

1       AN ACT relating to the individual income tax rate.

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

3           ➔Section 1. KRS 141.020 is amended to read as follows:

4       (1) An annual tax shall be paid for each taxable year by every resident individual of  
5       this state upon his or her entire net income as defined in this chapter. The tax shall  
6       be determined by applying the rates in subsection (2) of this section to net income  
7       and subtracting allowable tax credits provided in subsection (3) of this section.

8       (2) (a) *For taxable years beginning on or after January 1, 2027:*

9           *1. If net income is less than one hundred fifty thousand dollars*  
10           *(\$150,000), the tax shall be determined by applying the following rates*  
11           *to net income:*

12           *a. Four percent (4%) of the amount of net income up to one*  
13           *hundred thousand dollars (\$100,000);*

14           *b. Five percent (5%) of the amount of net income over one hundred*  
15           *thousand dollars (\$100,000) and up to one hundred twenty-five*  
16           *thousand dollars (\$125,000); and*

17           *c. Six percent (6%) of the amount of net income over one hundred*  
18           *twenty-five thousand dollars (\$125,000) and up to one hundred*  
19           *fifty thousand dollars (\$150,000); or*

20           *2. If net income is one hundred fifty thousand dollars (\$150,000) or*  
21           *more, the tax shall be six percent (6%) of net income.*

22       (b) *For taxable years beginning on or after January 1, 2026, but before*  
23           *January 1, 2027, the tax shall be three and one-half percent (3.5%) of net*  
24           *income.*

25       (c) *For taxable years beginning on or after January 1, 2024, but before*  
26           *January 1, 2026, the tax shall be four percent (4%) of net income.*

27       (d) *For taxable years beginning on or after January 1, 2023, but*

before January 1, 2024, the tax shall be four and one-half percent (4.5%) of net income. As used in this subsection:

1. "Balance in the BRTF at the end of a fiscal year" means the budget reserve trust fund account established in KRS 48.705 and includes the following amounts and actions resulting from the final close of the fiscal year:

- a. The amount of moneys in the fund at the end of a fiscal year;
- b. All close out actions related to a budget reduction plan under KRS 48.130 or as modified in a branch budget bill; and
- c. All close out actions related to the surplus expenditure plan under KRS 48.140 or as modified in a branch budget bill;

2. "GF appropriations" means the authorization by the General Assembly to expend GF moneys, excluding:

a. ~~Continuing appropriations;~~

b. Any appropriation to the budget reserve trust fund;

c. Any lump sum appropriation to a state administered retirement system, as defined in KRS 7A.210, that is in excess of the appropriations specifically budgeted to meet the recurring statutorily required contributions or recurring actuarially determined contributions for a state administered retirement system under KRS 21.525, 61.565, 61.702, 78.635, 78.5536, or 161.550, as applicable; and

d. Any appropriation from the budget reserve trust fund account established in KRS 48.705 that is:

i. Solely supported by moneys from the budget reserve trust fund account; and

ii. Specifically identified in the appropriation language as not being a

~~GF appropriation for the purposes of this section;~~

3. "GF moneys" means receipts deposited in the general fund defined in KRS 48.010, excluding tobacco moneys deposited in the fund established in KRS 248.654;

4. "IIT equivalent" means the amount of reduction in GF moneys resulting from a one (1) percentage point reduction to the individual income tax rate and shall be calculated by dividing the actual individual income tax receipts for the fiscal year under consideration by:

a. The sum of:

i. ~~The individual income tax rate, expressed as a percentage, for the first six (6) months of the fiscal year; and~~

ii. The individual income tax rate, expressed as a percentage, for the second six (6) months of the fiscal year; and

b. Dividing the sum determined in subdivision a. of this subparagraph by two (2); and

5. For analysis through fiscal year 2024 2025 and for reporting through September 5, 2025:

a. "Reduction conditions" means:

i. The balance in the BRTF at the end of a fiscal year shall be equal to or greater than ten percent (10%) of the GF moneys for that fiscal year; and

- ii. GF moneys at the end of a fiscal year shall be equal to or greater than GF appropriations for that fiscal year plus the IIT equivalent for that fiscal year; and

b. "Tax rate reduction" means the current tax rate minus five tenths of one percent (0.5%).

1 (b) 1. For the analysis for fiscal year 2025 2026 and fiscal year  
2 2026 2027, and for reporting on or before September 5, 2026, and  
3 September 5, 2027, "tax rate reduction conditions" means the  
4 greatest reduction achieved under subparagraphs 2. and 3. of this  
5 paragraph.

6 2. If:

10 b. GF moneys at the end of a fiscal year are equal to or greater than  
11 GF appropriations for that fiscal year plus an amount that falls  
12 within a range of greater than fifty percent (50%) but less than one  
13 hundred percent (100%) of the HT equivalent for that fiscal year;  
14 then the tax rate reduction may be the current tax rate minus  
15 twenty five one hundredths of one percent (0.25%).

16 3. If:

17 a. The balance in the BRTF at the end of a fiscal year is equal to or  
18 greater than ten percent (10%) of the GF moneys for that fiscal  
19 year; and

20 b. GF moneys at the end of a fiscal year are equal to or greater than  
21 GF appropriations for that fiscal year plus the HT equivalent for  
22 that fiscal year;

25 (e) 1. For the analysis for fiscal year 2027 2028 and each fiscal  
26 year thereafter and for reporting on or before September 5, 2028,  
27 and each September 5 thereafter, "tax rate reduction conditions"

1                   means the greatest reduction achieved under subparagraphs 2. to 6.  
2                   of this paragraph.

3                   2. If:

4                   a. The balance in the BRTF at the end of a fiscal year is equal to or  
5                   greater than ten percent (10%) of the GF moneys for that fiscal  
6                   year; and

7                   b. GF moneys at the end of a fiscal year are equal to or greater than  
8                   GF appropriations for that fiscal year plus an amount that falls  
9                   within a range of equal to or greater than twenty percent (20%) but  
10                   not greater than thirty nine percent (39%) of the HIT equivalent for  
11                   that fiscal year;

12                   then the tax rate reduction may be the current tax rate minus one  
13                   tenth of one percent (0.1%).

14                   3. If:

15                   a. The balance in the BRTF at the end of a fiscal year is equal to or  
16                   greater than ten percent (10%) of the GF moneys for that fiscal  
17                   year; and

18                   b. GF moneys at the end of a fiscal year are equal to or greater than  
19                   GF appropriations for that fiscal year plus an amount that falls  
20                   within a range of equal to or greater than forty percent (40%) but  
21                   not greater than fifty nine percent (59%) of the HIT equivalent for  
22                   that fiscal year;

23                   then the tax rate reduction may be the current tax rate minus two  
24                   tenths of one percent (0.2%).

25                   4. If:

26                   a. The balance in the BRTF at the end of a fiscal year is equal to or  
27                   greater than ten percent (10%) of the GF moneys for that fiscal

1 ~~year; and~~

2 b. GF moneys at the end of a fiscal year are equal to or greater than  
3 GF appropriations for that fiscal year plus an amount that falls  
4 within a range of equal to or greater than sixty percent (60%) but  
5 not greater than seventy nine percent (79%) of the IIT equivalent  
6 for that fiscal year;  
7 then the tax rate reduction may be the current tax rate minus three  
8 tenths of one percent (0.3%).

## 9 5. If:

10 a. The balance in the BRTF at the end of a fiscal year is equal to or  
11 greater than ten percent (10%) of the GF moneys for that fiscal  
12 year; and

20 6. If:

21 a. The balance in the BRTF at the end of a fiscal year is equal to or  
22 greater than ten percent (10%) of the GF moneys for that fiscal  
23 year; and

24 b. GF moneys at the end of a fiscal year are equal to or greater than  
25 GF appropriations for that fiscal year plus the IIT equivalent for  
26 that fiscal year.

27 then the tax rate reduction may be the current tax rate minus five

~~tenths of one percent (0.5%).~~

(d) For taxable years beginning on or after January 1, 2023, but prior to January 1, 2024, the tax shall be four and one half percent

(e) For taxable years beginning on or after January 1, 2024, but before January 1, 2026, the tax shall be four percent (4%) of net income.

(f) For taxable years beginning on or after January 1, 2026, the tax shall be three and one half percent (3.5%) of net income.

(g) 1. For taxable years beginning on or after January 1, 2027, the income tax rate may be reduced according to the annual process established in:

a. Subparagraph 2. or 3. of this paragraph; and

b. Subparagraph 4. of this paragraph.

2. a. The Office of State Budget Director shall review the reduction conditions for the fiscal year 2024 2025 no later than September 1, 2025.

b. After reviewing the reduction conditions under subdivision a. of this subparagraph, the Office of State Budget Director shall, no later than September 5, 2025, report to the Interim Joint Committee on Appropriations and Revenue:

i. Whether the reduction conditions for the fiscal year 2024-2025 have been met; and

ii. The amounts associated with each item within the reduction conditions used for making that determination.

e. i. If the reduction conditions have been met for fiscal year 2024-2025, the General Assembly may take action to reduce the rate in paragraph (f) of this subsection for the taxable year

~~beginning January 1, 2027.~~

ii. If the reduction conditions have not been met for fiscal year 2024-2025 or the General Assembly does not take action to reduce the rate in paragraph (f) of this subsection, the department shall maintain the rate in paragraph (f) of this subsection for the taxable year beginning January 1, 2027.

3. a. The Office of State Budget Director shall review the tax rate reduction conditions for the fiscal year 2025-2026 no later than September 1, 2026.

b. After reviewing the tax rate reduction conditions under subdivision a. of this subparagraph, the Office of State Budget Director shall, no later than September 5, 2026, report to the Interim Joint Committee on Appropriations and Revenue:

i. ~~Whether the tax rate reduction conditions for the fiscal year 2025-2026 have been met; and~~

ii. The amounts associated with each item within the tax rate reduction conditions used for making that determination.

e. i. If the tax rate reduction conditions have been met for fiscal year 2025 2026, the General Assembly may take action to reduce the rate in paragraph (f) of this subsection for the taxable year beginning January 1, 2028.

ii. If the tax rate reduction conditions have not been met for fiscal year 2025 2026 or the General Assembly does not take action to reduce the rate in paragraph (f) of this subsection, the department shall maintain the rate in paragraph (f) of this subsection for the taxable year beginning January 1, 2028.

4. a. The Office of State Budget Director shall implement an

annual process to review and report future reduction conditions or tax rate reduction conditions at the same time and in the same manner for each fiscal year subsequent to the fiscal year 2024 2025 and each taxable year subsequent to the taxable year beginning January 1, 2027.

- b. The department shall not implement an income tax rate reduction without an action by the General Assembly.
- c. The annual process shall continue until the income tax rate is zero.]

1. Two percent (2%) of the amount of net income up to three thousand dollars (\$3,000);
2. Three percent (3%) of the amount of net income over three thousand dollars (\$3,000) and up to four thousand dollars (\$4,000);
3. Four percent (4%) of the amount of net income over four thousand dollars (\$4,000) and up to five thousand dollars (\$5,000);
4. Five percent (5%) of the amount of net income over five thousand dollars (\$5,000) and up to eight thousand dollars (\$8,000);
5. Five and eight-tenths percent (5.8%) of the amount of net income over eight thousand dollars (\$8,000) and up to seventy-five thousand dollars (\$75,000); and
6. Six percent (6%) of the amount of net income over seventy-five thousand dollars (\$75,000).

1       (3) (a) The following tax credits, when applicable, shall be deducted from the result  
2                    obtained under subsection (2) of this section to arrive at the annual tax:

3               1. a. For taxable years beginning before January 1, 2014, twenty dollars  
4                            (\$20) for an unmarried individual; and

5               b. For taxable years beginning on or after January 1, 2014, and  
6                            before January 1, 2018, ten dollars (\$10) for an unmarried  
7                            individual;

8               2. a. For taxable years beginning before January 1, 2014, twenty dollars  
9                            (\$20) for a married individual filing a separate return and an  
10                            additional twenty dollars (\$20) for the spouse of taxpayer if a  
11                            separate return is made by the taxpayer and if the spouse, for the  
12                            calendar year in which the taxable year of the taxpayer begins, had  
13                            no Kentucky gross income and is not the dependent of another  
14                            taxpayer; or forty dollars (\$40) for married persons filing a joint  
15                            return, provided neither spouse is the dependent of another  
16                            taxpayer. The determination of marital status for the purpose of  
17                            this section shall be made in the manner prescribed in Section 153  
18                            of the Internal Revenue Code; and

19               b. For taxable years beginning on or after January 1, 2014, and  
20                            before January 1, 2018, ten dollars (\$10) for a married individual  
21                            filing a separate return and an additional ten dollars (\$10) for the  
22                            spouse of a taxpayer if a separate return is made by the taxpayer  
23                            and if the spouse, for the calendar year in which the taxable year of  
24                            the taxpayer begins, had no Kentucky gross income and is not the  
25                            dependent of another taxpayer; or twenty dollars (\$20) for married  
26                            persons filing a joint return, provided neither spouse is the  
27                            dependent of another taxpayer. The determination of marital status

1 for the purpose of this section shall be made in the manner  
2 prescribed in Section 153 of the Internal Revenue Code;

3 3. a. For taxable years beginning before January 1, 2014, twenty dollars  
4 (\$20) credit for each dependent. No credit shall be allowed for any  
5 dependent who has made a joint return with his or her spouse; and  
6 b. For taxable years beginning on or after January 1, 2014, and  
7 before January 1, 2018, ten dollars (\$10) credit for each  
8 dependent. No credit shall be allowed for any dependent who has  
9 made a joint return with his or her spouse;

10 4. An additional forty dollars (\$40) credit if the taxpayer has attained the  
11 age of sixty-five (65) before the close of the taxable year;

12 5. An additional forty dollars (\$40) credit for taxpayer's spouse if a  
13 separate return is made by the taxpayer and if the taxpayer's spouse has  
14 attained the age of sixty-five (65) before the close of the taxable year,  
15 and, for the calendar year in which the taxable year of the taxpayer  
16 begins, has no Kentucky gross income and is not the dependent of  
17 another taxpayer;

18 6. An additional forty dollars (\$40) credit if the taxpayer is blind at the  
19 close of the taxable year;

20 7. An additional forty dollars (\$40) credit for taxpayer's spouse if a  
21 separate return is made by the taxpayer and if the taxpayer's spouse is  
22 blind, and, for the calendar year in which the taxable year of the  
23 taxpayer begins, has no Kentucky gross income and is not the dependent  
24 of another taxpayer; and

25 8. An additional twenty dollars (\$20) credit shall be allowed if the taxpayer  
26 is a member of the Kentucky National Guard at the close of the taxable  
27 year.

1 (b) In the case of nonresidents, the tax credits allowable under this subsection  
2 shall be the portion of the credits that are represented by the ratio of the  
3 taxpayer's Kentucky adjusted gross income as determined by KRS 141.019 to  
4 the taxpayer's adjusted gross income as defined in Section 62 of the Internal  
5 Revenue Code. However, in the case of a married nonresident taxpayer with  
6 income from Kentucky sources, whose spouse has no income from Kentucky  
7 sources, the taxpayer shall determine allowable tax credit(s) by either:  
8 1. The method contained above applied to the taxpayer's tax credit(s),  
9 excluding credits for a spouse and dependents; or  
10 2. Prorating the taxpayer's tax credit(s) plus the tax credits for the  
11 taxpayer's spouse and dependents by the ratio of the taxpayer's  
12 Kentucky adjusted gross income as determined by KRS 141.019 to the  
13 total joint federal adjusted gross income of the taxpayer and the  
14 taxpayer's spouse.  
15 (c) In the case of a part-year resident, the tax credits allowable under this  
16 subsection shall be the portion of the credits represented by the ratio of the  
17 taxpayer's Kentucky adjusted gross income as determined by KRS 141.019 to  
18 the taxpayer's adjusted gross income as defined in Section 62 of the Internal  
19 Revenue Code.  
20 (4) An annual tax shall be paid for each taxable year as specified in this section upon  
21 the entire net income except as herein provided, from all tangible property located  
22 in this state, from all intangible property that has acquired a business situs in this  
23 state, and from business, trade, profession, occupation, or other activities carried on  
24 in this state, by natural persons not residents of this state. A nonresident individual  
25 shall be taxable only upon the amount of income received by the individual from  
26 labor performed, business done, or from other activities in this state, from tangible  
27 property located in this state, and from intangible property which has acquired a

1        business situs in this state; provided, however, that the situs of intangible personal  
2        property shall be at the residence of the real or beneficial owner and not at the  
3        residence of a trustee having custody or possession thereof. For taxable years  
4        beginning on or after January 1, 2021, but before January 1, 2027, the tax imposed  
5        by this section shall not apply to a disaster response employee or to a disaster  
6        response business. The remainder of the income received by the nonresident shall  
7        be deemed nontaxable by this state.

8        (5) Subject to the provisions of KRS 141.081, any individual may elect to pay the  
9        annual tax imposed by KRS 141.023 in lieu of the tax levied under this section.

10      (6) A part-year resident is subject to taxation, as prescribed in subsection (1) of this  
11     section, during that portion of the taxable year that the individual is a resident and,  
12     as prescribed in subsection (4) of this section, during that portion of the taxable year  
13     when the individual is a nonresident.