

1 AN ACT relating to the home modification 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) As used in this section:

6 (a) "Disability" means a physical or mental impairment that substantially
7 limits one (1) or more of a person's major life activities and has lasted or
8 can be expected to last for a continuous period of not less than twelve (12)
9 months; and

10 (b) "Qualified home modification" means a modification made to a principal
11 dwelling to make the dwelling accessible to an individual with a disability
12 who is a permanent resident of the dwelling.

13 (2) (a) For taxable years beginning on or after January 1, 2020, but before
14 January 1, 2024, an individual may deduct from the tax computed under
15 KRS 141.020 a nonrefundable, nontransferable credit for qualified home
16 modification expenses incurred by the individual.

17 (b) The amount of the credit allowed in paragraph (a) of this subsection shall
18 be equal to the actual cost of the qualified home modification expenses
19 incurred, up to seven thousand five hundred dollars (\$7,500) for each
20 taxable year within which a qualified home modification is made.

21 (c) Any credit in excess of the individual's tax liability may be carried forward
22 for up to five (5) taxable years.

23 (3) (a) The purpose of this tax credit is to assist people with disabilities with costs
24 associated with making necessary adjustments to their homes after losing
25 mobility.

26 (b) In order for the General Assembly to evaluate the fulfillment of the purpose
27 stated in paragraph (a) of this subsection, the department shall provide the

following information on a cumulative basis for each taxable year to provide a historical impact of the tax credit to the Commonwealth:

1. The cumulative amount of tax credits claimed by individuals for each taxable year;

2. The cumulative number of returns that claimed the credit for each taxable year;

3. Based on the mailing address of the return, the cumulative total amount of credits claimed by county for each taxable year; and

4. Based on ranges of adjusted gross income of no larger than five thousand dollars (\$5,000), the cumulative amount of tax credits claimed by individuals for each adjusted gross income range for each taxable year.

(c) The report required by paragraph (b) of this subsection shall be submitted to the Interim Joint Committee on Appropriations and Revenue beginning no later than November 1, 2021, and no later than November 1 each year thereafter, as long as the credit is claimed on any return processed by the department.

➔Section 2. KRS 141.0205 is amended to read as follows:

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

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

(a) The limited liability entity tax credit permitted by KRS 141.0401;

(b) The economic development credits computed under KRS 141.347, 141.381, 141.384, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and 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; and
- 26 (x) The inventory credit permitted by KRS 141.408.
- 27 (2) After the application of the nonrefundable credits in subsection (1) of this section,

1 the nonrefundable personal tax credits against the tax imposed by KRS 141.020
2 shall be taken in the following order:

- 3 (a) The individual credits permitted by KRS 141.020(3);
- 4 (b) The credit permitted by KRS 141.066;
- 5 (c) The tuition credit permitted by KRS 141.069;
- 6 (d) The household and dependent care credit permitted by KRS 141.067;~~and~~
- 7 (e) The income gap credit permitted by KRS 141.066; and
- 8 **(f) The home modification credit permitted by Section 1 of this Act.**

9 (3) After the application of the nonrefundable credits provided for in subsection (2) of
10 this section, the refundable credits against the tax imposed by KRS 141.020 shall be
11 taken in the following order:

- 12 (a) The individual withholding tax credit permitted by KRS 141.350;
- 13 (b) The individual estimated tax payment credit permitted by KRS 141.305;
- 14 (c) The certified rehabilitation credit permitted by KRS 171.3961 and
15 171.397(1)(b); and
- 16 (d) The film industry tax credit permitted by KRS 141.383 for applications
17 approved prior to April 27, 2018.

18 (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the
19 tax imposed by KRS 141.040.

20 (5) The following nonrefundable credits shall be applied against the sum of the tax
21 imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)
22 of this section, and the tax imposed by KRS 141.0401 in the following order:

- 23 (a) The economic development credits computed under KRS 141.347, 141.381,
24 141.384, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and
25 154.12-2088;
- 26 (b) The qualified farming operation credit permitted by KRS 141.412;
- 27 (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);

- 1 (d) The health insurance credit permitted by KRS 141.062;
- 2 (e) The unemployment credit permitted by KRS 141.065;
- 3 (f) The recycling or composting equipment credit permitted by KRS 141.390;
- 4 (g) The coal conversion credit permitted by KRS 141.041;
- 5 (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods
- 6 ending prior to January 1, 2008;
- 7 (i) The tax credit for cash contributions to 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 by 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 ENERGY STAR home or ENERGY STAR manufactured home credit
- 20 permitted by KRS 141.437;
- 21 (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 22 (t) The railroad expansion credit permitted by KRS 141.386;
- 23 (u) The Endow Kentucky credit permitted by KRS 141.438;
- 24 (v) The New Markets Development Program credit permitted by KRS 141.434;
- 25 (w) The distilled spirits credit permitted by KRS 141.389;
- 26 (x) The film industry credit permitted by KRS 141.383 for applications approved
- 27 on or after April 27, 2018; and

1 (y) The inventory credit permitted by KRS 141.408.

2 (6) After the application of the nonrefundable credits in subsection (5) of this section,
3 the refundable credits shall be taken in the following order:

4 (a) The corporation estimated tax payment credit permitted by KRS 141.044;

5 (b) The certified rehabilitation credit permitted by KRS 171.3961 and
6 171.397(1)(b); and

7 (c) The film industry tax credit permitted by KRS 141.383 for applications
8 approved prior to April 27, 2018.

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

10 (1) No present or former commissioner or employee of the department, present or
11 former member of a county board of assessment appeals, present or former property
12 valuation administrator or employee, present or former secretary or employee of the
13 Finance and Administration Cabinet, former secretary or employee of the Revenue
14 Cabinet, or any other person, shall intentionally and without authorization inspect or
15 divulge any information acquired by him of the affairs of any person, or information
16 regarding the tax schedules, returns, or reports required to be filed with the
17 department or other proper officer, or any information produced by a hearing or
18 investigation, insofar as the information may have to do with the affairs of the
19 person's business.

20 (2) The prohibition established by subsection (1) of this section shall not extend to:

21 (a) Information required in prosecutions for making false reports or returns of
22 property for taxation, or any other infraction of the tax laws;

23 (b) Any matter properly entered upon any assessment record, or in any way made
24 a matter of public record;

25 (c) Furnishing any taxpayer or his properly authorized agent with information
26 respecting his own return;

27 (d) Testimony provided by the commissioner or any employee of the department

- 1 in any court, or the introduction as evidence of returns or reports filed with the
2 department, in an action for violation of state or federal tax laws or in any
3 action challenging state or federal tax laws;
- 4 (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or
5 energy resources assessed under KRS 132.820, or owners of surface land
6 under which the unmined minerals lie, factual information about the owner's
7 property derived from third-party returns filed for that owner's property, under
8 the provisions of KRS 132.820, that is used to determine the owner's
9 assessment. This information shall be provided to the owner on a confidential
10 basis, and the owner shall be subject to the penalties provided in KRS
11 131.990(2). The third-party filer shall be given prior notice of any disclosure
12 of information to the owner that was provided by the third-party filer;
- 13 (f) Providing to a third-party purchaser pursuant to an order entered in a
14 foreclosure action filed in a court of competent jurisdiction, factual
15 information related to the owner or lessee of coal, oil, gas reserves, or any
16 other mineral resources assessed under KRS 132.820. The department may
17 promulgate an administrative regulation establishing a fee schedule for the
18 provision of the information described in this paragraph. Any fee imposed
19 shall not exceed the greater of the actual cost of providing the information or
20 ten dollars (\$10);
- 21 (g) Providing information to a licensing agency, the Transportation Cabinet, or
22 the Kentucky Supreme Court under KRS 131.1817;
- 23 (h) Statistics of gasoline and special fuels gallonage reported to the department
24 under KRS 138.210 to 138.448;
- 25 (i) Providing any utility gross receipts license tax return information that is
26 necessary to administer the provisions of KRS 160.613 to 160.617 to
27 applicable school districts on a confidential basis;

- 1 (j) Providing documents, data, or other information to a third party pursuant to an
2 order issued by a court of competent jurisdiction; or
- 3 (k) Providing information to the Legislative Research Commission under:
- 4 1. KRS 139.519 for purposes of the sales and use tax refund on building
5 materials used for disaster recovery;
- 6 2. KRS 141.436 for purposes of the energy efficiency products credits;
- 7 3. KRS 141.437 for purposes of the ENERGY STAR home and the
8 ENERGY STAR manufactured home credits;
- 9 4. KRS 148.544 for purposes of the film industry incentives;
- 10 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization
11 tax credits and the job assessment fees;
- 12 6. KRS 141.068 for purposes of the Kentucky investment fund;
- 13 7. KRS 141.396 for purposes of the angel investor tax credit;
- 14 8. KRS 141.389 for purposes of the distilled spirits credit;
- 15 9. KRS 141.408 for purposes of the inventory credit;~~and~~
- 16 10. KRS 141.390 for purposes of the recycling and composting credit; **and**
- 17 **11. Section 1 of this Act for purposes of the home modification credit.**
- 18 (3) The commissioner shall make available any information for official use only and on
19 a confidential basis to the proper officer, agency, board or commission of this state,
20 any Kentucky county, any Kentucky city, any other state, or the federal government,
21 under reciprocal agreements whereby the department shall receive similar or useful
22 information in return.
- 23 (4) Access to and inspection of information received from the Internal Revenue Service
24 is for department use only, and is restricted to tax administration purposes.
25 Information received from the Internal Revenue Service shall not be made available
26 to any other agency of state government, or any county, city, or other state, and shall
27 not be inspected intentionally and without authorization by any present secretary or

1 employee of the Finance and Administration Cabinet, commissioner or employee of
2 the department, or any other person.

3 (5) Statistics of crude oil as reported to the Department of Revenue under the crude oil
4 excise tax requirements of KRS Chapter 137 and statistics of natural gas production
5 as reported to the Department of Revenue under the natural resources severance tax
6 requirements of KRS Chapter 143A may be made public by the department by
7 release to the Energy and Environment Cabinet, Department for Natural Resources.

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