

1 AN ACT relating to the Kentucky work opportunity tax credit.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) For purposes of this section:

6 (a) "Member of a targeted group":

7 1. Has the same meaning as in 26 U.S.C. sec. 51; and

8 2. Shall be a resident of this state; and

9 (b) "Qualified wages" means the amount paid or incurred by an employer in
10 this state during the taxable year to a member of a targeted group.

11 (2) For taxable years beginning on or after January 1, 2025, but before January 1,
12 2029, a nonrefundable Kentucky work opportunity tax credit shall be allowed
13 against the tax imposed in KRS 141.020 or 141.040 and 141.0401, with the
14 ordering of the tax credit as provided in Section 2 of this Act.

15 (3) (a) Any taxpayer:

16 1. Pursuing the Kentucky work opportunity tax credit shall submit a
17 work opportunity tax credit certification form to the department for
18 the eligible new hire for which a credit will be claimed prior to
19 January 15, 2026, and each January 15 thereafter as long as the
20 credit is available; and

21 2. Allowed the federal work opportunity tax credit under 26 U.S.C. sec.
22 51 shall qualify for the Kentucky work opportunity tax credit based on
23 the portion of the federal credit that is attributable to qualified wages
24 paid to a resident of this state that is a member of a targeted group.

25 (b) The department shall:

26 1. Review all Kentucky work opportunity tax credit certifications prior to
27 February 15, 2026, and each February 15 thereafter as long as the

- 1 credit is available;
- 2 2. Allow no more than each taxpayer's pro rata share if the total of all
- 3 Kentucky work opportunity tax credits exceed the limitation set forth
- 4 in subsection (4)(b) of this section for the taxable year; and
- 5 3. Provide correspondence to the taxpayer within thirty (30) days of
- 6 reviewing the certification with the taxpayer's allotted Kentucky work
- 7 opportunity tax credit amount.
- 8 (4) The Kentucky work opportunity tax credit shall not exceed:
- 9 (a) Five hundred dollars (\$500) per eligible employee per taxable year; and
- 10 (b) An aggregate total of five million dollars (\$5,000,000) for all taxpayers
- 11 claiming the credit per taxable year.
- 12 (5) The employer shall not use the same qualified wages used in the calculation of
- 13 this tax credit for the calculation of any other income tax credit provided under
- 14 KRS Chapter 141.
- 15 (6) The department may:
- 16 (a) Request a copy of the taxpayer's federal tax return and any additional
- 17 documentation necessary to verify the Kentucky work opportunity tax
- 18 credit; and
- 19 (b) Promulgate administrative regulations in accordance with KRS Chapter
- 20 13A to assist in the administration of this tax credit.
- 21 (7) (a) In order for the General Assembly to evaluate the effectiveness of this tax
- 22 credit, the department shall submit to the Legislative Research Commission
- 23 for referral to the Interim Joint Committee on Appropriations and Revenue
- 24 on or before November 1, 2026, and on or before each November 1
- 25 thereafter, as long as the Kentucky work opportunity tax credit is claimed:
- 26 1. The location of the taxpayer, by county, as reflected on the return filed
- 27 for the taxable year;

1 2. The amount of the Kentucky work opportunity tax credit claimed by
2 the taxpayer for the taxable year;

3 3. The total cumulative amount of all credit claimed for the taxable year;
4 and

5 4. a. In the case of all taxpayers other than corporations, based on
6 ranges of adjusted gross income of no larger than five thousand
7 dollars (\$5,000) for the taxable year, the total amount of tax
8 credit claimed and the total number of returns claiming this tax
9 credit for each adjusted gross income range.

10 b. In the case of all corporations, based on ranges of net income no
11 larger than fifty thousand dollars (\$50,000) for the taxable year,
12 the total amount of tax credit claimed and the number of returns
13 claiming a tax credit for each net income range.

14 (b) The information required to be reported under this section shall not be
15 considered confidential taxpayer information and shall not be subject to
16 KRS Chapter 131 or any other provisions of the Kentucky Revised Statutes
17 prohibiting disclosure or reporting of information.

18 ➔Section 2. 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);
- 3 (e) The health insurance credit permitted by KRS 141.062;
- 4 (f) The tax paid to other states credit permitted by KRS 141.070;
- 5 (g) The credit for hiring the unemployed permitted by KRS 141.065;
- 6 (h) The recycling or composting equipment credit permitted by KRS 141.390;
- 7 (i) The tax credit for cash contributions in investment funds permitted by KRS
- 8 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
- 9 154.20-258;
- 10 (j) The research facilities credit permitted by KRS 141.395;
- 11 (k) The employer High School Equivalency Diploma program incentive credit
- 12 permitted under KRS 151B.402;
- 13 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 14 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 15 (n) The clean coal incentive credit permitted by KRS 141.428;
- 16 (o) The ethanol credit permitted by KRS 141.4242;
- 17 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 18 (q) The energy efficiency credits permitted by KRS 141.436;
- 19 (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 20 (s) The Endow Kentucky credit permitted by KRS 141.438;
- 21 (t) The New Markets Development Program credit permitted by KRS 141.434;
- 22 (u) The distilled spirits credit permitted by KRS 141.389;
- 23 (v) The angel investor credit permitted by KRS 141.396;
- 24 (w) The film industry credit permitted by KRS 141.383 for applications approved
- 25 on or after April 27, 2018, but before January 1, 2022;
- 26 (x) The inventory credit permitted by KRS 141.408;~~and~~
- 27 (y) The renewable chemical production credit permitted by KRS 141.4231; and

- 1 (z) *The Kentucky work opportunity tax credit permitted by Section 1 of this Act;*
- 2 (2) After the application of the nonrefundable credits in subsection (1) of this section,
3 the nonrefundable personal tax credits against the tax imposed by KRS 141.020
4 shall be taken in the following order:
- 5 (a) The individual credits permitted by KRS 141.020(3);
6 (b) The credit permitted by KRS 141.066;
7 (c) The tuition credit permitted by KRS 141.069;
8 (d) The household and dependent care credit permitted by KRS 141.067;
9 (e) The income gap credit permitted by KRS 141.066; and
10 (f) The Education Opportunity Account Program tax credit permitted by KRS
11 141.522;
- 12 (3) After the application of the nonrefundable credits provided for in subsection (2) of
13 this section, the refundable credits against the tax imposed by KRS 141.020 shall be
14 taken in the following order:
- 15 (a) The individual withholding tax credit permitted by KRS 141.350;
16 (b) The individual estimated tax payment credit permitted by KRS 141.305;
17 (c) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and
18 171.397(1)(b);
19 (d) The film industry tax credit permitted by KRS 141.383 for applications
20 approved prior to April 27, 2018, or on or after January 1, 2022;
21 (e) The development area tax credit permitted by KRS 141.398;
22 (f) The decontamination tax credit permitted by KRS 141.419; and
23 (g) The pass-through entity tax credit permitted by KRS 141.209;
- 24 (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the
25 tax imposed by KRS 141.040;
- 26 (5) The following nonrefundable credits shall be applied against the sum of the tax
27 imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)

- 1 of this section, and the tax imposed by KRS 141.0401 in the following order:
- 2 (a) The economic development credits computed under KRS 141.347, 141.381,
3 141.384, 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and
4 154.12-2088;
- 5 (b) The qualified farming operation credit permitted by KRS 141.412;
- 6 (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
- 7 (d) The health insurance credit permitted by KRS 141.062;
- 8 (e) The unemployment credit permitted by KRS 141.065;
- 9 (f) The recycling or composting equipment credit permitted by KRS 141.390;
- 10 (g) The coal conversion credit permitted by KRS 141.041;
- 11 (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods
12 ending prior to January 1, 2008;
- 13 (i) The tax credit for cash contributions to investment funds permitted by KRS
14 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
15 154.20-258;
- 16 (j) The research facilities credit permitted by KRS 141.395;
- 17 (k) The employer High School Equivalency Diploma program incentive credit
18 permitted by KRS 151B.402;
- 19 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- 20 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 21 (n) The clean coal incentive credit permitted by KRS 141.428;
- 22 (o) The ethanol credit permitted by KRS 141.4242;
- 23 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 24 (q) The energy efficiency credits permitted by KRS 141.436;
- 25 (r) The ENERGY STAR home or ENERGY STAR manufactured home credit
26 permitted by KRS 141.437;
- 27 (s) The railroad maintenance and improvement credit permitted by KRS 141.385;

- 1 (t) The railroad expansion credit permitted by KRS 141.386;
- 2 (u) The Endow Kentucky credit permitted by KRS 141.438;
- 3 (v) The New Markets Development Program credit permitted by KRS 141.434;
- 4 (w) The distilled spirits credit permitted by KRS 141.389;
- 5 (x) The film industry credit permitted by KRS 141.383 for applications approved
- 6 on or after April 27, 2018, but before January 1, 2022;
- 7 (y) The inventory credit permitted by KRS 141.408;
- 8 (z) The renewable chemical production tax credit permitted by KRS 141.4231;†
- 9 ~~and‡~~
- 10 (aa) The Education Opportunity Account Program tax credit permitted by KRS
- 11 141.522; and

12 **(ab) The Kentucky work opportunity tax credit permitted by Section 1 of this Act;**

13 **and**

- 14 (6) After the application of the nonrefundable credits in subsection (5) of this section,
- 15 the refundable credits shall be taken in the following order:
- 16 (a) The corporation estimated tax payment credit permitted by KRS 141.044;
- 17 (b) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and
- 18 171.397(1)(b);
- 19 (c) The film industry tax credit permitted by KRS 141.383 for applications
- 20 approved prior to April 27, 2018, or on or after January 1, 2022;
- 21 (d) The decontamination tax credit permitted by KRS 141.419; and
- 22 (e) The pass-through entity tax credit permitted by KRS 141.209.

23 ➔Section 3. KRS 131.190 is amended to read as follows:

- 24 (1) No present or former commissioner or employee of the department, present or
- 25 former member of a county board of assessment appeals, present or former property
- 26 valuation administrator or employee, present or former secretary or employee of the
- 27 Finance and Administration Cabinet, former secretary or employee of the Revenue

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

- 7 (2) The prohibition established by subsection (1) of this section shall not extend to:
- 8 (a) Information required in prosecutions for making false reports or returns of
9 property for taxation, or any other infraction of the tax laws;
 - 10 (b) Any matter properly entered upon any assessment record, or in any way made
11 a matter of public record;
 - 12 (c) Furnishing any taxpayer or his or her properly authorized agent with
13 information respecting his or her own return;
 - 14 (d) Testimony provided by the commissioner or any employee of the department
15 in any court, or the introduction as evidence of returns or reports filed with the
16 department, in an action for violation of state or federal tax laws or in any
17 action challenging state or federal tax laws;
 - 18 (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or
19 energy resources assessed under KRS 132.820, or owners of surface land
20 under which the unmined minerals lie, factual information about the owner's
21 property derived from third-party returns filed for that owner's property, under
22 the provisions of KRS 132.820, that is used to determine the owner's
23 assessment. This information shall be provided to the owner on a confidential
24 basis, and the owner shall be subject to the penalties provided in KRS
25 131.990(2). The third-party filer shall be given prior notice of any disclosure
26 of information to the owner that was provided by the third-party filer;
 - 27 (f) Providing to a third-party purchaser pursuant to an order entered in a

- 1 foreclosure action filed in a court of competent jurisdiction, factual
2 information related to the owner or lessee of coal, oil, gas reserves, or any
3 other mineral resources assessed under KRS 132.820. The department may
4 promulgate an administrative regulation establishing a fee schedule for the
5 provision of the information described in this paragraph. Any fee imposed
6 shall not exceed the greater of the actual cost of providing the information or
7 ten dollars (\$10);
- 8 (g) Providing information to a licensing agency, the Transportation Cabinet, or
9 the Kentucky Supreme Court under KRS 131.1817;
- 10 (h) Statistics of gasoline and special fuels gallonage reported to the department
11 under KRS 138.210 to 138.448;
- 12 (i) Providing any utility gross receipts license tax return information that is
13 necessary to administer the provisions of KRS 160.613 to 160.617 to
14 applicable school districts on a confidential basis;
- 15 (j) Providing documents, data, or other information to a third party pursuant to an
16 order issued by a court of competent jurisdiction; or
- 17 (k) Providing information to the Legislative Research Commission under:
- 18 1. KRS 139.519 for purposes of the sales and use tax refund on building
19 materials used for disaster recovery;
 - 20 2. KRS 141.436 for purposes of the energy efficiency products credits;
 - 21 3. KRS 141.437 for purposes of the ENERGY STAR home and the
22 ENERGY STAR manufactured home credits;
 - 23 4. KRS 141.383 for purposes of the film industry incentives;
 - 24 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization
25 tax credits and the job assessment fees;
 - 26 6. KRS 141.068 for purposes of the Kentucky investment fund;
 - 27 7. KRS 141.396 for purposes of the angel investor tax credit;

- 1 8. KRS 141.389 for purposes of the distilled spirits credit;
- 2 9. KRS 141.408 for purposes of the inventory credit;
- 3 10. KRS 141.390 for purposes of the recycling and composting credit;
- 4 11. KRS 141.3841 for purposes of the selling farmer tax credit;
- 5 12. KRS 141.4231 for purposes of the renewable chemical production tax
- 6 credit;
- 7 13. KRS 141.524 for purposes of the Education Opportunity Account
- 8 Program tax credit;
- 9 14. KRS 141.398 for purposes of the development area tax credit;
- 10 15. KRS 139.516 for the purposes of the sales and use tax exemption on the
- 11 commercial mining of cryptocurrency;~~and~~
- 12 16. KRS 141.419 for purposes of the decontamination tax credit; and
- 13 17. Section 1 of this Act for purposes of the Kentucky work opportunity
- 14 tax credit.
- 15 (3) The commissioner shall make available any information for official use only and on
- 16 a confidential basis to the proper officer, agency, board or commission of this state,
- 17 any Kentucky county, any Kentucky city, any other state, or the federal
- 18 government, under reciprocal agreements whereby the department shall receive
- 19 similar or useful information in return.
- 20 (4) Access to and inspection of information received from the Internal Revenue Service
- 21 is for department use only, and is restricted to tax administration purposes.
- 22 Information received from the Internal Revenue Service shall not be made available
- 23 to any other agency of state government, or any county, city, or other state, and
- 24 shall not be inspected intentionally and without authorization by any present
- 25 secretary or employee of the Finance and Administration Cabinet, commissioner or
- 26 employee of the department, or any other person.
- 27 (5) Statistics of crude oil as reported to the department under the crude oil excise tax

1 requirements of KRS Chapter 137 and statistics of natural gas production as
2 reported to the department under the natural resources severance tax requirements
3 of KRS Chapter 143A may be made public by the department by release to the
4 Energy and Environment Cabinet, Department for Natural Resources.

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