

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

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

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

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

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

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

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

15 2. Identify scholarship granting organizations in the state;

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

18 1. Report the state's election to participate in the qualified elementary
19 and secondary education scholarship federal tax credit under 26
20 U.S.C. sec. 25F; and

21 2. Submit a list as described in 26 U.S.C. sec. 25F(g) and perform other
22 functions necessary to implement the General Assembly's election
23 under paragraph (a) of this subsection; and

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

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