institution, and its funds shall be
25 exempt from all state, county, district, city, and school taxes, other than taxes on
26 real property and office equipment; and
- 27 ~~(11)~~~~(12)~~ (a) Any bridge built by an adjoining state, by the government of the United

1 States, or by any commission created by an Act of Congress, over a boundary
2 line stream between this state and an adjoining state, which is:

- 3 1. Not operated for profit and, if it connects with a primary highway of this
4 state, is declared to be public property used for public purposes; and
- 5 2. Exempt from taxation unless the adjoining state, or other public body
6 constructing the bridge, taxes similar bridges built by this
7 Commonwealth in like manner.

8 (b) The issuance of bonds for the purpose of amortizing the cost of construction
9 of the bridges, as described in paragraph (a) of this subsection, shall not affect
10 the tax exemption granted.

11 ➔Section 48. KRS 139.480 is amended to read as follows:

12 Any other provision of this chapter to the contrary notwithstanding, the terms "sale at
13 retail," "retail sale," "use," "storage," and "consumption," as used in this chapter,
14 ~~do~~shall not include the sale, use, storage, or other consumption of:

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

18 (2) Coal for the manufacture of electricity;

19 (3) (a) All energy or energy-producing fuels used in the course of manufacturing,
20 processing, mining, or refining and any related distribution, transmission, and
21 transportation services for this energy that are billed to the user, to the extent
22 that the cost of the energy or energy-producing fuels used, and related
23 distribution, transmission, and transportation services for this energy that are
24 billed to the user exceed three percent (3%) of the cost of production.

25 (b) Cost of production shall be computed on the basis of a plant facility, which
26 ~~includes~~includes all operations within the continuous, unbroken,
27 integrated manufacturing or industrial processing process that ends with a

1 product packaged and ready for sale.

2 (c) A person who performs a manufacturing or industrial processing activity for a
3 fee and does not take ownership of the tangible personal property that is
4 incorporated into, or becomes the product of, the manufacturing or industrial
5 processing activity is a toller. For periods on or after July 1, 2018, the costs of
6 the tangible personal property shall be excluded from the toller's cost of
7 production at a plant facility with tolling operations in place as of July 1,
8 2018.

9 (d) For plant facilities that begin tolling operations after July 1, 2018, the costs of
10 tangible personal property shall be excluded from the toller's cost of
11 production if the toller:

- 12 1. Maintains a binding contract for periods after July 1, 2018, that governs
13 the terms, conditions, and responsibilities with a separate legal entity,
14 which holds title to the tangible personal property that is incorporated
15 into, or becomes the product of, the manufacturing or industrial
16 processing activity;
- 17 2. Maintains accounting records that show the expenses it incurs to fulfill
18 the binding contract that include but are not limited to energy or energy-
19 producing fuels, materials, labor, procurement, depreciation,
20 maintenance, taxes, administration, and office expenses;
- 21 3. Maintains separate payroll, bank accounts, tax returns, and other records
22 that demonstrate its independent operations in the performance of its
23 tolling responsibilities;
- 24 4. Demonstrates one (1) or more substantial business purposes for the
25 tolling operations germane to the overall manufacturing, industrial
26 processing activities, or corporate structure at the plant facility. A
27 business purpose is a purpose other than the reduction of sales tax

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

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

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

- 1 (19) ~~{Any property which has been certified as a fluidized bed energy production facility~~
2 ~~as defined in KRS 211.390;~~
- 3 ~~(20)~~ (a) 1. Any property to be incorporated into the construction, rebuilding,
4 modification, or expansion of a blast furnace or any of its components or
5 appurtenant equipment or structures as part of an approved supplemental
6 project, as defined in~~by~~ KRS 154.26-010; and
- 7 2. Materials, supplies, and repair or replacement parts purchased for use in
8 the operation and maintenance of a blast furnace and related carbon
9 steel-making operations as part of an approved supplemental project, as
10 defined in~~by~~ KRS 154.26-010.
- 11 (b) The exemptions provided in this subsection shall be effective for sales made:
- 12 1. On and after July 1, 2018; and
- 13 2. During the term of a supplemental project agreement entered into
14 pursuant to KRS 154.26-090;
- 15 ~~(20)~~(21) Beginning on October 1, 1986, food or food products purchased for human
16 consumption with food coupons issued by the United States Department of
17 Agriculture pursuant to the Food Stamp Act of 1977, as amended, and required to
18 be exempted by the Food Security Act of 1985 in order for the Commonwealth to
19 continue participation in the federal food stamp program;
- 20 ~~(21)~~(22) Machinery or equipment purchased or leased by a business, industry, or
21 organization in order to collect, source separate, compress, bale, shred, or otherwise
22 handle waste materials if the machinery or equipment is primarily used for
23 recycling purposes;
- 24 ~~(22)~~(23) Ratite birds and eggs to be used in an agricultural pursuit for the breeding and
25 production of ratite birds, feathers, hides, breeding stock, eggs, meat, and ratite by-
26 products, and the following items used in this agricultural pursuit:
- 27 (a) Feed and feed additives;

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

1 attachments, repair and replacement parts, and any materials incorporated into
 2 the construction, renovation, or repair of the facilities;

3 ~~(25)~~~~(26)~~ Baling twine and baling wire for the baling of hay and straw;

4 ~~(26)~~~~(27)~~ Water sold to a person regularly engaged in the business of farming and used
 5 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
 10 for human consumption; or

11 2. Ratites, llamas, alpacas, buffaloes~~buffalo~~, cervids or aquatic
 12 organisms;

13 ~~(27)~~~~(28)~~ Buffaloes~~Buffalos~~ to be used as beasts of burden or in an agricultural
 14 pursuit for the production of hides, breeding stock, meat, and buffalo by-products,
 15 and the following items used in this pursuit:

16 (a) Feed and feed additives;

17 (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;
 18 and

19 (c) On-farm facilities, including equipment, machinery, attachments, repair and
 20 replacement parts, and any materials incorporated into the construction,
 21 renovation, or repair of the facilities. The exemption shall apply to waterer
 22 and feeding systems, ventilation systems, and alarm systems. In addition, the
 23 exemption shall apply whether or not the seller is under contract to deliver,
 24 assemble, and incorporate into real estate the equipment, machinery,
 25 attachments, repair and replacement parts, and any materials incorporated into
 26 the construction, renovation, or repair of the facilities;

27 ~~(28)~~~~(29)~~ Aquatic organisms sold directly to or raised by a person regularly engaged in

1 the business of producing products of aquaculture, as defined in KRS 260.960, for
2 sale, and the following items used in this pursuit:

- 3 (a) Feed and feed additives;
- 4 (b) Water;
- 5 (c) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;
- 6 and
- 7 (d) On-farm facilities, including equipment, machinery, attachments, repair and
8 replacement parts, and any materials incorporated into the construction,
9 renovation, or repair of the facilities and, any gasoline, special fuels, liquefied
10 petroleum gas, or natural gas used to operate the facilities. The exemption
11 shall apply, but not be limited to: waterer and feeding systems; ventilation,
12 aeration, and heating systems; processing and storage systems; production
13 systems such as ponds, tanks, and raceways; harvest and transport equipment
14 and systems; and alarm systems. In addition, the exemption shall apply
15 whether or not the seller is under contract to deliver, assemble, and
16 incorporate into real estate the equipment, machinery, attachments, repair and
17 replacement parts, and any materials incorporated into the construction,
18 renovation, or repair of the facilities;

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

- 22 (a) Feed and feed additives;
- 23 (b) Insecticides, fungicides, herbicides, rodenticides, and other chemicals; and
- 24 (c) On-site facilities, including equipment, machinery, attachments, repair and
25 replacement parts, and any materials incorporated into the construction,
26 renovation, or repair of the facilities. In addition, the exemption shall apply
27 whether or not the seller is under contract to deliver, assemble, and

1 incorporate into real estate the equipment, machinery, attachments, repair and
2 replacement parts, and any materials incorporated into the construction,
3 renovation, or repair of the facilities;

4 ~~(30)~~~~(31)~~ (a) Repair or replacement parts for the direct operation or maintenance of a
5 motor vehicle, including any towed unit, used exclusively in interstate
6 commerce for the conveyance of property or passengers for hire, provided the
7 motor vehicle is licensed for use on the highway and its declared gross vehicle
8 weight with any towed unit is forty-four thousand and one (44,001) pounds or
9 greater. Nominal intrastate use shall not subject the property to the taxes
10 imposed by this chapter; and

11 (b) Repair or replacement parts for the direct operation and maintenance of a
12 motor vehicle operating under a charter bus certificate issued by the
13 Transportation Cabinet under KRS Chapter 281, or under similar authority
14 granted by the United States Department of Transportation.

15 (c) For the purposes of this subsection, "repair or replacement parts" means tires,
16 brakes, engines, transmissions, drive trains, chassis, body parts, and their
17 components. "Repair or replacement parts" ~~shall~~ **does** not include fuel,
18 machine oils, hydraulic fluid, brake fluid, grease, supplies, or accessories not
19 essential to the operation of the motor vehicle itself, except when sold as part
20 of the assembled unit, such as cigarette lighters, radios, lighting fixtures not
21 otherwise required by the manufacturer for operation of the vehicle, or tool or
22 utility boxes;

23 ~~(31)~~~~(32)~~ Food donated by a retail food establishment or any other entity regulated
24 under KRS 217.127 to a nonprofit organization for distribution to the needy;

25 ~~(32)~~~~(33)~~ Drugs and over-the-counter drugs, as defined in KRS 139.472, that are
26 purchased by a person regularly engaged in the business of farming and used in the
27 treatment of cattle, sheep, goats, swine, poultry, ratite birds, llamas, alpacas,

1 buffaloes~~[buffalo]~~, aquatic organisms, or cervids;

2 ~~(33)~~~~(34)~~ (a) Building materials, fixtures, or supplies purchased by a construction
3 contractor if:

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

5 a. A municipally owned water utility organized under KRS Chapter
6 96;

7 b. A water district or water commission formed or organized under
8 KRS Chapter 74;

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

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

14 e. Regional wastewater commissions formed under KRS Chapter
15 278;

16 f. A municipally owned joint sewer agency formed under KRS
17 Chapter 76; or

18 g. Any other governmental agency; and

19 2. The building materials, fixtures, or supplies:

20 a. Will be permanently incorporated into a structure or improvement
21 to real property, or will be completely consumed, in fulfilling a
22 construction contract for the purpose of furnishing water or sewer
23 services to the general public; and

24 b. Would be exempt if purchased directly by the entities listed in
25 subparagraph 1. of this paragraph.

26 (b) As used in this subsection, "construction contract" means a:

27 1. Lump sum contract;

- 1 2. Cost plus contract;
- 2 3. Materials only contract;
- 3 4. Labor and materials contract; or
- 4 5. Any other type of contract.

5 (c) The exemption provided in this subsection shall apply without regard to the
6 payment arrangement between the construction contractor, the retailer, and
7 the entities listed in paragraph (a)1. of this subsection or to the place of
8 delivery for the building materials, fixtures, or supplies;

9 ~~(34)~~~~(35)~~ (a) On or after February 25, 2022, the rental of space for meetings,
10 conventions, short-term business uses, entertainment events, weddings,
11 banquets, parties, and other short-term social events, as referenced in KRS
12 139.200, if the tax established in KRS 139.200 is paid by the primary lessee to
13 the lessor.

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

- 16 1. The contract between the lessor and the lessee specifies that the lessee
17 may sublease, subrent, or otherwise sell the space; and
- 18 2. The space is then sublet, subrented, or otherwise sold to exhibitors,
19 vendors, sponsors, or other entities and persons who will use the space
20 associated with the event to be conducted under the primary lease;

21 ~~(35)~~~~(36)~~ Prewritten computer software access services sold to or purchased by a
22 retailer that develops prewritten computer software for print technology and uses
23 and sells prewritten computer software access services for print technology;

24 ~~(36)~~~~(37)~~ (a) Currency or bullion.

25 (b) As used in this subsection:

- 26 1. "Bullion":
 - 27 a. Means bars, ingots, or coins, which are:

- 1 i. Made of gold, silver, platinum, palladium, or a combination
 2 of these metals;
- 3 ii. Valued based on the content of the metal and not its form;
 4 and
- 5 iii. Used, or have been used, as a medium of exchange, security,
 6 or commodity by any state, the United States government, or
 7 a foreign nation; and
- 8 b. Does not include medallions or coins that are incorporated into a
 9 pendant or other jewelry; and
- 10 2. "Currency":
- 11 a. Means a coin or currency made of gold, silver, platinum,
 12 palladium, or other metal or paper money that is or has been used
 13 as legal tender and is sold based on its value as a collectible item
 14 rather than the value as a medium of exchange; and
- 15 b. Does not include a coin or currency that has been incorporated into
 16 jewelry; and
- 17 ~~(37)~~~~(38)~~ Medicinal cannabis as defined in KRS 218B.010 when sold, used, stored, or
 18 consumed in accordance with KRS Chapter 218B.
- 19 ➔Section 49. KRS 139.4802 is amended to read as follows:
- 20 (1) (a) On or after March 27, 2025, a violation shall occur when an official notice
 21 published by the secretary of the Finance and Administration Cabinet or the
 22 commissioner of the department instructs that taxpayers should continue to
 23 collect and remit sales and use tax on the sale, use, storage, or other
 24 consumption of currency or bullion currency under this chapter.
- 25 (b) Any notice or instruction, published at any time, that states that on or after
 26 August 1, 2024, the sale, use, storage, or other consumption of currency or
 27 bullion currency under this chapter is taxable is void and unenforceable.

- 1 (2) Notwithstanding KRS 49.220 and 139.770, on and after August 1, 2024, any person
2 who paid sales tax under KRS 139.200 or use tax under KRS 139.310 on currency
3 or bullion currency that is exempt from sales and use tax under KRS 139.480
4 ~~(36)~~~~(37)~~ may maintain an action for a refund of the tax paid, as an individual or
5 by seeking certification as a class under Rule 23 of the Kentucky Rules of Civil
6 Procedure, for a refund on behalf of the person and other persons similarly situated
7 against the Commonwealth.
- 8 (3) An action for a refund pursuant to subsection (2) of this section, or alleging a
9 violation under subsection (1) of this section, may be brought in the Circuit Court
10 of any county where the named plaintiff resides or where the currency or bullion
11 currency transaction took place.
- 12 (4) In addition to a refund of the sales or use tax, persons seeking a refund pursuant to
13 subsection (2) of this section or alleging a violation under subsection (1) of this
14 section who prevail shall be entitled to:
- 15 (a) Prejudgment and post-judgment interest;
- 16 (b) Temporary or permanent injunctive relief;
- 17 (c) Reasonable attorney's fees and costs; and
- 18 (d) For allegations of a violation under subsection (1) of this section, liquidated
19 damages of one thousand dollars (\$1,000) for each day that the violation
20 occurred, which shall be paid from the administrative budget of the Finance
21 and Administration Cabinet, the department, or the Office of the Governor.
- 22 (5) It is the intent of the General Assembly to waive sovereign, governmental, and
23 qualified immunity for claims under this section, including immunity afforded to
24 the Commonwealth pursuant to the Eleventh Amendment to the Constitution of the
25 United States.
- 26 (6) Any person who directs, instructs, or causes a violation of any provision of this
27 section shall be personally, jointly, and severally liable for any awarded damages.

1 ➔Section 50. KRS 139.481 is amended to read as follows:

- 2 (1) On and after January 1, 2023, every person claiming an exemption provided under
3 KRS 139.480(4) to (9), (11), (13) to (15), (22) to (29), and (32)~~[(23) to (30), and~~
4 ~~(33)]~~ shall provide to the seller or retailer a valid agriculture exemption license
5 number issued by the department.
- 6 (2) A person is eligible to apply for an agriculture exemption license number if the
7 person is:
- 8 (a) Regularly engaged in the occupation of tilling and cultivating the soil for the
9 production of crops as a business;
- 10 (b) Regularly engaged in the occupation of raising and feeding livestock of a kind
11 the products of which ordinarily constitute food for human consumption;
- 12 (c) Raising and feeding poultry;
- 13 (d) Producing milk for sale; or
- 14 (e) Regularly engaged in raising ratite birds, llamas, alpacas, buffaloes~~[buffalos]~~,
15 cervids, or aquatic organisms as an agricultural pursuit.
- 16 (3) (a) On and after January 1, 2023, persons that receive an agriculture exemption
17 license number and choose to claim the exemptions outlined in subsection (1)
18 of this section shall, at least one (1) time, provide the seller or retailer from
19 whom they purchase exempt tangible personal property with one (1) of the
20 following:
- 21 1. The agriculture exemption license number issued by the department; or
- 22 2. A fully completed Streamlined Sales Tax Certificate of Exemption
23 which shall include the agriculture exemption license number.
- 24 (b) A purchaser that has met the requirements of paragraph (a) of this subsection
25 may issue the agriculture exemption license number to the seller or retailer for
26 subsequent purchases as evidence of an exempt purchase for as long as the
27 agriculture exemption license number is valid.

- 1 (c) Persons that meet the requirements of subsection (2) of this section but have
2 not yet received an agriculture exemption license number from the department
3 prior to January 1, 2023, may issue a fully completed exemption certificate or
4 a fully completed Streamlined Sales Tax Certificate of Exemption without the
5 agriculture exemption license number prior to January 1, 2023.
- 6 (4) (a) The department, by administrative regulation, shall develop an application
7 form for the agriculture exemption license number and procedures by which
8 the application form may also be submitted either electronically or by paper
9 filing.
- 10 (b) The application shall include:
- 11 1. The person's name and mailing address;
 - 12 2. The farm address, if different from the person's mailing address;
 - 13 3. An affirmation that the person meets at least one (1) of the criteria
14 outlined in subsection (2) of this section;
 - 15 4. The person's driver's license number; and
 - 16 5. One (1) of the following forms of documentation:
 - 17 a. IRS Schedule F, Profit or Loss from Farming;
 - 18 b. IRS Form 4835, Farm Rental Income and Expenses;
 - 19 c. The farm service agency number or numbers assigned by the
20 United States Department of Agriculture pertaining to the parcels
21 of land on which agriculture activity will take place; or
 - 22 d. Any other type of information that may establish to the satisfaction
23 of the Commissioner that the applicant qualifies for the agriculture
24 exemption license number.
- 25 (5) (a) The agriculture exemption license number shall expire:
26 1. On December 31, 2026, and every four (4) years thereafter;~~1.~~ or
27 2. When the person ceases to engage in the agriculture activity for which

1 the agriculture exemption license number was granted;~~;~~
2 whichever comes first.

3 (b) **The department shall extend the December 31, 2026, deadline for a period**
4 **not to exceed six (6) months, as needed to allow persons with agriculture**
5 **exemption license numbers to renew before expiration.**

6 (c) When a person ceases to engage in the agriculture activity for which the
7 license number was granted, the person shall notify the department within
8 sixty (60) days.

9 ~~(d)~~(e) The person may apply for a renewal of the agriculture exemption license
10 number prior to the expiration date if the person continues to meet the
11 requirements of subsection (2) of this section and provides documentation
12 required by subsection (4)(b)5. of this section. The department shall, by
13 administrative regulation, prescribe the electronic process for renewing an
14 agriculture exemption license number.

15 (6) (a) On or before January 1, 2023, the department shall develop and provide an
16 online searchable database on the department's website that the seller or
17 retailer may use to confirm the agriculture exemption license number if the
18 purchaser cannot produce documentation of the agriculture exemption license
19 number at the time of sale.

20 (b) To search the database, the seller or retailer shall provide the name of the
21 person assigned the agriculture exemption license number and one (1) of the
22 following:

- 23 1. The agriculture exemption license number;
- 24 2. The agriculture exemption license number expiration date;
- 25 3. The person's driver's license number;
- 26 4. The farm service agency parcel number; or
- 27 5. Any other unique identifier that may be accepted by the department.

1 (c) The seller or retailer shall be relieved of the liability for collecting and
2 remitting the sales and use tax if the seller or retailer meets the requirements
3 of KRS 139.260 and 139.270.

4 ➔Section 51. KRS 141.0401 is amended to read as follows:

5 (1) As used in this section:

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

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

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

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

20 1. Amounts that are:

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

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

27 2. For manufacturing, producing, reselling, retailing, or wholesaling

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

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

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

1 sources, less the cost of goods sold attributable to gross receipts from all
2 sources. If the amount of returns and allowances attributable to gross
3 receipts from all sources and the cost of goods sold attributable to gross
4 receipts from all sources is zero, then gross profits from all sources
5 means gross receipts from all sources;

6 (f) "Direct labor" means labor that is incorporated into the tangible product sold
7 or is an integral part of the manufacturing process;

8 (g) "Bulk delivery costs" means the cost of delivering the product to the
9 consumer if:

10 1. The tangible product is delivered in bulk and requires specialized
11 equipment that generally precludes commercial shipping; and

12 2. The tangible product is taxable under KRS 138.220;

13 (h) "Manufacturing" and "producing" means:

14 1. Manufacturing, producing, constructing, or assembling components to
15 produce a significantly different or enhanced end tangible product;

16 2. Mining or severing natural resources from the earth; or

17 3. Growing or raising agricultural or horticultural products or animals;

18 (i) "Real property" means land and anything growing on, attached to, or erected
19 on it, excluding anything that may be severed without injury to the land;

20 (j) "Reselling," "retailing," and "wholesaling" mean the sale of a tangible
21 product;

22 (k) "Tangible personal property" means property, other than real property, that
23 has physical form and characteristics; and

24 (l) "Tangible product" means real property and tangible personal property;

25 (2) (a) For taxable years beginning on or after January 1, 2007, an annual limited
26 liability entity tax shall be paid by every corporation and every limited
27 liability pass-through entity doing business in Kentucky on all Kentucky gross

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

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

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

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

27 c. If the corporation's or limited liability pass-through entity's gross

1 receipts from all sources are equal to or greater than six million
2 dollars (\$6,000,000), the limited liability entity tax shall be nine
3 and one-half cents (\$0.095) per one hundred dollars (\$100) of the
4 corporation's or limited liability pass-through entity's Kentucky
5 gross receipts.

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

1 gross profits.

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

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

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

19 (3) A nonrefundable credit based on the tax calculated under subsection (2) of this
20 section shall be allowed against the tax imposed by KRS 141.020 or 141.040. The
21 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 8.19. ~~Real estate investment trusts as defined in Section 856 of the Internal~~
14 Revenue Code;
- 15 9.10. ~~Regulated investment companies as defined in Section 851 of the~~
16 Internal Revenue Code;
- 17 10.11. ~~Real estate mortgage investment conduits as defined in Section~~
18 860D of the Internal Revenue Code;
- 19 11.12. ~~Personal service corporations as defined in Section 269A(b)(1) of~~
20 the Internal Revenue Code;
- 21 12.13. ~~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 ~~13.14.~~ 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 52. KRS 141.206 is amended to read as follows:

7 (1) Every pass-through entity doing business in this state shall, on or before the
8 fifteenth day of the fourth month following the close of its annual accounting
9 period, file a copy of its federal tax return with the form prescribed and furnished
10 by the department.

11 (2) (a) Pass-through entities shall calculate net income in the same manner as in the
12 case of an individual under KRS 141.019 and the adjustment required under
13 Sections 703(a) and 1363(b) of the Internal Revenue Code.

14 (b) Computation of net income under this section and the computation of the
15 partner's, member's, or shareholder's distributive share shall be computed as
16 nearly as practicable identical with those required for federal income tax
17 purposes except to the extent required by differences between this chapter and
18 the federal income tax law and regulations.

19 (3) Individuals, estates, trusts, or corporations doing business in this state as a partner,
20 member, or shareholder in a pass-through entity shall be liable for income tax only
21 in their individual, fiduciary, or corporate capacities, and no income tax shall be
22 assessed against the net income of any pass-through entity, except as required:

23 (a) For S corporations under KRS 141.040;

24 (b) For a partnership level audit under KRS 141.211; and

25 (c) For a pass-through entity making an election under KRS 141.209.

26 (4) (a) Every pass-through entity required to file a return under subsection (1) of this
27 section, except publicly traded partnerships as described in KRS

1 141.0401(6)(a)18. and (b)~~13,14~~, shall withhold Kentucky income tax on the
2 distributive share, whether distributed or undistributed, of each nonresident
3 individual partner, member, or shareholder.

4 (b) Withholding shall be at the maximum rate provided in KRS 141.020.

5 (5) (a) Every pass-through entity required to withhold Kentucky income tax as
6 provided by subsection (4) of this section shall pay estimated tax for the
7 taxable year, if for a nonresident individual partner, member, or shareholder,
8 the estimated tax liability can reasonably be expected to exceed five hundred
9 dollars (\$500).

10 (b) The payment of estimated tax shall contain the information and shall be filed
11 as provided in KRS 141.207.

12 (6) (a) If a pass-through entity demonstrates to the department that a partner,
13 member, or shareholder has filed an appropriate tax return for the prior year
14 with the department, then the pass-through entity shall not be required to
15 withhold on that partner, member, or shareholder for the current year unless
16 the exemption from withholding has been revoked pursuant to paragraph (b)
17 of this subsection.

18 (b) 1. An exemption from withholding shall be considered revoked if the
19 partner, member, or shareholder does not file and pay all taxes due in a
20 timely manner.

21 2. An exemption so revoked shall be reinstated only with permission of the
22 department.

23 3. If a partner, member, or shareholder who has been exempted from
24 withholding does not file a return or pay the tax due, the department
25 may require the pass-through entity to pay to the department the amount
26 that should have been withheld, up to the amount of the partner's,
27 member's, or shareholder's ownership interest in the entity.

- 1 4. The pass-through entity shall be entitled to recover a payment made
2 pursuant to this paragraph from the partner, member, or shareholder on
3 whose behalf the payment was made.
- 4 (7) In determining the tax under this chapter, a resident individual, estate, or trust that
5 is a partner, member, or shareholder in a pass-through entity shall take into account
6 the partner's, member's, or shareholder's total distributive share of the pass-through
7 entity's items of income, loss, deduction, and credit.
- 8 (8) In determining the tax under this chapter, a nonresident individual, estate, or trust
9 that is a partner, member, or shareholder in a pass-through entity required to file a
10 return under subsection (1) of this section shall take into account:
- 11 (a) 1. If the pass-through entity is doing business only in this state, the
12 partner's, member's, or shareholder's total distributive share of the pass-
13 through entity's items of income, loss, and deduction; or
- 14 2. If the pass-through entity is doing business both within and without this
15 state, the partner's, member's, or shareholder's distributive share of the
16 pass-through entity's items of income, loss, and deduction multiplied by
17 the apportionment fraction of the pass-through entity as prescribed in
18 subsection (11) of this section; and
- 19 (b) The partner's, member's, or shareholder's total distributive share of credits of
20 the pass-through entity.
- 21 (9) A corporation that is subject to tax under KRS 141.040 and is a partner or member
22 in a pass-through entity shall take into account the corporation's distributive share
23 of the pass-through entity's items of income, loss, and deduction and:
- 24 (a) 1. For taxable years beginning on or after January 1, 2007, but prior to
25 January 1, 2018, shall include the proportionate share of the sales,
26 property, and payroll of the limited liability pass-through entity or
27 general partnership in computing its own apportionment factor; and

- 1 2. For taxable years beginning on or after January 1, 2018, shall include
2 the proportionate share of the sales of the limited liability pass-through
3 entity or general partnership in computing its own apportionment factor;
4 and
- 5 (b) Credits from the partnership.
- 6 (10) (a) If a pass-through entity is doing business both within and without this state,
7 the pass-through entity shall compute and furnish to each partner, member, or
8 shareholder the numerator and denominator of each factor of the
9 apportionment fraction determined in accordance with subsection (11) of this
10 section.
- 11 (b) For purposes of determining an apportionment fraction under paragraph (a) of
12 this subsection, if the pass-through entity is:
- 13 1. Doing business both within and without this state; and
14 2. A partner or member in another pass-through entity;
- 15 then the pass-through entity shall be deemed to own the pro rata share of the
16 property owned or leased by the other pass-through entity, and shall also
17 include its pro rata share of the other pass-through entity's payroll and sales.
- 18 (c) The phrases "a partner or member in another pass-through entity" and "doing
19 business both within and without this state" shall extend to each level of
20 multiple-tiered pass-through entities.
- 21 (d) The attribution to the pass-through entity of the pro rata share of property,
22 payroll and sales from its role as a partner or member in another pass-through
23 entity will also apply when determining the pass-through entity's ultimate
24 apportionment factor for property, payroll and sales as required under
25 subsection (11) of this section.
- 26 (11) (a) For taxable years beginning prior to January 1, 2018, a pass-through entity
27 doing business within and without the state shall compute an apportionment

1 fraction, the numerator of which is the property factor, representing twenty-
2 five percent (25%) of the fraction, plus the payroll factor, representing
3 twenty-five percent (25%) of the fraction, plus the sales factor, representing
4 fifty percent (50%) of the fraction, with each factor determined in the same
5 manner as provided in KRS 141.901, and the denominator of which is four
6 (4), reduced by the number of factors, if any, having no denominator,
7 provided that if the sales factor has no denominator, then the denominator
8 shall be reduced by two (2).

9 (b) For taxable years beginning on or after January 1, 2018, a pass-through entity
10 doing business within and without the state shall compute an apportionment
11 fraction as provided in KRS 141.120.

12 (12) Resident individuals, estates, or trusts that are partners in a partnership, members of
13 a limited liability company electing partnership tax treatment for federal income tax
14 purposes, owners of single member limited liability companies, or shareholders in
15 an S corporation which does not do business in this state are subject to tax under
16 KRS 141.020 on federal net income, gain, deduction, or loss passed through the
17 partnership, limited liability company, or S corporation.

18 (13) An S corporation election made in accordance with Section 1362 of the Internal
19 Revenue Code for federal tax purposes is a binding election for Kentucky tax
20 purposes.

21 (14) (a) Nonresident individuals shall not be taxable on investment income distributed
22 by a qualified investment partnership. For purposes of this subsection, a
23 "qualified investment partnership" means a pass-through entity that, during
24 the taxable year, holds only investments that produce income that would not
25 be taxable to a nonresident individual if held or owned individually.

26 (b) A qualified investment partnership shall be subject to all other provisions
27 relating to a pass-through entity under this section and shall not be subject to

1 the tax imposed under KRS 141.040 or 141.0401.

2 (15) (a) A pass-through entity shall deliver to the department a return upon a form
3 prescribed by the department showing the total amounts paid or credited to its
4 nonresident individual partners, members, or shareholders, the amount paid in
5 accordance with this subsection, and any other information the department
6 may require.

7 (b) A pass-through entity shall furnish to its nonresident partner, member, or
8 shareholder annually, but not later than the fifteenth day of the fourth month
9 after the end of its taxable year, a record of the amount of tax paid on behalf
10 of the partner, member, or shareholder on a form prescribed by the
11 department.

12 ➔Section 53. KRS 141.065 is amended to read as follows:

13 (1) For the purposes of this section, "code" or "Internal Revenue Code" means the
14 Internal Revenue Code in effect as of December 31, 1981.

15 (2) *For taxable years beginning before January 1, 2028,* there shall be allowed as a
16 credit for any taxpayer against the tax imposed by KRS 141.020 or 141.040 and
17 141.0401 for any taxable year, with the ordering of the credits as provided in KRS
18 141.0205, an amount equal to one hundred dollars (\$100) for each person hired by
19 the taxpayer, if that person has been classified as unemployed by the Office of
20 Unemployment Insurance in the Education and Labor Cabinet and has been so
21 classified for at least sixty (60) days prior to his employment by the taxpayer, and if
22 further that person has remained in the employ of the taxpayer for at least one
23 hundred eighty (180) consecutive days during the taxable year in which the
24 taxpayer claims the credit.

25 (3) No credit shall be allowed to any taxpayer for any person hired under any of the
26 following circumstances:

27 (a) A person for whom the taxpayer receives federally funded payments for on-

- 1 the-job training;
- 2 (b) For any person who bears any of the relationships to the taxpayer described in
3 paragraphs (1) through (8) of Section 152(a) of the Internal Revenue Code, or,
4 if the taxpayer is a corporation, to an individual who owns, directly or
5 indirectly, more than fifty percent (50%) in value of the outstanding stock of
6 the corporation as determined with the application of Section 267(c) of the
7 code;
- 8 (c) If the taxpayer is an estate or trust, to any person who is a grantor, beneficiary,
9 or fiduciary of the estate or trust, or is an individual who bears any of the
10 relationships described in paragraphs (1) through (8) of Section 152(a) of the
11 code to a grantor, beneficiary, or fiduciary of the estate or trust; or
- 12 (d) To any person who is a dependent of the taxpayer as described in code
13 Section 152(a)(9), or, if the taxpayer is an estate or trust, of a grantor,
14 beneficiary, or fiduciary of the estate or trust.
- 15 (4) For purposes of this section, all employees of all corporations which are members
16 of the same controlled group of corporations shall be treated as employed by a
17 single employer. In no instance shall the credit, if any, allowable by subsection (2)
18 of this section for any employee qualified thereunder be claimed more than once for
19 any taxable year by such a controlled group of corporations. For purposes of this
20 subsection, the term "controlled group of corporations" has the meaning given to
21 that term by code Section 1563(a), except that "more than fifty percent (50%)" shall
22 be substituted for "at least eighty percent (80%)" each place it appears in code
23 Section 1563(a)(1), and the determination shall be made without regard to
24 subsections (a)(4) and (e)(3)(c) of code Section 1563.
- 25 (5) For purposes of this section, all employees of trades or businesses (whether or not
26 incorporated) which are under common control shall be treated as employed by a
27 single employer, and in no instance shall the credit, if any, allowable by subsection

1 (2) of this section for any employee qualified thereunder be claimed more than once
2 for any taxable year.

3 (6) No credit shall be allowed under subsection (2) of this section to any organization
4 which is exempt from income tax by this chapter.

5 (7) In the case of a pass-through entity, the amount of the credit determined under this
6 section for any taxable year shall be applied at the entity level against the limited
7 liability entity tax imposed by KRS 141.0401 and shall also be apportioned pro rata
8 among the members, partners, or shareholders of the limited liability entity on the
9 last day of the taxable year, and any person to whom an amount is so apportioned
10 shall be allowed, subject to code Section 53, a credit under subsection (2) of this
11 section for that amount.

12 (8) In the case of an estate or trust, the amount of the credit determined under this
13 section for any taxable year shall be apportioned between the estate or trust and the
14 beneficiaries on the basis of income of the estate or trust allocable to each, and any
15 beneficiary to whom any amount has been apportioned under this subsection shall
16 be allowed, subject to code Section 53, a credit under subsection (2) of this section
17 for that amount.

18 (9) In no event shall the credit allowed, pursuant to this section, for any taxable year
19 exceed the tax liability of the taxpayer for the taxable year.

20 **(10) (a) By November 1, 2026, and each November 1 thereafter as long as credit is**
21 **claimed under this section, the department shall report to the Legislative**
22 **Research Commission for referral to the Interim Joint Committee on**
23 **Appropriations and Revenue:**

24 **1. The total number of returns claiming the credit for the taxable year;**

25 **2. The total amount of credit claimed for the taxable year;**

26 **3. By county, the total number of unemployed persons hired for which**
27 **credit is claimed for the taxable year;**

1 **4. By taxpayer:**

2 **a. The name and location of the taxpayer claiming the credit as**
 3 **listed on the tax return;**

4 **b. The total number of tax credits claimed for the taxable year;**

5 **c. The total amount of credit claimed for the taxable year; and**

6 **d. The total number of unemployed persons hired in which credit is**
 7 **claimed for the taxable year; and**

8 **5. a. In the case of taxpayers other than corporations, based on**
 9 **ranges of adjusted gross income of no larger than five thousand**
 10 **dollars (\$5,000) for the taxable year, the total amount of credit**
 11 **claimed and the total number of returns claiming this credit for**
 12 **each adjusted gross income range.**

13 **b. In the case of corporations, based on ranges of net income of no**
 14 **larger than fifty thousand dollars (\$50,000) for the taxable year,**
 15 **the total amount of credit claimed and the total number of**
 16 **returns claiming this credit for each net income range.**

17 **(b) The Office of Unemployment Insurance shall assist by providing the**
 18 **department with the information necessary to help fulfill the requirements**
 19 **under this subsection.**

20 **(c) The information required to be reported under this subsection shall not be**
 21 **considered confidential taxpayer information and shall not be subject to**
 22 **KRS Chapter 131 or any other provisions of the Kentucky Revised Statutes**
 23 **prohibiting disclosure or reporting of information.**

24 ➔Section 54. KRS 141.412 is amended to read as follows:

- 25 (1) **For taxable years beginning before January 1, 2028,** a qualified farming operation
 26 shall be entitled to a nonrefundable credit against the Kentucky income tax liability
 27 established pursuant to the provisions of this chapter on any income of the qualified

1 farming operation generated by or arising out of the qualified farming operation's
2 participation in a networking project, and against the limited liability entity tax
3 imposed by KRS 141.0401 on any Kentucky gross profits or Kentucky gross
4 receipts of the qualified farming operation generated by or arising out of the
5 qualified farming operation's participation in a networking project. The credits shall
6 be applied as provided in KRS 141.0205. The annual credit shall be available for
7 the first five (5) years that the farming operation is involved in the networking
8 project. The annual credit shall be equal to the approved costs incurred by the
9 qualified farming operation during the tax year and shall not exceed the income,
10 Kentucky gross profits or Kentucky gross receipts, as the case may be, of the
11 qualified farming operation generated by or arising out of the qualified farming
12 operation's participation in a networking project.

13 (2) Any credit not used in the tax year in which it first becomes available may be
14 carried forward to the next succeeding five (5) tax years until the credit has been
15 fully used. The aggregate credit used in any tax year shall not exceed the income,
16 Kentucky gross profits or Kentucky gross receipts, as the case may be, of the
17 qualified farming operation generated by or arising out of the qualified farming
18 operation's participation in a networking project in that tax year.

19 **(3) (a) By November 1, 2026, and each November 1 thereafter as long as a**
20 **qualified farming operation credit is claimed under this section, the**
21 **department shall report to the Legislative Research Commission for referral**
22 **to the Interim Joint Committee on Appropriations and Revenue:**

23 **1. The total number of returns claiming the credit for the taxable year;**

24 **2. The total amount of credit claimed for the taxable year;**

25 **3. By taxpayer:**

26 **a. The name and location of the taxpayer claiming the credit as**
27 **listed on the tax return;**

- 1 **b. The total number of tax credits claimed for the taxable year;**
 2 **c. The total amount of credit claimed for the taxable year;**
 3 **d. The name and location, by county, of the networking project;**
 4 **e. Type of food or product produced; and**
 5 **f. Type of raw materials provided for food-producing facilities in**
 6 **this state; and**
- 7 **4. a. In the case of taxpayers other than corporations, based on**
 8 **ranges of adjusted gross income of no larger than five thousand**
 9 **dollars (\$5,000) for the taxable year, the total amount of credit**
 10 **claimed and the total number of returns claiming this credit for**
 11 **each adjusted gross income range.**
- 12 **b. In the case of corporations, based on ranges of net income of no**
 13 **larger than fifty thousand dollars (\$50,000) for the taxable year,**
 14 **the total amount of credit claimed and the total number of**
 15 **returns claiming this credit for each net income range.**
- 16 **(b) The Cabinet for Economic Development shall assist by providing the**
 17 **department with information on the approved farming operations or**
 18 **networking projects to help fulfill the requirements under this subsection.**
- 19 **(c) The information required to be reported under this subsection shall not be**
 20 **considered confidential taxpayer information and shall not be subject to**
 21 **KRS Chapter 131 or any other provisions of the Kentucky Revised Statutes**
 22 **prohibiting disclosure or reporting of information.**

23 ➔Section 55. KRS 141.0101 is amended to read as follows:

- 24 (1) (a) The provisions of subsections (2) to (11) of this section shall apply to taxable
 25 years beginning before January 1, 1994.
- 26 (b) The provisions of subsections (12) to (15) of this section shall apply to taxable
 27 years beginning after December 31, 1993.

- 1 (c) The provisions of subsection (16) of this section apply to property placed in
2 service after September 10, 2001.
- 3 (2) For property placed in service prior to January 1, 1990, in lieu of the depreciation
4 and expense deductions allowed under Internal Revenue Code Sections 168 and
5 179, a deduction for a reasonable allowance for depreciation, exhaustion, wear and
6 tear, and obsolescence of property used in a trade or business shall be allowed and
7 computed as set out in subsections (3) to (11) of this section. For property placed in
8 service after December 31, 1989, the depreciation and expense deductions allowed
9 under Sections 168 and 179 of the Internal Revenue Code shall be allowed.
- 10 (3) Effective August 1, 1985, "reasonable allowance" as used in subsection (2) of this
11 section shall mean depreciation computed in accordance with Section 167 of the
12 Internal Revenue Code and related regulations in effect on December 31, 1980, for
13 all property placed in service on or after January 1, 1981, except as provided in
14 subsections (6) to (8) of this section.
- 15 (4) Depreciation of property placed in service prior to January 1, 1981, shall be
16 computed under Section 167 of the Internal Revenue Code, and the method elected
17 thereunder at the time the property was first placed in service or as changed with
18 the approval of the Commissioner of Internal Revenue Service or as required by
19 changes in federal regulations.
- 20 (5) Taxpayers other than corporations shall be allowed to deduct as depreciation on
21 recovery property placed in service before August 1, 1985, an amount calculated
22 under Section 168 of the Internal Revenue Code subject to the provisions of
23 subsections (6) and (8) of this section. Corporations with a taxable year beginning
24 on or after July 1, 1984, and before August 1, 1985, shall calculate a deduction for
25 depreciation on recovery property placed in service prior to August 1, 1985, using
26 either of the following alternative methods:
- 27 (a) Dividing the total of the deductions allowed under Internal Revenue Code

1 Section 168 by one and four tenths (1.4); and

2 (b) Calculating the deduction that would be allowed or allowable under the
3 provisions of Section 167 of the Internal Revenue Code.

4 (6) Recovery property placed in service on or after January 1, 1981, and before August
5 1, 1985, and subject to transition under subsection (8) of this section, shall be
6 subject to depreciation under Section 167 of the Internal Revenue Code, restricted
7 to the straight line method therein provided over the remaining useful life of such
8 assets.

9 (7) Depreciation of property placed in service on or after August 1, 1985, shall be
10 computed under Section 167 of the Internal Revenue Code.

11 (8) Transition from Section 168 of the Internal Revenue Code, Accelerated Cost
12 Recovery System (ACRS) depreciation, to the depreciation allowed or allowable
13 under this section shall be reported in the first taxable year beginning on or after
14 August 1, 1985. To implement the transition, the following adjustments shall be
15 made:

16 (a) Taxpayers other than corporations shall use the adjusted Kentucky basis for
17 property placed in service on or after January 1, 1981. "Adjusted Kentucky
18 basis" means the basis used for determining depreciation under Section 168 of
19 the Internal Revenue Code less the allowed or allowable depreciation and
20 adjustment for election to expense an asset (Section 179 of the Internal
21 Revenue Code);

22 (b) Corporations shall adjust the federal unadjusted basis by increasing such basis
23 by the ACRS depreciation not allowed as a deduction in determining
24 Kentucky net income for tax years beginning after June 30, 1984, less allowed
25 or allowable ACRS depreciation for federal income tax purposes.
26 Corporations will not be permitted to adjust the basis by the ACRS
27 depreciation not allowed for Kentucky income tax purposes in tax years

1 beginning on or before June 30, 1984.

2 (9) A taxpayer may elect to treat the cost of property placed in service on or before July
3 31, 1985, as an expense as provided in Section 179 of the Internal Revenue Code in
4 effect on December 31, 1981, except that the aggregate cost which may be
5 expensed for corporations shall not exceed five thousand dollars (\$5,000). A
6 taxpayer may elect to treat the cost of property placed in service on or after August
7 1, 1985, as an expense as provided in Section 179 of the Internal Revenue Code in
8 effect on December 31, 1980. Computations, limitations, definitions, exceptions,
9 and other provisions of Section 179 of the Internal Revenue Code and related
10 regulations shall be construed to govern the computation of the allowable
11 deduction.

12 (10) Upon the sale, exchange, or disposition of any depreciable property placed in
13 service on or after January 1, 1981, capital gains or losses and the amount of
14 ordinary income determined under the provisions of the Internal Revenue Code
15 shall be computed for Kentucky income tax purposes as follows:

16 (a) Compute the Kentucky unadjusted basis which is the cost of the asset reduced
17 by any basis adjustment made by the taxpayer under Section 48(q)(1) of the
18 Internal Revenue Code and any expense allowed and utilized under Section
19 179 of the Internal Revenue Code (First Year Expense) in determining
20 Kentucky net income in prior years, and

21 (b) Compute the adjusted basis by subtracting the depreciation allowed or
22 allowable for Kentucky income tax purposes from the unadjusted basis,
23 except corporations will not be permitted to adjust the basis of assets by the
24 ACRS depreciation not allowed for Kentucky income tax purposes in the tax
25 years beginning on or before June 30, 1984, and

26 (c) Compute the gain or loss by subtracting the adjusted basis from the value
27 received from the disposition of the depreciable property, and

- 1 (d) Compute the recapture of depreciation required under Sections 1245 through
2 1256 of the Internal Revenue Code and related regulations, and
- 3 (e) Unless otherwise provided in this subsection the provisions of the Internal
4 Revenue Code and related regulations governing the determination of capital
5 gains or losses shall apply for Kentucky income tax purposes.
- 6 (11) Unless otherwise provided by this chapter, the basis of property placed in service
7 prior to January 1, 1990, for purposes of Kentucky income tax shall be the basis,
8 adjusted or unadjusted, required to be used under Section 167 of the Internal
9 Revenue Code in effect on December 31, 1980.
- 10 (12) As used in this subsection to subsection (14) of this section:
- 11 (a) "Transition property" means any property placed in service before the first
12 day of the first taxable year beginning after December 31, 1993, and owned
13 by the taxpayer on the first day of the first taxable year beginning after
14 December 31, 1993.
- 15 (b) "Adjusted Kentucky basis" means the amount computed in accordance with
16 the provisions of paragraph (b) of subsection (10) of this section for transition
17 property.
- 18 (c) "Adjusted federal basis" means the original cost, or, in the case of Section 338
19 property, the adjusted grossed-up basis of transition property less:
- 20 1. Any basis adjustments required by the Internal Revenue Code for
21 credits; and
- 22 2. The total accumulated depreciation and election to expense deductions
23 allowed or allowable for federal income tax purposes.
- 24 (d) "Section 338 property" means property to which an adjusted grossed-up basis
25 has been allocated pursuant to a valid election made by a purchasing
26 corporation under the provisions of Section 338 of the Internal Revenue Code.
- 27 (e) "Transition amount" means the net difference between the adjusted Kentucky

1 basis and the adjusted federal basis of all transition property determined as of
2 the first day of the first taxable year beginning after December 31, 1993.

3 (13) For taxable years beginning after December 31, 1993, the amounts of depreciation
4 and election to expense deductions, allowed or allowable, the basis of assets,
5 adjusted or unadjusted, and the gain or loss from the sale or other disposition of
6 assets shall be the same for Kentucky income tax purposes as determined under
7 Chapter 1 of the Internal Revenue Code.

8 (14) For taxable years beginning after December 31, 1993, the transition amount
9 computed in accordance with the provisions of paragraph (e) of subsection (12) of
10 this section shall be reported by the taxpayer as follows:

11 (a) In the first taxable year beginning after December 31, 1993, and the eleven
12 (11) succeeding taxable years, the taxpayer shall include in gross income one-
13 twelfthth (1/12) of the transition amount if:

- 14 1. The adjusted federal basis of transition property exceeds the adjusted
15 Kentucky basis of transition property;
- 16 2. The transition amount exceeds five million dollars (\$5,000,000);
- 17 3. The transition amount includes property for which an election was made
18 under Section 338 of the Internal Revenue Code; and
- 19 4. The taxpayer elects the provisions of this paragraph with the filing of an
20 amended income tax return for the first taxable year beginning after
21 December 31, 1993.

22 (b) In the first taxable year beginning after December 31, 1993 and the three (3)
23 succeeding taxable years, if the transition amount exceeds one hundred
24 thousand dollars (\$100,000), or if the transition amount does not exceed one
25 hundred thousand dollars (\$100,000) and the taxpayer elects the provision of
26 this paragraph with the filing of the income tax return for the first taxable year
27 beginning after December 31, 1993, the taxpayer shall:

- 1 1. Deduct from gross income twenty-five percent (25%) of the transition
2 amount if the adjusted Kentucky basis of transition property exceeds the
3 adjusted federal basis of transition property; or
- 4 2. Add to gross income twenty-five percent (25%) of the transition amount
5 if the adjusted federal basis of transition property exceeds the adjusted
6 Kentucky basis of transition property.
- 7 (c) In the first taxable year beginning after December 31, 1993, if the transition
8 amount does not exceed one hundred thousand dollars (\$100,000) and the
9 taxpayer does not elect the provisions of paragraph (b) of this subsection, the
10 taxpayer shall:
- 11 1. Deduct from gross income the total transition amount if the adjusted
12 Kentucky basis of transition property exceeds the adjusted federal basis
13 of transition property; or
- 14 2. Add to gross income the total transition amount if the adjusted federal
15 basis of transition property exceeds the adjusted Kentucky basis of
16 transition property.
- 17 (15) *For taxable years beginning before January 1, 2028,* notwithstanding any other
18 provision of this section to the contrary, any qualified farming operation, as defined
19 in KRS 141.410, shall be allowed to compute the depreciation deduction for new
20 buildings and equipment purchased to enable participation in a networking project,
21 as defined in KRS 141.410, on an accelerated basis at two (2) times the rate that
22 would otherwise be permitted under the provisions of this section. The accumulated
23 depreciation allowed under this subsection shall not exceed the taxpayer's basis in
24 such property.
- 25 (16) (a) For property placed in service after September 10, 2001, only the depreciation
26 deduction allowed under Section 168 of the Internal Revenue Code in effect
27 on December 31, 2001, exclusive of any amendments made subsequent to that

1 date, shall be allowed.

2 (b) For property placed in service after September 10, 2001, but prior to January
3 1, 2020, only the expense deduction allowed under Section 179 of the Internal
4 Revenue Code in effect on December 31, 2001, exclusive of any amendments
5 made subsequent to that date, shall be allowed.

6 (c) For property placed in service on or after January 1, 2020, only the expense
7 deduction allowed under Section 179 of the Internal Revenue Code in effect
8 on December 31, 2003, exclusive of any amendments made subsequent to that
9 date, shall be allowed, except that the phase-out provisions of Section 179 of
10 the Internal Revenue Code, limiting the qualifying investment in property,
11 shall not apply.

12 ➔Section 56. KRS 151B.402 is amended to read as follows:

13 (1) The General Assembly recognizes the critical condition of the educational level of
14 Kentucky's adult population and seeks to stimulate the attendance at, and successful
15 completion of, programs that provide a High School Equivalency Diploma.
16 Incentives shall be provided to full-time employees who complete a High School
17 Equivalency Diploma program within one (1) year and their employers.

18 (2) The Office of Adult Education within the Department of Workforce Development
19 in the Education and Labor Cabinet shall promulgate administrative regulations to
20 establish the operational procedures for this section. The administrative regulations
21 shall include but not be limited to the criteria for:

22 (a) A learning contract that includes the process to develop a learning contract
23 between the student and the adult education instructor with the employer's
24 agreement to participate and support the student;

25 (b) Attendance reports that validate that the student is enrolled and studying for
26 the High School Equivalency Diploma during the release time from work; and

27 (c) Final reports that qualify the student for the tuition discounts under subsection

1 (3)(a) of this section and that qualify the employer for tax credits under
2 subsection (4) of the section.

3 (3) (a) An individual who has been out of secondary school for at least three (3)
4 years, develops and successfully completes a learning contract that requires a
5 minimum of five (5) hours per week to study for the High School Equivalency
6 Diploma program, and successfully earns a High School Equivalency
7 Diploma shall earn a tuition discount of two hundred fifty dollars (\$250) per
8 semester for a maximum of four (4) semesters at one (1) of Kentucky's public
9 postsecondary institutions.

10 (b) The program shall work with the postsecondary institutions to establish
11 notification procedures for students who qualify for the tuition discount.

12 (4) *For taxable years beginning before January 1, 2028,* an employer who assists an
13 individual to complete his or her learning contract under the provisions of this
14 section shall receive a state tax credit against the income tax imposed by KRS
15 141.020 or 141.040, and the limited liability entity tax imposed by KRS 141.0401,
16 with credit ordering as provided in KRS 141.0205 for a portion of the released time
17 given to the employee to study for the tests. The application for the tax credit shall
18 be supported with attendance documentation provided by the Office of Adult
19 Education and calculated by multiplying fifty percent (50%) of the hours released
20 for study by the student's hourly salary, and not to exceed a credit of one thousand
21 two hundred fifty dollars (\$1250).

22 (5) (a) *By November 1, 2026, and each November 1 thereafter as long as the*
23 *employer High School Equivalency Diploma program incentive credit is*
24 *claimed under this section, the department shall report to the Legislative*
25 *Research Commission for referral to the Interim Joint Committee on*
26 *Appropriations and Revenue:*

27 *1. The total number of returns claiming the credit for the taxable year;*

- 1 **2. The total amount of credit claimed for the taxable year;**
- 2 **3. By county, the total:**
- 3 **a. Number of employers participating in the High School**
- 4 **Equivalency Diploma program;**
- 5 **b. Amount of High School Equivalency Diploma program incentive**
- 6 **credit claimed; and**
- 7 **c. Number of full-time employees who complete the High School**
- 8 **Equivalency Diploma program;**
- 9 **4. By taxpayer:**
- 10 **a. The name and location of the taxpayer claiming the credit as**
- 11 **listed on the tax return;**
- 12 **b. The total number of tax credits claimed for the taxable year;**
- 13 **c. The total amount of credit claimed for the taxable year; and**
- 14 **d. The number of individuals assisted with completion of the High**
- 15 **School Equivalency Diploma for the taxable year; and**
- 16 **5. a. In the case of taxpayers other than corporations, based on**
- 17 **ranges of adjusted gross income of no larger than five thousand**
- 18 **dollars (\$5,000) for the taxable year, the total amount of credit**
- 19 **claimed and the total number of returns claiming this credit for**
- 20 **each adjusted gross income range.**
- 21 **b. In the case of corporations, based on ranges of net income of no**
- 22 **larger than fifty thousand dollars (\$50,000) for the taxable year,**
- 23 **the total amount of credit claimed and the total number of**
- 24 **returns claiming this credit for each net income range.**
- 25 **(b) The Office of Adult Education shall assist by providing the department with**
- 26 **the information necessary to help fulfill the requirements under this**
- 27 **subsection.**

1 **(c) The information required to be reported under this subsection shall not be**
 2 **considered confidential taxpayer information and shall not be subject to**
 3 **KRS Chapter 131 or any other provisions of the Kentucky Revised Statutes**
 4 **prohibiting disclosure or reporting of information.**

5 ➔Section 57. KRS 171.396 is amended to read as follows:

6 As used in this section and KRS 171.3961 and 171.397 **and Section 59 of this Act:**

7 (1) **"Affordable" means the occupant's housing costs, including utilities, total thirty**
 8 **percent (30%) or less of the occupant's gross income;**

9 **(2)** "Certified historic structure" means a structure that is located within the
 10 Commonwealth of Kentucky that is:

11 (a) Listed individually on the National Register of Historic Places; or

12 (b) Located in a historic district listed on the National Register of Historic Places
 13 and is certified by the council as contributing to the historic significance of
 14 the district;

15 ~~**(3)**~~~~**(2)**~~ "Certified rehabilitation" means a completed substantial rehabilitation of a
 16 certified historic structure that the council certifies meets the United States
 17 Secretary of the Interior's Standards for Rehabilitation;

18 ~~**(4)**~~~~**(3)**~~ "Certified rehabilitation credit cap" means an annual amount of ~~£:~~

19 ~~(a) Three million dollars (\$3,000,000) for applications received prior to April 30,~~
 20 ~~2010;~~

21 ~~(b) Five million dollars (\$5,000,000) for applications received on or after April~~
 22 ~~30, 2010, but before April 30, 2022; and~~

23 ~~(c) one hundred million dollars (\$100,000,000) for applications received on or after:~~

24 **(a)** April 30, 2022, **but before April 30, 2026,** allocated with:

25 1. Twenty-five percent (25%) of the credit cap awarded to owner-occupied
 26 residential property; and

27 2. Seventy-five percent (75%) of the credit cap awarded to property other

1 than owner-occupied residential property, which includes the major
2 certified rehabilitation allowed under KRS 171.3963; and

3 (b) April 30, 2026, but before April 15, 2027, and on or before each April 15
4 thereafter, allocated with:

5 1. Fifteen percent (15%) of the credit cap awarded to owner-occupied
6 residential property; and

7 2. Eighty-five percent (85%) of the credit cap awarded to property other
8 than owner-occupied residential property, including commercial
9 residential property;

10 plus any amounts~~amount~~ added to the certified rehabilitation credit cap pursuant
11 to KRS 171.397(2)(c) and Section 59 of this Act;

12 ~~(5)~~~~(4)~~ "Commercial residential property" means a certified historic structure that:

13 (a) Is not owner-occupied residential property;

14 (b) Has a minimum of fifty percent (50%) of its square footage designated
15 to residential space which shall be available for lease, rent, or sale
16 upon completion of the rehabilitation; and

17 (c) Is affordable to individuals earning eighty percent (80%) or less of the
18 median family income for a minimum of five (5) years after the
19 building is placed in service;

20 (6) "Council" means the Kentucky Heritage Council;

21 ~~(7)~~~~(5)~~ "Disqualifying work" means work that is performed within three (3) years of
22 the completion of the certified rehabilitation that, if performed as part of the
23 rehabilitation certified under KRS 171.397 and Section 59 of this Act, would have
24 made the rehabilitation ineligible for certification;

25 ~~(8)~~~~(6)~~ "Exempt entity" means any tax exempt organization pursuant to sec. 501(c)(3)
26 of the Internal Revenue Code, any political subdivision of the Commonwealth, any
27 state or local agency, board, or commission, or any quasi-governmental entity;

1 ~~(9)~~⁽⁷⁾ "Local government" means a city, county, urban-county, charter county, or
2 consolidated local government;

3 ~~(10)~~⁽⁸⁾ **"Median family income" means the median family income for the county in**
4 **which the residence is located as determined by the most recent American**
5 **Community Survey Five-Year Estimate;**

6 ~~(11)~~ "Owner-occupied residential property" means a building or portion thereof,
7 condominium, or cooperative occupied by the owner as his or her principal
8 residence;

9 ~~(12)~~⁽⁹⁾ "Qualified rehabilitation expense" means any amount that is properly
10 chargeable to a capital account, whether or not depreciation is allowed under
11 Section 168 of the Internal Revenue Code, and is expended **at any time** in
12 connection with the certified rehabilitation of a certified historic structure. It shall
13 include the cost of restoring landscaping and fencing that contributes to the historic
14 significance of this structure, but shall not include the cost of acquisition of a
15 certified historic structure, enlargement of or additions to an existing building, or
16 the purchase of personal property;

17 ~~(13)~~⁽¹⁰⁾ "Substantial rehabilitation" means rehabilitation of a certified historic
18 structure for which the qualified rehabilitation expenses, during a twenty-four (24)
19 month period selected by the taxpayer or exempt entity, ending with or within the
20 taxable year, exceed:

21 (a) Twenty thousand dollars (\$20,000) for an owner-occupied residential
22 property; or

23 (b) For all other property, the greater of:

24 1. The adjusted basis of the structure; or

25 2. Twenty thousand dollars (\$20,000);

26 ~~(14)~~⁽¹¹⁾ "Taxpayer" means any individual, corporation, limited liability company,
27 business development corporation, partnership, limited partnership, sole

1 proprietorship, association, joint stock company, receivership, trust, professional
2 service organization, or other legal entity through which business is conducted that:

- 3 (a) Elects to claim the credit on a return and receive a refund as provided in KRS
4 171.397(2)(b)2.a. and Section 59 of this Act; or
5 (b) Is the recipient of a credit which is transferred as provided in KRS
6 171.397(2)(b)2.b. and Section 59 of this Act; and

7 ~~(15)~~~~(12)~~ "Qualified purchased historic home" means any substantially rehabilitated
8 certified historic structure if:

- 9 (a) The taxpayer claiming the credit authorized under KRS 171.397 and Section
10 59 of this Act is the first purchaser of the structure after the date of
11 completion of the substantial rehabilitation;
12 (b) The structure or a portion thereof will be the principal residence of the
13 taxpayer; and
14 (c) No credit was allowed to the seller under this section.

15 A qualified purchased historic home shall be deemed owner-occupied residential
16 property for purposes of this section.

17 ➔Section 58. KRS 171.397 is amended to read as follows:

- 18 (1) (a) For all applications for a preliminary approval received prior to April 30,
19 2010, there shall be allowed as a credit against the taxes imposed by KRS
20 141.020, 141.040, 141.0401, or 136.505, an amount equal to:
21 1. Thirty percent (30%) of the qualified rehabilitation expenses, in the case
22 of owner-occupied residential property; and
23 2. Twenty percent (20%) of the qualified rehabilitation expenses, in the
24 case of all other property.

25 In the case of an exempt entity that has incurred qualified rehabilitation
26 expenses, the credit provided in this subsection shall be available to transfer
27 or assign as provided under subsection (8) or (9) of this section.

1 (b) For applications for preliminary approval received on or after April 30, 2010,
2 the credit shall be refundable if the taxpayer makes an election under
3 subsection (2)(b) of this section.

4 (2) (a) A taxpayer seeking the credit provided under subsection (1) of this section
5 shall file an application for a preliminary determination of maximum credit
6 eligibility before April 30 of the year in which the proposed project will
7 begin. The application shall describe the project and shall include
8 documentation supporting the qualification of the project for the credit, the
9 proposed start date, the proposed completion date, the projected qualified
10 rehabilitation expenses, and any other information the council may require.
11 The council shall determine the preliminary maximum credit available for
12 each taxpayer and shall notify the taxpayer of that amount by June 30 of the
13 year in which the application was filed. If total credits applied for in any year
14 exceed the certified rehabilitation credit cap, plus any amounts added to the
15 cap pursuant to paragraph (c) of this subsection, the provisions of subsection
16 (5) of this section shall be applied to reduce the approved credits for all
17 taxpayers with qualifying applications for that year.

18 (b) 1. An application for a final determination of credit shall be submitted to
19 the council upon completion of the project.

20 2. The application shall include an irrevocable election by the taxpayer to:
21 a. Use the credit, in which case, the credit shall be refundable; or
22 b. Transfer the credit.

23 3. The council shall determine the final amount of credit approved for each
24 taxpayer based upon the actual expenditures, preliminary determination
25 of maximum credit, and a determination that the expenditures are
26 qualified rehabilitation expenses.

27 4. The council shall notify the taxpayer and Department of Revenue of the

1 final approved credit amount within sixty (60) days of the receipt of a
2 completed application from the taxpayer.

3 (c) 1. If the total amount of credits finally approved for a taxpayer under
4 paragraph (b) of this subsection are less than the credits initially
5 approved for a taxpayer under paragraph (a) of this subsection, the
6 difference between the two (2) amounts shall be added to the certified
7 rehabilitation credit cap for the next calendar year.

8 2. If the total amount of credits approved under paragraph (a) of this
9 subsection in any calendar year is less than the certified rehabilitation
10 credit cap, the difference between the credits actually awarded and the
11 certified rehabilitation credit cap shall be added to the certified
12 rehabilitation credit cap for the next calendar year.

13 (3) (a) The maximum credit which may be claimed with regard to owner-occupied
14 residential property shall be one hundred twenty thousand dollars (\$120,000)
15 subject to subsection (5) of this section. The credit in this section shall be
16 claimed for the taxable year in which the certified rehabilitation is completed.

17 (b) The maximum credit which may be claimed with regard to all other property
18 that is not owner-occupied residential shall be ten million dollars
19 (\$10,000,000) subject to subsection (5) of this section. The credit in this
20 section shall be claimed for the taxable year in which the certified
21 rehabilitation is completed.

22 (4) In the case of a husband and wife filing separate returns or filing separately on a
23 joint return, the credit may be taken by either or divided equally, but the combined
24 credit shall not exceed one hundred twenty thousand dollars (\$120,000) if subject to
25 the limitation in subsection (3)(a) of this section, or ten million dollars
26 (\$10,000,000) if subject to the limitation in subsection (3)(b) of this section, subject
27 to the provisions of subsection (5) of this section.

- 1 (5) The credit amount approved for a calendar year for all taxpayers under subsection
2 (2)(a) of this section shall be limited to the certified rehabilitation credit cap. When
3 the total credits applied for and approved in any year under subsection (2)(a) of this
4 section exceed the certified rehabilitation credit cap, the council shall apportion the
5 certified rehabilitation credit cap as follows: The certified rehabilitation credit cap
6 for the year under consideration shall be multiplied by a fraction, the numerator
7 which is the approved credit amount for an individual taxpayer for a calendar year
8 and the denominator which is the total approved credits for all taxpayers for a
9 calendar year.
- 10 (6) (a) For all applications received prior to April 30, 2010, if the credit amount that
11 may be claimed in any tax year as determined under subsections (3) to (5) of
12 this section exceeds the taxpayer's total tax liabilities under KRS 136.505,
13 141.020, or 141.040 and 141.0401, the taxpayer may carry the excess tax
14 credit forward until the tax credit is used, provided that any tax credits not
15 used within seven (7) years of the taxable year the certified rehabilitation was
16 complete shall be lost.
- 17 (b) For all applications received on or after April 30, 2010, if the credit amount
18 that may be claimed in any tax year as determined under subsections (3) to (5)
19 of this section exceeds the taxpayer's total tax liabilities under KRS 136.505,
20 141.020, or 141.040 and 141.0401, the taxpayer may receive a refund, if the
21 taxpayer elected to take the credit as required by subsection (2)(b) of this
22 section.
- 23 (7) (a) The credit shall apply against both the tax imposed by KRS 141.020 or
24 141.040 and the limited liability entity tax imposed by KRS 141.0401, with
25 the ordering of credits as provided in KRS 141.0205.
- 26 (b) 1. For applications received prior to April 30, 2010, if the taxpayer is a
27 pass-through entity not subject to the tax imposed by KRS 141.040, the

1 taxpayer shall apply the credit at the entity level against the limited
2 liability tax entity imposed by KRS 141.0401, and shall also pass the
3 credit through in the same proportion as the distributive share of income
4 or loss is passed through.

5 2. For applications received on or after April 30, 2010, if the taxpayer is a
6 pass-through entity not subject to the tax imposed by KRS 141.040, the
7 taxpayer shall apply the credit at the entity level against the limited
8 liability tax entity imposed by KRS 141.0401, and may receive a refund
9 if the taxpayer elected to take the credit as required by subsection
10 (2)(b)2.a. of this section.

11 (8) Credits received under this section may be transferred or assigned if an election is
12 made under subsection (2)(b) of this section, for some or no consideration, along
13 with any related benefits, rights, responsibilities, and liabilities to a financial
14 institution as defined in KRS 141.010 subject to the taxes imposed by KRS
15 136.505, 141.040, or 141.0401. Within thirty (30) days of the date of any transfer of
16 credits, the party transferring the credits shall notify the Department of Revenue of:

17 (a) The name, address, employer identification number, and bank routing and
18 transfer number, of the party to which the credits are transferred;

19 (b) The amount of credits transferred; and

20 (c) Any additional information the Department of Revenue deems necessary.

21 The provisions of this subsection shall apply to any credits that pass through to a
22 successor or beneficiary of a taxpayer.

23 (9) For purposes of this section, a lessee of a certified historic structure shall be treated
24 as the owner of the structure if the remaining term of the lease is not less than the
25 minimum period promulgated by administrative regulation by the council.

26 (10) The taxes imposed in KRS 141.020, 141.040, and 141.0401 shall not apply to any
27 consideration received for the transfer, sale, assignment, or use of a tax credit

1 approved under this section.

2 (11) The Department of Revenue shall assess a penalty on any taxpayer or exempt entity
3 that performs disqualifying work, as determined by the Kentucky Heritage Council,
4 on a certified historic structure for which a rehabilitation has been certified under
5 this section in an amount equal to one hundred percent (100%) of the tax credit
6 allowed on the rehabilitation. Any penalties shall be assessed against the property
7 owner who performs the disqualifying work and not against any transferee of the
8 credits.

9 (12) The council may impose fees for processing applications for tax credits, not to
10 exceed the actual cost associated with processing the applications.

11 (13) The council may authorize a local government to perform an initial review of
12 applications for the credit allowed under this section and forward the applications to
13 the council with its recommendations.

14 (14) The council and the Department of Revenue may promulgate administrative
15 regulations in accordance with the provisions of KRS Chapter 13A to establish
16 policies and procedures to implement the provisions of subsections (1) to (13) of
17 this section.

18 (15) The tax credit authorized by this section shall apply to tax periods ending on or
19 after December 31, 2005.

20 **(16) This section applies to applications received before April 30, 2026.**

21 ➔SECTION 59. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO
22 READ AS FOLLOWS:

23 **(1) This section applies to applications received on or after April 30, 2026, but before**
24 **April 15, 2027, and on or after each April 15 thereafter.**

25 **(2) (a) There shall be allowed as a credit against the taxes imposed in KRS**
26 **136.320, 136.330, 136.340, 136.350, 136.370, 136.390, 304.3-270, 141.020**
27 **or 141.040 and 141.0401.**

- 1 (b) The amount of the credit shall be equal to:
- 2 1. Thirty percent (30%) of the qualified rehabilitation expenses, in the
- 3 case of owner-occupied residential property;
- 4 2. Thirty percent (30%) of the qualified rehabilitation expenses if the
- 5 commercial residential property is affordable to households earning
- 6 eighty percent (80%) of the median family income or less; or
- 7 3. Twenty percent (20%) of the qualified rehabilitation expenses, in the
- 8 case of all other property.
- 9 (b) In the case of an exempt entity that has incurred qualified rehabilitation
- 10 expenses, the credit provided in this subsection shall be available to transfer
- 11 or assign as provided under subsection (8) of this section.
- 12 (c) The credit shall be refundable if the taxpayer makes an election under
- 13 subsection (3)(b) of this section.
- 14 (d) An insurance company claiming a tax credit against the insurance
- 15 premiums tax is not required to pay additional retaliatory tax levied
- 16 pursuant to KRS 304.3-270.
- 17 (3) (a) 1. A taxpayer seeking the credit provided under subsection (2) of this
- 18 section shall file an application for a preliminary determination of
- 19 maximum credit eligibility before:
- 20 a. April 15; or
- 21 b. August 15
- 22 of the year in which the proposed project will begin.
- 23 2. The certified rehabilitation credit cap shall be allocated as follows,
- 24 including any amounts added to the certified rehabilitation credit cap
- 25 pursuant to paragraph (c) of this subsection:
- 26 a. Fifty million dollars (\$50,000,000) for applications received
- 27 before the date established in subparagraph 1.a. of this

- 1 paragraph, except that the amount shall not exceed one hundred
2 million dollars (\$100,000,000), including any amounts added
3 under paragraph (c) of this subsection from a prior allocation
4 period; and
- 5 b. Fifty million dollars (\$50,000,000) for applications received
6 before the date established in subparagraph 1.b. of this
7 paragraph, except that the amount shall not exceed one hundred
8 million dollars (\$100,000,000), including any amounts added
9 under paragraph (c) of this subsection from a prior allocation
10 period.
- 11 3. In the event the full allocation in subparagraph (a)2.a. of this
12 paragraph is not utilized for applications received by April 15, the
13 remainder shall be made available for applications received in
14 accordance with subparagraph 1.b. of this paragraph, not to exceed
15 fifty percent (50%) of the total credit cap allocated in each application
16 round under subparagraph 2. of this paragraph.
- 17 4. If the total amount of preliminary approvals for all applications
18 received in a single application round under subparagraph 1.a. or 2.a.
19 of this paragraph exceeds the cap of fifty million dollars (\$50,000,000)
20 plus any amounts added to the credit cap, the council shall apportion
21 the certified rehabilitation credit cap as follows:
- 22 a. The certified rehabilitation credit cap for the application round
23 under consideration shall be multiplied by a fraction, the
24 numerator which is the approved credit amount for an individual
25 taxpayer for an application round and the denominator which is
26 the total approved credits for all taxpayers for an application
27 round; and

- 1 **b. Each taxpayer shall receive no more than their pro rata share of**
2 **the certified rehabilitation credit cap allocated for the**
3 **corresponding application round.**
- 4 **5. Applications submitted for preliminary approval shall be reviewed in**
5 **the order in which they are received based on the date of the**
6 **application.**
- 7 **6. The application shall describe the project and shall include**
8 **documentation supporting the qualification of the project for the**
9 **credit, the proposed start date, the proposed completion date, the**
10 **projected qualified rehabilitation expenses, and any other information**
11 **the council may require.**
- 12 **7. The council shall determine the preliminary maximum credit available**
13 **for each taxpayer and shall notify the taxpayer of that amount by:**
- 14 **a. June 30 for applications received on or before April 15 of the**
15 **year in which the application was filed; or**
- 16 **b. October 30 for applications received on or before August 15 of**
17 **the year in which the application was filed.**
- 18 **(b) 1. An application for a final determination of credit shall be submitted to**
19 **the council upon completion of the project. A taxpayer who is no**
20 **longer the owner of the certified historic structure may apply for final**
21 **determination of credit as long as the taxpayer received preliminary**
22 **approval under paragraph (a)7. of this subsection and substantially**
23 **rehabilitated the certified historic structure.**
- 24 **2. The application shall include an irrevocable election by the taxpayer**
25 **to:**
- 26 **a. Use the credit, in which case, the credit shall be refundable; or**
27 **b. Transfer the credit in accordance with subsection (8) of this**

1 section, in which case the credit shall be nonrefundable.

2 3. The council shall determine the final amount of credit approved for
3 each taxpayer based upon the actual expenditures, preliminary
4 determination of maximum credit, and a determination that the
5 expenditures are qualified rehabilitation expenses.

6 4. The council shall notify the taxpayer and Department of Revenue of
7 the final approved credit amount within sixty (60) days of the receipt
8 of a completed application from the taxpayer.

9 (c) 1. If the total amount of credits finally approved for a taxpayer under
10 paragraph (b) of this subsection is less than the amount of the credits
11 initially approved for a taxpayer under paragraph (a) of this
12 subsection, the difference between the two (2) amounts shall be added
13 to the certified rehabilitation credit cap for the next calendar year,
14 except that in no case shall the amount allocated under paragraph
15 (a)2.a. or b. of this subsection exceed one hundred million dollars
16 (\$100,000,000), including any amounts added to the certified
17 rehabilitation credit cap from prior calendar years. Any amount
18 exceeding the one hundred million dollars (\$100,000,000) threshold is
19 null and void as a carryover to any other allocation period.

20 2. If the total amount of credits approved under paragraph (a) of this
21 subsection in any calendar year is less than the certified rehabilitation
22 credit cap, the difference between the credits actually awarded and the
23 certified rehabilitation credit cap shall be added to the certified
24 rehabilitation credit cap for the next calendar year.

25 3. If the entire credit cap allocated for applications in paragraph (b) of
26 this subsection is not entirely utilized for preliminary applications
27 received under paragraph (a) of this subsection, the remaining portion

1 shall be made available for all other properties having submitted
2 preliminary applications within the same application round regardless
3 of property type.

4 (4) (a) The maximum credit which may be claimed with regard to owner-occupied
5 residential property shall be one hundred twenty thousand dollars
6 (\$120,000) subject to subsection (6) of this section. The credit in this section
7 shall be claimed for the taxable year in which the certified rehabilitation is
8 completed.

9 (b) The maximum credit which may be claimed with regard to all other
10 property that is not owner-occupied residential shall be ten million dollars
11 (\$10,000,000) subject to subsection (6) of this section. The credit in this
12 section shall be claimed for the taxable year in which the certified
13 rehabilitation is completed.

14 (5) In the case of two (2) spouses filing separate returns or filing separately on a
15 joint return, the credit may be taken by either or divided equally, but the
16 combined credit shall not exceed one hundred twenty thousand dollars (\$120,000)
17 if subject to the limitation in subsection (4)(a) of this section, or ten million
18 dollars (\$10,000,000) if subject to the limitation in subsection (4)(b) of this
19 section, subject to the provisions of subsection (6) of this section.

20 (6) The credit amount approved for a calendar year for all taxpayers under
21 subsection (3)(a) of this section shall be limited to the certified rehabilitation
22 credit cap.

23 (7) (a) The credit shall apply against the tax imposed by:

24 1. KRS 141.020 or 141.040 and the limited liability entity tax imposed by
25 KRS 141.0401, with the ordering of the credits as provided in KRS
26 141.0205; and

27 2. KRS 136.320, 136.330, 136.40, 136.350, 136.360, 136.370, 136.390, or

1 304.3-270.

2 **(b) If the taxpayer is a pass-through entity not subject to the tax imposed by**
3 **KRS 141.040, the taxpayer shall apply the credit at the entity level against**
4 **the limited liability the credit at the entity level against the limited liability**
5 **entity tax imposed by KRS 141.0401, and shall also pass the credit through**
6 **in the same proportion as the distributive share of income or loss is passed**
7 **through.**

8 **(8) (a) Credits received under this section may be transferred or assigned if an**
9 **election is made under subsection (3)(b) of this section, for some or no**
10 **consideration, along with any related benefits, rights, responsibilities, and**
11 **liabilities to any person or entity subject to the taxes imposed in:**

12 **1. KRS 141.020, or 141.040 and 141.0401; or**

13 **2. KRS 136.320, 136.330, 136.340, 136.350, 136.360, 136.370, 136.390,**
14 **or 304.3-270.**

15 **(b) Within thirty (30) days of the date of any transfer of credits, the party**
16 **transferring the credits shall notify the Department of Revenue of:**

17 **1. The name, address, employer identification number, and bank routing**
18 **and transfer number, of the party to which the credits are transferred;**

19 **2. The amount of credits transferred; and**

20 **3. Any additional information the Department of Revenue deems**
21 **necessary.**

22 **(b) Any taxpayer receiving transferred credit under this subsection may carry**
23 **forward unused credit for a period not to exceed seven (7) taxable years**
24 **from which the certified rehabilitation was complete.**

25 **The provisions of this subsection shall apply to any credits that pass through to a**
26 **successor or beneficiary of a taxpayer.**

27 **(9) For purposes of this section, a lessee of a certified historic structure shall be**

1 treated as the owner of the structure if the remaining term of the lease is not less
2 than the minimum period promulgated by administrative regulation by the
3 council.

4 (10) The taxes imposed in KRS 141.020, 141.040, and 141.0401 shall not apply to any
5 consideration received for the transfer, sale, assignment, or use of a tax credit
6 approved under this section.

7 (11) (a) The Department of Revenue shall assess a penalty in an amount equal to
8 one hundred percent (100%) of the tax credit allowed on the rehabilitation
9 on any taxpayer or exempt entity that:

10 1. Performs disqualifying work, as determined by the Kentucky Heritage
11 Council, on a certified historic structure for which a rehabilitation has
12 been certified; and

13 2. If credit allowed based on affordability, fails to maintain compliance
14 with the commercial residential property requirement established in
15 subsection (5) of Section 56 of this Act, as determined by the council
16 and the Kentucky Housing Corporation.

17 (b) Any penalties shall be assessed under paragraph (a) of this subsection shall
18 be assessed against the property owner and not against any transferee of the
19 credits.

20 (12) The council may impose fees for processing applications for tax credits, not to
21 exceed the actual cost associated with processing the applications.

22 (13) The council may authorize a local government to perform an initial review of
23 applications for the credit allowed under this section and forward the applications
24 to the council with its recommendations.

25 (14) The council and the Department of Revenue may promulgate administrative
26 regulations in accordance with the provisions of KRS Chapter 13A to implement
27 this section.

1 ➔Section 60. KRS 141.382 is amended to read as follows:

2 (1) As used in this section:

3 (a) "Certified historic structure" means the same as defined in KRS 171.396;

4 (b) "Qualified rehabilitation expense" means the same as defined in KRS
5 171.396; and

6 (c) "Substantial rehabilitation" means the same as defined in KRS 171.396.

7 (2) A refundable or transferable credit in the amount determined in KRS 171.397 ***and***
8 ***Section 59 of this Act*** shall be allowed against the taxes imposed by KRS 136.505
9 or 141.020 or 141.040 and 141.0401, with the ordering of credits provided in KRS
10 141.0205, for qualified rehabilitation expenses incurred by the taxpayer and used
11 for substantial rehabilitation to a certified historic structure.

12 ➔Section 61. KRS 171.3961 is amended to read as follows:

13 (1) For taxable years beginning on or after January 1, 2014, a taxpayer completing a
14 certified rehabilitation to a certified historic structure shall be allowed a credit
15 against the taxes imposed by KRS 141.020 or 141.040 and 141.0401, with the
16 ordering of credits as provided in KRS 141.0205, or KRS 136.505 if:

17 (a) The certified historic structure is located within the jurisdiction of a
18 consolidated local government or urban-county government;

19 (b) The amount of qualified rehabilitation expenses exceeds fifteen million
20 dollars (\$15,000,000);

21 (c) The certified historic structure is located within one-half (1/2) mile of a tax
22 increment financing development area which has received at least preliminary
23 approval under KRS 65.490 or 154.30-050; and

24 (d) Substantial rehabilitation of the certified historic structure begins prior to July
25 1, 2015.

26 (2) (a) The credit shall:

27 1. Equal the percentage of qualified rehabilitation expenses as provided in

- 1 KRS 171.397(1)(a) and Section 59 of this Act;
- 2 2. Only apply to the first thirty million dollars (\$30,000,000) of qualified
- 3 rehabilitation expenses; and
- 4 3. Be refundable and transferable.
- 5 (b) Any projects approved for a credit under this section shall not be subject to
- 6 any caps established by KRS 171.397 and shall not be considered in
- 7 determining whether the certified rehabilitation credit cap has been met in any
- 8 year.
- 9 (3) The taxpayer seeking the credit shall file the applications for preliminary
- 10 determination and final determination as provided by KRS 171.397(2) and Section
- 11 59 of this Act.
- 12 (4) The total approved credit shall be available over a four (4) year period and the
- 13 maximum credit which may be claimed in a taxable year shall not exceed twenty-
- 14 five percent (25%) of the total approved credit.
- 15 (5) The provisions of KRS 171.397(9) to (14) and Section 59 of this Act shall also
- 16 apply to this section.

17 ➔SECTION 62. A NEW SECTION OF KRS CHAPTER 198A IS CREATED

18 TO READ AS FOLLOWS:

- 19 (1) The corporation shall work with the Kentucky Heritage Council to administer the
- 20 certified rehabilitation credit permitted by Section 59 of this Act.
- 21 (2) For commercial residential property that is granted credit based on thirty percent
- 22 (30%) of qualified rehabilitation expenses for providing housing that is
- 23 affordable to households earning eighty percent (80%) or less of the median
- 24 family income, the corporation shall ensure that the commercial residential
- 25 property remain compliant with this requirement for a minimum of five (5) years
- 26 within the completion of the certified rehabilitation.
- 27 (3) The corporation, in conjunction with the Kentucky Heritage Council and the

1 Department of Revenue, may promulgate administrative regulations in
 2 accordance with KRS Chapter 13A to establish policies and procedures to ensure
 3 compliance with this section.

4 ➔Section 63. KRS 441.135 is amended to read as follows:

5 (1) The jailer may maintain a canteen for the benefit of prisoners lodged in the jail and
 6 may assign such jail employees and prisoners to operate the canteen as are
 7 necessary for efficient operation.

8 (2) All profits from the canteen shall be used:

9 (a) For the benefit and to enhance the well-being of the prisoners; or

10 (b) To enhance safety and security within the jail.

11 The jailer shall keep books of accounts of all receipts and disbursements from the
 12 canteen and shall annually report to the county treasurer on the canteen account.

13 (3) Allowable expenditures from a canteen account shall include but not be limited to
 14 recreational, vocational, and medical purposes.

15 (4) Except in counties containing an urban-county government or a consolidated local
 16 government, in order to ensure adequate, ongoing funding of jail canteen accounts,
 17 beginning July 1, 2007, and on the first day of each fiscal year thereafter, the jail
 18 canteen account balance shall at least equal the following amounts based on the
 19 average daily inmate population of the jail:

- 20 (a) 300 prisoners or more\$6,000
- 21 (b) 200 to 299 prisoners.....\$4,000
- 22 (c) 100 to 199 prisoners.....\$2,000
- 23 (d) 99 or fewer prisoners.....\$1,000

24 (5) For purposes of calculating the amount to be transferred to the jail canteen account,
 25 the average daily number of inmates shall be equal to the average daily inmate
 26 population of the jail in the immediately preceding fiscal year.

27 (6) Notwithstanding KRS 67.0802(6)(a), compensation resulting from the disposal of

1 real or personal property that was purchased from a canteen account shall be
2 returned to the canteen account from which the real or personal property was
3 originally purchased. The jailer shall report all proceeds received from the
4 disposal of property for the year to the Legislative Research Commission for
5 referral to the Interim Joint Committee on Appropriations and Revenue by
6 December 1 of each year.

7 ➔SECTION 64. A NEW SECTION OF KRS CHAPTER 224A IS CREATED
8 TO READ AS FOLLOWS:

9 A one-half of one percent (0.5%) administrative fee shall be paid to the Kentucky
10 Infrastructure Authority for the administration of each project funded by the
11 infrastructure for economic development fund for coal-producing counties and the
12 infrastructure for economic development fund for tobacco counties. These
13 administrative fees shall be paid, upon inception of the project, out of the fund from
14 which the project was allocated.

15 ➔Section 65. KRS 43.050 is amended to read as follows:

16 (1) The Auditor constitutes an agency independent of the administrative departments
17 enumerated in KRS 12.020, it being the policy of the General Assembly to provide
18 for the independent auditing of the accounts, financial transactions, and
19 performance of all spending agencies of the state through a disinterested auditor,
20 who is entirely independent of the state administration whose affairs he is called
21 upon to audit.

22 (2) The Auditor may:

23 (a) Audit annually, and at such other times as may be deemed expedient, the
24 accounts of all state agencies, all private and semiprivate agencies receiving
25 state aid or having responsibility for the handling of any state funds, the
26 accounts, records, and transactions of the budget units, and the general
27 accounts of the state;

- 1 (b) Make a complete audit and verification of all moneys handled for the account
2 of the state government by local officials charged with the collection of fees
3 or other money for or on behalf of the state, when an audit is demanded in
4 writing by the Legislative Research Commission, the secretary of the Finance
5 and Administration Cabinet, or the Governor, and may make an audit when it
6 is not so demanded;
- 7 (c) Examine periodically the performance, management, conduct, and condition
8 of all asylums, prisons, institutions for the intellectually disabled, and
9 eleemosynary institutions; public works owned, operated, or partly owned by
10 the state, or in the conduct or management of which the state has any financial
11 interest or legal power; and state agencies. The examinations shall give
12 special attention to the faithful and economical application of any money
13 appropriated by the state to the institution, public works, or state agency
14 examined, or of any money in which the state has an interest;
- 15 (d) Examine annually the management and condition of the offices of the Finance
16 and Administration Cabinet, the State Treasurer, and the chief state school
17 officer, to determine whether the laws regulating their duties are being fully
18 complied with, and all money received by them for the state fully accounted
19 for;
- 20 (e) Examine, at least biennially, the Finance and Administration Cabinet's
21 compliance with this section and KRS 48.111 and 56.800 to 56.823. Within
22 sixty (60) days of the completion of each examination, the Auditor shall
23 report his findings and recommendations to the Capital Projects and Bond
24 Oversight Committee;
- 25 (f) Audit periodically all state revenue collections, and, if he finds that
26 collections are not being satisfactorily made, report that fact to the authority
27 whose duty it is to make the collections;

- 1 (g) Make special audits and investigations when required by the Governor;
- 2 (h) Investigate the means of accounting for, controlling, and insuring the safe
3 custody of all property of the state, and verify the existence and condition of
4 such property charged to, or held in the custody of any state agency;
- 5 (i) Audit the statements of financial condition and operations of the state
6 government, and certify in writing the results of the audit and examination
7 with the comments he deems necessary for the information of the General
8 Assembly;
- 9 (j) Report immediately in writing to the Governor, the Legislative Research
10 Commission, and the secretary of the Finance and Administration Cabinet,
11 any unauthorized, illegal, irregular, or unsafe handling or expenditure of state
12 funds, or other improper practice of financial administration, or evidence that
13 any such handling, expenditure, or practice is contemplated, and any
14 obstruction of the Auditor or his agents during the conduct of any audit or
15 investigation of a state agency; and
- 16 (k) Assist the Legislative Research Commission at hearings and investigations
17 conducted by it and cooperate with the Legislative Research Commission in
18 the preparation of its reports to the General Assembly.
- 19 (3) The Auditor may investigate and examine into the conduct of all state and county
20 officers who are authorized to receive, collect, or disburse any money for the state,
21 or who manage or control any property belonging to the state or in which the state
22 is interested, or who make estimates or records that are used as a basis by any state
23 agency in the disbursement of public funds.
- 24 (4) The Auditor may conduct a special audit or examination of a city government or
25 any of its agencies or departments.
- 26 (5) *The Auditor may receive appropriations from the general fund for audits of the*
27 *statewide systems of personnel and payroll, cash and investments, revenue*

1 collection, and the state accounting system. Except where otherwise provided, any
 2 expenses incurred by the Auditor for any other audit, examination, investigation,
 3 or review, including a required audit of federal funds, ~~audits, examinations,~~
 4 ~~investigations, or reviews~~ shall be charged to the entity that is the subject of the
 5 audit, examination, investigation, or review. The Auditor shall maintain a record of
 6 all time expenses for each audit, examination, investigation, or review.

7 (6) The Auditor may provide consulting services, in accordance with auditing standards
 8 generally accepted in the United States and government auditing standards, to state
 9 or local government entities and associations of such entities, including special
 10 purpose governmental entities, and may charge a mutually agreed upon rate for
 11 those services, including:

- 12 (a) Providing training and technical presentations;
- 13 (b) Developing audit guides applicable to those entities;
- 14 (c) Developing question and answer documents to promote understanding of
 15 technical issues or standards; and
- 16 (d) Collaborating with other professional organizations to advance auditing of
 17 government entities and programs.

18 (7) The Auditor shall not be responsible for the keeping of any accounts of the state,
 19 except accounts relating to his own operations. The Auditor shall not be responsible
 20 for the collection of any money due the state, or for the handling or custody of any
 21 state funds or property except in the process of counting and verifying the amounts
 22 of the funds or property in the course of the audits provided for in this section.

23 ➔Section 66. KRS 18A.080 is amended to read as follows:

- 24 (1) (a) Except as provided in KRS 18A.200, members of the board shall receive
 25 compensation of one hundred dollars (\$100) per diem for each meeting of the
 26 board and reimbursement for actual and necessary expenses in accordance
 27 with state regulations and standards applicable to state employees.

1 ~~(b)(2)~~ In addition to payments for attendance at board meetings all board
2 members may also be paid one hundred dollars (\$100) for each day spent in
3 the preparation of recommended orders, the review of transcripts or other
4 matters related to appeals before the board.

5 ~~(c)(3)~~ Any board member missing three (3) consecutive regular meetings shall
6 be deemed to have vacated his office. Replacements to the board shall be
7 made as provided in KRS 18A.050(2) and 18A.060.

8 **(2) Each agency of the executive branch of state government with employees covered**
9 **by this chapter shall be annually assessed for the amount required for the**
10 **operation of the Personnel Board. The agency assessment shall be determined by**
11 **the secretary of the Finance and Administration Cabinet based on the authorized**
12 **full-time positions of each agency on July 1 of each year of the biennium. The**
13 **Finance and Administration Cabinet shall collect the assessment.**

14 ➔Section 67. KRS 151.723 is amended to read as follows:

15 (1) The rate of the water use fees collected by the authority shall be set for each year of
16 the biennium based upon a total amount of funds necessary to carry out only those
17 functions, projects, and expenses authorized by the General Assembly in the
18 authority's biennial budget.

19 (2) At the time the authority submits its budget to the Governor's Office of Policy and
20 Management, it shall certify to the General Assembly the total amount of water use
21 reported for the preceding biennium by users subject to the water use fees. At least
22 thirty (30) days prior to the effective date of the authority's budget, the authority
23 shall establish a rate for each water use fee based upon an amount of water use
24 projected for each year of the biennium from the amount reported, calculated to
25 generate the amount of funds necessary to carry out the functions, projects, and
26 expenses which have been authorized by the General Assembly to be funded by the
27 fees. The rate shall be an amount for each one thousand (1,000) gallons of water use

1 and shall be effective for at least one (1) year.

2 (3) The authority shall define by administrative regulation those uses of the Kentucky
3 River or the waters of the Kentucky River basin subject to a water use fee. Water
4 use fees shall not apply to facilities using water for agricultural purposes. The
5 authority shall collect the fees on a quarterly basis and pay the collected fees into
6 the State Treasury to the credit of a restricted fund for use by the authority.

7 **(4) Water withdrawal fees imposed by the authority shall not be subject to state and**
8 **local taxes. Notwithstanding KRS 151.710(10), Tier 1 water withdrawal fees shall**
9 **be used to support the operations of the authority and for contractual services for**
10 **water supply and quality studies.**

11 ➔Section 68. KRS 304.17B-021 is amended to read as follows:

12 (1) In addition to the other powers enumerated in KRS 304.17B-001 to 304.17B-031,
13 the Office of Health Data and Analytics shall assess insurers in the amounts
14 specified in this section. The assessment shall be used for the purpose of funding
15 GAP losses and Kentucky Access.

16 (a) The amount of the assessment for each calendar year shall be as follows:

17 1. From each stop-loss carrier, an amount that is equal to two dollars (\$2)
18 upon each one hundred dollars (\$100) of health insurance stop-loss
19 premiums;

20 2. From all insurers, an amount based on the total amount of all health
21 benefit plan premiums earned during the prior assessment period and
22 paid by all insurers who received any of the health benefit plan
23 premiums on which the annual assessment is based. The percentage rate
24 used for the annual assessment shall be the same percentage rate as
25 calculated in the GAP risk adjustment process for the six (6) month
26 period of July 1, 1998, through December 31, 1998;

27 3. If determined necessary by the office, a second assessment may be

1 assessed in the same manner as the annual assessment in subparagraph
2 2. of this paragraph; and

3 4. In no event shall the sum of the first assessment provided for in
4 subparagraph 2. of this paragraph and the second assessment provided
5 for in subparagraph 3. of this paragraph be greater than one percent
6 (1%) of the total amount of all assessable health benefit plan premiums
7 earned during the prior assessment period.

8 (b) The first assessment shall be for the period from January 1, 2000, through
9 December 31, 2000, and shall be paid on or before March 31, 2001.
10 Subsequent annual assessments shall be paid on or before March 31 of the
11 year following the assessment period.

12 (2) Every supporting insurer shall report to the office, in a form and at the time as the
13 office may specify, the following information for the specified period:

14 (a) The insurer's total stop-loss premiums and health benefit plan premiums in the
15 individual, small group, large group, and association markets; and

16 (b) Other information as the office may require.

17 (3) As part of the assessment process, the office shall establish and maintain the
18 Kentucky Access fund. All funds shall be held at interest, in a single depository
19 designated in accordance with KRS 304.8-090(1) under a written trust agreement in
20 accordance with KRS 304.8-095. All expense and revenue transactions of the fund
21 shall be posted to the Management Administrative Reporting System (MARS) and
22 its successors.

23 (4) The Kentucky Access fund shall be funded from the following sources:

24 (a) Premiums paid by Kentucky Access enrollees;

25 (b) The funds designated for Kentucky Access in the Kentucky Health Care
26 Improvement fund;

27 (c) Appropriations from the General Assembly;

- 1 (d) ~~[All premium taxes collected under KRS Chapter 136 from any insurer, and~~
 2 ~~any retaliatory taxes collected under KRS 304.3-270 from any insurer, for~~
 3 ~~accident and health premiums that are in excess of the amount of the premium~~
 4 ~~taxes and retaliatory taxes collected for the calendar year 1997;~~
 5 ~~(e)—~~]Annual assessments from supporting insurers;
 6 (e)~~[(f)]~~ A second assessment from supporting insurers;
 7 (f)~~[(g)]~~ Gifts, grants, or other voluntary contributions;
 8 (g)~~[(h)]~~ Interest or other earnings on the investment of the moneys held in the
 9 account; and
 10 (h)~~[(i)]~~ Any funds remaining on January 1, 2001, in the guaranteed acceptance
 11 program account may be transferred to the Kentucky Access fund.
- 12 (5) The office shall determine on behalf of Kentucky Access the premiums, the
 13 expenses for administration, the incurred losses, taking into account investment
 14 income and other amounts needed to satisfy reserves, estimated claim liabilities,
 15 and other obligations for each calendar year. The office shall also determine the
 16 amount of the actual guaranteed acceptance program plan losses for each calendar
 17 year. The office shall assess insurers as follows:
- 18 (a) On or before March 31 of each year, the amount set forth in subsection
 19 (1)(a)1. and (1)(a)2. of this section.
- 20 (b) If the amount of actual guaranteed acceptance program plan losses exceeds
 21 the assessment provided for in paragraph (a) of this subsection, a second
 22 assessment shall be authorized under subsection (1)(a)3. of this section. If the
 23 amount of GAP losses exceeds the assessments provided under subsection
 24 (1)(a)1., subsection (1)(a)2., and subsection (1)(a)3. of this section, moneys
 25 received and available from the Kentucky Health Care Improvement Fund
 26 after the office determines available funding for Kentucky Access for the
 27 current calendar year pursuant to subsection (6) of this section, shall be used

1 to reimburse GAP participating insurers for any actual guaranteed acceptance
2 program losses. If the amount of GAP losses exceeds the amount in the
3 Kentucky Health Care Improvement Fund after reserving sufficient funds for
4 Kentucky Access for the current year, each GAP participating insurer shall be
5 reimbursed up to the amount of its proportional share of actual guaranteed
6 acceptance program plan losses from the fund. Effective for any assessment
7 on or after January 1, 2001, in calculating GAP losses, total premiums and
8 total claims of the GAP participating insurer shall be used. Actual guaranteed
9 acceptance program losses shall be calculated as the difference between the
10 total GAP claims and the total GAP premiums on an aggregate basis.

11 (c) If GAP losses are fully covered by the assessment process provided for in
12 subsection (1)(a)1. and (1)(a)2. of this section and the second assessment
13 provided for in subsection (1)(a)3. of this section is not necessary to cover
14 GAP losses, and as determined by the office using reasonable actuarial
15 principles Kentucky Access funding is needed, a second assessment provided
16 for in subsection (1)(a)3. of this section shall be completed.

17 (6) After the end of each calendar year, GAP losses shall be reimbursed only after the
18 office determines that appropriate funding is available for Kentucky Access for the
19 current calendar year. GAP losses shall be reimbursed after reserving sufficient
20 funds for Kentucky Access.

21 (7) With respect to a GAP participating insurer who reasonably will be expected both
22 to pay assessments and to receive payments from the assessment fund, the office
23 shall calculate the net amount owed to or to be received from the fund, and the
24 office shall only collect assessments for or make payments from the fund based
25 upon net amounts.

26 (8) Insurers paying an assessment may include in any health insurance rate filing the
27 amount of these assessments as provided for in Subtitle 17A of this chapter.

- 1 (9) Insurers shall pay any assessment amounts authorized in KRS 304.17B-001 to
2 304.17B-031 within thirty (30) days of receiving notice from the office of the
3 assessment amount.
- 4 (10) Any surpluses remaining in the Kentucky Access fund after completion of the
5 assessment process for a calendar year shall be maintained for use in the assessment
6 process for future calendar years and such funds shall not lapse. The general fund
7 appropriations to the Kentucky Access fund shall not lapse.
- 8 (11) Assessments on health benefit plan premiums that are required under KRS
9 304.17B-001 to 304.17B-031 shall not be applied to premiums received by an
10 insurer for state employees, Medicaid recipients, Medicare beneficiaries, and
11 CHAMPUS insureds.
- 12 (12) The office shall direct that receipts of Kentucky Access be held at interest, and may
13 be used to offset future losses or to reduce plan premiums in accordance with the
14 terms of KRS 304.17B-001 to 304.17B-031. As used in this subsection, "future
15 losses" may include reserves for incurred but not reported claims.
- 16 (13) The office shall conduct examinations of insurers and stop-loss carriers reasonably
17 necessary to determine if the information provided by the insurers or stop-loss
18 carriers is accurate.
- 19 (14) The insurer, as a condition of conducting health insurance business in Kentucky,
20 shall pay the assessments specified in KRS 304.17B-001 to 304.17B-031.
- 21 (15) The stop-loss carrier, as a condition of doing health insurance business in Kentucky,
22 shall pay the assessments specified in KRS 304.17B-001 to 304.17B-031.
- 23 ➔Section 69. KRS 11.068 is amended to read as follows:
- 24 (1) There is created an agency of state government known as the Office of State Budget
25 Director. The office shall be attached for administrative purposes to the Office of
26 the Governor.
- 27 (2) The office shall include the following major organizational units:

- 1 (a) The Office of State Budget Director, headed by the state budget director. The
2 state budget director shall be appointed by the Governor pursuant to KRS
3 11.040 and shall serve, under direction of the Governor, as state budget
4 director and secretary of the state planning committee. The office shall
5 include such principal assistants and supporting personnel appointed pursuant
6 to KRS Chapter 12 as may be necessary to carry out the functions of the
7 office. The office shall have such duties, rights, and responsibilities as are
8 necessary to perform, without being limited to, the following functions:
- 9 1. Functions relative to the preparation, administration, and evaluation of
10 the executive budget as provided in KRS Chapters 45 and 48 and in
11 other laws, including but not limited to, capital construction budgeting,
12 evaluation of state programs, program monitoring, financial and policy
13 analysis and issue review, and executive policy implementation and
14 compliance;
 - 15 2. Continuous evaluation of statewide management and administrative
16 procedures and practices, including but not limited to economic
17 forecasting, technical assistance to state agencies, forms control, and
18 special analytic studies as directed by the Governor; and
 - 19 3. Staff planning functions of the state planning committee and evaluation
20 of statewide management and administrative practices and procedures.
- 21 (b) Governor's Office for Policy and Management, headed by the state budget
22 director. The state budget director shall maintain staff employed pursuant to
23 KRS Chapter 18A sufficient to carry out the functions of the office relating to
24 state budgeting as provided in paragraph (a) of this subsection and state
25 planning as provided in KRS Chapter 147, review of administrative
26 regulations proposed by executive agencies prior to filing pursuant to KRS
27 Chapter 13A and such other duties as may be assigned by the Governor.

1 (c) Governor's Office for Policy Research, headed by the state budget director.
2 The Governor's Office for Policy Research shall assist the state budget
3 director in providing policy research data, information, and analysis to the
4 Governor on public policy issues that impact the Commonwealth. The state
5 budget director shall identify and direct the research to be completed and
6 provided by the office. The state budget director shall maintain staff employed
7 in accordance with KRS Chapter 18A sufficient to carry out the functions of
8 the office.

9 (d) Governor's Office for Economic Analysis, headed by the state budget director.
10 The state budget director shall maintain staff employed in accordance with
11 KRS Chapter 18A sufficient to carry out the functions of the office. The
12 Governor's Office for Economic Analysis shall carry out the revenue
13 estimating and economic analysis functions and responsibilities, including but
14 not limited to the functions and responsibilities assigned to the Office of State
15 Budget Director by KRS Chapter 48. The Governor's Office for Economic
16 Analysis shall perform the tax administrative function of using tax data to
17 provide the Department of Revenue with studies, projections, statistical
18 analyses, and any other information that will assist the Department of
19 Revenue in performing its tax administrative functions.

20 (3) (a) As used in this subsection, "tax expenditure" means an exemption,
21 exclusion, or deduction from the base of a tax, a credit against the tax, a
22 deferral of a tax, or a preferential tax rate.

23 (b) On or before September 1, 2026, and every September 1 thereafter, the
24 Office of State Budget Director shall publish on its website detailed
25 estimates of the general fund and road fund for the current and next two (2)
26 fiscal years of the revenue loss resulting from tax expenditures.

27 (c) The Department of Revenue shall provide assistance and furnish data that

1 is not restricted by KRS 131.190.

2 (d) The estimates shall include for each tax expenditure:

3 1. The amount of revenue loss;

4 2. A citation of the legal authority for the tax expenditure;

5 3. The year in which the tax expenditure was enacted; and

6 4. The tax year in which the tax expenditure became effective.

7 ➔SECTION 70. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
8 READ AS FOLLOWS:

9 Notwithstanding any statute to the contrary, the department shall bill and accept
10 payment from nonstate-operated event sponsors for security services provided by the
11 department.

12 ➔SECTION 71. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
13 READ AS FOLLOWS:

14 (1) As used in this section:

15 (a) "Consumer" means a:

16 1. Kentucky resident who purchases an event contract through a
17 prediction market; or

18 2. Person who is not a Kentucky resident who purchases an event
19 contract through a prediction market while in Kentucky;

20 (b) "Department" means the Department of Revenue;

21 (c) "Event contract":

22 1. Means an agreement, contract, transaction, or swap in an excluded
23 commodity based on the occurrence, extent of an occurrence, or
24 contingency other than a change in the price, rate, value, or levels of a
25 commodity described in 7 U.S.C. sec. 1a(19)(i), as amended; and

26 2. Does not include:

27 a. Any contract of sale of a commodity for future delivery, or any

1 option on such a contract, executed on or subject to the rules of
 2 a designated contract market; or

3 b. Any swap or derivative based on:

4 i. An agricultural commodity;

5 ii. An exempt commodity; or

6 iii. Any excluded commodity not subject to subparagraph 1. of
 7 this paragraph, as the terms are defined in the Commodity
 8 Exchange Act;

9 (d) "Person" has the same meaning as in KRS 139.010;

10 (e) "Prediction market":

11 1. Means:

12 a. Any physical or electronic platform through which a consumer
 13 may buy, sell, or exchange event contracts, whether the market is
 14 located in or out of the state; or

15 b. Any platform or system that provides consumers with the ability
 16 to open speculative positions on the outcomes of future events;
 17 and

18 2. May be a board of trade designated as a contract market by the
 19 Commodity Futures Trading Commission;

20 (f) "Prediction market operator":

21 1. Means a board of trade or other person, including any affiliate of the
 22 person, that operates a prediction market; and

23 2. Includes but is not limited to a person that satisfies the requirements
 24 of this subsection through the ownership, operation, or control of a
 25 digital distribution service, digital distribution platform, online portal,
 26 or application store where a prediction market may be accessed;

27 (g) "Speculative position" means a financial commitment made by a consumer

1 in a prediction market; and

2 (h) "Transaction fee" means:

3 1. The fee charged by the prediction market operator to complete a sale,
4 purchase, or trade of an event contract to a consumer; and

5 2. The amount paid by a consumer to purchase an event contract from a
6 prediction market operator.

7 (2) On and after January 1, 2027, an excise tax is hereby imposed on a prediction
8 market operator at the rate of fourteen and one-quarter percent (14.25%) of the
9 prediction market operator's transaction fees. The accrual method of accounting
10 shall be used for purposes of calculating the amount of tax owed by the
11 prediction market operator under this subsection.

12 (3) The tax imposed by subsection (2) of this section is due and payable monthly and
13 shall be remitted to the department on or before the twentieth day of the next
14 succeeding calendar month.

15 (4) The prediction market operator's payment shall be accompanied by a return
16 prescribed by the department indicating the amount of tax due for the previous
17 calendar month as well as any other information the department shall require
18 through an administrative regulation promulgated in accordance with KRS
19 Chapter 13A.

20 (5) Any prediction market operator who violates any provision of this section shall be
21 subject to the uniform civil penalties imposed under KRS 131.180.

22 (6) In every case, any tax not paid on or before the due date shall bear interest at the
23 tax interest rate as defined in KRS 131.010 from the due date until the date of
24 payment.

25 (7) It is the purpose and intent of the General Assembly to levy taxes on persons
26 engaged in the operations of a prediction market. It is not the intent of the
27 General Assembly to legalize these activities.

1 ➔SECTION 72. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) (a) A fantasy contest service provider shall be liable for the payment of the tax
4 levied in Section 9 of this Act.

5 (b) A prediction market operator shall be liable for the payment of the tax
6 levied in Section 71 of this Act.

7 (2) Notwithstanding anything in this chapter to the contrary, the president, vice
8 president, secretary, treasurer, or any other person holding any equivalent
9 corporate office of any corporation subject to Section 9 or 71 of this Act shall be
10 personally and individually liable, both jointly and severally, for the taxes
11 imposed by Section 9 or 71 of this Act.

12 (3) Corporate dissolution, withdrawal of the corporation from the state, or the
13 cessation of holding any corporate office shall not discharge the liability of any
14 person. The personal and individual liability shall apply to every person holding a
15 corporate office at the time the tax becomes or became due.

16 (4) Notwithstanding any provision of this chapter or KRS 275.150, 362.1-306(3) or
17 predecessor law, or 362.2-404(3) to the contrary, the managers of a limited
18 liability company, the partners of a limited liability partnership, and the general
19 partners of a limited liability limited partnership or any other person holding any
20 equivalent office of a limited liability company, limited liability partnership, or
21 limited liability limited partnership subject to Section 9 or 71 of this Act shall be
22 personally and individually liable, both jointly and severally, for the fantasy
23 sports service provider or prediction market operator taxes.

24 (5) Dissolution, withdrawal of the limited liability company, limited liability
25 partnership, or limited liability limited partnership from the state, or the cessation
26 of holding any office shall not discharge the liability of any person. The personal
27 and individual liability shall apply to every manager of a limited liability

1 company, partner of a limited liability partnership, or general partner of a limited
 2 liability limited partnership at the time the tax becomes or became due.

3 (6) A person shall not be personally and individually liable under this section if the
 4 person had no authority to collect, truthfully account for, or pay over any tax at
 5 the time the taxes imposed become or became due.

6 (7) "Taxes," as used in this section, includes interest accrued at the rate provided by
 7 KRS 131.183, all applicable penalties imposed under this chapter, and all
 8 applicable penalties imposed under KRS 131.180, 131.410 to 131.445, and
 9 131.990.

10 ➔Section 73. KRS 132.017 is amended to read as follows:

11 (1) As used in this section:

12 (a) "Local governmental entity" includes a county fiscal court and legislative
 13 body of a city, urban-county government, consolidated local government,
 14 charter county government, unified local government, or other taxing district;
 15 and

16 (b) "Next regular election" means the regular election that occurs immediately
 17 after all statutory requirements for levying a property tax rate have been met,
 18 regardless of whether the election occurs in the same or a subsequent calendar
 19 year as the levy of the property tax rate.

20 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, the portion of a
 21 tax rate levied by an ordinance, order, resolution, or motion of a taxing
 22 district~~local governmental entity or district board of education~~ subject
 23 to recall as provided for in KRS 68.245, 132.023, 132.027, and 160.470,
 24 shall go into effect forty-five (45) days after its passage if a petition is
 25 not filed to challenge the levy. If a petition is filed, the levy shall be
 26 suspended in accordance with paragraph (e) of this subsection.

27 2. When a tax rate is levied by a~~district board of education or other~~

1 taxing district that is primarily located in a county **with a population of**
 2 **three hundred thousand (300,000) or more inhabitants**~~[containing an~~
 3 ~~urban county government or a consolidated local government]~~, the
 4 portion of a tax rate levied by an ordinance, order, resolution, or motion
 5 of a ~~[district board of education or other]~~ taxing district subject to recall
 6 as provided for in KRS 68.245, 132.023, 132.027, and 160.470, shall go
 7 into effect fifty (50) days after its passage **if a petition is not filed to**
 8 **challenge the levy. If a petition is filed, the levy shall be suspended in**
 9 **accordance with paragraph (e) of this subsection.**

- 10 (b) During the same forty-five (45) day or fifty (50) day time period provided by
 11 paragraph (a) of this subsection, any three (3) qualified voters, who reside in
 12 the area where the tax levy will be imposed, may commence petition
 13 proceedings to protest the passage of the ordinance, order, resolution, or
 14 motion **levied by a taxing district** by filing an affidavit with the county clerk.

15 The affidavit shall state:

- 16 1. The three (3) qualified voters constitute the members of the petition
 17 committee;
- 18 2. The petition committee will be responsible for circulating the petition;
- 19 3. The petition committee will file the petition in the proper form within
 20 the same forty-five (45) day or fifty (50) day time period provided by
 21 paragraph (a) of this subsection;
- 22 4. The names and addresses of the petition committee members;
- 23 5. The address to which all notices to the committee are to be sent; and
- 24 6. For petition committees filing petitions in response to a tax rate levied
 25 by a ~~[district board of education or other]~~ taxing district that is primarily
 26 located in a county **with a population of three hundred thousand**
 27 **(300,000) or more inhabitants**~~[containing an urban county government]~~

1 ~~or a consolidated local government~~, whether or not the petition
 2 committee is willing to incur all of the expenses associated with
 3 electronic petition signatures. If the petition committee is not willing to
 4 incur all of the expenses, then electronic petition signatures shall not be
 5 allowed for the petition.

6 (c) Upon receipt of the affidavit, the county clerk shall immediately:

- 7 1. Notify the petition committee of all statutory requirements for the filing
 8 of a valid petition under this section;
- 9 2. Notify the petition committee that the clerk will publish a notice
 10 identifying the tax levy being challenged and providing the names and
 11 addresses of the petition committee on the home page of the clerk's
 12 website and in a newspaper of general circulation within the county, if:
 - 13 a. There is a newspaper within the county in which to publish the
 14 notice; and
 - 15 b. The petition committee remits an amount equal to the cost of
 16 publishing the notice in the newspaper as determined in
 17 accordance with the provisions of KRS 424.160 at the time of the
 18 filing of the affidavit.

19 If the petition committee elects to have the notice published, the clerk
 20 shall publish the notice within five (5) days of receipt of the affidavit;
 21 and

- 22 3. Deliver a copy of the affidavit to the taxing district levying the
 23 tax~~[appropriate local governmental entity or district board of education]~~.

24 (d) The petition shall meet the following requirements:

- 25 1. All papers of the petition shall be substantially uniform in size and style
 26 and shall be assembled in one (1) instrument for filing;
- 27 2. Each sheet of the petition may contain the names of voters from more

- 1 than one (1) voting precinct;
- 2 3. Each nonelectronic petition signature shall be executed in ink or
- 3 indelible pencil;
- 4 4. Each electronic petition signature shall comply with the requirements of
- 5 the Uniform Electronic Transactions Act, KRS 369.101 to 369.120;
- 6 5. Each petition signature shall be followed by the printed name, street
- 7 address, birth month, and birth year of the person signing; and
- 8 6. a. i. Except for petitions filed in response to a tax rate levied by a
- 9 local~~district~~ board of education, The petition shall be
- 10 signed by a number of registered and qualified voters
- 11 residing in the affected jurisdiction equal to at least ten
- 12 percent (10%) of the total number of votes cast in the last
- 13 preceding presidential election.
- 14 ii. For petitions filed in response to a tax rate levied by a
- 15 local~~district~~ board of education, the petition shall be signed
- 16 by at least five thousand (5,000) registered and qualified
- 17 voters residing in the affected jurisdiction or signed by a
- 18 number of registered and qualified voters residing in the
- 19 affected jurisdiction equal to at least ten percent (10%) of the
- 20 total number of votes cast in the last preceding presidential
- 21 election, whichever is less.
- 22 b. Electronic petition signatures shall be included in determining
- 23 whether the required number of petition signatures has been
- 24 obtained when:
- 25 i. The expenses associated with the electronic petition
- 26 signatures have been incurred in accordance with paragraph
- 27 (b)6. of this subsection;

- 1 ii. The electronic petition signatures comply with the
2 requirements of this subsection; and
- 3 iii. The petition was filed in response to a tax rate levied by a
4 ~~district board of education or other~~ taxing district that is
5 primarily located in a county **with a population of three**
6 **hundred thousand (300,000) or more**
7 **inhabitants**~~[containing an urban county government or a~~
8 ~~consolidated local government].~~
- 9 c. The inclusion of an invalid petition signature on a page shall not
10 invalidate the entire page of the petition, but shall instead result in
11 the invalid petition signature being stricken and not counted.
- 12 (e) Upon the filing of the petition with the county clerk, the ordinance, order,
13 resolution, or motion shall be suspended from going into effect until after the
14 election referred to in subsection (3) of this section is held, or until the
15 petition is finally determined to be insufficient and no further action may be
16 taken pursuant to paragraph (i) of this subsection.
- 17 (f) The county clerk shall immediately notify the presiding officer of the **taxing**
18 **district**~~[appropriate local governmental entity or district board of education]~~
19 that the petition has been received and shall, within thirty (30) days of the
20 receipt of the petition, make a determination of whether the petition contains
21 enough signatures of qualified voters to place the ordinance, order, resolution,
22 or motion before the voters.
- 23 (g) If the county clerk finds the petition to be sufficient, the clerk shall certify to
24 the petition committee and the **taxing district**~~[local governmental entity or~~
25 ~~district board of education]~~ within the thirty (30) day period provided for in
26 paragraph (f) of this subsection that the petition is properly presented and in
27 compliance with the provisions of this section, and that the ordinance, order,

1 resolution, or motion levying the tax will be placed before the voters for
2 approval.

3 (h) If the county clerk finds the petition to be insufficient, the clerk shall, within
4 the thirty (30) day period provided for in paragraph (f) of this subsection,
5 notify, in writing, the petition committee and the taxing district levying the
6 tax~~[local governmental entity or district board of education]~~ of the specific
7 deficiencies found. Notification shall be sent by certified mail and shall be
8 published on the home page of the clerk's website and at least one (1) time in
9 a newspaper of general circulation within the county containing the taxing
10 district~~[local governmental entity or district board of education]~~ levying the
11 tax. If there is not a newspaper within the county in which to publish the
12 notification, then the notification shall be posted at the courthouse door.

13 (i) A final determination of the sufficiency of a petition shall be subject to final
14 review by the Circuit Court of the county in which the taxing district levying
15 the tax~~[local governmental entity or district board of education]~~ is located,
16 and shall be limited to the validity of the county clerk's determination. Any
17 petition challenging the county clerk's final determination shall be filed within
18 ten (10) days of the issuance of the clerk's final determination.

19 (j) The local governmental entity levying the tax~~[or district board of education]~~
20 may cause the cancellation of the election by reconsidering and amending the
21 ordinance, order, resolution, or motion to levy a tax rate which will produce
22 no more revenue from real property, exclusive of revenue from new property~~[~~
23 ~~as defined in KRS 132.010]~~, than four percent (4%) over the amount of
24 revenue produced by the compensating tax rate~~[defined in KRS 132.010]~~
25 from real property. The action by the local governmental entity or
26 local~~[district]~~ board of education to cancel an election shall be valid only if
27 taken within fifteen (15) days following the date the clerk finds the petition to

1 be sufficient.

2 (3) (a) If an election is necessary under the provisions of subsection (2) of this
3 section:

4 1. The local governmental entity shall cause to be submitted to the voters
5 of the district at the next regular election, the question as to whether the
6 property tax rate shall be levied; or

7 2. The local~~district~~ board of education shall cause to be submitted to the
8 voters of the district in a called common school election not less than
9 thirty-five (35) days nor more than forty-five (45) days from the date the
10 signatures on the petition are validated by the county clerk, or at the next
11 regular election, at the option of the local~~district~~ board of education,
12 the question as to whether the property tax rate shall be levied. The cost
13 of a called common school election shall be borne by the school district
14 holding the election. Any called common school election shall comply
15 with the provisions of KRS 118.025.

16 (b) If an election under paragraph (a) of this subsection is held in conjunction
17 with a regular election, the question as to whether the property tax rate shall
18 be levied shall be submitted to the county clerk no later than the second
19 Tuesday in August preceding the regular election.

20 (c) In an election held under paragraph (a) of this subsection, the question shall
21 be framed to ask whether the voter is for the levy of the property tax rate. If a
22 majority of the votes cast upon the question oppose its passage, the ordinance,
23 order, resolution, or motion shall not go into effect. If a majority of the votes
24 cast upon the question favor its passage, the ordinance, order, resolution, or
25 motion shall become effective.

26 (d) If the ordinance, order, resolution, or motion fails to pass pursuant to an
27 election held under paragraph (a) of this subsection, the property tax rate

1 which will produce four percent (4%) more revenues from real property,
 2 exclusive of revenue from new property~~[as defined in KRS 132.010]~~, than the
 3 amount of revenue produced by the compensating tax rate~~[defined in KRS~~
 4 ~~132.010]~~, shall be levied without further approval by the local governmental
 5 entity or local~~[district]~~ board of education.

6 (e) Local, state, and federal tax dollars shall not be used to advocate, in partial
 7 terms, for or against any public question that appears on the ballot in this
 8 subsection. For purposes of this section, "local" means and includes any city,
 9 county, urban-county government, consolidated local government, unified
 10 local government, charter county, or special district.

11 (4) Notwithstanding any statutory provision to the contrary, if a taxing district~~[local~~
 12 ~~governmental entity or district board of education]~~ has not established a final tax
 13 rate as of September 15, due to the recall provisions of this section, KRS 68.245,
 14 132.023, 132.027, or 160.470, regular tax bills shall be prepared as required in KRS
 15 133.220 for all districts having a tax rate established by that date; and a second set
 16 of bills shall be prepared and collected in the regular manner, according to the
 17 provisions of KRS Chapter 132, upon establishment of final tax rates by the
 18 remaining districts.

19 (5) If a second billing is necessary, the collection period shall be extended to conform
 20 with the second billing date.

21 (6) All costs associated with the second billing shall be paid by the taxing district~~[or~~
 22 ~~districts]~~ requiring the second billing.

23 ➔Section 74. KRS 160.470 is amended to read as follows:

24 (1) (a) Notwithstanding any statutory provisions to the contrary, a local~~[no district]~~
 25 board of education shall not levy a general tax rate which will produce more
 26 revenue, exclusive of revenue from net assessment growth as defined in KRS
 27 132.010, than would be produced by application of the general tax rate that

1 could have been levied in the preceding year to the preceding year's
 2 assessment, except as provided in subsections ~~(10)(9)~~ and ~~(11)(10)~~ of this
 3 section and KRS 157.440.

4 (b) If an election is held as provided for in KRS 132.017 and the question should
 5 fail, such failure shall not reduce the "...general tax rate that could have been
 6 levied in the preceding year..." referred to in subsection (1)(a) of this section,
 7 for purposes of computing the general tax rate for succeeding years.

8 In the event of a merger of school districts, the limitations contained in this
 9 section shall be based upon the combined revenue of the merging districts, as
 10 computed under the provisions of this section.

11 (2) ~~A local~~~~No district~~ board of education shall ***not*** levy a general tax rate within the
 12 limits imposed in subsection (1) of this section which respectively exceeds the
 13 compensating tax rate defined in KRS 132.010, except as provided in subsections
 14 ~~(10)(9)~~ and ~~(11)(10)~~ of this section ***and***, ~~KRS 157.440,~~ and ~~KRS~~ 157.621,
 15 until the ~~local~~~~district~~ board of education has complied with the provisions of
 16 subsection ~~(8)(7)~~ of this section.

17 (3) Upon receipt of property assessments from the Department of Revenue, the
 18 commissioner of education shall certify the following to each ~~local~~~~district~~ board
 19 of education:

20 (a) The general tax rate that a ~~local~~~~district~~ board of education could levy under
 21 the provisions of subsection (1) of this section, and the amount of revenue
 22 expected to be produced;

23 (b) The compensating tax rate as defined in KRS 132.010 for a district's general
 24 tax rate the amount of revenue expected to be produced; ***and***

25 (c) The general tax rate which will produce, respectively, no more revenue from
 26 real property, exclusive of revenue from new property, than four percent (4%)
 27 over the amount of revenue produced by the compensating tax rate defined in

1 KRS 132.010, and the amount of revenue expected to be produced.

2 (4) Upon completion of action on property assessment data, the Department of
3 Revenue shall submit certified property assessment data as required in KRS
4 133.125 to the chief state school officer.

5 (5) Within thirty (30) days after the local~~[district]~~ board of education has received its
6 assessment data, the rates levied shall be forwarded to the Kentucky Board of
7 Education for its approval or disapproval. The failure of the local~~[district]~~ board of
8 education to furnish the rates within the time prescribed shall not invalidate any
9 levy made thereafter.

10 (6) (a) Each local~~[district]~~ board of education shall, on or before January 31 of each
11 calendar year, formally and publicly examine detailed line item estimated
12 revenues and proposed expenditures for the subsequent fiscal year. On or
13 before May 30 of each calendar year, each local~~[district]~~ board of education
14 shall adopt a tentative working budget which shall include a minimum reserve
15 of two percent (2%) of the total budget.

16 (b) Each local~~[district]~~ board of education shall submit to the Kentucky Board of
17 Education no later than September 30, a close estimate or working budget
18 which shall conform to the administrative regulations prescribed by the
19 Kentucky Board of Education.

20 (7) **(a) A local board of education proposing to levy a general tax rate shall make**
21 **the following information public:**

22 **1. The general tax rate levied in the preceding year and the revenue**
23 **produced by that rate;**

24 **2. The proposed tax rate for the current year and the revenue expected to**
25 **be produced by that rate;**

26 **3. A clear explanation if the proposed tax rate is expected to produce**
27 **more or less revenue generated for the school district than received**

1 from the general tax rate in the preceding year and the general areas
 2 to which any increase in revenue will be allocated;

3 4. A specific reference to this section and Section 73 of this Act, along
 4 with a statement as to whether any portion of the proposed tax rate, if
 5 adopted, would be subject to recall; and

6 5. A statement to the effect that the General Assembly has required
 7 publication of the information contained herein.

8 (b) To make the information in paragraph (a) of this subsection public, the
 9 local board of education:

10 1. Shall publish the information for at least two (2) consecutive weeks on
 11 the home page of its website and in the newspaper of largest
 12 circulation in the county in a display type advertisement of not less
 13 than twelve (12) column inches;

14 2. Shall read the information into the record of the school board meeting
 15 in which the general tax rate is adopted;

16 3. Shall post the information on its social media platforms; and

17 4. May issue a notice containing the information to the editor of all print
 18 media.

19 **(8)** (a) Except as provided in subsections ~~(10)~~~~(9)~~ and ~~(11)~~~~(10)~~ of this section and
 20 KRS 157.440, a local~~district~~ board of education proposing to levy a general
 21 tax rate within the limits of subsection (1) of this section which
 22 exceeds~~exceed~~ the compensating tax rate defined in KRS 132.010 shall hold
 23 a public hearing to hear comments from the public regarding the proposed tax
 24 rate. The hearing shall be held in the principal office of the taxing district or,
 25 in the event the taxing district does not have a~~has no office, or the office is~~
 26 ~~not~~ suitable office to hold the~~for such a~~ hearing, the hearing shall be held
 27 in a suitable facility as near as possible to the geographic center of the district.

- 1 (b) The local~~[district]~~ board of education shall **include the following information**
 2 **in the publication required in subsection (7) of this section and**
 3 **advertisement of**~~[advertise]~~ the hearing~~[by causing the following to be~~
 4 ~~published at least twice for two (2) consecutive weeks, in the newspaper of~~
 5 ~~largest circulation in the county, a display type advertisement of not less than~~
 6 ~~twelve (12) column inches]:~~
- 7 1. ~~[The general tax rate levied in the preceding year, and the revenue~~
 8 ~~produced by that rate;~~
 - 9 2. ~~The general tax rate for the current year, and the revenue expected to be~~
 10 ~~produced by that rate;~~
 - 11 3. ~~The compensating general tax rate, and the revenue expected from it;~~
 - 12 2.~~[4.]~~ ~~The revenue expected from new property and personal property;]~~
 - 13 5. ~~The general areas to which revenue in excess of the revenue produced in~~
 14 ~~the preceding year is to be allocated;]~~
 - 15 3.~~[6.]~~ ~~A time and place for the public hearing which shall be held not less than~~
 16 ~~seven (7) days nor more than ten (10) days after the day that the second~~
 17 ~~advertisement is published; **and**~~
 - 18 4.~~[7.]~~ ~~The purpose of the hearing[; and~~
 - 19 8. ~~A statement to the effect that the General Assembly has required~~
 20 ~~publication of the advertisement and the information contained herein].~~
- 21 (c) In lieu of the two (2) published notices **in the newspaper**, a single notice
 22 containing the required information **required by subsection (7) of this section**
 23 **and paragraph (b) of this subsection** may be sent by first-class mail to each
 24 person owning real property, addressed to the property owner at his residence
 25 or principal place of business as shown on the current year property tax roll.
- 26 (d) The hearing shall be open to the public. All persons desiring to be heard shall
 27 be given an opportunity to present oral testimony. The local~~[district]~~ board of

1 education may set reasonable time limits for testimony.

2 ~~(9)~~~~(8)~~ (a) That portion of a general tax rate, except as provided in subsections
3 ~~(10)~~~~(9)~~ and ~~(11)~~~~(10)~~ of this section, KRS 157.440, and KRS 157.621,
4 levied by an action of a local~~district~~ board of education which will produce,
5 respectively, revenue from real property, exclusive of revenue from new
6 property, more than four percent (4%) over the amount of revenue produced
7 by the compensating tax rate defined in KRS 132.010, shall be subject to a
8 recall vote or reconsideration by the local~~district~~ board of education as
9 provided for in KRS 132.017, and shall be advertised as provided for in
10 **subsection (7) of this section and** paragraph (b) of this subsection.

11 (b) The local~~district~~ board of education shall, within seven (7) days following
12 adoption of an ordinance, order, resolution, or motion to levy a general tax
13 rate, except as provided in subsections ~~(10)~~~~(9)~~ and ~~(11)~~~~(10)~~ of this section
14 and KRS 157.440, which will produce revenue from real property, exclusive
15 of revenue from new property as defined in KRS 132.010, more than four
16 percent (4%) over the amount of revenue produced by the compensating tax
17 rate defined in KRS 132.010, cause the following to be published, **on the**
18 **home page of its website and** in the newspaper of largest circulation in the
19 county, a display type advertisement of not less than twelve (12) column
20 inches:

- 21 1. The fact that the local~~district~~ board of education has adopted such a
22 rate;
- 23 2. The fact that the part of the rate which will produce revenue from real
24 property, exclusive of new property as defined in KRS 132.010, in
25 excess of four percent (4%) over the amount of revenue produced by the
26 compensating tax rate defined in KRS 132.010 is subject to recall; and
- 27 3. The name, address, and telephone number of the county clerk of the

1 county or urban-county in which the school district is located, with a
 2 notation to the effect that that official can provide the necessary
 3 information about the petition required to initiate recall of the tax rate.

4 ~~(10)~~~~(9)~~ (a) Notwithstanding any statutory provisions to the contrary, effective for
 5 school years beginning after June 30, 1990, the board of education of each
 6 school district shall levy a minimum equivalent tax rate of thirty cents (\$0.30)
 7 for general school purposes. Equivalent tax rate is defined as the rate which
 8 results when the income collected during the prior year from all taxes levied
 9 by the local~~district~~ for school purposes is divided by the total assessed value
 10 of property plus the assessment for motor vehicles certified by the Department
 11 of Revenue. School districts collecting school taxes authorized by KRS
 12 160.593 to 160.597, 160.601 to 160.617~~160.633~~, or 160.635 to 160.648 for
 13 less than twelve (12) months during a school year shall have included in
 14 income collected under this section the pro rata tax collection for twelve (12)
 15 months.

16 (b) Failure of a board to comply with paragraph (a) of this subsection may
 17 constitute a forfeiture of office by its members pursuant to KRS 415.050 and
 18 415.060.

19 ~~(11)~~~~(10)~~ A local~~district~~ board of education may levy a general tax rate that will
 20 produce revenue from real property, exclusive of revenue from new property, that is
 21 four percent (4%) over the amount of the revenue produced by the compensating
 22 tax rate as defined in KRS 132.010.

23 ➔Section 75. KRS 157.440 is amended to read as follows:

24 (1) (a) Notwithstanding any statutory provisions to the contrary, effective for school
 25 years beginning after July 1, 1990, the board of education of each school
 26 district may levy an equivalent tax rate as defined in subsection ~~(10)~~~~(9)~~(a) of
 27 KRS 160.470 which will produce up to fifteen percent (15%) of those

1 revenues guaranteed by the program to support education excellence in
2 Kentucky. The levy for the 1990-91 school year shall be made no later than
3 October 1, 1989, and no later than October 1, 1990, for the 1991-92 school
4 year, and by October 1 of each odd-numbered year thereafter. Effective with
5 the 1990-91 school year, revenue generated by this levy shall be equalized at
6 one hundred fifty percent (150%) of the statewide average per pupil
7 assessment.

8 (b) To participate in the Facilities Support Program of Kentucky, the board of
9 education of each school district shall commit at least an equivalent tax rate of
10 five cents (\$0.05) to debt service, new facilities, or major renovations of
11 existing school facilities, or the purchase of land if approved by the
12 commissioner of education as provided in KRS 157.420(4)(b). The five cents
13 (\$0.05) shall be in addition to the thirty cents (\$0.30) required by KRS
14 160.470~~(10)~~~~(9)~~ and any levy pursuant to paragraph (a) of this subsection.
15 The levy shall be made no later than October 1 of each odd-numbered year.
16 Eligibility for equalization funds for the biennium shall be based on the
17 district funds committed to debt service on that date. The five cents (\$0.05)
18 shall be equalized at one hundred fifty percent (150%) of the statewide
19 average per pupil assessment. The equalization funds shall be committed to
20 debt service to the greatest extent possible, but any excess equalization funds
21 not needed for debt service shall be deposited to a restricted building fund
22 account. The funds may be escrowed for future debt service or used to address
23 categorical priorities listed in the approved facilities plan pursuant to KRS
24 157.420.

25 (c) The board of education of each school district may contribute the levy
26 equivalent tax rate of five cents (\$0.05) and equalization funds for energy
27 conservation measures under guaranteed energy savings contracts pursuant to

- 1 KRS 45A.345, 45A.352, and 45A.353. Use of these funds, as provided under
2 KRS 45A.353, 56.774, and 58.600 shall be based on the following guidelines:
- 3 1. Energy conservation measures shall include facility alteration;
 - 4 2. Energy conservation measures shall be identified in the district's
5 approved facility plan pursuant to KRS 157.420;
 - 6 3. The current facility systems are consuming excess maintenance and
7 operating costs;
 - 8 4. The savings generated by the energy conservation measures are
9 guaranteed;
 - 10 5. The levy equivalent tax rate of five cents (\$0.05) and equalization funds
11 contributed to the energy conservation measures shall be defined as
12 capital cost avoidance as provided in KRS 45A.345(2) and shall be
13 subject to the restrictions on usage as specified in KRS 45A.352(9); and
 - 14 6. The equipment that is replaced has exceeded its useful life as
15 determined by a life cycle cost analysis.
- 16 (d) The rate levied by a local~~district~~ board of education under the provisions of
17 this subsection shall not be subject to the public hearing provisions of KRS
18 160.470~~(8)~~~~(7)~~ or to the recall provisions of KRS 160.470~~(9)~~~~(8)~~.
- 19 (e) A school district which is at or above the equivalent tax rates permitted under
20 the provisions of the Kentucky Education Reform Act of 1990, 1990 Ky. Acts
21 ch. 476, shall not be required to levy an equivalent tax rate which is lower
22 than the rate levied during the 1989-90 school year.
- 23 (2) (a) A district may exceed the maximum provided by subsection (1) of KRS
24 160.470 provided that, upon request of the board of education of the school
25 district, the county board of elections shall submit to the qualified voters of
26 the district, in the manner of submitting and voting as prescribed in paragraph
27 (b) of this subsection, the question whether a rate which would produce

1 revenues in excess of the maximum provided by subsection (1) of KRS
2 160.470 shall be levied. The rate that may be levied under this section may
3 produce revenue up to no more than thirty percent (30%) of the revenue
4 guaranteed by the program to support education excellence in Kentucky plus
5 the revenue produced by the tax authorized by this section. Revenue produced
6 by this levy shall not be equalized with state funds. If a majority of those
7 voting on the question favor the increased rate, the tax levying authority shall,
8 when the next tax rate for the district is fixed, levy a rate not to exceed the rate
9 authorized by the voters.

10 (b) The election shall be held not less than fifteen (15) or more than thirty (30)
11 days from the time the request of the board is filed with the county clerk, and
12 reasonable notice of the election shall be given. The election shall be
13 conducted and carried out in the school district in all respects as required by
14 the general election laws and shall be held by the same officers as required by
15 the general election laws. The expense of the election shall be borne by the
16 school district.

17 (3) For the 1966 tax year and for all subsequent years for levies which were approved
18 prior to December 8, 1965, no local~~district~~ board of education shall levy a tax at a
19 rate under the provisions of this section which exceeds the compensating tax rate as
20 defined in KRS 132.010, except as provided in subsection (4) of this section and
21 except that a rate which has been approved by the voters under this section but
22 which was not levied by the local~~district~~ board of education in 1965 may be
23 levied after it has been reduced to the compensating tax rate as defined in KRS
24 132.010, and except that in any school district where the rate levied in 1965 was
25 less than the maximum rate which had been approved by the voters, the
26 compensating tax rate shall be computed and may be levied as though the
27 maximum approved rate had been levied in 1965 and the amount of revenue which

1 would have been produced from such maximum levy had been derived therefrom.

2 (4) Notwithstanding the limitations contained in subsection (3) of this section, no tax
3 rate shall be set lower than that necessary to provide such funds as are required to
4 meet principal and interest payments on outstanding bonded indebtedness and
5 payments of rentals in connection with any outstanding school revenue bonds
6 issued under the provisions of KRS Chapter 162.

7 (5) The chief state school officer shall certify the compensating tax rate to the levying
8 authorities.

9 ➔Section 76. KRS 160.473 is amended to read as follows:

10 (1) **(a) For assessment years beginning before January 1, 2029,** in the event that a
11 general tax rate applicable to real property levied by a **local**~~[district]~~ board of
12 education will produce a percentage increase in revenue from personal
13 property less than the percentage increase in revenue from real property, the
14 **local**~~[district]~~ board of education may levy a general tax rate applicable to
15 personal property which will produce the same percentage increase in revenue
16 from personal property as the percentage increase in revenue from real
17 property; however, in no event shall the general tax rate levied by the
18 **local**~~[district]~~ board of education applicable to personal property exceed the
19 prior year general tax rate applicable to personal property levied by the
20 respective **local**~~[district]~~ board of education.

21 **(b) For assessment years beginning on or after January 1, 2029, in the event**
22 **that a general tax rate applicable to real property levied by a local board of**
23 **education will produce a percentage increase in revenue from personal**
24 **property less than the percentage increase in revenue from real property,**
25 **the local board of education may levy a general tax rate applicable to**
26 **personal property which will produce the same percentage increase in**
27 **revenue from personal property as the percentage increase in revenue from**

1 *real property; however, in no event shall the general tax rate levied by the*
 2 *local board of education applicable to personal property exceed:*

3 *1. The prior year general tax rate applicable to personal property levied*
 4 *by the respective local board of education; or*

5 *2. The general tax rate applicable to personal property levied by the*
 6 *respective local board of education for the January 1, 2028,*
 7 *assessment year.*

8 (2) The general tax rate applicable to personal property levied by a local~~district~~ board
 9 of education under the provisions of subsection (1) of this section shall not be
 10 subject to the public hearing provisions of KRS 160.470~~(8)~~~~(7)~~ and to the recall
 11 provisions of KRS 160.470~~(9)~~~~(8)~~.

12 ➔Section 77. KRS 160.607 is amended to read as follows:

13 (1) The school tax authorized by KRS 160.482 to 160.488 and 160.605 shall be at a
 14 single uniform rate not to exceed one-half of one percent (0.5%) and shall continue
 15 from year to year until changed as prescribed in KRS 160.635 and 160.484.

16 (2) Any county having five~~three~~ hundred thousand (500,000)~~(300,000)~~ or more
 17 inhabitants is authorized to increase the school tax rate to exceed the maximum set
 18 in subsection (1) of this section by one-quarter of one percent (0.25%) before the
 19 effective date of this section of this Act.

20 (3) Beginning on or after January 1, 2027:

21 (a) A school tax is not authorized to be imposed under KRS 160.482 to 160.488
 22 and 160.605 in a school district that does not already have one imposed;
 23 and

24 (b) The rate of a school tax imposed under KRS 160.482 to 160.488 and
 25 160.605 shall never increase.

26 ➔Section 78. KRS 160.483 is amended to read as follows:

27 (1) (a) The license fees imposed under KRS 160.482 to 160.488 on businesses,

1 trades, occupations, and professions shall be at a single, uniform percentage
2 rate not to exceed one-half of one percent (0.5%) of:

3 ~~1.(a)~~ Salaries, wages, and commissions, and other compensations
4 earned by persons within the county for work done and services
5 performed or rendered in the county; and

6 ~~2.(b)~~ The net profits of all businesses, trades, occupations, and
7 professions, for activities conducted in the county.

8 **(b) Beginning on or after January 1, 2027:**

9 **1. A school tax is not authorized to be imposed under KRS 160.482 to**
10 **160.488 and 160.605 in a school district that does not already have**
11 **one imposed; and**

12 **2. The rate of a school tax imposed under KRS 160.482 to 160.488 and**
13 **160.605 shall never increase.**

14 (2) The license fees, once imposed, shall continue from year to year until changed as
15 prescribed in KRS 160.484.

16 (3) ~~No public service company which pays an ad valorem tax is required to pay a~~
17 ~~license fee.~~

18 ~~(4)~~(a) It is the intent of the General Assembly to continue the exemption from local
19 license fees and occupational taxes that existed on January 1, 2006, for
20 providers of multichannel video programming services or communications
21 services as defined in KRS 136.602 that were taxed under KRS 136.120 prior
22 to January 1, 2006.

23 (b) To further this intent, no company providing multichannel video
24 programming services or communications services as defined in KRS 136.602
25 shall be required to pay a license fee. If only a portion of an entity's business
26 is providing multichannel video programming services or communications
27 services, including products or services that are related to and provided in

1 support of the multichannel video programming services or communications
 2 services, this exclusion applies only to that portion of the business that
 3 provides multichannel video programming services or communications
 4 services, including products or services that are related to and provided in
 5 support of the multichannel video programming services or communications
 6 services.

7 ~~(4)~~~~(5)~~ No license fee shall be imposed upon or collected from:

- 8 (a) Any bank, trust company, combined bank and trust company, combined trust,
 9 banking and title business in this state;
- 10 (b) Any savings and loan association whether state or federally chartered;
- 11 (c) Any income received by members of the Kentucky National Guard for active
 12 duty training, unit training assemblies, and annual field training;~~or~~
- 13 (d) Any income received by precinct workers for election training or work at
 14 election booths in state, county, and local primary, regular, or special
 15 elections;

16 (e) A public service company which pays an ad valorem tax; or

17 (f) Any individual who is not a resident of the county of the tax-levying
 18 authority imposing the tax.~~]~~

19 ~~(6) No license tax shall be collected from any individual who is not a resident of the~~
 20 ~~county of the tax-levying authority imposing the tax.]~~

21 ~~(5)~~~~(7)~~ Pursuant to this section, no tax-levying authority shall regulate any aspect of
 22 the manner in which any duly ordained, commissioned, or denominationally
 23 licensed minister of religion may perform his or her duties and activities as a
 24 minister of religion. Duly ordained, commissioned, or denominationally licensed
 25 ministers of religion shall be subject to the same license fees imposed on others by
 26 the tax-levying authority on salaries, wages, commissions, and other compensation
 27 earned for work done and services performed or rendered.

1 ➔Section 79. KRS 160.484 is amended to read as follows:

- 2 (1) Except as provided in subsections (2), (3), and (4) ***of this section*** the fiscal court
 3 has discretion to impose or not impose the license fees authorized by KRS 160.482
 4 to 160.488 at a percentage rate, not to exceed one-half of one percent (0.5%),
 5 determined by the fiscal court. A fiscal court shall not proceed under this subsection
 6 without first giving all boards of education in the county thirty (30) days notice of
 7 its intention.
- 8 (2) If one (1) or more boards of education of school districts within the county which
 9 contain at least ninety percent (90%) of county's inhabitants, in the same calendar
 10 year certify to the fiscal court requests for a license fee at an identical percentage
 11 rate, not to exceed one-half of one percent (0.5%), then the fiscal court shall impose
 12 such license fees at the requested rate.
- 13 (3) Any license fees imposed under ~~subsection~~^{subsections} (1) or (2) ***of this section***
 14 shall remain in full effect from year to year until all boards of education within the
 15 county have certified to the fiscal court requests for a reduction in the percentage
 16 rate theretofore imposed. Thereafter, the fiscal court shall reduce the rate to the
 17 highest rate certified as yet necessary by any ***local*** board of education in the county.
 18 The fiscal court may require each ***local*** board of education to make no more than
 19 one (1) certificate annually.
- 20 (4) ***Beginning on or after January 1, 2027:***
- 21 ***(a) A school tax is not authorized to be imposed under KRS 160.482 to 160.488***
 22 ***and 160.605 in a school district that does not already have one imposed;***
 23 ***and***
- 24 ***(b) The rate of a school tax imposed under KRS 160.482 to 160.488 and***
 25 ***160.605 shall never increase.***~~In any calendar year in which one (1) or more~~
 26 ~~boards of education of school districts containing at least ninety percent~~
 27 ~~(90%) of the county's inhabitants make a certification pursuant to subsection~~

1 ~~(2) for a rate which is at a higher percentage than any currently imposed, the~~
 2 ~~fiscal court shall impose the license fee at the higher rate and any rate~~
 3 ~~imposed pursuant to subsections (1), (2), or (3) shall be rescinded upon the~~
 4 ~~date the new rate takes effect].~~

5 ➔Section 80. KRS 160.505 is amended to read as follows:

6 KRS 160.500 to the contrary notwithstanding, if a tax authorized by KRS 160.593 to
 7 160.597, 160.601 to 160.617~~[160.633]~~, and 160.635 to 160.648 shall be collected by a
 8 **local** board of education, the **local** board of education shall appoint a person who shall be
 9 responsible for collection and administration of such tax. If one (1) or more boards of
 10 education agree in writing to levy identical taxes authorized by the statutes mentioned
 11 hereinabove, the boards of education so agreeing shall jointly appoint a person who shall
 12 be responsible for collection and administration of such tax as provided for in KRS
 13 160.593(2). The position may be full-time or part-time and his compensation shall be
 14 fixed by the board and/or boards of education. The bond of this person shall be made to
 15 cover his duties as tax collector.

16 ➔Section 81. KRS 160.593 is amended to read as follows:

- 17 (1) Any board of education of a school district may, after compliance with the public
 18 hearing requirement contained in KRS 160.603, levy school taxes authorized by
 19 KRS 160.593 to 160.597, 160.601 to 160.617~~[160.633]~~, and 160.635 to 160.648.
 20 The imposition of any tax levied under the provisions of 160.593 to 160.597,
 21 160.601 to 160.617~~[160.633]~~, and 160.635 to 160.648 shall be limited to the
 22 territory of the school district except as provided in subsection (2) of this section.
- 23 (2) Two (2) or more boards of education may agree in writing to levy identical school
 24 taxes authorized by KRS 160.605 to 160.611 and~~[,]~~ 160.613 to 160.617~~[, and~~
 25 ~~160.621 to 160.633]~~. After the levying in each district so agreeing of a tax under the
 26 terms of such agreement, the receipts from said tax shall be held in a common fund
 27 and disbursed therefrom to each district on the basis of average daily attendance, as

1 set forth in KRS 160.644. Any districts levying taxes under the terms of such an
2 agreement shall be deemed to constitute a combined taxing district for the purposes
3 of reference in KRS Chapter 160.

4 ➔Section 82. KRS 160.597 is amended to read as follows:

5 Any school tax authorized by KRS 160.593 to 160.597, 160.601 to 160.617~~[160.633]~~,
6 and 160.635 to 160.648 may be recalled as follows:

- 7 (1) (a) The order or resolution levying any of the school taxes designated in this
8 section shall go into effect not less than forty-five (45) days nor more than
9 ninety (90) days after its passage.
- 10 (b) During the forty-five (45) days immediately following the passage of the
11 order or resolution, any five (5) qualified voters who reside in the school
12 district levying the tax may commence petition proceedings to protest the
13 passage of the order or resolution by filing with the county clerk an affidavit
14 stating that they constitute the petition committee and that they will be
15 responsible for circulating the petition and filing it in the proper form within
16 forty-five (45) days from the passage of the order or resolution. The affidavit
17 shall state their names and addresses and specify the address to which all
18 notices to the committee are to be sent. Upon receipt of the affidavit, the
19 county clerk shall:
- 20 1. At the time of filing of the affidavit, notify the petition committee of all
21 statutory requirements for the filing of a valid petition under this
22 section;
 - 23 2. At the time of the filing of the affidavit, notify the petition committee
24 that the clerk will publish a notice identifying the tax levy being
25 challenged and providing the names and addresses of the petition
26 committee in a newspaper of general circulation within the county, if
27 such publication exists, if the petition committee remits an amount equal

1 to the cost of publishing the notice determined in accordance with the
2 provisions of KRS 424.160 at the time of the filing of the affidavit. If
3 the petition committee elects to have the notice published, the clerk shall
4 publish the notice within five (5) days of receipt of the affidavit; and

5 3. Deliver a copy of the affidavit to the local board of education~~[school~~
6 ~~board]~~ or combined taxing district.

7 (c) The petition shall be filed with the county clerk within forty-five (45) days of
8 the passage of the order or resolution. All papers of the petition shall be
9 uniform in size and style and shall be assembled in one (1) instrument for
10 filing. Each sheet of the petition shall contain the names of voters from one
11 (1) voting precinct only, and shall include the name, number and designation
12 of the precinct in which the voters signing the petition live. The inclusion of
13 an invalid signature on a page shall not invalidate the entire page of the
14 petition, but shall instead result in the invalid signature being stricken and not
15 counted. Each signature shall be executed in ink or indelible pencil and shall
16 be followed by the printed name, street address, and Social Security number
17 or birthdate of the person signing. The petition shall be signed by a number of
18 registered and qualified voters residing in the affected jurisdiction equal to at
19 least ten percent (10%) of the total number of votes cast in the last preceding
20 presidential election, except in consolidated local governments, where the
21 petition shall be signed by a number of registered and qualified voters equal to
22 at least five percent (5%) of the total number of votes cast in the last
23 preceding presidential election.

24 (d) Upon the filing of the petition with the county clerk, the order or resolution
25 shall be suspended from going into effect for that district until after the
26 election provided for in subsection (2) of this section is held, or until the
27 petition is finally determined to be insufficient and no further action may be

1 taken pursuant to paragraph (h) of this subsection.

2 (e) The county clerk shall immediately notify the local board of
3 education~~[school board]~~ or combined taxing district that the petition has been
4 received and shall, within thirty (30) days of receipt of the petition, make a
5 determination of whether the petition contains enough signatures of qualified
6 voters to place the order or resolution before the voters.

7 (f) If the county clerk finds the petition to be sufficient, the clerk shall certify to
8 the local board of education~~[school board]~~ or combined taxing district and
9 the petition committee within the thirty (30) day period provided for in
10 paragraph (e) of this subsection, that the petition is properly presented and in
11 compliance with the provisions of this section, and that the order or resolution
12 levying the tax will be placed before the voters for approval.

13 (g) If the county clerk finds the petition to be insufficient, the clerk shall, within
14 the thirty (30) day period provided for in paragraph (e) of this subsection,
15 notify, in writing, the petition committee and the school district or combined
16 taxing district levying the tax of the specific deficiencies found. Notification
17 shall be sent by certified mail, and shall be published at least one (1) time in a
18 newspaper of general circulation within the county containing the school
19 district levying the tax or, if there is no such newspaper, shall be posted at the
20 courthouse door.

21 (h) A final determination of the sufficiency of a petition shall be subject to final
22 review by the Circuit Court of the county in which the school district is
23 located, and shall be limited to the validity of the county clerk's
24 determination. Any petition challenging the county clerk's final determination
25 shall be filed within ten (10) days of the issuance of the clerk's final
26 determination.

27 (2) If the petition is sufficient, the county clerk shall, at the option of the local~~[district]~~

1 board of education, either submit the question to the voters of the school district at
 2 the next regular election or submit the question to the voters of the school district at
 3 a called common school election, which is to be held not less than thirty-five (35)
 4 days nor more than forty-five (45) days from the date the signatures on the petition
 5 are validated by the county clerk. Any called common school election shall comply
 6 with the provisions of KRS 118.025. If the election is to be held in conjunction with
 7 a regular election, the question shall be submitted to the county clerk not later than
 8 the second Tuesday in August preceding the regular election. The question shall be
 9 so framed that the voter may by his vote answer, "for" or "against." If a majority of
 10 the votes cast in a district or combined taxing district upon the question oppose its
 11 passage, the order or resolution shall not go into effect in that district or combined
 12 taxing district. If a majority of the votes cast in a district or combined taxing district
 13 upon the question favor its passage, the order or resolution shall go into effect in
 14 that district. If the election is to be held in more than one (1) school district within a
 15 county, the votes shall be counted separately. The cost of a called common school
 16 election shall be borne by the school district causing the election to be held.

17 (3) If any statute in existence on June 17, 1978, is found to be in conflict with any
 18 provision of this section, the provisions of this section shall prevail.

19 ➔Section 83. KRS 160.601 is amended to read as follows:

20 The school taxes authorized by KRS 160.605 to 160.611 and 160.613 to 160.617, ~~and~~
 21 ~~160.621 to 160.633~~ shall be known as an occupational license tax for schools and a
 22 utility gross receipts tax for schools, ~~and an excise tax for schools~~ as set out in the
 23 following sections.

24 ➔Section 84. KRS 160.603 is amended to read as follows:

25 No local ~~school district~~ board of education shall levy any of the school taxes authorized
 26 by KRS 160.593 to 160.597, 160.601 to 160.617 ~~160.633~~, and 160.635 to 160.648,
 27 except the levy required by KRS 160.614(3) and (6), until after compliance with the

1 following:

- 2 (1) The local~~[school district]~~ board of education desiring to levy any one (1) of these
 3 taxes shall give notice of any proposed levy of one (1) of the school taxes.
 4 Notwithstanding any statutory provisions to the contrary, notice shall be given by
 5 causing to be published, at least one (1) time in a newspaper of general circulation
 6 published in the county or by posting at the courthouse door if there be no such
 7 newspaper, the fact that such levy is being proposed. The advertisement shall state
 8 that the local~~[district]~~ board of education will meet at a place and on a day fixed in
 9 the advertisement, not earlier than one (1) week and not later than two (2) weeks
 10 from the date of the advertisement, for the purpose of hearing comments and
 11 complaints regarding the proposed increase and explaining the reasons for such
 12 proposal.
- 13 (2) The local~~[school district]~~ board of education shall conduct a public hearing at the
 14 place and on the date advertised for the purpose of hearing comments and
 15 complaints regarding the proposed levy and explaining the reasons for such
 16 proposal.
- 17 (3) In the event that a combined taxing district desires to levy any one (1) of these
 18 taxes, the boards of education shall make a joint advertisement and hold a joint
 19 hearing in the manner prescribed heretofore for an individual school district.

20 ➔Section 85. KRS 160.635 is amended to read as follows:

21 School taxes imposed under~~[the provisions of]~~ KRS 160.593 to 160.597, 160.601 to
 22 160.617~~[160.633]~~, and 160.635 to 160.648 shall remain in full force and effect from year
 23 to year until the local board of education reduces the rate in effect; however, at the time
 24 the tax is first levied the board may set a date on which the tax shall expire.

25 ➔Section 86. KRS 160.637 is amended to read as follows:

26 ~~[(1) "Requesting school districts" shall mean those school districts for which the~~
 27 ~~Department of Revenue is requested to act as tax collector under the authority of~~

1 ~~KRS 160.627(2).~~

2 ~~(2) —~~ Reasonable expenses not to exceed the actual costs of collection incurred by any
3 tax collector, except the Department of Revenue, for the administration or collection of
4 the school taxes authorized by KRS 160.605 to 160.611 and~~[,]~~ 160.613 to 160.617~~[, and~~
5 ~~160.621 to 160.633]~~ shall be reimbursed by the school local~~[district]~~ boards of education
6 on a monthly basis or on the basis agreed upon by the boards of education and the tax
7 collector. The expenses shall be borne by the school districts on a basis proportionate to
8 the revenue received by the districts.

9 ~~[(3) The following shall apply only when the Department of Revenue is acting as tax~~
10 ~~collector under the authority of KRS 160.627(2):~~

11 ~~(a) — When the department is initially requested to be the tax collector under KRS~~
12 ~~160.627(2), the department shall estimate the costs of implementing the~~
13 ~~administration of the tax so requested, and shall inform the requesting school~~
14 ~~district of this estimated cost. The requesting school district shall pay to the~~
15 ~~department ten percent (10%) of this estimated cost referred to as "start up~~
16 ~~costs" within thirty (30) days of notification by the department. Subsequent~~
17 ~~requesting school districts shall pay their pro rata share, or ten percent (10%),~~
18 ~~whichever is less, of the unpaid balance of the initial "start up costs" until the~~
19 ~~department has fully recovered the costs. The payment shall be made within~~
20 ~~thirty (30) days of notification by the department.~~

21 ~~(b) — The Department of Revenue shall also be reimbursed by each school district~~
22 ~~for its proportionate share of the actual operational expenses incurred by the~~
23 ~~department in collecting the excise tax. The expenses, which shall be~~
24 ~~deducted by the Department of Revenue from payments to school districts~~
25 ~~made under the provisions of KRS 160.627(2), shall be allocated by the~~
26 ~~department to school districts on a basis proportionate to the number of~~
27 ~~returns processed by the Department of Revenue for each district compared to~~

1 the total processed by the Department of Revenue for all districts.

2 ~~(e) All funds received by the department under the authority of paragraphs (a)~~
3 ~~and (b) of this subsection shall be deposited into an account entitled the~~
4 ~~"school tax fund account," an account created within the restricted fund group~~
5 ~~set forth in KRS 45.305. The use of these funds shall be restricted to paying~~
6 ~~the department for the costs described in paragraphs (a) and (b) of this~~
7 ~~subsection. This account shall not lapse.~~

8 ~~(d) The department may retain a portion of the school tax revenues collected in a~~
9 ~~special account entitled the "school tax refund account" which is an account~~
10 ~~created within the restricted fund group set forth in KRS 45.305. The sole~~
11 ~~purpose of this account shall be to authorize the Department of Revenue to~~
12 ~~refund school taxes. This account shall not lapse. Refunds shall be made in~~
13 ~~accordance with the provisions in KRS 134.580(6), and when the taxpayer has~~
14 ~~made an overpayment or a payment where no tax was due as defined in KRS~~
15 ~~134.580(7), within four (4) years of payment.~~

16 ~~(e) KRS 160.621 notwithstanding, when the department is acting as tax collector~~
17 ~~under the authority of KRS 160.627(2), the requesting school district may~~
18 ~~enact the tax enumerated in KRS 160.621 only at the following rates: five~~
19 ~~percent (5%), ten percent (10%), fifteen percent (15%), and twenty percent~~
20 ~~(20%) on a school district resident's state individual income tax liability as~~
21 ~~computed under KRS Chapter 141.~~

22 ~~(f) Beginning August 1, 1982, any school district which requests the department~~
23 ~~to collect taxes under the authority of KRS 160.627(2) shall inform the~~
24 ~~department of this request not less than one hundred fifty (150) days prior to~~
25 ~~January 1.~~

26 ~~(g) The department shall not be required to collect taxes authorized in KRS~~
27 ~~160.621 of an individual when the department is not pursuing collection of~~

1 ~~that individual's state income taxes. The department shall not be required to~~
 2 ~~collect or defend the tax set forth in KRS 160.621 in any board or court of this~~
 3 ~~state.~~

4 ~~(h) Any overpayments of the tax set forth in KRS 141.020 or payments made~~
 5 ~~when no tax was due may be applied to any tax liability arising under KRS~~
 6 ~~160.621 before a refund is authorized to the taxpayer. No individual's tax~~
 7 ~~payment shall be credited to the tax set forth in KRS 160.621 until all~~
 8 ~~outstanding state income tax liabilities of that individual have been paid.~~

9 ~~(i) KRS 160.510 notwithstanding, the State Auditor shall be the only party~~
 10 ~~authorized to audit the Department of Revenue with respect to the~~
 11 ~~performance of its duties under KRS 160.621.]~~

12 ➔Section 87. KRS 160.640 is amended to read as follows:

13 Any person having custody of the proceeds of any school tax authorized by KRS 160.605
 14 to 160.611 and 160.613 to 160.617, ~~and 160.621 to 160.633,~~ except the Department
 15 of Revenue, shall be required to secure a corporate surety bond in an amount to be set by
 16 the Kentucky Board of Education. The cost of the surety bond shall be considered a part
 17 of the cost of the administration of the school taxes authorized under KRS 160.605 to
 18 160.611 and 160.613 to 160.617, ~~and 160.621 to 160.633.~~

19 ➔Section 88. KRS 160.642 is amended to read as follows:

20 Any person having custody of the proceeds of any school tax authorized by KRS 160.605
 21 to 160.611 and 160.613 to 160.617, ~~160.621 to 160.633~~ shall be audited as provided
 22 by KRS 156.265 to 156.285.

23 ➔Section 89. KRS 160.644 is amended to read as follows:

24 The school taxes and penalties collected under KRS 160.593 to 160.597, 160.601 to
 25 160.617 ~~160.633~~, 160.635 to 160.648 shall be distributed to the treasurer of the board of
 26 education of the school district. In the event that more than one (1) local board of
 27 education within the county is participating in one (1) of these tax levies, the funds

1 collected shall be distributed in proportion to the tax rate levied and the number of pupils
2 in average daily attendance in the participating districts as shown by the final certification
3 by the chief state school officer for the previous school year pursuant to the provisions of
4 KRS 157.310 to 157.440.

5 ➔Section 90. KRS 160.648 is amended to read as follows:

6 (1) Any person, individual, or corporation required by the provisions of KRS 160.605
7 to 160.611 ~~and 160.621 to 160.633~~ to file any return or report or furnish any
8 information requested under the authority of KRS 160.605 to 160.611 ~~and 160.621~~
9 ~~to 160.633~~ who fails to file such return or report or furnish such information on or
10 before the date required shall pay a penalty in the amount of ten dollars (\$10) for
11 each failure.

12 (2) Any person, individual, or corporation who fails to pay, on or before the due date,
13 any school tax authorized by KRS 160.605 to 160.611 ~~and 160.621 to 160.633~~
14 and levied by the local~~district~~ board of education shall pay a penalty of one
15 percent (1%) per month of the amount of such tax past due until paid.

16 ➔Section 91. KRS 157.621 is amended to read as follows:

17 (1) In addition to the levy required by KRS 157.440(1)(b) to participate in the Facilities
18 Support Program of Kentucky, local school districts that have made the levy
19 required by KRS 157.440(1)(b) are authorized to levy the following additional
20 equivalent rates to support debt service, new facilities, or major renovations of
21 existing school facilities, which levies shall not be subject to recall under any
22 provision of the Kentucky Revised Statutes, or to voter approval under the
23 provisions of KRS 157.440(2):

24 (a) 1. Prior to April 24, 2008, local school districts that have experienced
25 student population growth during a five (5) year period may levy an
26 additional five cents (\$0.05) equivalent rate for debt service and new
27 facilities. The tax rate levied by the district under this provision shall not

1 be equalized by state funding, except as provided in paragraph (b) of
2 this subsection. Any levy imposed under this paragraph prior to April
3 24, 2008, by a local school district shall continue until removed by the
4 local school district.

5 2. A local school district shall meet the following criteria in order to levy
6 the tax provided in subparagraph 1. of this paragraph:

7 a. Growth of at least one hundred fifty (150) students in average
8 daily attendance and three percent (3%) overall growth for the five
9 (5) preceding years;

10 b. Bonded debt to the maximum capability of at least eighty percent
11 (80%) of capital outlay from the Support Education Excellence in
12 Kentucky funding program, all revenue from the local facility tax,
13 and all receipts from state equalization on the local facility tax;

14 c. Current student enrollment in excess of available classroom space;
15 and

16 d. A local school facility plan that has been approved by the
17 Kentucky Board of Education and certified to the School Facilities
18 Construction Commission;

19 (b) 1. In addition to the levy authorized by paragraph (a) of this subsection, a
20 local school district may levy an additional five cents (\$0.05) equivalent
21 rate under the same terms and conditions established by paragraph (a) of
22 this subsection beginning in fiscal year 2003-2004 if the levy was made
23 prior to April 24, 2008, and if the local school district:

24 a. Levied the five cents (\$0.05) equivalent rate authorized by
25 paragraph (a) of this subsection; and

26 b. Still meets the requirements established by paragraph (a)2. of this
27 subsection.

- 1 2. Any school district that imposes both the levy authorized by paragraph
2 (a) of this subsection and the additional levy authorized by subparagraph
3 1. of this paragraph shall receive equalization funding from the state for
4 the levy imposed by paragraph (a) of this subsection beginning in fiscal
5 year 2003-2004. Equalization shall be provided at one hundred fifty
6 percent (150%) of the statewide average per pupil assessment, subject to
7 subsection (6) of this section~~[the provision of funding by the General~~
8 ~~Assembly].~~ Equalization funds shall be used as provided in KRS
9 157.440(1)(b).
- 10 3. Any levy imposed under this paragraph prior to April 24, 2008, by a
11 local school district shall continue until removed by the local school
12 district; and
- 13 (c) 1. A local school district that meets the following conditions may levy an
14 additional five cents (\$0.05) equivalent rate on and after April 24, 2008:
- 15 a. The local school district is located in a county that will have more
16 students as a direct result of the new mission established for Fort
17 Knox by the Base Realignment and Closure (BRAC) 2005 issued
18 by the United States Department of Defense pursuant to the
19 Defense Base Closure and Realignment Act of 1990, Pub. L. No.
20 100-526, Part A of Title XXIX of 104 Stat. 1808, 10 U.S.C. sec.
21 2687 note; and
- 22 b. The commissioner of education has determined, based upon the
23 presentation of credible data, that the projected increased number
24 of students is sufficient to require new facilities or the major
25 renovation of existing facilities to accommodate the new students,
26 and has approved the imposition of the additional levy.
- 27 2. Any local school district that imposes both the levy authorized by

1 paragraph (a) of this subsection and the additional levy authorized by
 2 subparagraph 1. of this paragraph, and that has not received equalization
 3 funding under subsection (2) or (3) of this section, shall receive
 4 equalization funding from the state for the levy imposed by paragraph
 5 (a) of this subsection beginning in the fiscal year following the fiscal
 6 year in which the levy authorized by subparagraph 1. of this paragraph
 7 is imposed. Equalization shall be provided at one hundred fifty percent
 8 (150%) of the statewide average per pupil assessment, subject to
 9 subsection (6) of this section~~[the provision of funding by the General~~
 10 ~~Assembly].~~ Equalization funds shall be used as provided in KRS
 11 157.440(1)(b).

12 3. Any levy imposed under this paragraph by a local school district shall
 13 continue until removed by the local school district.

14 (2) (a) Any local school district that, prior to April 27, 2016, levied an equivalent rate
 15 that:

- 16 1. Was subject to recall at the time it was levied; and
- 17 2. Included a rate of at least five cents (\$0.05) equivalent rate for the
 18 purpose of debt service for school construction or major renovation of
 19 existing school facilities;

20 shall be eligible for retroactive equalization from the state for that levy at one
 21 hundred fifty percent (150%) of the statewide average per pupil assessment
 22 beginning in fiscal year 2003-2004, subject to subsection (6) of this
 23 section~~[the fiscal condition of the Commonwealth and the provision of~~
 24 ~~funding by the General Assembly].~~ Equalization funds shall be used as
 25 provided in KRS 157.440(1)(b).

26 (b) It is the intent of the General Assembly that for levies described in this
 27 subsection that are imposed on or after April 27, 2016, equalization funds, if

1 provided by the General Assembly, shall terminate upon the earlier of June
 2 30, 2038, or the date the bonds for the local school district supported by this
 3 equalization funding are retired. Equalization shall be subject to subsection
 4 (6)(b) and (c) of this section, the fiscal condition of the Commonwealth, and
 5 ~~the provision of~~ funding by the General Assembly.

6 (3) Any local school district that:

7 (a) Levied an equivalent tax rate as of April 24, 2008, that included at least ten
 8 cents (\$0.10) that was devoted to building purposes, or that had debt service
 9 corresponding to a ten cents (\$0.10) equivalent rate;

10 (b) Did not receive equalized growth funding pursuant to subsection (1)(b)2. of
 11 this section; and

12 (c) Has been approved by the commissioner of education;

13 shall be eligible for equalization from the state for that levy at one hundred fifty
 14 percent (150%) of the statewide average per pupil assessment beginning in fiscal
 15 year 2005-2006, subject to subsection (6)(b) and (c) of this section and the
 16 provision of funding by the General Assembly. Equalization funds shall be used as
 17 provided in KRS 157.440(1)(b). Equalization funds shall be available to a local
 18 school district pursuant to this subsection until the earlier of June 30, 2038, or the
 19 date the bonds for the local school district supported by this equalization funding
 20 are retired.

21 (4) (a) Notwithstanding any other provision of this section, any local school district
 22 receiving equalization funding prior to April 27, 2016, related to an equivalent
 23 rate levy described in subsection (1), (2), (3), or (5) of this section shall
 24 continue to receive the equalization funding related to the applicable
 25 equivalent rate levy, subject to subsection (6) of this section, the limitations
 26 established by subsections (1), (2), (3), and (5) of this section, ~~and subject to~~
 27 the fiscal condition of the Commonwealth, and the provision of funding by

1 the General Assembly, until amended by subsequent action of the General
2 Assembly. A local school district described in this paragraph shall not be
3 eligible to receive equalization for any additional equivalent rate levies made
4 by it on or after April 27, 2016.

5 (b) Notwithstanding any other provision of this section, any local school district
6 that has imposed an equivalent rate levy described in subsection (1)(a) or (b)
7 or (2) of this section prior to April 27, 2016, that qualifies for equalization but
8 that has not yet received equalization funding shall be eligible for equalization
9 funding as provided in subsection (1)(a) or (b) or (2) of this section, subject to
10 subsection (6) of this section~~the provision of funding by the General~~
11 ~~Assembly~~.

12 (c) On and after April 24, 2008, a local school district not included in paragraph
13 (a) or (b) of this subsection shall be prohibited from imposing an equivalent
14 rate levy under the provisions of subsection (1)(a) or (b) of this section, and
15 shall not be eligible for equalization funding under the provisions of this
16 section.

17 (d) On and after April 24, 2008, a local school district meeting the requirements
18 of subsection (1)(c) of this section may impose the levy authorized by
19 subsection (1)(c) of this section, and shall qualify for equalization as provided
20 in subsection (1)(c) of this section, subject to subsection (6) of this
21 section~~the provision of funding by the General Assembly~~.

22 (5) (a) Any local school district that:
23 1. Had school facilities classified as Category 5 on May 18, 2010, by the
24 Kentucky Department of Education; and
25 2. Levied an additional five cents (\$0.05) equivalent tax rate prior to April
26 27, 2016, for debt service, new construction, and major renovation
27 beyond the five cents (\$0.05) equivalent tax rate required by KRS

1 157.440(1)(b), except as provided in paragraph (b) of this subsection;
2 shall be eligible for equalization from the state for that levy at one hundred
3 fifty percent (150%) of the statewide average per pupil assessment beginning
4 in the fiscal year following the fiscal year in which the levy was imposed
5 subject to subsection (6) of this section. This levy shall be subject to the
6 recall provisions of KRS 132.017.

7 (b) School districts that levied a five cents (\$0.05) equivalent tax rate for debt
8 service, new construction, and major renovation, beyond the rate required by
9 KRS 157.440(1)(b) prior to May 18, 2010, shall not be required to levy an
10 additional tax to receive the equalization funds provided in paragraph (a) of
11 this subsection.

12 (c) If the school district utilizes the equalization funds to support a bond issue for
13 construction purposes, equalization funds shall be provided until the earlier of
14 twenty (20) years or date the bonds are retired.

15 (d) In the event that a school district receives funding pursuant to this subsection
16 to support construction of a new school facility and subsequently, as a result
17 of litigation, receives funding for the same facility for which state funds were
18 provided, that school district shall reimburse the Commonwealth an amount
19 equal to the amount provided under paragraph (a) of this subsection. Any
20 funds received in this manner shall be deposited in the budget reserve trust
21 fund account established in KRS 48.705.

22 **(6) (a) For equivalent tax rates levied under this section prior to January 1, 2026,**
23 **equalization funds authorized under this section shall terminate upon the**
24 **earlier of twenty (20) years or the date the bonds supported by the**
25 **equalization funding are retired. Equalization shall be subject to the fiscal**
26 **condition of the Commonwealth and funding by the General Assembly.**

27 **(b) For equivalent tax rates levied under this section on or after January 1,**

1 2026, equalized funds shall not be authorized under this section or provided
2 by the state.

3 (c) The commissioner of education shall compile a list of every equivalent tax
4 rate levied by a school district under the authority of this section, the bonds
5 or debt service to which the equivalent tax rate revenues and any related
6 equalized funds are dedicated, and the date those bonds or debt service are
7 scheduled to be retired. This list shall be submitted to the Legislative
8 Research Commission for referral to the Interim Joint Committee on
9 Appropriations and Revenue Committee by September 1 of each year until
10 the equalization funds are terminated under paragraph (a) of this
11 subsection.

12 ➔Section 92. KRS 11A.211 is amended to read as follows:

13 (1) Each executive agency lobbyist, employer, and real party in interest shall file with
14 the commission within ten (10) days following the engagement of an executive
15 agency lobbyist, an initial registration statement showing all of the following:

16 (a) The name, business address, and occupation of the executive agency lobbyist;
17 (b) The name and business address of the employer and of any real party in
18 interest on whose behalf the executive agency lobbyist is acting, if it is
19 different from the employer. However, if a trade association or other
20 charitable or fraternal organization that is exempt from federal income
21 taxation under Section 501(c) of the Internal Revenue Code is the employer,
22 the statement need not list the names and addresses of every member of the
23 association or organization, so long as the association or organization itself is
24 listed;

25 (c) A brief description of the executive agency decision to which the engagement
26 relates;

27 (d) The name of the executive agency or agencies to which the engagement

- 1 relates;
- 2 (e) Certification by the employer and executive agency lobbyist that the
3 information contained in the registration statement is complete and accurate;
- 4 (f) Compensation paid to, or received by, each executive agency lobbyist,
5 employer, and real party in interest as part of the engagement; and
- 6 (g) Certification that the employer and agent have complied with KRS 11A.236.
- 7 (2) In addition to the initial registration statement required by subsection (1) of this
8 section, each executive agency lobbyist, employer, and real party in interest shall
9 file with the commission, not later than the last day of July of each year, an updated
10 registration statement that confirms the continuing existence of each engagement
11 described in an initial registration statement, that lists the specific executive agency
12 decisions the executive agency lobbyist sought to influence under the engagement
13 during the period covered by the updated statement, and the compensation paid to,
14 or received by, each executive agency lobbyist, employer, and real party in interest
15 as part of the engagement, and with it any statement of expenditures required to be
16 filed by KRS 11A.216 and any details of financial transaction required to be filed
17 by KRS 11A.221.
- 18 (3) Compensation paid under subsection (1)(f) of this section shall be reported after it
19 is received by, or paid to, each executive agency lobbyist, employer, and real party
20 in interest as determined by the terms of the engagement, and shall be listed by the
21 amount paid or received, the intervals on which the payment is paid or received,
22 and shall include any other compensation received or paid as part of the
23 engagement.
- 24 (4) If an executive agency lobbyist is engaged by more than one (1) employer, the
25 executive agency lobbyist shall file a separate initial and updated registration
26 statement for each engagement and list compensation paid to, or received by each
27 executive agency lobbyist, employer, and real party in interest as part of the

- 1 engagement. If an employer engages more than one (1) executive agency lobbyist,
2 the employer shall file only one (1) updated registration statement under subsection
3 (2) of this section, which shall contain the information required by subsection (2) of
4 this section regarding all executive agency lobbyists engaged by the employer.
- 5 (5) (a) A change in any information required by subsection (1)(a), (b), (c), (d), or (2)
6 of this section shall be reflected in the next updated registration statement
7 filed under subsection (2) of this section.
- 8 (b) Within thirty (30) days following the termination of an engagement, the
9 executive agency lobbyist who was employed under the engagement shall file
10 written notice of the termination with the commission.
- 11 (6) Each employer of one (1) or more executive agency lobbyists, and each real party
12 in interest, shall pay a registration fee of seven hundred fifty dollars (\$750)~~five~~
13 ~~hundred dollars (\$500)~~ upon the filing of an updated registration statement. All
14 fees collected by the commission under the provisions of this subsection shall be
15 deposited in the State Treasury in a trust and agency fund account to the credit of
16 the commission. These agency funds shall be used to supplement general fund
17 appropriations for the operations of the commission and shall not lapse. No part of
18 the trust and agency fund account shall revert to the general funds of this state.
- 19 (7) Upon registration pursuant to this section, an executive agency lobbyist shall be
20 issued a card annually by the commission showing the executive agency lobbyist is
21 registered. The registration card shall be valid from the date of its issuance through
22 the thirty-first day of July of the following year.
- 23 (8) The commission shall review each registration statement filed with the commission
24 under this section to determine if the statement contains all of the required
25 information. If the commission determines the registration statement does not
26 contain all of the required information or that an executive agency lobbyist,
27 employer, or real party in interest has failed to file a registration statement, the

1 commission shall send written notification of the deficiency by certified mail to the
2 person who filed the registration statement or to the person who failed to file the
3 registration statement regarding the failure. Any person so notified by the
4 commission shall, not later than fifteen (15) days after receiving the notice, file a
5 registration statement or an amended registration statement that includes all of the
6 required information. If any person who receives a notice under this subsection fails
7 to file a registration statement or an amended registration statement within the
8 fifteen (15) day period, the commission may initiate an investigation of the person's
9 failure to file. If the commission initiates an investigation pursuant to this section,
10 the commission shall also notify each elected executive official and the secretary of
11 each cabinet listed in KRS 12.250 of the pending investigation.

12 (9) In the biennial report published under KRS 11A.110(13), the commission shall, in
13 the manner and form the commission determines, include a report containing
14 statistical information on the registration statements filed under this section during
15 the preceding biennium.

16 (10) If an employer who engages an executive agency lobbyist, or a real party in interest
17 on whose behalf the executive agency lobbyist was engaged is the recipient of a
18 contract, grant, lease, or other financial arrangement pursuant to which funds of the
19 state or of an executive agency are distributed or allocated, the executive agency or
20 any aggrieved party may consider the failure of the real party in interest, the
21 employer, or the executive agency lobbyist to comply with this section as a breach
22 of a material condition of the contract, grant, lease, or other financial arrangement.

23 (11) Executive agency officials may require certification from any person seeking the
24 award of a contract, grant, lease, or financial arrangement that the person, his or her
25 employer, and any real party in interest are in compliance with this section.

26 ➔SECTION 93. A NEW SECTION OF KRS 363.510 TO 363.850 IS CREATED
27 TO READ AS FOLLOWS:

- 1 (1) Beginning January 1, 2027, an electric vehicle power dealer shall not operate an
2 electric vehicle charging station without first obtaining a retail electric vehicle
3 charging license from the department. A retail electric vehicle charging license
4 shall be valid from the date of issuance until January 31 of the following
5 calendar year.
- 6 (2) The department shall collect an annual license fee in the amount of one hundred
7 dollars (\$100) per electric vehicle charging port located at an electric vehicle
8 charging station from the license holder to be deposited in the fund established in
9 subsection (3) of this section for the purpose of implementing and administering
10 of the retail electric vehicle charging program established by this section.
- 11 (3) (a) There is hereby established in the State Treasury a trust and agency
12 account to be known as the retail electric vehicle charging station license
13 fund. The fund shall consist of moneys received from the license fee
14 imposed in subsection (2) of this section, state appropriations, gifts, grants,
15 and federal funds.
- 16 (b) The fund shall be administered by the department.
- 17 (c) Amounts deposited in the fund shall be used for the implementation and
18 administration of the electric vehicle charging station inspection program
19 established by this section and for no other purpose.
- 20 (d) Notwithstanding KRS 45.229, fund amounts not expended at the close of a
21 fiscal year shall not lapse but shall be carried forward into the next fiscal
22 year.
- 23 (4) Except as provided in subsection (5) of this section, beginning January 1, 2027,
24 the department shall inspect each licensed electric vehicle charging station owned
25 or leased by an electric vehicle power dealer at least once every two (2) years. The
26 inspection shall include determinations of compliance with the standards in the
27 current edition of the National Institute of Standards and Technology's

1 **Handbook 44 or other applicable standards relating to:**

2 **(a) The accuracy of the meters and displays of the electric vehicle charging**
 3 **ports from which electricity is sold, including with regard to the electrical**
 4 **rate, the charging speed, and the real-time charging status of the customer's**
 5 **electric vehicle;**

6 **(b) Electrical and safety standards;**

7 **(c) Output voltages from electric vehicle charging port connectors;**

8 **(d) Security of payment methods and customer data; and**

9 **(e) Any physical security or cybersecurity measures that the department may**
 10 **require.**

11 **(5) Electric vehicle charging stations constructed using funds from the National**
 12 **Electric Vehicle Infrastructure Funding Program established under the federal**
 13 **Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, shall not be subject**
 14 **to the licensure or inspection requirements of this section or administrative**
 15 **regulations promulgated under this section until five (5) years have elapsed from**
 16 **the initial date of operation of the electric vehicle charging station and the long-**
 17 **term stewardship requirement under 23 C.F.R. sec. 680.106 has expired.**

18 **(6) Within ninety (90) days of the effective date of this section of this Act, the**
 19 **department shall promulgate administrative regulations in accordance with KRS**
 20 **Chapter 13A to establish electric vehicle charging station inspection standards**
 21 **and to carry out and enforce this section.**

22 ➔Section 94. KRS 363.510 is amended to read as follows:

23 As~~When~~ used in KRS 363.510 to 363.850:

24 (1) "Department" means the Kentucky Department of Agriculture;

25 (2) "Commissioner" means the Commissioner of Agriculture;

26 (3) "Division" means the Division of Regulation and Inspection;

27 (4) (a) "Weights and measures" means all weights and measures of every kind,

1 instruments and devices for weighing and measuring, and any appliances and
2 accessories associated with any of the instruments and devices.

3 (b) The term shall include instruments and devices used to measure internal
4 moisture or density levels in unprocessed bulk tobacco if that moisture or
5 density determination is used as a condition of sale or as part of a contractual
6 sales agreement.

7 (c) The term shall not include meters for the measurement of electricity, gas
8 (natural or manufactured), or water when they are operated in a public utility
9 system. Electricity, gas, and water meters are specifically excluded from the
10 purview of KRS 363.510 to 363.850, and none of the provisions of KRS
11 363.510 to 363.850 shall apply to those meters or to any appliances or
12 accessories associated with those meters. However, this paragraph shall not
13 be construed to prohibit the department from regulating or inspecting
14 electric vehicle charging stations or any associated electric meters under
15 Section 93 of this Act or the administrative regulations promulgated under
16 Section 93 of this Act;

17 (5) "Sell" and "sale" mean barter and exchange;

18 (6) "Director" means the state director of the Division of Regulation and Inspection;

19 (7) "Inspector" means a state inspector of weights and measures;

20 (8) "Intrastate commerce" means all commerce or trade that is begun, carried on, and
21 completed wholly within the limits of the State of Kentucky, and the phrase
22 "introduced into intrastate commerce" defines the time and place at which the first
23 sale and delivery of a commodity is made within the state, the delivery being made
24 either directly to the purchaser or to a common carrier for shipment to the
25 purchaser;

26 (9) "Commodity in package form" means a commodity put up or packaged in any
27 manner in advance of sale in units suitable for either wholesale or retail sale,

1 exclusive of any auxiliary shipping container enclosing packages that individually
2 conform to the requirements of KRS 363.510 to 363.850. An individual item or lot
3 of any commodity not in package form as defined in this section, but on which there
4 is marked a selling price based on an established price per unit of weight or of
5 measure, shall be considered a commodity in package form;

6 (10) "Consumer package" or "package of consumer commodity" means a commodity in
7 package form that is customarily produced or distributed for sale through retail
8 sales agencies or instrumentalities for consumption by individuals or use by
9 individuals for the purposes of personal care or in the performance of services
10 ordinarily rendered in or about the household or in connection with personal
11 possessions;

12 (11) "Nonconsumer package" or "package of nonconsumer commodity" means any
13 commodity in package form other than a consumer package, and particularly a
14 package designed solely for industrial or institutional use or for wholesale
15 distribution only;

16 (12) (a) "Barrel," when used in connection with fermented liquor, means a unit of
17 thirty-one (31) gallons.

18 (b) "Ton" means a unit of two thousand (2,000) pounds avoirdupois weight.

19 (c) "Cord," when used in connection with wood intended for fuel purposes,
20 means the amount of wood that is contained in a space of one hundred twenty-
21 eight (128) cubic feet when the wood is ranked and well stowed; ~~and~~

22 (13) "Weight," as used in connection with any commodity, means net weight. If any
23 commodity is sold on the basis of weight, the net weight of the commodity shall be
24 used, and all contracts concerning commodities shall use net weight as their basis of
25 weight;

26 **(14) "Electric vehicle" has the same meaning as in KRS 186.010;**

27 **(15) "Electric vehicle charging port" means the system at an electric vehicle charging**

1 station that can provide power to charge only one (1) electric vehicle at a time,
 2 even though it may have multiple connectors;

3 (16) "Electric vehicle charging station" means any place with electric vehicle supply
 4 equipment that has an electrical power charging capacity of twenty (20) kilowatts
 5 or more and that:

6 (a) Is accessible to general public vehicular traffic; and

7 (b) Sells electricity at retail to charge a battery or other storage device of an
 8 electric vehicle;

9 (17) "Electric vehicle power dealer" means a person who owns or leases an electric
 10 vehicle charging station; and

11 (18) "Electric vehicle supply equipment" means any device or system designed and
 12 used specifically to transfer electrical energy to an electric vehicle, either as
 13 charge transferred via physical or wireless connection, by loading a fully charged
 14 battery, or by other means.

15 ➔Section 95. KRS 138.477 is amended to read as follows:

16 (1) As used in this section:

17 (a) "Department" means the Department of Revenue;

18 (b) "Distribute" means the delivery or transfer of electric power into the battery or
 19 other energy storage device of an electric vehicle at a location in this state;

20 (c) "Electric vehicle power" means electrical energy distributed into the battery or
 21 other energy storage device of an electric vehicle to be used to power the
 22 vehicle;

23 (d) "Electric vehicle power dealer" means a person who:

24 1. Owns or leases an electric vehicle charging station with a charging
 25 capacity of twenty (20) kilowatts or more; **or**

26 2. Receives payment for charges for power distributed through an
 27 electric vehicle charging station;

- 1 (e) "Electric vehicle" has the same meaning as in KRS 186.010;
- 2 (f) "Electric vehicle charging station" means any place accessible to general
3 public vehicular traffic where electric power may be used to charge a battery
4 or other storage device of a licensed electric vehicle; and
- 5 (g) "Person" has the same meaning as in KRS 139.010.
- 6 (2) On or after January 1, 2024:
- 7 (a) An excise tax with an initial base rate of three cents (\$0.03) per kilowatt hour
8 is imposed on electric vehicle power distributed in this state by an electric
9 vehicle power dealer for the purpose of charging electric vehicles in this state;
10 and
- 11 (b) A surtax with an initial base rate of three cents (\$0.03) per kilowatt hour is
12 imposed on electric vehicle power distributed in this state by an electric
13 vehicle power dealer when the electric vehicle charging station is located on
14 state property.
- 15 (3) (a) On or before December 1 of each year, ~~2024, and on or before each~~
16 ~~December 1 thereafter,~~ the department shall compare the most current
17 quarterly National Highway Construction Cost Index 2.0 (NHCCI 2.0) value
18 and determine the percentage change in relation to the NHCCI 2.0 value from
19 the same quarter for the previous year.
- 20 (b) 1. The tax rate on January 1, 2025, and on each January 1 thereafter, shall
21 be adjusted by the change in the NHCCI 2.0 determined by paragraph
22 (a) of this subsection, unless the change is:
- 23 a. Greater than a five percent (5%) increase, in which case the taxes
24 shall be one hundred five percent (105%) of the tax rates in effect
25 at the close of the previous calendar year; or
- 26 b. Greater than a five percent (5%) decrease, in which case the taxes
27 shall be ninety-five percent (95%) of the tax rates in effect at the

1 close of the previous calendar year.

2 2. Notwithstanding subparagraph 1. of this paragraph, the tax rate shall not
3 be less than the initial base rate identified in subsection (2) of this
4 section.

5 (c) Adjustments to the tax rate shall be rounded to the nearest one-tenth of one
6 cent (\$0.001).

7 (4) At least twenty (20) days in advance of the first day of each calendar year, the
8 department shall provide notification of:

9 (a) The adjusted electric vehicle power tax rate for the upcoming calendar year to
10 all electric vehicle power dealers; and

11 (b) The adjusted electric vehicle ownership fee imposed under KRS 138.475 for
12 the upcoming calendar year to all county clerks.

13 (5) This tax shall be:

14 (a) Administered by the department; and

15 (b) Transferred to the road fund as defined in KRS 48.010.

16 (6) (a) The tax shall be added to the selling price charged by the electric vehicle
17 power dealer at the electric vehicle charging station on electric vehicle power
18 sold in this state.

19 (b) If there is no selling price at the charging station, the electric vehicle power
20 dealer shall be responsible for paying the tax on the electric power distributed
21 by the electric vehicle charging station, except in the case of an electric
22 vehicle charging station installed prior to July 1, 2022.

23 (7) (a) The tax imposed shall be paid by the electric vehicle power dealer to the State
24 Treasurer.

25 (b) The electric vehicle power dealer is liable for the electric vehicle power tax.

26 (8) Every electric vehicle power dealer shall, by the twenty-fifth day of each month,
27 transmit to the department reports, on the forms the department may prescribe, on

1 the total kilowatt hours distributed and the amount of tax collected. Payment of the
2 tax shall be due with the report.

3 (9) The electric vehicle power dealer shall keep and preserve an accurate record of all
4 receipts of electricity and tax together with invoices or other pertinent records and
5 papers required by the department for five (5) years.

6 (10) (a) No dealer or other person shall fail or refuse to make the returns and pay the
7 tax prescribed by this section, or refuse to permit the department or its
8 representatives appointed by the commissioner of the department in writing to
9 examine his or her records, papers, files, and equipment pertaining to the
10 taxable business.

11 (b) No person shall make an incomplete, false, or fraudulent return, or attempt to
12 do anything to avoid a full disclosure of the amount of business done or to
13 avoid the payment of the whole or any part of the tax or penalties due.

14 (c) No person shall fail to keep and preserve records of electric vehicle power
15 distributed to make reports as required by this section.

16 (11) Any person who violates any provision of this section shall be subject to the
17 uniform civil penalties imposed pursuant to KRS 131.180 and interest at the tax
18 interest rate as defined in KRS 131.183.

19 (12) (a) 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 chapter shall be personally and individually liable, both jointly and severally,
23 for the taxes imposed under this chapter, and neither the corporate dissolution
24 nor withdrawal of the corporation from the state nor the cessation of holding
25 any corporate office shall discharge the foregoing liability of any person.

26 (b) The personal and individual liability shall apply to each and every person
27 holding the corporate office at the time the taxes become or became due.

- 1 (c) No person will be personally and individually liable pursuant to this section
2 who had no authority in the management of the business or financial affairs of
3 the corporation at the time that the taxes imposed by this chapter become or
4 became due.
- 5 (13) (a) Notwithstanding any other provisions of this chapter, KRS 275.150, 362.1-
6 306(3) or predecessor law, or 362.2-404(3) to the contrary, the managers of a
7 limited liability company, the partners of a limited liability partnership, and
8 the general partners of a limited liability limited partnership or any other
9 person holding any equivalent office of a limited liability company, limited
10 liability partnership, or limited liability limited partnership subject to the
11 provisions of this chapter shall be personally and individually liable, both
12 jointly and severally, for the taxes imposed under this chapter.
- 13 (b) Dissolution or withdrawal of the limited liability company, limited liability
14 partnership, or limited liability limited partnership from the state, or the
15 cessation of holding any office shall not discharge the liability of any person.
- 16 (c) The personal and individual liability shall apply to each and every manager of
17 a limited liability company, partner of a limited liability partnership, and
18 general partner of a limited liability limited partnership at the time the taxes
19 become or became due.
- 20 (d) No person shall be personally and individually liable under this subsection
21 who had no authority to collect, truthfully account for, or pay any tax imposed
22 by this chapter at the time that the taxes imposed by this chapter become or
23 became due.
- 24 (14) "Taxes" as used in this section shall include interest accrued at the rate provided by
25 KRS 131.183, all applicable penalties imposed under this chapter, and all applicable
26 penalties and fees imposed under KRS 131.180, 131.410 to 131.445, and 131.990.
- 27 (15) The department may prescribe forms and promulgate administrative regulations to

1 execute and administer the provisions of this section.

2 ➔Section 96. KRS 138.446 is amended to read as follows:

- 3 (1) Bus companies ~~[and taxicab companies]~~ operating under a certificate issued
4 pursuant to KRS Chapter 281 and senior citizen programs which utilize Title III
5 funds of the Older Americans Act in the provision of transportation services shall
6 be entitled to a refund of seven-ninths (7/9) of the amount of KRS Chapter 138
7 taxes paid on motor fuels used in their regularly scheduled operations in Kentucky.
- 8 (2) ~~A [No]~~ person shall ***not*** be entitled to a refund pursuant to this section unless he ***or***
9 ***she*** shall have first filed with the department a bond issued by a surety company
10 authorized to do business in Kentucky in an amount of not less than one thousand
11 dollars (\$1,000) nor more than five thousand dollars (\$5,000) to be determined by
12 the department, conditioned upon faithful compliance with this section and upon the
13 payment to the Commonwealth of any refunds to which he was not entitled.
- 14 (3) Applications for refund shall be filed with the department on a calendar quarter or
15 calendar year basis on forms and in the manner prescribed by it for refund of tax
16 paid on motor fuel used by buses ~~[or taxicabs]~~. Each application for a refund shall
17 show the number of gallons of motor fuel purchased during the quarter for use in
18 buses ~~[or taxicabs]~~; the date and quantity of each purchase; the vendor from whom
19 the fuel was purchased; the number of gallons on which refund is claimed; and
20 other information the department may require. ~~[Invoices shall be attached to~~
21 ~~applications from taxicab companies.]~~
- 22 (4) ~~[The department may require any gasoline dealer or any dealer's authorized agent to~~
23 ~~identify gasoline sold by him for taxicab use by adding any chemical or substance,~~
24 ~~which shall be furnished by the department and used in the manner as prescribed by~~
25 ~~the department.]~~ The department ~~[also]~~ may require that the dealer keep a complete
26 record of all the gasoline sold by him ***or her***, which records shall give the date of
27 each sale, the number of gallons sold, the name of the person to whom sold, and the

1 sale price.

2 (5) The department shall audit the application and make any other investigation it
3 deems necessary to determine whether it constitutes a proper claim. When the
4 department is satisfied that a refund is proper, it shall authorize seven-ninths (7/9)
5 of the amount of the tax paid to be refunded as other refunds are made and the
6 amount refunded shall be deducted from current motor fuel tax receipts. The tax
7 shall be refunded with interest at the tax interest rate as defined in KRS
8 131.010~~[(6)]~~.

9 (6) When the department finds that an application for a refund contains a false or
10 fraudulent statement or that a refund has been fraudulently obtained, the department
11 shall refuse to grant any refunds to the person making the false or fraudulent
12 statement or fraudulently obtaining a refund for a period of two (2) years from the
13 date of the findings.

14 (7) The department may prescribe, promulgate and enforce administrative regulations
15 relating to the administration and enforcement of this section~~[-~~

16 ~~(8) The refund provided for in this section shall be effective on motor fuel purchased~~
17 ~~on or after July 1, 1978].~~

18 ➔Section 97. KRS 138.210 is amended to read as follows:

19 As used in KRS 138.210 to 138.448~~[138.220 to 138.446]~~, unless the context requires
20 otherwise:

21 (1) "Accountable loss" means loss or destruction of "received" gasoline or special fuel
22 through wrecking of transportation conveyance, explosion, fire, flood or other
23 casualty loss, or contaminated and returned to storage. The loss shall be reported
24 within thirty (30) days after discovery of the loss to the department in a manner and
25 form prescribed by the department, supported by proper evidence which in the sole
26 judgment of the department substantiates the alleged loss or contamination and
27 which is confirmed in writing to the reporting dealer by the department. The

1 department may make any investigation deemed necessary to establish the bona
2 fide claim of the loss;

3 (2) "Agricultural purposes" means purposes directly related to the production of
4 agricultural commodities and the conducting of ordinary activities on the farm;

5 (3) "Annual survey value" means the average of the quarterly survey values for a fiscal
6 year, as determined by the department, based upon surveys taken during the first
7 month of each quarter of the fiscal year;

8 (4) "Average wholesale price" means the weighted average per gallon wholesale price
9 of gasoline, based on the quarterly survey value as determined by the department,
10 and as adjusted by KRS 138.228;

11 (5) "Bulk storage facility" means gasoline or special fuels storage facilities of not less
12 than twenty thousand (20,000) gallons owned or operated at one (1) location by a
13 single owner or operator for the purpose of storing gasoline or special fuels for
14 resale or delivery to retail outlets or consumers;

15 (6) **"Cellulosic ethanol" has the same meaning as in KRS 141.422;**

16 **(Z)** "Dealer" means any person who is:

17 (a) Regularly engaged in the business of refining, producing, distilling,
18 manufacturing, blending, or compounding gasoline or special fuels in this
19 state;

20 (b) Regularly importing gasoline or special fuel, upon which no tax has been
21 paid, into this state for distribution in bulk to others;

22 (c) Distributing gasoline from bulk storage in this state;

23 (d) Regularly engaged in the business of distributing gasoline or special fuels
24 from bulk storage facilities primarily to others in arm's-length transactions;

25 (e) In the case of gasoline, receiving or accepting delivery within this state of
26 gasoline for resale within this state in amounts of not less than an average of
27 one hundred thousand (100,000) gallons per month during any prior

1 consecutive twelve (12) months' period, when in the opinion of the
 2 department, the person has sufficient financial rating and reputation to justify
 3 the conclusion that he or she will pay all taxes and comply with all other
 4 obligations imposed upon a dealer; or

5 (f) Regularly exporting gasoline or special fuels;

6 ~~(8)~~~~(7)~~ "Department" means the Department of Revenue;

7 ~~(9)~~~~(8)~~ "Diesel fuel":

8 (a) Means any liquid other than gasoline that, without further processing or
 9 blending, is suitable for use as a fuel in a diesel powered highway vehicle;
 10 ~~and Diesel fuel~~

11 (b) Does not include unblended kerosene, No. 5~~(1)~~ and No. 6 fuel ~~oils~~~~oil~~ as
 12 described in ASTM specification D 396~~(2)~~ or F-76 Fuel Naval Distillate MILL-
 13 F-166884;

14 ~~(10)~~~~(9)~~ "Dyed diesel fuel" means diesel fuel that is required to be dyed under United
 15 States Environmental Protection Agency rules for high sulfur diesel fuel, or is dyed
 16 under the Internal Revenue Service rules for low sulfur fuel, or pursuant to any
 17 other requirements subsequently set by the United States Environmental Protection
 18 Agency or the Internal Revenue Service;

19 **(11) "Ethanol" has the same meaning as in KRS 141.422;**

20 **(12) "Ethanol flex fuel" means an ethanol fuel blend of ethanol and gasoline that**
 21 **meets the current ASTM specification D5798;**

22 ~~(13)~~~~(10)~~ "Financial instrument" means a bond issued by a corporation authorized to do
 23 business in Kentucky, a line of credit, or an account with a financial institution
 24 maintaining a compensating balance;

25 **(14) "Fuel grade ethanol" includes ethanol, cellulosic ethanol, and ethanol flex fuel;**

26 ~~(15)~~~~(11)~~ "Gasoline":

27 (a) Means all liquid fuels, including liquids ordinarily, practically, and

1 commercially usable in internal combustion engines for the generation of
 2 power, and all distillates of and condensates from petroleum, natural gas, coal,
 3 coal tar, vegetable ferments, and all other products so usable which are
 4 produced, blended, or compounded for the purpose of operating motor
 5 vehicles, showing a flash point of one hundred ten (110) degrees Fahrenheit
 6 or below, using the Elliott Closed Cup Test, or when tested in a manner
 7 approved by the United States Bureau of Mines, are prima facie commercially
 8 usable in internal combustion engines; ~~;~~

9 (b) Includes ~~[The term "gasoline" as used herein shall include]~~ casing head,
 10 absorption, natural gasoline, fuel grade ethanol, and condensates when used
 11 without blending as a motor fuel, sold for use in motors direct, or sold to those
 12 who blend for their own use; and ~~;~~

13 (c) Does ~~[but shall]~~ not include ~~;~~ propane, butane, or other liquefied petroleum
 14 gases; ~~;~~ kerosene; ~~;~~ cleaner solvent; ~~;~~ fuel oil; ~~;~~ diesel fuel; ~~;~~ crude oil; or
 15 casing head, absorption, natural gasoline, fuel grade ethanol, and condensates
 16 when sold to be blended or compounded with other less volatile liquids in the
 17 manufacture of commercial gasoline for motor fuel; ~~;~~ industrial naphthas; ~~;~~
 18 rubber solvents; ~~;~~ Stoddard solvent; ~~;~~ mineral spirits; ~~;~~ VM and P ~~{&~~
 19 ~~}naphthas; ~~;~~ turpentine substitutes; ~~;~~ pentane; ~~;~~ hexane; ~~;~~ heptane; ~~;~~
 20 octane; ~~;~~ benzene; ~~;~~ benzine; ~~;~~ xylol; ~~;~~ toluol; ~~;~~ aromatic petroleum
 21 solvents; ~~;~~ alcohol; ~~;~~ and liquefied gases which would not exist as liquids at
 22 a temperature of sixty (60) degrees Fahrenheit and a pressure of fourteen and
 23 seven tenths (14.7) pounds per square inch absolute, unless the products are
 24 used wholly or in combination with gasoline as a motor fuel;~~

25 (16) ~~[(12)]~~ "Motor vehicle" means any vehicle, machine, or mechanical contrivance
 26 propelled by an internal combustion engine and licensed for operation and operated
 27 upon the public highways and any trailer or semitrailer attached to or having its

1 front end supported by the motor vehicles;

2 ~~(17)~~~~(13)~~ "Public highways" means every way or place generally open to the use of the
3 public as a matter of right for the purpose of vehicular travel, notwithstanding that
4 they may be temporarily closed or travel thereon restricted for the purpose of
5 construction, maintenance, repair, or reconstruction;

6 ~~(18)~~~~(14)~~~~(a)~~ "Quarterly survey value":

7 (a) Means a value determined by the department for each calendar quarter of the
8 weighted average per gallon wholesale price of gasoline, determined from
9 information available through independent statistical surveys of gasoline
10 prices or, if requested, from information furnished by licensed gasoline
11 dealers. The department shall determine, within twenty (20) days following
12 the end of the first month of each calendar quarter, the weighted average of
13 per gallon wholesale selling prices of gasoline for the previous month. That
14 value shall be the quarterly survey value for the beginning of the following
15 calendar quarter; and~~(-)~~

16 (b) ~~["Quarterly survey value"]~~ Shall be determined exclusive of any federal
17 gasoline tax and any fee on imported oil imposed by the Congress of the
18 United States;

19 ~~(19)~~~~(15)~~ "Received," ~~(or)~~ "received gasoline," or "received special fuels" means~~(shall~~
20 ~~have the following meanings):~~

21 (a) 1. Gasoline and special fuels produced, manufactured, or compounded at
22 any refinery in this state or acquired by any dealer and delivered into or
23 stored in refinery, marine, or pipeline terminal storage facilities in this
24 state shall be deemed to be received when it has been loaded for bulk
25 delivery into tank cars or tank trucks consigned to destinations within
26 this state.

27 2. For the purpose of the proper administration of this chapter and to

1 prevent the evasion of the tax and to enforce the duty of the dealer to
2 collect the tax, it shall be presumed that all gasoline and special fuel
3 loaded by any licensed dealer within this state into tank cars or tank
4 trucks is consigned to destinations within this state, unless the contrary
5 is established by the dealer, pursuant to administrative regulations
6 prescribed by the department; and

7 (b) 1. Gasoline and special fuels acquired by any dealer in this state, and not
8 delivered into refinery, marine, or pipeline terminal storage facilities,
9 shall be deemed to be received when it has been placed into storage
10 tanks or other containers for use or subject to withdrawal for use,
11 delivery, sale, or other distribution.

12 2. Dealers may sell gasoline or special fuels to licensed bonded dealers in
13 this state in transport truckload, carload, or cargo lots, withdrawing it
14 from refinery, marine, pipeline terminal, or bulk storage tanks, without
15 paying the tax. In these instances, the licensed bonded dealer purchasing
16 the gasoline or special fuels shall be deemed to have received that fuel at
17 the time of withdrawal from the seller's storage facility and shall be
18 responsible to the state for the payment of the tax thereon;

19 ~~(20)~~~~(16)~~ "Refinery" means any place where gasoline or special fuel is refined,
20 manufactured, compounded, or otherwise prepared for use;

21 ~~(21)~~~~(17)~~ "Retail filling station" means any place accessible to general public vehicular
22 traffic where gasoline or special fuel is or may be placed into the fuel supply tank of
23 a licensed motor vehicle;

24 ~~(22)~~~~(18)~~ "Special fuels" means and includes all combustible gases and liquids capable
25 of being used for the generation of power in an internal combustion engine to
26 propel vehicles of any kind upon the public highways, including diesel fuel, and
27 dyed diesel fuel used exclusively for nonhighway purposes in off-highway

1 equipment and in nonlicensed motor vehicles, except that it does not include
 2 gasoline, aviation jet fuel, kerosene unless used wholly or in combination with
 3 special fuel as a motor fuel, or liquefied petroleum gas as defined in KRS 234.100;

4 ~~(23)~~~~(19)~~ "Storage" means all gasoline and special fuels produced, refined, distilled,
 5 manufactured, blended, or compounded and stored at a refinery storage or delivered
 6 by boat at a marine terminal for storage, or delivered by pipeline at a pipeline
 7 terminal, delivery station, or tank farm for storage;

8 ~~(24)~~~~(20)~~ "Transporter" means any person who transports gasoline or special fuels on
 9 which the tax has not been paid or assumed; and

10 ~~(25)~~~~(21)~~ "Wholesale floor price" means[:

11 ~~(a) Prior to April 1, 2015, one dollar and seventy eight and six tenths cents~~
 12 ~~(\$1.786) per gallon; and~~

13 ~~(b) On and after April 1, 2015,] two dollars and seventeen and seven-tenths cents~~
 14 ~~(\$2.177) per gallon.~~

15 ➔SECTION 98. A NEW SECTION OF KRS CHAPTER 246 IS CREATED TO
 16 READ AS FOLLOWS:

17 **(1) There is hereby created in the State Treasury a trust and agency account to be**
 18 **known as the Friends of Kentucky Agriculture fund. The fund shall consist of the**
 19 **special license plate EF fees associated with the issuance of the Friends of**
 20 **Kentucky Agriculture license plate pursuant to Section 99 of this Act, state**
 21 **appropriations, gifts, grants, and federal funds.**

22 **(2) The fund shall be administered by the Department of Agriculture.**

23 **(3) Amounts deposited in the fund shall be used for agricultural programs**
 24 **administered by the department and for no other purpose.**

25 **(4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal**
 26 **year shall not lapse, but shall be carried forward to the next fiscal year.**

27 ➔Section 99. KRS 186.162 is amended to read as follows:

- 1 (1) As used in this section and in KRS 186.043, 186.164, 186.166, 186.1722, and
2 186.174:
- 3 (a) "Special license plate" means a unique license plate issued under this chapter
4 to a group or organization that readily identifies the operator of the motor
5 vehicle or motorcycle bearing the plate as a member of a group or
6 organization, or a supporter of the work, goals, or mission of a group or
7 organization. The term shall not include regular license plates issued under
8 KRS 186.240;
- 9 (b) "Street rod" means a modernized private passenger motor vehicle
10 manufactured prior to the year 1949, or designed or manufactured to resemble
11 a vehicle manufactured prior to 1949;
- 12 (c) "SF" means the portion of an initial or renewal fee to obtain a special license
13 plate 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
16 plate listed in this section, the applicant for that plate shall also pay the fees
17 identified in KRS 186.040(6). If a CF amount is not charged, the applicant
18 shall not be required to pay those fees; and
- 19 (e) "EF" means the portion of an initial or renewal fee to obtain a special license
20 plate that is mandated by this chapter to be dedicated for use by a particular
21 group or 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
25 in parentheses indicates how the total fee is required to be divided:
- 26 (a) Disabled veterans who receive assistance to purchase a vehicle from the
27 United States Department of Veterans' Affairs, veterans declared by the

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

- 4 1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
- 5 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).

6 (b) Former prisoners of war, recipients of the Purple Heart, and survivors of
 7 Pearl Harbor:

- 8 1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans'
 9 program trust fund established under KRS 40.460).
- 10 2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans'
 11 program trust fund established under KRS 40.460).

12 (c) Members of the Kentucky National Guard ~~and recipients of the Purple~~
 13 ~~Heart~~:

- 14 1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the National
 15 Guard Association of Kentucky~~[veterans' program trust fund~~
 16 ~~established under KRS 40.460]~~).
- 17 2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the National Guard
 18 Association of Kentucky~~[veterans' program trust fund established under~~
 19 ~~KRS 40.460]~~).

20 (d) Members of the Civil Air Patrol; active, retired, veteran, reserve, or auxiliary
 21 members of the United States Army, Navy, Air Force, Marine Corps, Space
 22 Force, or Coast Guard; Merchant Marines who served between December 7,
 23 1941, and August 15, 1945; recipients of the Silver Star Medal, the Legion of
 24 Merit Medal, the Distinguished Flying Cross, the Air Medal, the Combat
 25 Action Badge, the Combat Infantry Badge, or the Bronze Star Medal; persons
 26 who wish to receive Gold Star Mothers, Gold Star Fathers, or Gold Star
 27 Spouses license plates beyond the two (2) exempted from fees under KRS

1 186.041(6); individuals eligible for a special military service academy license
2 plate under KRS 186.041(8); individuals eligible for a special military unit
3 license plate under KRS 186.163; and disabled veterans who have been
4 declared to be between fifty percent (50%) and ninety-nine percent (99%)
5 service-connected disabled by the United States Department of Veterans'
6 Affairs:

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

11 (e) Recipients of the Distinguished Service Cross, Navy Cross, or Air Force
12 Cross:

- 13 1. Initial Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
- 14 2. Renewal Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).

15 (f) Disabled license plates:

- 16 1. Initial Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- 17 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).

18 (g) Historic vehicles:

- 19 1. Initial Fee for two plates: \$56 (\$50 SF/\$6 CF/\$0 EF).
- 20 2. Renewal Fee: Do not renew annually.

21 (h) Members of Congress:

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

25 (i) Firefighters:

- 26 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky
27 Firefighters Association).

- 1 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky
2 Firefighters Association).
- 3 (j) Emergency management:
- 4 1. Initial Fee: \$31 (\$25 SF/\$6 CF/\$0 EF).
- 5 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- 6 (k) Fraternal Order of Police:
- 7 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky
8 FOP Death Benefit Fund).
- 9 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky
10 FOP Death Benefit Fund).
- 11 (l) Law Enforcement Memorial:
- 12 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky
13 Law Enforcement Memorial Foundation, Inc.).
- 14 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky
15 Law Enforcement Memorial Foundation, Inc.).
- 16 (m) Personalized plates for a motor vehicle that is required to be registered under
17 the provisions of KRS 186.050(1), (3)(a), or (4)(a), or a motorcycle required
18 to be registered under the provisions of KRS 186.050(2):
- 19 1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- 20 2. Renewal Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- 21 (n) Street rods:
- 22 1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- 23 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- 24 (o) Nature plates:
- 25 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky
26 Heritage Land Conservation Fund established under KRS 146.570).
- 27 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky

1 Heritage Land Conservation Fund established under KRS 146.570).

2 (p) Amateur radio:

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

4 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).

5 (q) Kentucky General Assembly:

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

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

9 (r) Kentucky Court of Justice:

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

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

13 (s) Masons:

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

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

18 (t) Collegiate plates:

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

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

25 (u) Independent Colleges:

26 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Association of
27 Independent Kentucky Colleges and Universities for distribution to the

- 1 general scholarship funds of the Association's members).
- 2 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Association of
- 3 Independent Kentucky Colleges and Universities for distribution to the
- 4 general scholarship funds of the Association's members).
- 5 (v) Child Victims:
- 6 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the child victims'
- 7 trust fund established under KRS 41.400).
- 8 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the child victims'
- 9 trust fund established under KRS 41.400).
- 10 (w) Kentucky Horse Council:
- 11 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky
- 12 Horse Council).
- 13 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky
- 14 Horse Council).
- 15 (x) Ducks Unlimited:
- 16 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to Kentucky Ducks
- 17 Unlimited).
- 18 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Ducks
- 19 Unlimited).
- 20 (y) Spay neuter:
- 21 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the animal control
- 22 and care fund established under KRS 258.119).
- 23 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the animal control
- 24 and care fund established under KRS 258.119).
- 25 (z) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses:
- 26 1. Initial Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
- 27 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).

1 3. A person may receive a maximum of two (2) plates under this paragraph
2 free of charge and may purchase additional plates for fees as established
3 in subsection (2)(d) of this section.

4 (aa) I Support Veterans:

5 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky
6 Department of Veterans' Affairs).

7 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky
8 Department of Veterans' Affairs).

9 (ab) Gold Star Siblings, Gold Star Sons, or Gold Star Daughters:

10 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans'
11 program trust fund established under KRS 40.460).

12 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans'
13 program trust fund established under KRS 40.460).

14 (ac) POW/MIA Awareness:

15 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the veterans'
16 program trust fund established under KRS 40.460).

17 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans'
18 program trust fund established under KRS 40.460).

19 (ad) Personalized plates for a recreational vehicle that is required to be registered
20 under the provisions of KRS 186.050(11):

21 1. Initial Fee: \$51 (\$45 SF/\$6 CF/\$0 EF).

22 2. Renewal Fee: \$51 (\$45 SF/\$6 CF/\$0 EF).

23 (ae) Friends of Kentucky Agriculture:

24 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the *Friends of*
25 *Kentucky Agriculture fund established under Section 98 of this*
26 *Act*~~agricultural program trust fund established under KRS 246.247).~~

27 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the *Friends of*

1 *Kentucky Agriculture fund established under Section 98 of this*
2 *Act*~~[agricultural program trust fund established under KRS 246.247]).~~

3 (af) Special license plates established under KRS 186.164:

4 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).

5 2. Renewal Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).

6 (3) Any special license plate may be combined with a personalized license plate for a
7 twenty-five dollar (\$25) state fee in addition to all other fees for the particular
8 special license plate established in this section and in KRS 186.164(3). The twenty-
9 five dollar (\$25) fee required under this subsection shall be divided between the
10 cabinet and the county clerk of the county where the applicant is applying for the
11 license plate with the cabinet receiving twenty dollars (\$20) and the county clerk
12 receiving five dollars (\$5).

13 (4) (a) A sponsoring organization of any special license plate issued under this
14 section or any special license plate established under the provisions of KRS
15 186.164 may petition the cabinet for the production of that special license
16 plate for motorcycles.

17 (b) The cabinet shall make all of the special military license plates in this section
18 available for motorcycles owned or leased by eligible individuals.

19 (c) Owners and lessees of motorcycles registered under KRS 186.050(2) may be
20 eligible to receive special license plates approved by the cabinet under
21 paragraphs (a) and (b) of this subsection. Applicants for a special license plate
22 for a motorcycle shall be required to pay the fee for a special plate as
23 prescribed in this section or in KRS 186.164. The fee paid for the special plate
24 for a motorcycle shall be in lieu of the registration fee required under KRS
25 186.050(2).

26 (5) The Transportation Cabinet shall:

27 (a) Identify the cost of issuing a child victims' trust fund special license plate

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

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

5 ➔Section 100. KRS 186.164 is amended to read as follows:

6 (1) The SF portion of the fee required under KRS 186.162 shall include the fee to
7 reflectorize all license plates under KRS 186.240. All EF fees required under KRS
8 186.162 shall be collected at the time of an initial or renewal application by the
9 county clerk who shall forward the EF fee to the cabinet. The cabinet shall remit EF
10 fees to the fund, group, or organization identified in KRS 186.162 on a quarterly
11 basis. The cabinet may retain any investment income earned from holding EF fees
12 designated to be remitted under this subsection to offset administrative costs
13 incurred by the cabinet in the administration of EF fees.

14 (2) A special license plate shall be the color and design selected by the group or
15 organization identified in subsection (13) of this section, contingent upon the
16 approval of the Transportation Cabinet. In addition to the design selected for a
17 special license plate, the name "Kentucky," an annual renewal decal, and any
18 combination of letters or numerals required by the cabinet in the design shall also
19 appear on the plate.

20 (3) An actual metal special license plate shall be issued on the same schedule as regular
21 license plates are issued under KRS 186.240. The cabinet shall have the discretion
22 to extend the time period that will exist between the date a metal special license
23 plate is issued and the date that regular plates are issued under KRS 186.240. A
24 renewal registration decal shall be issued all other years during the owner's or
25 lessee's birth month, except as provided in KRS 186.041(2) and 186.042(5). A
26 person seeking a special license plate for a vehicle provided as part of the person's
27 occupation shall conform to the requirements of KRS 186.050(14).

- 1 (4) (a) If a special license plate issued under this chapter deteriorates to the point that
2 the lettering, numbering, or images on the face of the plate are not legible, the
3 plate shall be replaced free of charge, if the owner or lessee has not
4 transferred the vehicle to which the plate was issued during the current
5 licensing period.
- 6 (b) If a special license plate issued under this chapter is lost, stolen, or damaged
7 in an accident, the county clerk shall issue a new plate upon payment of a
8 three dollar (\$3) county clerk fee, if the owner or lessee has not transferred the
9 vehicle to which the plate was issued during the current licensing period.
- 10 (5) Upon the sale, transfer, or termination of a lease of a vehicle with any special
11 license plate issued under this chapter, the owner or lessee shall remove the special
12 plate and return it and the certificate of registration to the county clerk. The county
13 clerk shall reissue the owner or lessee a regular license plate and a certificate of
14 registration upon payment of a three dollar (\$3) county clerk fee. If the owner or
15 lessee requests, the county clerk shall reissue the special plate upon payment of a
16 three dollar (\$3) county clerk fee for use on any other vehicle of the same
17 classification and category owned, leased, or acquired by the person during the
18 current licensing period. If the owner or lessee has the special plate reissued to a
19 vehicle which has been previously registered in this state, the regular license plate
20 that is being replaced shall be returned to the county clerk who shall forward the
21 plate to the Transportation Cabinet.
- 22 (6) A special license plate may be issued to the owner or lessee of a motor vehicle that
23 is required to be registered under KRS 186.050(1), (3)(a), or (4)(a), except a special
24 license plate shall not be issued to a taxicab, limousine, or U-Drive-It registered and
25 licensed under this chapter or KRS Chapter 281. A person applying for a special
26 license plate shall apply in the office of the county clerk in the county of the
27 person's residence, except as provided in KRS 186.168(3). All special license plates

1 issued under this chapter may be combined with a personalized license plate under
2 the provisions of KRS 186.174. The fee to combine a special license plate with a
3 personalized license plate shall be as established in KRS 186.162(3).

4 (7) Within thirty (30) days of termination from election to, appointment to, or
5 membership with any group or organization, an applicant to whom a special license
6 plate was issued under this chapter shall return the special license plate to the
7 county clerk of the county of his or her residence, unless the person is merely
8 changing his or her status with the group or organization to retired.

9 (8) A group wanting to create a special license plate that is not authorized under this
10 chapter on June 27, 2019, shall comply with the following conditions before being
11 eligible to apply for a special license plate:

12 (a) The group shall be nonprofit and based, headquartered, or have a chapter in
13 Kentucky;

14 (b) The group may be organized for, but shall not be restricted to, social, civic, or
15 entertainment purposes;

16 (c) The message to be placed on the license plate, if created, shall not
17 discriminate against any race, color, religion, sex, or national origin, and shall
18 not be construed, as determined by the cabinet, as an attempt to victimize or
19 intimidate any person due to the person's race, color, religion, sex, or national
20 origin;

21 (d) The plate shall not represent a political party and shall not have been created
22 primarily to promote a specific political belief;

23 (e) The plate shall not have as its primary purpose the promotion of any specific
24 faith, religion, or antireligion;

25 (f) The plate shall not be the name of a special product or brand name, and shall
26 not be construed, as determined by the cabinet, as promoting a product or
27 brand name; and

- 1 (g) The plate's lettering, logo, image, or message to be placed on the license plate,
2 if created, shall not be obscene, as determined by the cabinet.
- 3 (9) If the cabinet denies to issue a group a special license plate based upon the
4 conditions specified in subsection (8) of this section, the cabinet shall, immediately
5 upon denying to issue a group a special license plate, notify in writing the
6 chairperson of both the House and Senate standing committees on transportation of
7 the denial and the reasons upon which the cabinet based the denial.
- 8 (10) If the cabinet approves a request for a special license plate, the cabinet shall begin
9 designing and printing the plate after:
- 10 (a) The group collects a minimum of nine hundred (900) applications with each
11 application being accompanied by a fee as set forth in KRS 186.162. The
12 applications and accompanying fee shall be submitted to the cabinet at one (1)
13 time as a whole and shall not be submitted individually or intermittently; and
- 14 (b) The group submits to the cabinet the programming and production costs for
15 the plate.
- 16 (11) A group that is approved for a special license plate shall maintain a minimum
17 number of five hundred (500) registrations annually for the cabinet to continue
18 production of the plate.
- 19 (12) An initial applicant for, or an applicant renewing, his or her registration for a
20 special license plate shall, at the time of application, make a contribution that the
21 county clerk shall forward to the cabinet as set forth in KRS 186.162. The cabinet
22 shall, on an annual basis, remit the contributions to the appropriate group identified
23 to be used for the declared purpose stated under subsection (13) of this section. The
24 cabinet may retain any investment income earned from holding contributions
25 designated to be remitted under this subsection to offset administrative costs
26 incurred by the cabinet in the administration of the contributions. Any group or
27 organization that receives a mandatory EF fee under KRS 186.162 shall maintain

1 the information required under subsection (13)(a) and (c) of this section with the
2 Transportation Cabinet.

3 (13) The group shall, at the time the nine hundred (900) applications are submitted to the
4 Transportation Cabinet, also submit a notarized affidavit to the cabinet attesting to:

5 (a) The name, address, and telephone number for the group or organization. If the
6 group or organization does not have its headquarters in the Commonwealth,
7 then the name, address, and telephone number for the group or organization's
8 Kentucky state chapter shall be required. The names of the officers of the
9 group or organization shall also be required. If the entity receiving funds
10 under subsection (12) of this section is not a state governmental agency, a
11 program unit within a state governmental agency, or is a group or
12 organization that does not have a statewide chapter, then a donation for use by
13 the group or organization shall be prohibited;

14 (b) The amount of the monetary donation the group wants to receive when a
15 person purchases the group or organization's special license plate; and

16 (c) The purpose for which the donated funds will be used by the group or
17 organization. Donated funds shall not be limited for use by members of the
18 group or organization, and shall not be used for administrative or personnel
19 costs of the group or organization.

20 (14) (a) All funds received by a group or organization under subsection (12) of this
21 section shall be deposited into an account separate from all other accounts the
22 group or organization may have.

23 (b) If the amount of money received in any fiscal year by a group or
24 organization under subsection (12) of this section is:

25 1. Equal to or greater than two hundred thousand dollars (\$200,000),
26 ~~and~~ the account shall be audited yearly at the expense of the group or
27 organization, and the completed audit shall be forwarded to the

- 1 Transportation Cabinet; or
- 2 2. Less than two hundred thousand dollars (\$200,000), the group or
- 3 organization shall submit a form to the cabinet attesting to its
- 4 compliance with this section~~[in Frankfort].~~
- 5 (c) One hundred percent (100%) of the funds received by a group or organization
- 6 under subsection (12) of this section shall be used for the express purpose
- 7 identified by the group in subsection (13) of this section.
- 8 (d) Except as provided in paragraph (e) of this subsection, any agency, group,
- 9 or organization that receives a mandatory EF fee under KRS 186.162 shall
- 10 comply with~~[the provisions of]~~ this subsection.
- 11 (e) If a mandatory EF fee under Section 99 of this Act is directed into a fund
- 12 established in statute, the agency controlling the fund shall not be required
- 13 to keep the EF fee proceeds in a separate account.
- 14 (15) (a) No later than October 1, 2026, and each October 1 thereafter, any group or
- 15 organization that receives funds under this section or EF fees under Section
- 16 99 of this Act, or any agency that administers a fund established in statute
- 17 that receives funds under this section or EF fees under Section 99 of this
- 18 Act, shall submit a report on the use of these funds in the previous fiscal
- 19 year to the:
- 20 1. Legislative Research Commission for referral to the Interim Joint
- 21 Committee on Appropriations and Revenue; and
- 22 2. Auditor of Public Accounts.
- 23 (b) The report required under paragraph (a) of this subsection shall include:
- 24 1. The total receipts of the fund;
- 25 2. The sources of those receipts;
- 26 3. An accounting of all expenditures from the fund;
- 27 4. A detailed summary of the activities supported by EF fee proceeds,

- 1 *including the amount of money spent on each activity;*
 2 *5. The identification of any unexpended funds and the reason why the*
 3 *funds were not expended; and*
 4 *6. An explanation of how all expenditures align with program objectives.*

5 **(16)** The secretary of the Transportation Cabinet shall promulgate administrative
 6 regulations *in accordance with*~~under~~ KRS Chapter 13A to establish additional
 7 rules to implement the issuance of special license plates issued under this chapter,
 8 including but not limited to:

- 9 (a) Documentation that will be required to accompany an application for a special
 10 license plate to provide proof of:
- 11 1. Election to the United States Congress or the Kentucky General
 12 Assembly;
 - 13 2. Election or appointment to the Kentucky Court of Justice;
 - 14 3. Membership in a Masonic Order, Fraternal Order of Police, or
 15 emergency management organization;
 - 16 4. Eligibility for membership in the Gold Star Mothers of America;
 - 17 5. Eligibility as a father for associate membership in the Gold Star Mothers
 18 of America;
 - 19 6. Eligibility for membership in the Gold Star Wives of America;
 - 20 7. Ownership of an amateur radio operator license;
 - 21 8. Receipt of the Silver Star Medal;
 - 22 9. Receipt of the Bronze Star Medal;
 - 23 10. Receipt of the Air Medal;
 - 24 11. Receipt of the Distinguished Flying Cross;
 - 25 12. Receipt of the Combat Action Badge;
 - 26 13. Receipt of the Combat Infantry Badge;
 - 27 14. Eligibility for a Gold Star Siblings license plate for a person whose

1 sibling died while serving the country in the United States Armed
 2 Forces. As used in~~For the purposes of~~ this subparagraph, "sibling"
 3 means a sibling by blood, a sibling by half-blood, a sibling by adoption,
 4 or a stepsibling; or

5 15. Eligibility for a Gold Star Sons or Gold Star Daughters license plate for
 6 a person whose parent or stepparent died while serving the country in
 7 the United States Armed Forces;

8 (b) The time schedule permissible for a group or organization to request a design
 9 change for the special license plate; and

10 (c) The procedures for review of proposed license plates and the standards by
 11 which proposed special license plates are approved or rejected in accordance
 12 with subsection (10) of this section.

13 ~~(17)~~~~(16)~~ Any individual, group, or organization that fails to audit any funds as
 14 required~~received~~ under this section~~chapter~~, or that intentionally uses any funds
 15 received in any way other than attested to under subsection (13) of this section or
 16 for administrative or personnel costs in violation of subsection (13) of this section,
 17 shall be guilty of a Class D felony and upon conviction shall, in addition to being
 18 subject to criminal penalties, be assessed a mandatory five thousand dollar (\$5,000)
 19 fine.

20 ➔Section 101. KRS 186.041 is amended to read as follows:

21 (1) Each initial and renewal application by a person who meets the criteria of paragraph
 22 (a) of this section and each initial application by a person who meets the criteria of
 23 paragraph (b), (c), or (d) of this section for a special military license plate shall be
 24 accompanied by proof as set forth in subsection (10) of this section that the person
 25 is associated with the United States Army, United States Navy, United States Air
 26 Force, United States Marine Corps, United States Space Force, United States Coast
 27 Guard, United States Coast Guard Auxiliary, Kentucky National Guard, Merchant

1 Marines with service between December 7, 1941, and August 15, 1945, or Civil Air
2 Patrol in one (1) of the following ways:

3 (a) A member of the Armed Forces of the United States;

4 (b) A retired member;

5 (c) A member of the National Guard or Reserve component who has completed
6 his or her term of service, or has retired with a minimum of twenty (20) years
7 of service; or

8 (d) A veteran who received a discharge under honorable conditions, or the
9 veteran's surviving spouse, and:

10 1. Performed one hundred eighty (180) days of active-duty service;

11 2. Received an early release due to injuries or other medical condition, or
12 at the convenience of the service;

13 3. Received a hardship discharge;

14 4. Was separated or retired due to a disability; or

15 5. Was determined to have a service-connected disability incurred during
16 the enlistment.

17 (2) The member, retired member, veteran, reservist, or his or her spouse who is eligible
18 under subsection (9) of this section may purchase an unlimited number of special
19 military-related license plates described in subsection (1) of this section, annually
20 for vehicles they own or lease. A disabled veterans license plate shall expire on July
21 31.

22 (3) A recipient of the Distinguished Service Cross, Navy Cross, or Air Force Cross
23 shall be eligible for a Service Cross license plate upon submission of an application
24 to the Kentucky Department of Veterans' Affairs. The recipient shall be required to
25 include with the initial application for a Service Cross license plate a copy of the
26 general order that authorized the award and the recipient's Department of Defense
27 form number 214. The Department of Veterans' Affairs shall verify the

1 documentation submitted with the application for a Service Cross license plate, and
2 if the individual applying for the plate is confirmed to be a recipient of the
3 Distinguished Service Cross, Navy Cross, or Air Force Cross, the Department of
4 Veterans' Affairs shall submit the applicant's name to the Transportation Cabinet's
5 Division of Motor Vehicle Licensing not later than September 1 preceding the year
6 that the Service Cross license plate is to be initially issued or renewed. When the
7 Service Cross license plate is ready, the plate shall be sent to the county clerk in the
8 county of the applicant's residence. The Transportation Cabinet's Division of Motor
9 Vehicle Licensing shall inform each applicant in writing that the Service Cross
10 license plate is ready and may be picked up at the county clerk's office. The
11 Transportation Cabinet shall prescribe the type of application form required by this
12 subsection and shall supply the Department of Veterans' Affairs with the
13 application form required by this subsection.

14 (4) A person who is a former prisoner of the enemy during World War I, World War II,
15 the Korean War, or the Vietnam War, or the spouse of a deceased former prisoner
16 of war, shall be eligible for a former prisoner of war license plate by submitting
17 written proof from the United States Department of Veterans Affairs or other
18 appropriate federal agency stating the period of time the person or person's spouse
19 was a prisoner of war. If a former prisoner of war dies with a vehicle licensed as
20 authorized under this section, the person's surviving spouse may retain the license
21 plate for use on the same vehicle or on another vehicle that complies with KRS
22 186.164(7).

23 (5) A person who is certified by the Kentucky chapter of the Pearl Harbor Survivors
24 Association as being a survivor of the attack on Pearl Harbor shall be eligible for a
25 Pearl Harbor license plate and shall be required to attach to the special military-
26 related license plate application written evidence from the Kentucky chapter of the
27 Pearl Harbor Survivors Association that the person:

- 1 (a) Was a member of the United States Armed Forces on December 7, 1941;
- 2 (b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45
3 a.m., Hawaii time, at Pearl Harbor, the island of Oahu, or offshore at a
4 distance not to exceed three (3) miles;
- 5 (c) Was discharged honorably from the United States Armed Forces; and
- 6 (d) Is certified by the Kentucky chapter of the Pearl Harbor Survivors
7 Association.
- 8 (6) A person who is eligible to receive a Gold Star Mothers, Gold Star Fathers, or Gold
9 Star Spouses license plate under KRS 186.164~~(15)(a)~~(16)(a) may receive up to
10 two (2) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates
11 free of charge and may purchase additional license plates by paying the same fee as
12 for special military-related plates issued under KRS 186.162(2)(d) annually for
13 vehicles he or she owns or leases.
- 14 (7) The surviving spouse of a Purple Heart recipient, or a Kentucky National Guard
15 member or a retired member, who possessed a vehicle licensed with the Purple
16 Heart recipient special license plate or the Kentucky National Guard special license
17 plate, may retain the license plate for use on the same vehicle or another vehicle
18 that complies with KRS 186.164(7). The surviving spouse may renew the license
19 plate indefinitely, provided the appropriate registration fee is paid annually.
- 20 (8) A person who is attending or who is a graduate of the United States Air Force
21 Academy, the United States Military Academy, the United States Naval Academy,
22 the United States Coast Guard Academy, or the United States Merchant Marine
23 Academy shall be eligible for a special military service academy license plate. A
24 special military service academy license plate under this subsection shall use the
25 same plate template as the standard special military license plate under subsection
26 (1) of this section, with stickers to identify the various service academies. The
27 Transportation Cabinet shall promulgate administrative regulations pursuant to

1 KRS Chapter 13A to establish the proof required to demonstrate current attendance
2 at or graduation from a service academy. An eligible applicant may receive up to
3 two (2) special military service academy license plates.

4 (9) (a) The legally married spouse of a member of the Armed Forces of the United
5 States who meets the criteria for a special military license plate under
6 subsection (1) of this section shall be eligible for a special military license
7 plate. A special military license plate under this subsection shall use the same
8 template as the standard special military license plate under subsection (1) of
9 this section, with a sticker identifying the plate as that of a military spouse.

10 (b) An applicant who is eligible for a special military license plate under this
11 subsection shall present as proof of eligibility an original or copy of his or her
12 marriage certificate establishing marriage to the member of the Armed Forces
13 of the United States and an original or copy of one (1) of the following:

- 14 1. His or her unexpired DD-1173 form; or
- 15 2. Any identification document outlined in subsection (10) of this section
16 issued to his or her spouse.

17 (10) Prior to receiving a special military-related plate requested under subsection (1) of
18 this section, the applicant shall present as proof of eligibility, an original or copy of
19 his or her:

- 20 (a) Unexpired Veteran Identification Card or Veteran Health Identification Card
21 issued by the United States Department of Veterans Affairs;
- 22 (b) DD-2, DD-214, DD-256, DD-257, or NGB-22 form; or
- 23 (c) Unexpired Geneva Conventions Identification Card issued by the United
24 States Department of Defense.

25 ➔Section 102. KRS 186.166 is amended to read as follows:

26 (1) The Transportation Cabinet shall, unless directed otherwise by the General
27 Assembly, perpetually produce the following special license plates: military license

1 plates, military unit license plates, U.S. Congressional license plates, firefighter
2 license plates, emergency management license plates, Fraternal Order of Police
3 license plates, Law Enforcement Memorial license plates, street rod license plates,
4 nature license plates, amateur radio license plates, Kentucky General Assembly
5 license plates, Kentucky Court of Justice license plates, Masonic Order license
6 plates, collegiate license plates, independent college and university license plates,
7 child victims' trust fund license plates, Kentucky Horse Council license plates,
8 Ducks Unlimited license plates, Gold Star Mothers, Fathers, and Spouses license
9 plates, Gold Star Siblings, Sons, and Daughters license plates, Silver Star Medal
10 license plates, Legion of Merit Medal license plates, Bronze Star Medal license
11 plates, Air Medal license plates, Distinguished Flying Cross license plates, Combat
12 Action Badge license plates, Combat Infantry Badge license plates, POW/MIA
13 Awareness license plates, spay neuter license plates, service academy license plates,
14 Friends of Kentucky Agriculture license plates, and I Support Veterans license
15 plates.

16 (2) The design of the plates identified for perpetual production under this section may
17 be revised upon request of a group or organization requesting a design revision
18 under the provisions of KRS 186.164~~(15)~~(16).

19 (3) (a) The design of a Purple Heart license plate shall not include any representation
20 of the word "Kentucky" that is a registered trademark or slogan which appears
21 on a general issue license plate.

22 (b) The design of a Purple Heart license plate shall include a representation of the
23 Purple Heart medal and the words "Combat Wounded."

24 ➔Section 103. KRS 143.022 is amended to read as follows:

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

1 outside of the United States of~~North~~ America.

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

7 (3) The refund process allowed under subsection (1) of this section is available
8 beginning on or after August 1, 2020, but before July 1, ~~2028~~²⁰²⁶, and limited
9 during any calendar year to the export of a combined total of:

10 (a) Ten million (10,000,000) tons of coal subject to the tax imposed under KRS
11 143.020 and exported through United States coal export terminals to markets
12 outside of North America; and

13 (b) Two million five hundred thousand (2,500,000) tons of coal subject to the
14 tax imposed under KRS 143.020 and exported through United States coal
15 export terminals to markets outside of the United States of America and
16 within North America.

17 (4) (a) By November 1, 2026, and each November 1 thereafter as long a refund is
18 issued under this section, the department shall report to the Legislative
19 Research Commission for referral to the Interim Joint Committee on
20 Appropriations and Revenue:

21 1. By destination:

22 a. The total tons of coal in which refunds were granted under
23 subsection (3)(a) of this section for the taxable year; and

24 b. The total tons of coal in which refunds were granted under
25 subsection (3)(b) of this section for the taxable year;

26 2. By county:

27 a. The total number of refunds requested for the taxable year;

1 **b. The total dollar amount of the refunds requested for the taxable**
 2 **year;**

3 **c. The total number of refunds issued for the taxable year; and**

4 **d. The total dollar amount of the refunds issued for the taxable**
 5 **year; and**

6 **3. By taxpayer:**

7 **a. The name and location of the taxpayer requesting the refund as**
 8 **listed on the tax return; and**

9 **b. The total dollar amount of the refund issued for the taxable year.**

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

14 ➔Section 104. KRS 278.130 is amended to read as follows:

15 (1) For the purpose of maintaining the commission, including the payment of salaries
 16 and all other expenses, and the cost of regulation of the utilities subject to its
 17 jurisdiction, the Department of Revenue shall each year assess the utilities in
 18 proportion to their earnings or receipts derived from intrastate business in Kentucky
 19 for the preceding calendar year as modified by KRS 278.150, and shall notify each
 20 utility on or before July 1 of the amount assessed against it. The total amount~~[-so]~~
 21 assessed shall **be twenty-three hundredths of one percent (0.23%) of**~~not in any~~
 22 ~~year exceed two (2) mills on~~ intrastate receipts as so modified, which shall be
 23 deposited into the State Treasury to the credit of the general fund. The sum by each
 24 utility shall not be less than fifty dollars (\$50) in any one (1) year.

25 (2) The assessments provided for in this section shall be in lieu of all other fees or
 26 assessments levied by any city or other political subdivision for the control or
 27 regulation of utilities.

1 (3) The commission, upon application by a utility, shall authorize the utility to adjust
2 its rates to recover, within not more than one (1) year, any change in the annual
3 assessment and any costs imposed by commission order for the fees and expenses
4 of consultants. The application, and any hearing or other proceedings thereon, shall
5 be limited to the amount of such adjustment.

6 ➔Section 105. KRS 278.150 is amended to read as follows:

7 (1) The commission shall, on or before June 1, certify to the Department of Revenue
8 and the Finance and Administration Cabinet the amount of intrastate business of
9 each utility in the state subject to its jurisdiction during the previous calendar year.
10 The commission shall, when certifying the intrastate sales of retail electric
11 suppliers, deduct from such sales one-half (1/2) of the applicable wholesale power
12 costs, provided the utility from which such wholesale power purchases were made
13 pays assessment on the full wholesale value of its gross intrastate sales in Kentucky.
14 When certifying the intrastate sales of retail electric suppliers not subject to the
15 jurisdiction of the commission for rates, the commission shall deduct one-half (1/2)
16 of their actual intrastate sales. All utilities classified as retail electric suppliers shall
17 pay assessments based on the amount of intrastate sales less deductions as certified
18 by the commission.

19 ~~(2) [The Finance and Administration Cabinet shall, on or before June 10, establish the~~
20 ~~assessment rate and give written notification thereof to the Department of Revenue~~
21 ~~and the commission.]~~The Department of Revenue shall collect and pay the
22 assessment into the State Treasury to the credit of the general expenditure fund. All
23 such assessments shall be paid into the State Treasury through the Department of
24 Revenue on or before July 31 of the year in which the assessments are made.

25 (3) If any amount in the special fund for the maintenance of the commission remains
26 unexpended at the end of any fiscal year, that amount shall not lapse, but shall
27 remain credited to the account of the commission and may be used during any

1 succeeding year.

2 ➔Section 106. KRS 117.322 is amended to read as follows:

- 3 (1) (a) Any candidate for any elected office whose appearance, action, or speech is
4 altered through the use of synthetic media in an electioneering communication
5 may seek injunctive or other equitable relief against the sponsor of the
6 electioneering communication requiring that the communication includes a
7 disclosure that is clear and conspicuous and included in, or alongside and
8 associated with, the content in a manner that is likely to be noticed by the
9 user.
- 10 (b) The court may award a prevailing party reasonable attorney's fees and costs.
11 This paragraph does not limit or preclude a plaintiff from securing or
12 recovering any other available remedy.
- 13 (2) In any action brought under subsection (1) of this section:
- 14 (a) The plaintiff shall:
- 15 1. File in Circuit Court of the county in which he or she resides; and
16 2. Bear the burden of establishing the use of synthetic media by clear and
17 convincing evidence; and
- 18 (b) The following shall not be liable except as provided in subsection (3) of this
19 section:
- 20 1. The medium disseminating the electioneering communication; and
21 2. An advertising sales representative of such medium.
- 22 (3) Failure to comply with an order of the court to include the required disclosure
23 herein shall be subject to the penalties set forth in KRS 121.990(3) for violation of
24 KRS 121.190(1).
- 25 (4) It is an affirmative defense for any action brought under subsection (1) of this
26 section that the electioneering communication containing synthetic media includes
27 a disclosure that is clear and conspicuous and included in, or alongside and

1 associated with, the content in a manner that is likely to be noticed by the user.

2 (5) Except when a licensee, programmer, or operator of a federally licensed
3 broadcasting station transmits an electioneering communication that is subject to 47
4 U.S.C. sec. 315, a medium or its advertising sales representative may be held liable
5 in a cause of action brought under subsection (1) of this section if:

6 (a) The person intentionally removes any disclosure described in subsection (4)
7 of this section from the electioneering communication it disseminates and
8 does not remove the electioneering communication or replace the disclosure
9 when notified; or

10 (b) Subject to affirmative defenses described in subsection (4) of this section, the
11 person with intent to deceive or mislead changes the content of an
12 electioneering communication in a manner that results in it qualifying as
13 synthetic media.

14 (6) (a) A provider or user of an interactive computer service shall not be treated as
15 the publisher or speaker of any information provided by another information
16 content provider.

17 (b) An interactive computer service may be held liable in accordance with
18 subsection (3) of this section.

19 (c) An interactive computer service shall be exempt as provided by the
20 Communications Decency Act of 1996, as amended, 47 U.S.C. sec. 230.

21 (7) Courts are encouraged to determine matters under this section expediently.

22 ➔Section 107. KRS 154.30-010 is amended to read as follows:

23 As used in this subchapter:

24 (1) "Activation date" means:

25 (a) For all projects except those described in paragraph (b) of this subsection, the
26 date established any time within a two (2) year period after the
27 commencement date. The Commonwealth may extend the two (2) year period

1 to no more than four (4) years upon written application by the agency
2 requesting the extension; and

3 (b) For signature projects approved under KRS 154.30-050(3)(a), the date
4 established any time within a ten (10) year period after the commencement
5 date.

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

10 (2) "Agency" means:

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

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

14 (c) A nonprofit corporation;

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

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

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

19 (g) A riverport authority established under KRS 65.510 to 65.650; or

20 (h) A designated department, division, or office of a city or county;

21 (3) (a) "Approved public infrastructure costs" means costs associated with the
22 acquisition, installation, construction, or reconstruction of public works,
23 public improvements, and public buildings, including planning and design
24 costs associated with the development of the public amenities.

25 (b) "Approved public infrastructure costs" includes but is not limited to costs
26 incurred for the following:

27 1. Land preparation, including demolition and clearance work;

- 1 2. Buildings;
- 2 3. Sewers and storm drainage;
- 3 4. Curbs, sidewalks, promenades, and pedways;
- 4 5. Roads;
- 5 6. Street lighting;
- 6 7. The provision of utilities;
- 7 8. Environmental remediation;
- 8 9. Floodwalls and floodgates;
- 9 10. Public spaces or parks;
- 10 11. Parking;
- 11 12. Easements and rights-of-way;
- 12 13. Transportation facilities;
- 13 14. Public landings;
- 14 15. Amenities, including fountains, benches, and sculptures; and
- 15 16. Riverbank modifications and improvements;
- 16 (4) "Approved signature project costs" means:
 - 17 (a) The acquisition of land for portions of the project that are for infrastructure;
 - 18 and
 - 19 (b) Costs associated with the acquisition, installation, development, construction,
 - 20 improvement, or reconstruction of infrastructure, including planning and
 - 21 design costs associated with the development of infrastructure, including but
 - 22 not limited to parking structures, including portions of parking structures that
 - 23 serve as platforms to support development above;
 - 24 that have been determined by the commission to represent a unique challenge in the
 - 25 financing of a project such that the project could not be developed without
 - 26 incentives intended by this chapter to foster economic development;
- 27 (5) "Authority" means the Kentucky Economic Development Finance Authority

- 1 established by KRS 154.20-010;
- 2 (6) "Capital investment" means:
- 3 (a) Obligations incurred for labor and to contractors, subcontractors, builders, and
- 4 materialmen in connection with the acquisition, construction, installation,
- 5 equipping, and rehabilitation of a project;
- 6 (b) The cost of acquiring land or rights in land within the development area on the
- 7 footprint of the project, and any cost incident thereto, including recording
- 8 fees;
- 9 (c) The cost of contract bonds and of insurance of all kinds that may be required
- 10 or necessary during the course of acquisition, construction, installation,
- 11 equipping, and rehabilitation of a project which is not paid by the contractor
- 12 or contractors or otherwise provided;
- 13 (d) All costs of architectural and engineering services, including test borings,
- 14 surveys, estimates, plans, specifications, preliminary investigations,
- 15 supervision of construction, and the performance of all the duties required by
- 16 or consequent upon the acquisition, construction, installation, equipping, and
- 17 rehabilitation of a project;
- 18 (e) All costs that are required to be paid under the terms of any contract for the
- 19 acquisition, construction, installation, equipping, and rehabilitation of a
- 20 project; and
- 21 (f) All other costs of a nature comparable to those described in this subsection
- 22 that occur after preliminary approval;
- 23 (7) "City" means any city, consolidated local government, or urban-county
- 24 government;
- 25 (8) "Commencement date" means the final approval date or the date on which a tax
- 26 incentive agreement is executed;
- 27 (9) "Commonwealth" means the Commonwealth of Kentucky;

- 1 (10) "County" means any county, consolidated local government, charter county, unified
2 local government, or urban-county government;
- 3 (11) "CPI" means the nonseasonally adjusted Consumer Price Index for all urban
4 consumers, all items, base year computed for 1982 to 1984 equals one hundred
5 (100), published by the United States Department of Labor, Bureau of Labor
6 Statistics;
- 7 (12) "Department" means the Department of Revenue;
- 8 (13) "Development area" means an area established under KRS 65.7049, 65.7051, and
9 65.7053;
- 10 (14) "Economic development projects" means projects which are approved for tax
11 credits under Subchapter 20, 22, 23, 24, 25, 26, 27, 28, 34, or 48 of KRS Chapter
12 154;
- 13 (15) "Financing costs" means principal, interest, costs of issuance, debt service reserve
14 requirements, underwriting discount, costs of credit enhancement or liquidity
15 instruments, and other costs directly related to the issuance of bonds or debt for
16 approved public infrastructure costs or approved signature project costs for projects
17 approved pursuant to 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
21 contiguous;
- 22 (17) "Governing body" means the body possessing legislative authority in a city or
23 county;
- 24 (18) "Increment bonds" means bonds and notes issued for the purpose of paying the
25 costs of one (1) or more projects;
- 26 (19) "Incremental revenues" means:
- 27 (a) The amount of revenues received by a taxing district, as determined by

1 subtracting old revenues from new revenues in a calendar year with respect to
2 a development area, or a project within a development area; or

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

6 (20) "Local participation agreement" means the agreement entered into under KRS
7 65.7063;

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

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

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

13 (b) Used for calculating state tax revenues in calendar years 2023 to ~~2048~~~~[2026]~~;
14 and

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

16 (23) "Modifier" means the result of:

17 (a) 1. Dividing the individual income tax rate of five percent (5%), in effect as
18 of December 31, 2022, by:

19 2. The individual income tax rate under KRS 141.020 for the calendar year
20 in which the new revenues for income tax are being computed; and

21 (b) Subtracting from the result of paragraph (a) of this subsection the number
22 one (1);

23 (c) Multiplying the result of paragraph (b) of this subsection by twenty-five
24 percent (25%); and

25 (d) Adding to the result of paragraph (c) of this subsection the number one (1);

26 (24) "New revenues" means:

27 (a) The amount of local tax revenues received by a taxing district with respect to

1 a development area in any calendar year beginning with the year in which the
2 activation date occurred; and

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

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

9 (25) "Old revenues" means:

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

12 (b) 1. The amount of state tax revenues received by the Commonwealth within
13 the footprint as of December 31 of the year of preliminary approval. If
14 the authority determines that the amount of state tax revenues received
15 as of December 31 of the last calendar year prior to the commencement
16 of preliminary approval does not represent a true and accurate depiction
17 of revenues, the authority may consider revenues for a period of no
18 longer than three (3) calendar years prior to the year of preliminary
19 approval, so as to determine a fair representation of state tax revenues.
20 The amount determined by the authority shall be specified in the tax
21 incentive agreement. If state tax revenues were derived from the
22 footprint prior to the year of preliminary approval, old revenues shall
23 increase each calendar year by:

24 a. The percentage increase, if any, of the CPI or a comparable index;
25 or

26 b. An alternative percentage increase that is determined to be
27 appropriate by the authority.

1 The method for increasing old revenues shall be set forth in the tax
2 incentive agreement.

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

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

10 (a) Increment bonds canceled upon surrender, exchange, or transfer, or upon
11 payment or redemption;

12 (b) Increment bonds in replacement of which or in exchange for which other
13 increment bonds have been issued; or

14 (c) Increment bonds for the payment, redemption, or purchase for cancellation
15 prior to maturity, of which sufficient moneys or investments, in accordance
16 with the ordinance or other proceedings or any applicable law, by mandatory
17 sinking fund redemption requirements, or otherwise, have been deposited, and
18 credited in a sinking fund or with a trustee or paying or escrow agent, whether
19 at or prior to their maturity or redemption, and, in the case of increment bonds
20 to be redeemed prior to their stated maturity, notice of redemption has been
21 given or satisfactory arrangements have been made for giving notice of that
22 redemption, or waiver of that notice by or on behalf of the affected bond
23 holders has been filed with the issuer or its agent;

24 (27) "Preliminary approval" means the action taken by the authority preliminarily
25 approving an eligible project for incentives under this subchapter;

26 (28) "Project" means any property, asset, or improvement located in a development area
27 and certified by the governing body as:

- 1 (a) Being for a public purpose; and
- 2 (b) Being for the development of facilities for residential, commercial, industrial,
- 3 public, recreational, or other uses, or for open space, including the
- 4 development, rehabilitation, renovation, installation, improvement,
- 5 enlargement, or extension of real estate and buildings; and
- 6 (c) Contributing to economic development or tourism; and
- 7 (d) Meeting the additional requirements established by KRS 154.30-040, 154.30-
- 8 050, or 154.30-060;
- 9 (29) "Signature project" means a project approved under KRS 154.30-050;
- 10 (30) "State real property ad valorem tax" means real property ad valorem taxes levied
- 11 under KRS 132.020(1)(a);
- 12 (31) "State tax revenues" means revenues received by the Commonwealth from one (1)
- 13 or more of the following sources:
- 14 (a) State real property ad valorem taxes;
- 15 (b) Individual income taxes levied under KRS 141.020, other than individual
- 16 income taxes that have already been pledged to support an economic
- 17 development project within the development area;
- 18 (c) Corporation income taxes levied under KRS 141.040, other than corporation
- 19 income taxes that have already been pledged to support an economic
- 20 development project within the development area;
- 21 (d) Limited liability entity taxes levied under KRS 141.0401, other than limited
- 22 liability entity taxes that have already been pledged to support an economic
- 23 development project within the development area; and
- 24 (e) Sales taxes levied under KRS 139.200, excluding sales taxes already pledged
- 25 for:
- 26 1. Approved tourism attraction projects, as defined in KRS 148.851, within
- 27 the development area; and

1 2. Projects which are approved for sales tax refunds under Subchapter 20
2 of KRS Chapter 154 within the development area;

3 (32) "Tax incentive agreement" means an agreement entered into in accordance with
4 KRS 154.30-070; and

5 (33) "Termination date" means:

6 (a) For a tax incentive agreement satisfying the requirements of KRS 154.30-040
7 or 154.30-060, a date established by the tax incentive agreement that is no
8 more than twenty (20) years from the activation date. However, the
9 termination date for a tax incentive agreement shall in no event be more than
10 forty (40) years from the establishment date of the development area to which
11 the tax incentive agreement relates; and

12 (b) For a project grant agreement satisfying the requirements of KRS 154.30-050,
13 a date established by the tax incentive agreement that is no more than thirty
14 (30) years from the activation date. However, the termination date for a tax
15 incentive agreement shall in no event be more than forty (40) years from the
16 establishment date of the development area to which the tax incentive
17 agreement relates.

18 ➔Section 108. KRS 132.380 is amended to read as follows:

19 (1) (a) Before any person's name shall appear before the voters on election day as a
20 candidate for the office of property valuation administrator in any primary or
21 general election, except a current property valuation administrator already
22 qualified as a candidate to succeed himself or herself in office, or before that
23 person may be appointed property valuation administrator, except as an
24 interim appointee as provided by KRS 132.375, that person shall hold a
25 certificate issued by the department, showing that he or she has been
26 examined by the department and is qualified for the office.

27 (b) All certificates issued shall expire one (1) year from the date of issuance.

- 1 (c) The examinations shall be written and formulated so as to test fairly the
2 ability and fitness of the applicant to serve as property valuation
3 administrator.
- 4 (d) The department shall hold the examination at a central location during the
5 month of November of each year immediately preceding each year in which
6 property valuation administrators are to be elected.
- 7 (e) The department shall, at least thirty (30) days prior to the examination, issue a
8 statewide press release announcing the examination and post the
9 announcement on the department's Web site.
- 10 (f) Any person desiring to take an examination shall appear at the time and place
11 designated.
- 12 (2) (a) If, after the giving of the examination, as provided in subsection (1) of this
13 section, there is no person qualified to be a candidate in the county, the
14 department shall hold a second examination.
- 15 (b) Applicants from only those counties having no person qualified shall be
16 eligible to take the examination.
- 17 (c) Notice of the second examination shall be made by issuing a press release in
18 those counties and posting an announcement for the examination on the
19 department's Web site at least fourteen (14) days prior to the second
20 examination.
- 21 (3) (a) If no qualified candidate files for the office, a special examination shall be
22 given at a time determined by the department.
- 23 (b) Notice of and registration for the special examination shall be provided in the
24 same manner as provided in subsection (2) of this section.
- 25 (4) (a) Whenever there is a vacancy in the office of property valuation administrator
26 to be filled by appointment or by election, and there is not more than one (1)
27 person holding a valid certificate and eligible for appointment or election, the

1 department shall hold a special examination for applicants seeking a
2 certificate for the office.

3 (b) If, after the giving of a special examination, only one (1) person is qualified,
4 the county judge/executive may request a second examination.

5 (c) Notice of and registration for the special examination shall be provided in the
6 same manner as provided by subsection (2) of this section.

7 (5) (a) Examinations shall be given and graded in accordance with rules of the
8 department published at the time of the examination.

9 (b) Within ten (10) days after the examination, a certificate of fitness and
10 qualification to fill the office of property valuation administrator shall be
11 issued by the department to each person passing the examination.

12 (6) Notwithstanding subsections (2) to (5) of this section, if there is not a qualified
13 candidate for property valuation administrator of a county before the filing
14 deadline for the primary election, the department shall continuously hold the
15 examination until the earlier of:

16 (a) At least two (2) persons for that county are certified by the department; or

17 (b) Thirty (30) days prior to the certification of candidates for the regular
18 election under KRS 118.215.

19 (7) Examination records shall be preserved by the department for twelve (12) months
20 after the examination, and the record of any person who took the examination may
21 be seen by him or her at the office of the department in Frankfort, Kentucky.

22 ➔SECTION 109. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) There is hereby established in the State Treasury a restricted fund.

25 (2) The fund shall consist of moneys received from donations, grants, gifts, state
26 appropriations, and federal funds.

27 (3) The fund shall be administered by the Department for Public Health.

1 (4) Moneys in the fund shall remain in the fund until appropriated by the General
2 Assembly.

3 (5) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
4 year shall not lapse but shall be carried forward to the next fiscal year.

5 ➔SECTION 110. A NEW SECTION OF KRS CHAPTER 194A IS CREATED
6 TO READ AS FOLLOWS:

7 (1) There is hereby established in the State Treasury a restricted fund to be known as
8 the out-of-home care program fund.

9 (2) The fund shall consist of moneys received from donations, grants, gifts, state
10 appropriations, and federal funds.

11 (3) The fund shall be administered by the Department for Community Based
12 Services.

13 (4) Moneys in the fund shall remain in the fund until appropriated by the General
14 Assembly.

15 (5) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
16 year shall not lapse but shall be carried forward to the next fiscal year.

17 ➔SECTION 111. A NEW SECTION OF KRS CHAPTER 224A IS CREATED
18 TO READ AS FOLLOWS:

19 (1) There is hereby established in the State Treasury a revolving account to be known
20 as the residential housing infrastructure fund. The fund shall consist of moneys
21 received from state appropriations, gifts, grants, federal funds, and all repayment,
22 interest or other return on the investment of fund dollars.

23 (2) The fund shall be administered by the Kentucky Infrastructure Authority.

24 (3) Amounts deposited in the fund shall be used for the purpose of making low
25 interest loans to local governments for building, upgrading, renovation, or
26 expansion of infrastructure owned, maintained, or operated by the local
27 government seeking funding.

1 **(4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal**
2 **year shall not lapse but shall be carried forward into the next fiscal year.**

3 ➔Section 112. KRS 196.288 is amended to read as follows:

4 ~~{(1) The department shall measure and document cost savings resulting from~~
5 ~~amendments to or creation of statutes in KRS Chapters 27A, 196, 197, 431, 439,~~
6 ~~532, 533, and 534 contained in 2011 Ky. Acts ch. 2. Measured and documented~~
7 ~~savings shall be reinvested or distributed as provided in this section.~~

8 ~~(2) The department shall establish a baseline for measurement using the average~~
9 ~~number of inmates incarcerated at each type of penitentiary as defined in KRS~~
10 ~~197.010 and at local jails in fiscal year 2010-2011.~~

11 ~~(3) The department shall determine the average cost of:~~

12 ~~(a) Incarceration for each type of penitentiary as defined in KRS 197.010 and for~~
13 ~~local jails, including health care costs, transportation costs, and other related~~
14 ~~costs, for one (1) inmate for one (1) year for the immediately preceding fiscal~~
15 ~~year;~~

16 ~~(b) Providing probation and parole services for one (1) parolee for one (1) year~~
17 ~~for the immediately preceding fiscal year; and~~

18 ~~(c) Reentry services and peer support as a condition of parole for those with~~
19 ~~opiate addiction and other substance abuse disorders.~~

20 ~~(4) Beginning with the budget request for the 2012-2014 fiscal biennium, savings shall~~
21 ~~be estimated from the baseline established in subsection (2) of this section as~~
22 ~~follows:~~

23 ~~(a) The estimated average reduction of inmates due to mandatory reentry~~
24 ~~supervision as required by KRS 439.3406 multiplied by the appropriate~~
25 ~~average cost as determined in subsection (3)(a) of this section;~~

26 ~~(b) The estimated average reduction of inmates due to accelerated parole hearings~~
27 ~~as required by KRS 439.340 multiplied by the appropriate average cost as~~

1 determined in subsection (3)(a) of this section;

2 (c) ~~The estimated average increase of parolees due to paragraphs (a) and (b) of~~
 3 ~~this subsection multiplied by the average cost as determined in subsection~~
 4 ~~(3)(b) of this section; and~~

5 (d) ~~The estimated average reduction of parolees due to parole credit for good~~
 6 ~~behavior as provided in KRS 439.345 multiplied by the average cost as~~
 7 ~~determined in subsection (3)(b) of this section.~~

8 ~~(5)~~ Beginning in fiscal year 2026-2027, the following amounts shall be allocated or
 9 distributed by the secretary of the Justice Cabinet ~~from the estimated amount of savings~~
 10 ~~that would otherwise remain in the general fund~~:

11 ~~(1)(a)~~ Four million six hundred thirty thousand two hundred dollars
 12 (\$4,630,200) ~~Twenty five percent (25%)~~ shall be distributed to the local
 13 corrections assistance fund established by KRS 441.207;

14 ~~(2)(b)~~ Sixteen million three hundred eighty-three thousand five hundred dollars
 15 (\$16,383,500) ~~Fifty percent (50%)~~ shall be distributed for the following purposes:

16 ~~(a)(1)~~ To the department to provide or to contract for the provision of
 17 substance abuse treatment in county jails, regional jails, or other local
 18 detention centers that employ evidence-based practices in behavioral health
 19 treatment or medically assisted treatment for nonstate inmates with opiate
 20 addiction or other substance abuse disorders;

21 ~~(b)(2)~~ For KY-ASAP programs operating under KRS Chapter 15A in county
 22 jails or in facilities under the supervision of county jails that employ evidence-
 23 based behavioral health treatment or medically assisted treatment for inmates
 24 with opiate addiction or other substance abuse disorders;

25 ~~(c)(3)~~ To KY-ASAP to provide supplemental grant funding to community
 26 mental health centers for the purpose of offering additional substance abuse
 27 treatment resources through programs that employ evidence-based behavioral

1 health treatment or medically assisted treatment;

2 ~~(d)~~^[4.] To KY-ASAP to address neonatal abstinence syndrome by providing
3 supplemental grant funding to community substance abuse treatment
4 providers to offer residential treatment services to pregnant women through
5 programs that employ evidence-based behavioral health treatment or
6 medically assisted treatment;

7 ~~(e)~~^[5.] To provide supplemental funding for traditional KY-ASAP substance
8 abuse programming under KRS Chapter 15A;

9 ~~(f)~~^[6.] To the department for the purchase of FDA-approved medication-
10 assisted treatment products as a component of evidence-based treatment for
11 inmates with opioid dependence, opioid use disorder, or other substance abuse
12 disorders, for use in substance abuse treatment programs operated or
13 supervised by the department. In purchasing such FDA-approved products,
14 the department shall consider products and treatments that may minimize the
15 risk of diversion;

16 ~~(g)~~^[7.] To the Department of Public Advocacy to provide supplemental funding
17 to the Social Worker Program for the purpose of creating additional social
18 worker positions to develop individualized alternative sentencing plans; and

19 ~~(h)~~^[8.] To the Prosecutors Advisory Council to enhance the use of rocket
20 docket prosecutions in controlled substance cases~~;~~ and

21 ~~(c) In enacting the budget for the department and the judicial branch, beginning~~
22 ~~in the 2012-2014 fiscal biennium and each fiscal biennium thereafter, the~~
23 ~~General Assembly shall:~~

24 ~~1. Determine the estimated amount necessary for reinvestment in:~~

25 ~~a. Expanded treatment programs and expanded probation and parole services~~
26 ~~provided by or through the department; and~~

27 ~~b. Additional pretrial services and drug court case specialists provided by or~~

1 through the Administrative Office of the Courts; and

2 ~~2. Shall allocate and appropriate sufficient amounts to fully fund these~~
3 ~~reinvestment programs.~~

4 ~~(6) The amount of savings shall be estimated each year of the 2012-2014 fiscal~~
5 ~~biennium, and for each year of each fiscal biennium thereafter, as specified in~~
6 ~~subsection (4) of this section.~~

7 ~~(7) (a) In submitting its budget request for the 2012-2014 fiscal biennium and~~
8 ~~each fiscal biennium thereafter, the department shall estimate the amount of~~
9 ~~savings measured under this section and shall request the amount necessary to~~
10 ~~distribute or allocate those savings as provided in subsection (5) of this~~
11 ~~section.~~

12 ~~(b) In submitting its budget request for the 2012-2014 fiscal biennium and each~~
13 ~~fiscal biennium thereafter, the judicial branch shall request the amount~~
14 ~~necessary to distribute or allocate those savings as provided in subsection (5)~~
15 ~~of this section].~~

16 ➔Section 113. KRS 441.207 is amended to read as follows:

17 (1) The local corrections assistance fund is created as a separate revolving fund to be
18 administered by the department. The fund shall consist of amounts transferred to
19 the fund pursuant to KRS 196.288, along with any other proceeds from grants,
20 contributions, appropriations, or other moneys made available for purposes of the
21 fund.

22 (2) Notwithstanding KRS 45.229, amounts not expended at the close of a fiscal year
23 shall not lapse but shall be carried forward to the next fiscal year.

24 (3) Any interest earnings from the fund shall become a part of the fund and shall not
25 lapse.

26 (4) **Moneys in the fund shall be distributed to the counties each year. Amounts**
27 **distributed from the fund shall be used to support local correctional facilities and**

1 programs, including the transportation of prisoners, as follows:

2 (a) In each fiscal year, the first \$3,000,000 received by the fund, or, if the fund
 3 receives less than \$3,000,000, the entire balance of the fund, shall be
 4 divided equally among all counties; and

5 (b) Any moneys remaining after making the distributions required by
 6 paragraph (a) of this subsection shall be distributed to each county based on
 7 a ratio, the numerator of which shall be the county's county inmate
 8 population on the second Thursday in January during the prior fiscal year,
 9 and the denominator of which shall be the total counties' county inmate
 10 population for the entire state on the second Thursday in January during
 11 the prior fiscal year [Moneys in the fund shall accrue to the fund and shall be

12 retained in the fund until the General Assembly establishes a statutory process
 13 and method for distributing the funds to local correctional facilities and
 14 programs].

15 ➔Section 114. KRS 217.2202 is amended to read as follows:

16 A kratom processor or kratom retailer shall not:

17 (1) Distribute, dispense, sell, or make available for sale any kratom, kratom extract, or
 18 kratom product [to an individual who is under twenty one (21) years of age]; or

19 (2) Prepare, manufacture, distribute, dispense, sell, or make available for sale any
 20 kratom, kratom extract, or kratom product [that:

21 (a) ~~Is adulterated with a dangerous nonkratom substance that affects the quality~~
 22 ~~or strength of the kratom extract or kratom product to such a degree that it~~
 23 ~~may injure a consumer;~~

24 (b) ~~Contains a poisonous or otherwise harmful nonkratom ingredient, including~~
 25 ~~but not limited to any controlled substance as defined in KRS Chapter 218A;~~

26 (c) ~~Contains a level of 7 hydroxymitragynine in the alkaloid fraction that is~~
 27 ~~greater than two percent (2%) of the overall alkaloid composition of the~~

1 product;

2 ~~(d) Contains any synthetic alkaloid, including synthetic mitragynine, synthetic 7-~~
 3 ~~hydroxymitragynine, or any other synthetically derived compound of the plant~~
 4 ~~Mitragyna speciosa;~~

5 ~~(e) Contains levels of residual solvents higher than those permitted under the~~
 6 ~~United States Pharmacopeia Chapter 467; or~~

7 ~~(f) Does not meet the labeling requirements established pursuant to KRS~~
 8 ~~217.2203 or any administrative regulation promulgated thereunder].~~

9 ➔Section 115. KRS 217.2207 is amended to read as follows:

10 A kratom processor or kratom retailer who violates KRS 217.2202 ~~for 217.2203 or any~~
 11 ~~administrative regulation promulgated thereunder]~~ shall be subject to a civil penalty of
 12 not more than five ~~hundred~~ ***thousand*** dollars ~~(\$500)~~ ***(\$5,000)*** for a first offense and not
 13 more than ~~one~~ ***ten*** thousand dollars ~~(\$1,000)~~ ***(\$10,000)*** for a second or subsequent
 14 offense.

15 ➔Section 116. KRS 139.495 is amended to read as follows:

16 (1) ***As used in this section:***

17 ***(a) "Educational or charitable institution" means*** ~~The taxes imposed by this~~
 18 ~~chapter shall apply to]:~~

19 ~~1.(a)~~ ***1.*** A resident, nonprofit educational ~~or~~ charitable ~~, or religious~~
 20 ***institution that has*** ~~institutions which have~~ qualified for exemption
 21 from income taxation under Section 501(c)(3) of the Internal Revenue
 22 Code; ~~or~~ ***and***

23 ~~2.(b)~~ ***2.*** Any resident, single member limited liability company that is:
 24 ***a.*** ~~1.~~ Wholly owned and controlled by a resident or nonresident,
 25 nonprofit educational ~~or~~ charitable ~~, or religious~~ institution
 26 ***that*** ~~which~~ has qualified for exemption from income taxation
 27 under Section 501(c)(3) of the Internal Revenue Code; and

1 ~~b.~~^[2.] Disregarded as an entity separate from the resident or nonresident,
 2 nonprofit educational ~~or~~^[.] charitable~~[, or religious]~~ institution for
 3 federal income tax purposes pursuant to 26 C.F.R. sec. 301.7701-
 4 2; and

5 **(b) "Religious institution" means:**

6 **1. A resident nonprofit religious institution that has qualified for**
 7 **exemption from income taxation under Section 501(c)(3) of the**
 8 **Internal Revenue Code;**

9 **2. Any resident, single member limited liability company that is:**

10 **a. Wholly owned and controlled by a resident or nonresident,**
 11 **nonprofit religious institution that has qualified for exemption**
 12 **from income taxation under Section 501(c)(3) of the Internal**
 13 **Revenue Code; and**

14 **b. Disregarded as an entity separate from the resident or**
 15 **nonresident, nonprofit religious institution for federal income**
 16 **tax purposes pursuant to 26 C.F.R. sec. 301.7701-2; or**

17 **3. A resident nonprofit religious institution that has chosen not to apply**
 18 **to the Internal Revenue Service for a Section 501(c)(3) designation**
 19 **but would otherwise qualify for that designation by demonstrating that**
 20 **the institution has:**

21 **a. A recognized creed and form of worship;**

22 **b. A distinct religious history;**

23 **c. Ordained minister that ministers to the congregation of**
 24 **believers;**

25 **d. An established place of worship where worship services are held**
 26 **in the same location on a regular basis;**

27 **e. A congregation of who regularly attend worship services; and**

1 *f. Regularly scheduled and promoted religious services for the*
 2 *public to attend*~~†~~

3 as ~~provided in this section~~.

4 (2) (a) *For educational or charitable institutions, except as provided in paragraph*
 5 *(b) of this subsection, the taxes imposed by this chapter do*~~†Tax does~~ not
 6 apply to *any of the following*:

7 1. *Purchases*~~†Sales~~ of tangible personal property, digital property, or
 8 services *made by*~~†to~~ these institutions~~† or limited liability companies~~
 9 ~~described in subsection (1) of this section~~, provided the tangible
 10 personal property, digital property, or service is to be used solely in this
 11 state within the educational *or*~~†~~ charitable~~†, or religious~~ function;

12 2. Sales of food to students in school cafeterias or lunchrooms;

13 3. Sales by school bookstores of textbooks, workbooks, and other course
 14 materials;

15 4. Sales by nonprofit, school sponsored clubs and organizations, provided
 16 *the*~~†such~~ sales do not include tickets for athletic events;

17 5. Sales of admissions, including the sales of admissions to a golf course
 18 when the admission is the result of a fundraising event, by~~† nonprofit~~
 19 educational *or*~~†~~ charitable~~†, or religious~~ institutions~~† described in~~
 20 ~~subsection (1) of this section~~. All other sales of admissions to a golf
 21 course by these institutions are not exempt from tax under this section;

22 or

23 6. a. Fundraising event sales made by ~~† nonprofit~~ educational *or*~~†~~
 24 charitable~~†, or religious~~ institutions~~† and limited liability~~
 25 ~~companies described in subsection (1) of this section~~.

26 b. *As used in*~~†For the purposes of~~ this subparagraph, "fundraising
 27 event sales" does not include sales related to the operation of a

1 retail business, including but not limited to thrift stores,
 2 bookstores, surplus property auctions, recycle and reuse stores, or
 3 any ongoing operations in competition with for-profit retailers.

4 (b) The exemptions provided in subparagraphs 5. and 6. of paragraph (a) of this
 5 subsection shall not apply to sales generated by or arising at a tourism
 6 development project approved under KRS 148.851 to 148.860.

7 (3) (a) *An educational or charitable*~~[An]~~ institution shall be entitled to a refund
 8 equal to twenty-five percent (25%) of the tax collected on its sale of donated
 9 goods if the refund is used exclusively as reimbursement for capital
 10 construction costs of additional retail locations in this state, provided the
 11 institution:

12 1.~~[(a)]~~ Routinely sells donated items;

13 2.~~[(b)]~~ Provides job training and employment to individuals with
 14 workplace disadvantages and disabilities;

15 3.~~[(c)]~~ Spends at least seventy-five percent (75%) of its annual revenue
 16 on job training, job placement, or other related community services;

17 4.~~[(d)]~~ Submits a refund application to the department within sixty (60)
 18 days after the new retail location opens for business; and

19 5.~~[(e)]~~ Provides records of capital construction costs for the new retail
 20 location and any other information the department deems necessary to
 21 process the refund.

22 The maximum refund allowed for any location shall not exceed one million
 23 dollars (\$1,000,000).

24 (b) As used in this subsection, "capital construction cost":

25 1. Means the cost of construction of any new facilities or the purchase and
 26 renovation of any existing facilities; and~~[, but]~~

27 2. Does not include the cost of real property other than real property

1 designated as a brownfield site as defined in KRS 65.680(4).

2 (4) Notwithstanding any other provision of law to the contrary, refunds under
3 subsection (3) of this section shall be made directly to the institution. Interest shall
4 not be allowed or paid on the refund. The department may examine any refund
5 within four (4) years from the date the refund application is received. Any
6 overpayment shall be subject to the interest provisions of KRS 131.183 and the
7 penalty provisions of KRS 131.180.

8 (5) All other sales made by ~~nonprofit~~ educational or charitable~~, or religious~~
9 institutions ~~or limited liability companies described in subsection (1) of this~~
10 ~~section~~ are taxable and the tax may be passed on to the purchaser as provided in
11 KRS 139.210.

12 **(6) For religious institutions, the taxes imposed by this chapter do not apply to any of**
13 **the following:**

14 **(a) Sales of tangible personal property, digital property, or services made by a**
15 **religious institution, provided the tangible personal property, digital**
16 **property, or service is sold in this state within the religious function; or**

17 **(b) Purchases of tangible personal property, digital property, or services made**
18 **by a religious institution, provided the tangible personal property, digital**
19 **property, or service is to be used solely in this state within the religious**
20 **function.**

21 ➔Section 117. KRS 132.195 is amended to read as follows:

22 (1) When any real or personal property which is exempt from taxation is leased or
23 possession is otherwise transferred to a natural person, association, partnership, or
24 corporation in connection with a business conducted for profit, the leasehold or
25 other interest in the property shall be subject to state and local taxation at the rate
26 applicable to real or personal property levied by each taxing jurisdiction.

27 (2) Subsection (1) of this section shall not apply to interests in:

- 1 (a) Industrial buildings, as defined under KRS 103.200, owned and financed by a
2 tax-exempt governmental unit or tax-exempt statutory authority under the
3 provisions of KRS Chapter 103, the taxation of which is provided for under
4 the provisions of KRS 132.020 and 132.200;
- 5 (b) Federal property for which payments are made in lieu of taxes in amounts
6 equivalent to taxes which might otherwise be lawfully assessed;
- 7 (c) Property of any state-supported educational institution;
- 8 (d) Vending stand locations and facilities operated by blind persons under the
9 auspices of the Division of Kentucky Business Enterprise, regardless of
10 whether the property is owned by the federal, state, or a local government;
- 11 (e) Property of any free public library;
- 12 (f) Property in Fayette County, Kentucky, administered by the Department of
13 Military Affairs, Bluegrass Station Division;
- 14 (g) All privately owned leasehold interests in residential property when the
15 residential property is owned in fee simple by a purely public charity as of
16 July 1, 2020:
- 17 1. When the real property includes a residential property unit that is:
- 18 a. Leased by the purely public charity for a period of at least one (1)
19 year to an individual person who is fifty-five (55) years of age or
20 older;
- 21 b. Maintained as the individual person's permanent residence under a
22 lease agreement that:
- 23 i. Prohibits the lessee from subleasing the unit; and
24 ii. Provides that the lessee's possessory interest in the unit is
25 terminable by the lessor upon the death of the lessee, the
26 physical or mental inability of the lessee to continue to reside
27 in the unit, or the lessee's relocation to a nursing home or

- 1 similar assisted living facility; and
- 2 c. Constructed on or before July 1, 2020, or constructed after July 1,
- 3 2020, on land that was privately owned in fee simple by the purely
- 4 public charity on or before July 1, 2020;
- 5 2. If the fee simple ownership is transferred by the purely public charity
- 6 after July 1, 2020, it shall be transferred to another purely public charity
- 7 and the requirements established for the residential property unit in
- 8 subparagraph 1. of this paragraph shall be maintained; and
- 9 3. The taxation of which is provided for under KRS 132.020 and 132.200;~~f~~
- 10 ~~or~~
- 11 (h) All privately owned leasehold interests in residential property owned in fee
- 12 simple by a purely public charity, which is exempt from ad valorem taxation
- 13 under Kentucky Constitution Section 170, when the residential property unit
- 14 is leased by the purely public charity to an individual person who is:
- 15 1. Receiving medical or educational supportive services from the purely
- 16 public charity; and
- 17 2. a. A postsecondary educational participant;
- 18 b. A minor;
- 19 c. Sick, disabled, or impoverished; or
- 20 d. Over the age of sixty-five (65);
- 21 **(i) Public-private partnership projects or property developed, acquired, or**
- 22 **leased in accordance with KRS 45A.077 or 65.028; or**
- 23 **(j) Real property owned by the Kentucky Housing Corporation under KRS**
- 24 **Chapter 198A:**
- 25 **1. That is acquired and leased in connection with an activity, including**
- 26 **new construction, that would result in an increase of forty-eight (48)**
- 27 **units or more to the stock of residential multifamily housing;**

- 1 2. Subject to an extended use agreement in favor of the Kentucky
 2 Housing Corporation; and
 3 3. The county judge/executive and the mayor of the applicable political
 4 subdivisions have provided written consent of the acquisition and
 5 lease.

6 (3) Taxes shall be assessed to lessees of exempt real or personal property and collected
 7 in the same manner as taxes assessed to owners of other real or personal property,
 8 except that taxes due under this section shall not become a lien against the property.
 9 When due, such taxes shall constitute a debt due from the lessee to the state, county,
 10 school district, special district, or urban-county government for which the taxes
 11 were assessed and if unpaid shall be recoverable by the state as provided in KRS
 12 Chapter 134.

13 ➔Section 118. KRS 65.494 is amended to read as follows:

14 (1) As used in this section:

15 (a) "Existing development area" means a development area established by a
 16 county containing a city of the first class or by a city of the first class prior to
 17 March 23, 2007, that is subject to the provisions of a grant contract, Interlocal
 18 Cooperation Agreement, or Master Agreement executed prior to March 23,
 19 2007; and

20 (b) "New development area" means a development area that:

21 1. Is created within an existing development area; and

22 2. Exists for a period of thirty (30) years, and may be extended for a
 23 period not to exceed an additional twenty-five (25) years to
 24 accommodate the pilot program term permitted pursuant to KRS
 25 65.4931.

26 (2) The provisions of KRS 65.490 to 65.499 shall apply only to:

27 (a) Existing development areas; and

- 1 (b) New development areas, provided that:
- 2 1. The project for the existing development area is amended to remove the
- 3 new development area from the existing development area;
- 4 2. All contracts regarding the application of increment derived from the
- 5 new development area require not less than:
- 6 a. Ten percent (10%) of the increment be paid to the agency for
- 7 which the existing development area was established;
- 8 b. *Eighty percent (80%) of the increment be paid to the developer of*
- 9 *the new development area; and*
- 10 c. *Ten percent (10%) shall be retained by the Commonwealth or*
- 11 *local government, as applicable;*
- 12 3. Notwithstanding KRS 65.495 to the contrary, the payment to the agency
- 13 under subparagraph 2. of this paragraph shall not be taken into account
- 14 in determining whether thresholds within the contract have been met;{
- 15 ~~and}~~
- 16 4. The amendment of the project for an existing development area is
- 17 approved by:
- 18 a. i. The county containing a city of the first class; or
- 19 ii. The city of the first class;
- 20 in which the existing development area is located;
- 21 b. The *Kentucky Economic Development Finance Authority*{state};
- 22 c. The agency for which the existing development area was
- 23 established; and
- 24 d. If applicable, the insurer of any bonds issued for the benefit of the
- 25 agency for which the existing development area was established;{
- 26 *and*
- 27 *5. Any negotiation or agreement made related to an existing development*

1 *area or a new development area shall be approved by the Kentucky*
2 *Economic Development Finance Authority.*

3 ➔Section 119. KRS 141.438 is amended to read as follows:

- 4 (1) For taxable years beginning on or after January 1, 2011, there is hereby established
5 the Endow Kentucky tax credit.
- 6 (2) A taxpayer providing an endowment gift to a permanent endowment fund of a
7 qualified community foundation, or county-specific component fund, or affiliate
8 community foundation, which has been certified under KRS 147A.325, and
9 meeting the requirements of subsection (7) of this section, may claim a credit
10 against the taxes imposed by KRS 141.020 or 141.040 and 141.0401. The ordering
11 of the credit shall be as provided in KRS 141.0205.
- 12 (3) The credit shall be equal to twenty percent (20%) of the value of the endowment
13 gift provided by the taxpayer, not to exceed ten thousand dollars (\$10,000).
- 14 (4) The credit shall be nonrefundable, but any amount of credit that a taxpayer is not
15 able to utilize during a particular taxable year may be carried forward for use in a
16 subsequent taxable year, for a period not to exceed five (5) years.
- 17 (5) No tax credit claimed under this section may be sold or transferred. If the taxpayer
18 is a pass-through entity not subject to tax under KRS 141.040, the amount of
19 approved credit shall be applied against the tax imposed by KRS 141.0401 at the
20 entity level, and shall also be distributed to each partner, member, or shareholder
21 based on the partner's, member's, or shareholder's distributive share of the income
22 of the pass-through entity.
- 23 (6) The total amount of tax credit that may be awarded under this section shall be
24 limited to:
- 25 (a) Five hundred thousand dollars (\$500,000) in each fiscal year beginning on or
26 before July 1, 2015;~~and~~
- 27 (b) One million dollars (\$1,000,000) in each fiscal year beginning on or after July

1 1, 2016, and prior to July 1, 2026; and[-]

2 (c) Two million dollars (\$2,000,000) in each fiscal year beginning on or after
3 July 1, 2026.

4 (7) A taxpayer pursuing a tax credit under this section shall:

5 (a) File an application for preliminary authorization of the tax credit with the
6 department;

7 (b) After receiving preliminary authorization from the department, provide an
8 endowment gift to a qualified community foundation, county-specific
9 component fund, or affiliate community foundation which has been certified
10 under KRS 147A.325 within thirty (30) days of the date of the notice of
11 authorization for the tax credit from the department; and

12 (c) Within ten (10) days of making the gift, report to the department proof of the
13 endowment gift.

14 (8) (a) The department shall:

15 1. Create the application required to be filed by the taxpayer seeking
16 preliminary approval for the tax credit; and

17 2. Publish on its Web site the amount of total credit allocated to date, the
18 date the last processed application for preliminary approval was
19 received, and the remaining credit available.

20 (b) 1. Upon receipt of an application for preliminary approval submitted under
21 subsection (7) of this section, the department shall review the
22 application and, if approved, the department shall issue a notice of
23 preliminary approval to the requesting taxpayer.

24 2. The notice of preliminary approval shall include the amount of credit,
25 shall notify the taxpayer that the proposed gift must be made within
26 thirty (30) days of the date reflected on the notice of authorization, and
27 that the taxpayer must notify the department that the gift has been made,

1 in the form and format determined by the department, within ten (10)
2 days of making the gift.

3 3. Upon preliminary approval of an application for credit, the department
4 shall reduce the outstanding available credit cap amount to reflect the
5 preliminary approved credit.

6 (c) Upon timely receipt of notification from a taxpayer preliminarily approved for
7 a credit that the investment has been timely made, the department shall verify
8 the information provided and, if the information is accurate, the department
9 shall issue a final tax credit letter to the taxpayer.

10 (d) If a taxpayer fails to make the required investment or provide proof of the
11 investment to the department within the time frames established by this subsection
12 and subsection (7) of this section, the department shall void the preliminary
13 approval and shall restore the allocated amounts to the tax credit cap.

14 ➔Section 120. KRS 278.010 is amended to read as follows:

15 As used in KRS 278.010 to 278.450, 278.541 to 278.544, 278.546 to 278.5462, and
16 278.990, unless the context otherwise requires:

17 (1) "Corporation" includes private, quasipublic, and public corporations, and all boards,
18 agencies, and instrumentalities thereof, associations, joint-stock companies, and
19 business trusts;

20 (2) "Person" includes natural persons, partnerships, corporations, and two (2) or more
21 persons having a joint or common interest;

22 (3) "Utility" means any person except a regional wastewater commission established
23 pursuant to KRS 65.8905 and, for purposes of paragraphs (a), (b), (c), (d), and (f) of
24 this subsection, a city or a municipal interlocal gas utility, who owns, controls,
25 operates, or manages any facility used or to be used for or in connection with:

26 (a) The generation, production, transmission, or distribution of electricity to or
27 for the public, for compensation, for lights, heat, power, or other uses;

- 1 (b) The production, manufacture, storage, distribution, sale, or furnishing of
2 natural or manufactured gas, or a mixture of same, to or for the public, for
3 compensation, for light, heat, power, or other uses;
- 4 (c) The transporting or conveying of gas, crude oil, or other fluid substance by
5 pipeline to or for the public, for compensation;
- 6 (d) The diverting, developing, pumping, impounding, distributing, or furnishing
7 of water to or for the public, for compensation;
- 8 (e) The transmission or conveyance over wire, in air, or otherwise, of any
9 message by telephone or telegraph for the public, for compensation; or
- 10 (f) The collection, transmission, or treatment of sewage for the public, for
11 compensation, if the facility is a subdivision collection, transmission, or
12 treatment facility plant that is affixed to real property and is located in a
13 county containing a city of the first class or is a sewage collection,
14 transmission, or treatment facility that is affixed to real property, that is
15 located in any other county, and that is not subject to regulation by a
16 metropolitan sewer district or any sanitation district created pursuant to KRS
17 Chapter 220;
- 18 (4) "Retail electric supplier" means any person, firm, corporation, association, or
19 cooperative corporation, excluding municipal corporations, engaged in the
20 furnishing of retail electric service;
- 21 (5) "Certified territory" shall mean the areas as certified by and pursuant to KRS
22 278.017;
- 23 (6) "Existing distribution line" shall mean an electric line which on June 16, 1972, is
24 being or has been substantially used to supply retail electric service and includes all
25 lines from the distribution substation to the electric consuming facility but does not
26 include any transmission facilities used primarily to transfer energy in bulk;
- 27 (7) "Retail electric service" means electric service furnished to a consumer for ultimate

- 1 consumption, but does not include wholesale electric energy furnished by an
2 electric supplier to another electric supplier for resale;
- 3 (8) "Electric-consuming facilities" means everything that utilizes electric energy from a
4 central station source;
- 5 (9) "Generation and transmission cooperative" or "G&T" means a utility formed under
6 KRS Chapter 279 that provides electric generation and transmission services;
- 7 (10) "Distribution cooperative" means a utility formed under KRS Chapter 279 that
8 provides retail electric service;
- 9 (11) "Facility" includes all property, means, and instrumentalities owned, operated,
10 leased, licensed, used, furnished, or supplied for, by, or in connection with the
11 business of any utility;
- 12 (12) "Rate" means any individual or joint fare, toll, charge, rental, or other compensation
13 for service rendered or to be rendered by any utility, and any rule, regulation,
14 practice, act, requirement, or privilege in any way relating to such fare, toll, charge,
15 rental, or other compensation, and any schedule or tariff or part of a schedule or
16 tariff thereof;
- 17 (13) "Service" includes any practice or requirement in any way relating to the service of
18 any utility, including the voltage of electricity, the heat units and pressure of gas,
19 the purity, pressure, and quantity of water, and in general the quality, quantity, and
20 pressure of any commodity or product used or to be used for or in connection with
21 the business of any utility, but does not include Voice over Internet Protocol (VoIP)
22 service;
- 23 (14) "Adequate service" means having sufficient capacity to meet the maximum
24 estimated requirements of the customer to be served during the year following the
25 commencement of permanent service and to meet the maximum estimated
26 requirements of other actual customers to be supplied from the same lines or
27 facilities during such year and to assure such customers of reasonable continuity of

- 1 service;
- 2 (15) "Commission" means the Public Service Commission of Kentucky;
- 3 (16) "Commissioner" means one (1) of the members of the commission;
- 4 (17) "Demand-side management" means any conservation, load management, or other
5 utility activity intended to influence the level or pattern of customer usage or
6 demand, including home energy assistance programs;
- 7 (18) "Affiliate" means a person that controls or that is controlled by, or is under common
8 control with, a utility;
- 9 (19) "Control" means the power to direct the management or policies of a person
10 through ownership, by contract, or otherwise;
- 11 (20) "CAM" means a cost allocation manual which is an indexed compilation and
12 documentation of a company's cost allocation policies and related procedures;
- 13 (21) "Nonregulated activity" means the provision of competitive retail gas or electric
14 services or other products or services over which the commission exerts no
15 regulatory authority;
- 16 (22) "Nonregulated" means that which is not subject to regulation by the commission;
- 17 (23) "Regulated activity" means a service provided by a utility or other person, the rates
18 and charges of which are regulated by the commission;
- 19 (24) "USoA" means uniform system of accounts which is a system of accounts for
20 public utilities established by the FERC and adopted by the commission;
- 21 (25) "Arm's length" means the standard of conduct under which unrelated parties, each
22 party acting in its own best interest, would negotiate and carry out a particular
23 transaction;
- 24 (26) "Subsidize" means the recovery of costs or the transfer of value from one (1) class
25 of customer, activity, or business unit that is attributable to another;
- 26 (27) "Solicit" means to engage in or offer for sale a good or service, either directly or
27 indirectly and irrespective of place or audience;

1 (28) "USDA" means the United States Department of Agriculture;

2 (29) "FERC" means the Federal Energy Regulatory Commission;

3 (30) "SEC" means the Securities and Exchange Commission;

4 (31) "Commercial mobile radio services" has the same meaning as in 47 C.F.R. sec. 20.3

5 and includes the term "wireless" and service provided by any wireless real time two

6 (2) way voice communication device, including radio-telephone communications

7 used in cellular telephone service, personal communications service, and the

8 functional or competitive equivalent of a radio-telephone communications line used

9 in cellular telephone service, a personal communications service, or a network radio

10 access line;~~and~~

11 (32) "Voice over Internet Protocol" or "VoIP" has the same meaning as in federal law;

12 and

13 (33) "Municipal interlocal gas utility" has the same meaning as in Section 121 of this

14 Act.

15 ➔Section 121. KRS 65.230 is amended to read as follows:

16 As used in KRS 65.210 to 65.300, unless the context otherwise requires:

17 (1) "Interlocal agency" means a separate legal or administrative entity with a governing

18 board that is created in an agreement entered into by public agencies pursuant to the

19 provisions of KRS 65.210 to 65.300;

20 (2) "Local government" means any:

21 (a) City;

22 (b) County;

23 (c) Consolidated local government;

24 (d) Urban-county government;

25 (e) Charter county government; or

26 (f) Unified local government;

27 (3) "Municipal interlocal gas utility" means an interlocal agency whose membership

1 is only composed of city governments formed for the purpose of constructing and
 2 operating a system that is capable of acquiring, distributing, transmitting,
 3 furnishing, or selling natural gas to a federal military installation, municipal
 4 utilities, and other industrial and commercial customers; and

5 **(4)** "Public agency" means:

- 6 (a) Any local government;
- 7 (b) Any political subdivision of this state or of another state;
- 8 (c) Any agency, board instrumentality, or commission created by a local
 9 government;
- 10 (d) Any taxing district as defined by KRS 65.180;
- 11 (e) Any special purpose government entity as defined in KRS 65A.010(9)(a) to
 12 (c), including those entities that are exempt from the definition of special
 13 purpose governmental entity under the provisions of KRS 65A.010(9)(d)7. to
 14 9.;
- 15 (f) Any interlocal agency;
- 16 (g) The Commonwealth or any agency or instrumentality of the state government
 17 or of the United States, including but not limited to a state-supported
 18 institution of higher education;
- 19 (h) Any county school district or independent school district; and
- 20 (i) Any private institution of higher education entering into an agreement
 21 authorized by KRS 65.240(4) with another public agency.

22 ➔SECTION 122. A NEW SECTION OF KRS 65.210 TO 65.300 IS CREATED
 23 TO READ AS FOLLOWS:

24 **(1) (a)** In addition to the city government members that form a municipal interlocal
 25 gas utility, the governing body of a municipal interlocal gas utility shall
 26 include one (1) nonmember ex officio representative of each county and city
 27 government in the Commonwealth that:

- 1 1. Is served by the municipal interlocal gas utility;
- 2 2. Contains any infrastructure used by the municipal interlocal gas
- 3 utility to provide natural gas utility service;
- 4 3. Contains any easements or rights-of-way used by the municipal
- 5 interlocal gas utility to provide natural gas utility service; or
- 6 4. Contains any land for which the municipal interlocal gas utility has
- 7 requested an easement or right-of-way that will be used to provide
- 8 natural gas utility service.

9 (b) The county judge/executive of a county described in paragraph (a) of this
10 subsection shall select one (1) county representative for the municipal
11 interlocal gas utility governing body and the mayor of a city described in
12 paragraph (a) of this subsection shall select one (1) city representative.
13 Representatives selected under this paragraph shall not vote on any matter
14 before the municipal interlocal gas utility except as provided in paragraph
15 (c) of this subsection.

16 (c) For any proposed municipal interlocal gas utility action directly impacting
17 an unincorporated area of any county represented on the governing body,
18 county representatives may, if every county representative on the governing
19 body votes unanimously for the same outcome, cast a single combined vote
20 to be counted with the votes of the member city governments on whether the
21 municipal interlocal gas utility may undertake the action.

22 (2) A municipal interlocal gas utility shall not provide natural gas utility service to a
23 residential customer except:

24 (a) As provided in KRS 278.485, in which case the natural gas utility service
25 shall be furnished at rates and minimum monthly charges as determined by
26 the Public Service Commission as required by KRS 278.485(1); and

27 (b) A municipal interlocal gas utility may furnish natural gas to a municipal

1 *utility that provides natural gas utility service to residential customers.*

2 ➔Section 123. KRS 65.240 is amended to read as follows:

- 3 (1) Any powers, privileges, or authorities exercised or capable of exercise by a public
4 agency of this state may be exercised and enjoyed jointly with any other public
5 agency of this state, and jointly with any public agency of any other state or of the
6 United States to the extent that the laws of the United States permit such joint
7 exercise or enjoyment. Any agency of the state government when acting jointly
8 with any public agency may exercise and enjoy all of the powers, privileges and
9 authority conferred by KRS 65.210 to 65.300 upon a public agency.
- 10 (2) Any two (2) or more public agencies may enter into agreements with one another
11 for joint or cooperative action pursuant to the provisions of KRS 65.210 to 65.300,
12 including but not limited to for the sharing of revenues and physical assets.
13 Appropriate action by ordinance, resolution or otherwise pursuant to law, of the
14 governing bodies of the participating public agencies shall be necessary before any
15 such agreement may enter into force.
- 16 (3) Any public agency may enter into agreements with another public agency or
17 agencies pursuant to KRS 65.210 to 65.300 to acquire by purchase or lease, any real
18 or personal property, or any interest, right, easement, or privilege therein, outside of
19 its municipal or jurisdictional boundaries, in connection with the acquisition,
20 construction, operation, repair, or maintenance of any water, sewage, wastewater,
21 *natural gas*, or storm water facilities, notwithstanding any other provision of the
22 Kentucky Revised Statutes restricting, qualifying, or limiting their authority to do
23 so, except as set forth in KRS Chapter 278.
- 24 (4) A private institution of higher education and one (1) or more county school districts
25 or independent school districts may enter into agreements under KRS 65.210 to
26 65.300 for the purposes of establishing and operating a program or facility,
27 including a center for child learning and study, designed to help one (1) or more

1 schools meet the goals set out in KRS 158.6451, or for the investment of funds if
2 the Attorney General determines that the proposal is compatible with the United
3 States Constitution as part of the review of the agreement provided in KRS
4 65.260(2), notwithstanding any other provision of the statutes restricting, qualifying
5 or limiting their authority to do so.

6 ➔Section 124. KRS 96.5375 is amended to read as follows:

- 7 (1) Subject to the limitations of subsection (4) of this section and KRS 96.045 and
8 96.538, any city that owns and operates a municipal system for the acquisition,
9 distribution, or transmission of natural gas may extend the system **or construct a**
10 **new system as authorized in KRS 96.170 and 96.542, to**~~into and~~ furnish and sell
11 natural gas to any person or entity within the boundaries of the city or within any
12 territory outside of the city's boundaries. **Municipal interlocal gas utilities shall**
13 **have the same authority to extend existing natural gas systems or construct new**
14 **systems to furnish and sell natural gas in territory inside or outside of their**
15 **constituent cities' boundaries.** In exercising the authority provided by this
16 subsection, the city may install the necessary apparatus to provide natural gas
17 distribution or transmission service and may also condemn or otherwise acquire
18 rights-of-way as private utilities may do. The provisions of this subsection shall
19 apply to all cities of this Commonwealth transporting or distributing natural gas as
20 well as any board, commission, or agency thereof.
- 21 (2) A city, other than a city of the first class or a consolidated local government, may
22 acquire the entire plant of an existing natural gas distribution system only under the
23 same process and subject to the same limitations established by KRS 96.580,
24 96.590, and 96.600.
- 25 (3) No property owned or operated by an existing natural gas distribution system
26 located within the Commonwealth may be condemned by a city from another state.
- 27 (4) A natural gas utility, which, for purposes of this subsection, means a public, private

1 or municipally owned gas utility distributing or transporting natural gas to
2 customers within this Commonwealth, shall not:

3 (a) Extend its system for the purposes of furnishing or selling natural gas to any
4 person or entity that is currently being served by another natural gas utility; or

5 (b) Extend its system to furnish or sell natural gas to any person or entity when
6 there is another natural gas utility in closer proximity to the person or entity to
7 be served, unless the natural gas utility in closer proximity has declined to
8 provide service.

9 (5) The provisions of subsection (4) of this section shall only apply to extension of
10 service issues between a municipally owned natural gas utility servicing customers
11 located outside its municipal boundaries and a private or investor-owned natural gas
12 utility. The term "municipally owned" shall include systems distributing or
13 transporting natural gas that are owned by a city from another state.

14 **(6) As used in this section, "municipal interlocal gas utility" has the same meaning**
15 **as in Section 121 of this Act.**

16 ➔Section 125. KRS 164.2847 is amended to read as follows:

17 (1) Tuition and mandatory student fees for any undergraduate or graduate program of
18 any Kentucky public postsecondary institution, including all four (4) year
19 universities and colleges and institutions of the Kentucky Community and
20 Technical College System, shall be waived for a Kentucky foster or adopted child
21 who is a full-time or part-time student if the student meets all entrance requirements
22 and maintains academic eligibility while enrolled at the postsecondary institution,
23 and if:

24 (a) The student's family receives state-funded adoption assistance under KRS
25 199.555;

26 (b) The student is currently committed to the Cabinet for Health and Family
27 Services under KRS 610.010(5) and placed in a family foster home or is

- 1 placed in accordance with KRS 605.090(3);
- 2 (c) The student is in an independent living program and the placement is funded
3 by the Cabinet for Health and Family Services;
- 4 (d) The student who is an adopted child was in the permanent legal custody of
5 and placed for adoption by the Cabinet for Health and Family Services. A
6 student who meets the eligibility criteria of this paragraph and lives outside of
7 Kentucky at the time of application to a Kentucky postsecondary institution
8 may apply for the waiver up to the amount of tuition for a Kentucky resident;{
9 ø†
- 10 (e) The Cabinet for Health and Family Services was the student's legal custodian
11 on his or her eighteenth birthday; or
- 12 **(f) The student was adjudicated dependent, neglected, or abused under KRS**
13 **Chapter 620, removed from parental custody, and subsequently adopted by**
14 **a relative.**
- 15 (2) Tuition and mandatory student fees for any undergraduate program of any
16 Kentucky public postsecondary institution, including all four (4) year universities
17 and colleges and institutions of the Kentucky Community and Technical College
18 System, shall be waived for a Department of Juvenile Justice foster child who is a
19 full-time or part-time student if the student meets all entrance requirements and
20 maintains academic eligibility while enrolled at the postsecondary institution and
21 obtains a recommendation for participation from an official from the Department of
22 Juvenile Justice, and if:
- 23 (a) The student has not been sentenced to the Department of Juvenile Justice
24 under KRS Chapter 640;
- 25 (b) The student has been committed to the Department of Juvenile Justice for a
26 period of at least twelve (12) months;
- 27 (c) The student is in an independent living program and placement is funded by

- 1 the Department of Juvenile Justice;
- 2 (d) The parental rights of the student's biological parents have been terminated; or
- 3 (e) The student was committed to the Cabinet for Health and Family Services
- 4 prior to a commitment to the Department of Juvenile Justice.
- 5 (3) Upon request of the postsecondary institution, the Cabinet for Health and Family
- 6 Services shall confirm the eligibility status under subsection (1) of this section and
- 7 the Department of Juvenile Justice shall confirm the eligibility status and
- 8 recommendations under subsection (2) of this section of the student seeking to
- 9 participate in the waiver program. Release of this information shall not constitute a
- 10 breach of confidentiality required by KRS 199.570, 610.320, or 620.050.
- 11 (4) The student shall complete the Free Application for Federal Student Aid to
- 12 determine the level of need and eligibility for state and federal financial aid
- 13 programs. If the sum of the tuition waiver plus other student financial assistance,
- 14 except loans and the work study program under 42 U.S.C. secs. 2751-2756b, from
- 15 all sources exceeds the student's total cost of attendance, as defined in 20 U.S.C.
- 16 sec. 1087II, the tuition waiver shall be reduced by the amount exceeding the total
- 17 cost of attendance.
- 18 (5) Except when extended in accordance with subsection (6) of this section, the student
- 19 shall be eligible for the tuition waiver:
- 20 (a) For entrance to the institution for a period of no more than four (4) years after
- 21 the date of graduation from high school or obtaining a high school
- 22 equivalency diploma; and
- 23 (b) For one hundred fifty (150) consecutive or nonconsecutive credit hours
- 24 earned, after first admittance to any Kentucky institution if satisfactory
- 25 progress is achieved or maintained up to age twenty-eight (28).
- 26 (6) The expiration of a student's eligibility under subsection (5)(a) of this section shall
- 27 be extended by the number of academic terms the institution determines the student

1 was unable to enroll for or complete due to serving:

2 (a) On active duty status in the United States Armed Forces;

3 (b) As an officer in the Commissioned Corps of the United States Public Health
4 Service; or

5 (c) On active service in the Peace Corps Act or the Americorps.

6 The original age limitation under subsection (5)(b) of this section shall be extended
7 by the total number of years during which the student was on active duty status. The
8 number of months served on active duty status shall be rounded up to the next
9 higher year to determine the maximum length of eligibility extension allowed.

10 (7) The Council on Postsecondary Education shall report nonidentifying data on
11 graduation rates of students participating in the tuition waiver program by
12 November 30 each year to the Legislative Research Commission.

13 (8) Nothing in this section shall be construed to:

14 (a) Guarantee acceptance of or entrance into any postsecondary institution for a
15 foster or adopted child;

16 (b) Limit the participation of a foster or adopted student in any other program of
17 financial assistance for postsecondary education;

18 (c) Require any postsecondary institution to waive costs or fees relating to room
19 and board; or

20 (d) Restrict any postsecondary institution, the Department of Juvenile Justice, or
21 the Cabinet for Health and Family Services from accessing other sources of
22 financial assistance, except loans, that may be available to a foster or adopted
23 student.

24 ➔Section 126. KRS 154.32-010 is amended to read as follows:

25 (1) "Activation date" means the date established in the tax incentive agreement that is
26 within two (2) years of final approval;

27 (2) "Affiliate" means the following:

- 1 (a) Members of a family, including only brothers and sisters of the whole or half
2 blood, spouse, ancestors, and lineal descendants of an individual;
- 3 (b) An individual, and a corporation more than fifty percent (50%) in value of the
4 outstanding stock of which is owned, directly or indirectly, by or for that
5 individual;
- 6 (c) An individual, and a limited liability company of which more than fifty
7 percent (50%) of the capital interest or profits are owned or controlled,
8 directly or indirectly, by or for that individual;
- 9 (d) Two (2) corporations which are members of the same controlled group, which
10 includes and is limited to:
- 11 1. One (1) or more chains of corporations connected through stock
12 ownership with a common parent corporation if:
- 13 a. Stock possessing more than fifty percent (50%) of the total
14 combined voting power of all classes of stock entitled to vote or
15 more than fifty percent (50%) of the total value of shares of all
16 classes of stock of each of the corporations, except the common
17 parent corporation, is owned by one (1) or more of the other
18 corporations; and
- 19 b. The common parent corporation owns stock possessing more than
20 fifty percent (50%) of the total combined voting power of all
21 classes of stock entitled to vote or more than fifty percent (50%) of
22 the total value of shares of all classes of stock of at least one (1) of
23 the other corporations, excluding, in computing the voting power
24 or value, stock owned directly by the other corporations; or
- 25 2. Two (2) or more corporations if five (5) or fewer persons who are
26 individuals, estates, or trusts own stock possessing more than fifty
27 percent (50%) of the total combined voting power of all classes of stock

- 1 entitled to vote or more than fifty percent (50%) of the total value of
2 shares of all classes of stock of each corporation, taking into account the
3 stock ownership of each person only to the extent the stock ownership is
4 identical with respect to each corporation;
- 5 (e) A grantor and a fiduciary of any trust;
- 6 (f) A fiduciary of a trust and a fiduciary of another trust, if the same person is a
7 grantor of both trusts;
- 8 (g) A fiduciary of a trust and a beneficiary of that trust;
- 9 (h) A fiduciary of a trust and a beneficiary of another trust, if the same person is a
10 grantor of both trusts;
- 11 (i) A fiduciary of a trust and a corporation more than fifty percent (50%) in value
12 of the outstanding stock of which is owned, directly or indirectly, by or for the
13 trust or by or for a person who is a grantor of the trust;
- 14 (j) A fiduciary of a trust and a limited liability company more than fifty percent
15 (50%) of the capital interest, or the interest in profits, of which is owned
16 directly or indirectly, by or for the trust or by or for a person who is a grantor
17 of the trust;
- 18 (k) A corporation, a partnership, or a limited partnership if the same persons own:
- 19 1. More than fifty percent (50%) in value of the outstanding stock of the
20 corporation; and
- 21 2. More than fifty percent (50%) of the capital interest, or the profits
22 interest, in the partnership or limited partnership;
- 23 (l) A corporation and a limited liability company if the same persons own:
- 24 1. More than fifty percent (50%) in value of the outstanding stock of the
25 corporation; and
- 26 2. More than fifty percent (50%) of the capital interest or the profits in the
27 limited liability company;

- 1 (m) A partnership or limited partnership and a limited liability company if the
2 same persons own:
- 3 1. More than fifty percent (50%) of the capital interest or profits in the
4 partnership or limited partnership; and
 - 5 2. More than fifty percent (50%) of the capital interest or the profits in the
6 limited liability company;
- 7 (n) An S corporation and another S corporation if the same persons own more
8 than fifty percent (50%) in value of the outstanding stock of each corporation;
9 S corporation designation being the same as that designation under the
10 Internal Revenue Code of 1986, as amended;
- 11 (o) An S corporation and a C corporation, if the same persons own more than
12 fifty percent (50%) in value of the outstanding stock of each corporation; S
13 and C corporation designations being the same as those designations under the
14 Internal Revenue Code of 1986, as amended; or
- 15 (p) Two (2) or more limited liability companies, if the same persons own more
16 than fifty percent (50%) of the capital interest or are entitled to more than fifty
17 percent (50%) of the capital profits in the limited liability companies;
- 18 (3) "Agribusiness" means the processing of raw agricultural products, including but not
19 limited to timber and industrial hemp, or the performance of value-added functions
20 with regard to raw agricultural products;
- 21 (4) "Alternative fuel production" means a Kentucky operation that primarily produces
22 alternative transportation fuels for sale. The alternative fuel production may
23 produce electricity as a by-product if the primary function of the operations remains
24 the production and sale of alternative transportation fuels;
- 25 (5) "Alternative transportation fuels" has the same meaning as in KRS 152.715;
- 26 (6) "Approved company" means an eligible company that has received final approval
27 to receive incentives under this subchapter;

- 1 (7) "Approved costs" means the amount of eligible costs approved by the authority at
2 final approval;
- 3 (8) "Authority" means the Kentucky Economic Development Finance Authority
4 established by KRS 154.20-010;
- 5 (9) "Biomass resources" has the same meaning as in KRS 152.715;
- 6 (10) "Capital lease" means a lease classified as a capital lease by the Statement of
7 Financial Accounting Standards No. 13, Accounting for Leases, issued by the
8 Financial Accounting Standards Board, November 1976, as amended;
- 9 (11) "Carbon dioxide or hydrogen transmission pipeline" means the in-state portion of a
10 pipeline, including appurtenant facilities, property rights, and easements, that is
11 used exclusively for the purpose of transporting carbon dioxide or hydrogen to the
12 point of sale, storage, or other carbon or hydrogen management applications;
- 13 (12) "Coal severing and processing" means activities resulting in the eligible company
14 being subject to the tax imposed by KRS Chapter 143;
- 15 (13) "Commonwealth" means the Commonwealth of Kentucky;
- 16 (14) "Confirmed approved costs" means:
- 17 (a) For owned economic development projects, the documented eligible costs
18 incurred on or before the activation date; or
- 19 (b) For leased economic development projects:
- 20 1. The documented eligible costs incurred on or before the activation date;
21 and
- 22 2. Estimated rent to be incurred by the approved company throughout the
23 term of the tax incentive agreement.
- 24 For both owned and leased economic development projects, "confirmed approved
25 costs" may be less than approved costs, but shall not be more than approved costs;
- 26 (15) "Department" means the Department of Revenue;
- 27 (16) "Economic development project" means:

- 1 (a) The acquisition, leasing, or construction of a new facility;
2 (b) The acquisition, leasing, rehabilitation, or expansion of an existing facility; or
3 (c) The installation and equipping of a facility;
4 by an eligible company. "Economic development project" does not include any
5 economic development project that will result in the replacement of facilities
6 existing in the Commonwealth, except as provided in KRS 154.32-060;

7 (17) (a) "Eligible company" means any corporation, limited liability company,
8 partnership, limited partnership, sole proprietorship, business trust, or any
9 other entity with a proposed economic development project that is engaged in
10 or is planning to be engaged in one (1) or more of the following activities
11 within the Commonwealth:

- 12 1. Manufacturing;
13 2. Agribusiness;
14 3. Nonretail service or technology;
15 4. Headquarters operations, regardless of the underlying business activity
16 of the company;
17 5. Alternative fuel, gasification, energy-efficient alternative fuel, or
18 renewable energy production;
19 6. Carbon dioxide or hydrogen transmission pipeline;
20 7. Coal severing and processing; or
21 8. Hospital operations.

22 (b) "Eligible company" does not include companies where the primary activity to
23 be conducted within the Commonwealth is forestry, fishing, the provision of
24 utilities, construction, wholesale trade, retail trade, real estate, rental and
25 leasing, educational services, accommodation and food services, or public
26 administration services;

27 (18) "Eligible costs" means:

- 1 (a) For owned economic development projects:
- 2 1. Start-up costs;
- 3 2. Nonrecurring obligations incurred for labor and nonrecurring payments
- 4 to contractors, subcontractors, builders, and materialmen in connection
- 5 with the economic development project;
- 6 3. The cost of acquiring land or rights in land and any cost incidental
- 7 thereto, including recording fees;
- 8 4. The cost of contract bonds and of insurance of all kinds that may be
- 9 required or necessary for completion of an economic development
- 10 project which is not paid by a contractor or otherwise provided for;
- 11 5. All costs of architectural and engineering services, including test
- 12 borings, surveys, estimated plans and specifications, preliminary
- 13 investigations, and supervision of construction, as well as for the
- 14 performance of all the duties required for construction of the economic
- 15 development project;
- 16 6. All costs which are required to be paid under the terms of any contract
- 17 for the economic development project;
- 18 7. All costs incurred for construction activities, including site tests and
- 19 inspections; subsurface site work; excavation; removal of structures,
- 20 roadways, cemeteries, and other surface obstructions; filling, grading,
- 21 and providing drainage and storm water retention; installation of utilities
- 22 such as water, sewer, sewage treatment, gas, electric, communications,
- 23 and similar facilities; off-site construction of utility extensions to the
- 24 boundaries of the real estate; construction and installation of railroad
- 25 spurs as needed to connect the economic development project to existing
- 26 railways; or similar activities as the authority may determine necessary
- 27 for construction of the economic development project; and

- 1 8. All other costs of a nature comparable to those described *in this*
 2 *paragraph, including but not limited to investments in:*
 3 *a. Laboratory equipment;*
 4 *b. Computer servers;*
 5 *c. Software;*
 6 *d. Capitalized leases; and*
 7 *e. Leasehold improvements;*
 8 *when the costs are integral to the operation of research and*
 9 *development, headquarters, high-technology operations, or service*
 10 *sector facilities*~~[above]~~; and
- 11 (b) For leased economic development projects:
- 12 1. Start-up costs;
- 13 2. Building/leasehold improvements;~~[and]~~
- 14 3. Fifty percent (50%) of the estimated annual rent for each year of the tax
 15 incentive agreement; *and*
- 16 *4. Investments in:*
 17 *a. Laboratory equipment;*
 18 *b. Computer servers;*
 19 *c. Software; and*
 20 *d. Capitalized leases;*
 21 *when the costs are directly related to the establishment or expansion of*
 22 *research and development, headquarters, high-technology operations,*
 23 *or service sector facilities.*
- 24 Notwithstanding any other provision of this subsection, for economic development
 25 projects that are not in enhanced incentive counties, the cost of equipment eligible
 26 for recovery as an eligible cost shall not exceed twenty thousand dollars (\$20,000)
 27 for each new full-time job created as of the activation date;

- 1 (19) "Employee benefits" means payments by an approved company for its full-time
2 employees for health insurance, life insurance, dental insurance, vision insurance,
3 defined benefits, 401(k), or similar plans;
- 4 (20) "Energy-efficient alternative fuel production" means a Kentucky operation that
5 produces for sale energy-efficient alternative fuels;
- 6 (21) "Energy-efficient alternative fuels" means homogeneous fuels that:
- 7 (a) Are produced from processes designed to densify feedstock coal, waste coal,
8 or biomass resources; and
- 9 (b) Have an energy content that is greater than the feedstock coal, waste coal, or
10 biomass resource;
- 11 (22) "Enhanced incentive counties" means counties certified by the authority pursuant to
12 KRS 154.32-050;
- 13 (23) "Final approval" means the action taken by the authority authorizing the eligible
14 company to receive incentives under this subchapter;
- 15 (24) (a) "Full-time job" means a job held by a person who:
- 16 1. Is required to work a minimum of thirty-five (35) hours per week; and
- 17 2. a. Is subject to the Kentucky individual income tax imposed by KRS
18 141.020; or
- 19 b. Works remotely away from the economic development project if
20 the job meets all of the following conditions:
- 21 i. Is held by a Kentucky resident;
- 22 ii. Was created as a result of the economic development project;
- 23 and
- 24 iii. The payroll of this job is expensed to the economic
25 development project.
- 26 (b) "Full-time job" does not include a job held by a resident of any state with a
27 reciprocal agreement between the Commonwealth and the other state as

1 described in KRS 141.070;

2 (25) "Gasification process" means a process that converts any carbon-containing
3 material into a synthesis gas composed primarily of carbon monoxide and
4 hydrogen;

5 (26) "Gasification production" means a Kentucky operation that primarily produces for
6 sale:

7 (a) Alternative transportation fuels;

8 (b) Synthetic natural gas;

9 (c) Chemicals;

10 (d) Chemical feedstocks; or

11 (e) Liquid fuels;

12 from coal, waste coal, coal-processing waste, or biomass resources, through a
13 gasification process. The gasification production may produce electricity as a by-
14 product if the primary function of the operations remains the production and sale of
15 alternative transportation fuels, synthetic natural gas, chemicals, chemical
16 feedstocks, or liquid fuels;

17 (27) "Headquarters" means the principal office where the principal executives of the
18 entity are located and from which other personnel, branches, affiliates, offices, or
19 entities are controlled;

20 (28) "Hospital" means a facility licensed by the Cabinet for Health and Family Services
21 under KRS Chapter 216B for the operation of a hospital and the basic services
22 provided by a hospital;

23 (29) "Incentives" means the incentives available under this subchapter, as listed in KRS
24 154.32-020(3);

25 (30) "Job target" means the annual average number of new full-time jobs that the
26 approved company commits to create and maintain at the economic development
27 project, which shall not be less than ten (10) new full-time jobs;

- 1 (31) "Kentucky gross receipts" has the same meaning as in KRS 141.0401;
- 2 (32) "Kentucky gross profits" has the same meaning as in KRS 141.0401;
- 3 (33) "Lease agreement" means an agreement between an approved company and an
4 unrelated entity conveying the right to use a facility, the terms of which reflect an
5 arms' length transaction. "Lease agreement" does not include a capital lease;
- 6 (34) "Leased project" means an economic development project site occupied by an
7 approved company pursuant to a lease agreement;
- 8 (35) "Manufacturing" means any activity involving:
- 9 (a) Processing, assembling, or production of any property, including the
10 processing resulting in a change in the conditions of the property and any
11 activity related to the processing, assembling, or production of property,
12 together with the storage, warehousing, distribution, and related office
13 facilities; or
- 14 (b) Production of vital medications, personal protective equipment, or equipment
15 necessary to produce personal protective equipment;
- 16 (36) (a) "Nonretail service or technology" means any activity where service or
17 technology is provided predominantly outside the Commonwealth and
18 designed to serve a multistate, national, or international market.
- 19 (b) "Nonretail service or technology" includes but is not limited to call centers,
20 centralized administrative or processing centers, telephone or Internet sales
21 order or processing centers, distribution or fulfillment centers, data processing
22 centers, research and development facilities, and other similar activities;
- 23 (37) "Owned project" means an economic development project owned in fee simple by
24 the approved company or an affiliate, or possessed by the approved company or an
25 affiliate pursuant to a capital lease;
- 26 (38) "Personal protective equipment" means protective clothing, helmets, gloves, face
27 shields, goggles, face masks, respirators, and other equipment designed to protect

1 the user from injury or the spread of infection or illness;

2 (39) "Preliminary approval" means the action taken by the authority preliminarily
3 approving an eligible company for incentives under this subchapter;

4 (40) "Renewable energy production" means a Kentucky operation that utilizes wind
5 power, biomass resources, landfill methane gas, hydropower, solar power, or other
6 similar renewable resources to generate electricity for sale to unrelated entities;

7 (41) "Rent" means the actual annual rent or fee paid by an approved company under a
8 lease agreement;

9 (42) "Start-up costs" means nonrecurring costs incurred to furnish and equip a facility
10 for an economic development project, including costs incurred for:

11 (a) Computers, furnishings, office equipment, manufacturing equipment, and
12 fixtures;

13 (b) The relocation of out-of-state equipment;~~and~~

14 (c) Cost of fixed telecommunications equipment; **and**

15 **(d) Investments in:**

16 **1. Laboratory equipment;**

17 **2. Computer servers;**

18 **3. Software;**

19 **4. Capitalized leases; and**

20 **5. Leasehold improvements;**

21 **when the costs are necessary to accommodate research and development,**

22 **headquarters, high-technology operations, or service sector facilities;**

23 as certified to the authority in accordance with KRS 154.32-030;

24 (43) "Synthetic natural gas" means the same thing as in KRS 152.715;

25 (44) "Tax incentive agreement" means the agreement entered into pursuant to KRS
26 154.32-040 between the authority and an approved company;

27 (45) "Term" means the period of time for which a tax incentive agreement may be in

1 effect, which shall not exceed fifteen (15) years for an economic development
2 project located in an enhanced incentive county, or ten (10) years for an economic
3 development project not located in any other county;

4 (46) "Vital medications" means any drug or biologic used to prevent or treat a serious
5 life-threatening disease or medical condition for which there is no other available
6 source with sufficient supply of that drug or biologic or alternative drug or biologic;

7 (47) "Wage" means the per hour earnings of a full-time employee, including wages, tips,
8 overtime, bonuses, and commissions, as reflected on the employee's federal form
9 W-2 wage and tax statement, but excludes employee benefits; and

10 (48) "Wage target" means the average total hourly compensation amount, including the
11 minimum wage and employee benefits, that the approved company commits to
12 meet for all new full-time jobs created and maintained as a result of the economic
13 development project, which shall not be less than:

14 (a) One hundred twenty-five percent (125%) of the federal minimum wage in
15 enhanced incentive counties; or

16 (b) One hundred fifty percent (150%) of the federal minimum wage in all other
17 counties.

18 ➔Section 127. Notwithstanding KRS 45.777, a postsecondary institution's
19 governing board may elect to sell or dispose of real property purchased in whole or in
20 part with capital construction funds, or equipment purchased in whole or in part with
21 state moneys. If the governing board elects to sell the real property or equipment, a
22 detailed accounting of the cost of the real property or equipment, the maintenance of the
23 property or equipment using moneys from an asset preservation pool appropriation, and
24 the proceeds from the sale of the real property or equipment shall be submitted to the
25 Office of State Budget Director and the Interim Joint Committee on Appropriations and
26 Revenue within 30 days from the sale of the real property or equipment. Proceeds from
27 the sale of the real property or equipment shall be designated by the postsecondary

1 institution, on a proportionate basis, based on the funding sources used for the acquisition
2 and maintenance of the real property or equipment sold.

3 ➔Section 128. **Urgent Needs School Assistance:** If authorized in 2014 Ky. Acts
4 ch. 117, Part I, A., 28., (5), 2014 Ky. Acts ch. 117, Part I, C., 1., (19), 2016 Ky. Acts ch.
5 149, Part I, A., 28., (4) and (5), 2018 Ky. Acts ch. 169, Part I, A., 27., (3), or 2021 Ky.
6 Acts ch. 169, Part I, A., 28., (3), and subsequently, as a result of litigation or insurance, it
7 receives funds for the original facility, the school district shall reimburse the
8 Commonwealth an amount equal to that received for such purposes. If the litigation or
9 insurance receipts are less than the amount received, the district shall reimburse the
10 Commonwealth an amount equal to that received as a result of litigation or insurance less
11 the district's costs and legal fees in securing the judgment or payment. Any funds
12 received in this manner shall be deposited in the General Fund.

13 ➔Section 129. The staff of the Legislative Research Commission is directed to
14 complete a study on the taxation structure of depository financial institutions. The study
15 shall include an analysis of other state's statutes, regulations, and policies and federal
16 government regulations and guidance. The study shall be submitted to the Legislative
17 Research Commission no later than December 1, 2026, for referral to the Interim Joint
18 Committee on Appropriations and Revenue and the Interim Joint Committee on Banking
19 and Insurance.

20 ➔Section 130. The following KRS sections are repealed:

21 160.621 Excise tax on individual income for schools.

22 160.625 Excise tax returns -- Payment -- Form.

23 160.627 Information on state income tax liability of school district residents --
24 Department of Revenue as tax collector.

25 160.633 Deposit of excise tax proceeds.

26 ➔Section 131. The following KRS sections are repealed:

27 211.390 Definitions for KRS 211.392.

1 211.392 Fluidized bed combustion technology tax exemption certificate.

2 217.2203 Labeling requirements.

3 217.2205 Administrative regulations.

4 217.2209 Federal regulation to supersede.

5 ➔Section 132. Sections 1, 11 to 17, 45, 95 to 97, and 116 of this Act take effect
6 August 1, 2026.

7 ➔Section 133. Sections 9, 10, 71, 72, 107 to 115 and 117 of this Act take effect
8 January 1, 2027.

9 ➔Section 134. Sections 120 to 124 shall apply retroactively to January 1, 2020.

10 ➔Section 135. Sections 98 to 102 of this Act shall apply retroactively to January
11 1, 2026.

12 ➔Section 136. Whereas funding the operations of state government is an essential
13 part of the Commonwealth's budget, an emergency is declared to exist, and Sections 18 to
14 21, 33 to 35, 57 to 70, 73 to 91, 108 to 113, 119, and 127 to 130 of this Act take effect
15 upon passage and approval by the Governor or upon otherwise becoming a law.