AN ACT relating to economic fiscal matters.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 7A IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 8 of this Act:

(1) "Agency" means any "organizational unit" or "administrative body" as defined in KRS 12.010;

(2) "Board" means the Tax Expenditure and Economic Development Incentive Review Board established by Section 2 of this Act;

(3) "Economic development incentive" means a state program, statutory provision, or tax expenditure, including tax credits, tax exemptions, tax deductions, grants, or loans, that is intended to encourage businesses to locate, expand, invest, or remain in Kentucky or to hire or retain employees in Kentucky; and

(4) "Tax expenditure" means an exemption, exclusion, or deduction from the base of a tax, a credit against the tax, a deferral of a tax, or preferential tax rate.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 7A IS CREATED TO READ AS FOLLOWS:

The Tax Expenditure and Economic Development Incentive Review Board of the Kentucky General Assembly is hereby established. The purpose of the board shall be to review, analyze, provide oversight, and make recommendations to the General Assembly about tax expenditures and economic development incentives.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 7A IS CREATED TO READ AS FOLLOWS:

(1) The board shall be composed of the following twelve (12) members:

(a) Four (4) members of the General Assembly appointed by the President of the Senate, each of whom shall serve while a member of the Senate for the term for which he or she has been elected, one (1) of whom shall be the

chair or vice chair of the Senate Standing Committee on Appropriations and Revenue, and one (1) of whom the President of the Senate shall designate as co-chair of the board;

(b) Four (4) members of the General Assembly appointed by the Speaker of the House of Representatives, each of whom shall serve while a member of the House for the term for which he or she has been elected, one (1) of whom shall be the chair or vice chair of the House Standing Committee on Appropriations and Revenue, and one (1) of whom the Speaker shall designate as co-chair of the board;

(c) Two (2) members of the General Assembly appointed by the Minority Floor Leader of the Senate, each of whom shall serve while a member of the Senate for the term for which he or she has been elected; and

(d) Two (2) members of the General Assembly appointed by the Minority Floor Leader of the House of Representatives, each of whom shall serve while a member of the House for the term for which he or she has been elected.

(2) (a) Initial appointments to the board shall be made within thirty (30) days of the effective date of this Act.

(b) Any vacancy which may occur in the membership of the board shall be filled by the appointing authority who made the original appointment within thirty (30) days of the creation of the vacancy.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 7A IS CREATED TO READ AS FOLLOWS:

(1) The co-chairs of the board shall have joint responsibilities for meeting agendas and presiding at board meetings.

(2) Beginning August 1, 2024, and continuing through November 30, 2028, the board shall meet at least once every month during the interim between regular sessions of the General Assembly. On an alternating basis, each co-chair shall

have the first option to set the monthly meeting date. Cancellations may occur by agreement of both co-chairs. Additional meetings may also occur by agreement of both co-chairs, including during regular or extraordinary sessions of the General Assembly.

(3) Members of the board shall be entitled to reimbursement for expenses incurred in the performance of their duties.

(4) A majority of the entire membership of the board shall constitute a quorum, and all actions of the board shall be by vote of a majority of its entire membership.

(5) The Legislative Research Commission shall have exclusive jurisdiction over the employment of personnel necessary in order for the board to carry out its duties. Staff and operating costs of the board shall be provided from the budget of the Legislative Research Commission.

(6) The board shall terminate all actions and activities on December 1, 2028.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 7A IS CREATED TO READ AS FOLLOWS:

The board shall have the authority to:

(1) (a) 1. Require any agency to collect, report on, or provide all information necessary to evaluate tax expenditures and economic development incentives in order for the board to carry out its duties.

2. Notwithstanding Section 11 of this Act or any other statute to the contrary, each agency receiving a request for information from the board shall provide the requested information by the due date established by the board. If an agency fails to respond to a request for information, the board shall include the failure in its report required under Section 6 of this Act. Any noncompliance by the agency shall be considered in determining the agency's future appropriations.

3. If the requested information is not available, the agency shall explain

why the information is not available and recommend other information that might be available to assist the board in carrying out its duties; and

(b) Agree to provisions of confidentiality requested by the agency, but shall retain authority to include all data, with identifying information redacted, in the report required under Section 6 of this Act;

(2) Conduct public hearings in the performance of its duties, at which it may request the testimony of officials of any state agency and solicit the testimony of interested individuals, groups, and the general public;

(3) Establish a uniform format for reports and information submitted to the board and the frequency and due dates for the reports and information;

(4) Subject to the selection and approval by the Legislative Research Commission, engage legal counsel, tax or economic development experts, auditors including the Auditor of Public Accounts, actuaries, or others that have been deemed necessary by the board to render professional and technical assistance in providing information for the evaluation of tax expenditures or economic development incentives. Costs for these services shall be considered part of the operating costs of the board; and

(5) Optimize research capabilities and resources by contracting with private sector organizations, including profit and nonprofit organizations, through the quality-based selection procurement procedures established in KRS Chapter 45A.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 7A IS CREATED TO READ AS FOLLOWS:

The board shall have the powers and duties to:

(1) Conduct a systematic and comprehensive review, analysis, and evaluation of tax expenditures and economic development incentives offered by the Commonwealth, prioritizing each tax expenditure and economic development

incentive by the following criteria:

(a) The number of taxpayers impacted by each expenditure or incentive;

(b) The number of recipients impacted by each expenditure or incentive;

(c) The total amount of state and local dollars involved with each expenditure or incentive; and

(d) Political sensitivity.

(2) Create a schedule at the beginning of each interim to outline the board's agenda for that year's interim meetings. The schedule shall ensure that each tax expenditure and economic development incentive listed for discussion at the interim meetings has a review, analysis, and evaluation in accordance with subsection (1) of this section and that the annual report is completed prior to the deadline established in subsection (9) of this section;

(3) Conduct an impartial review of all the laws governing tax expenditures and economic development incentives to recommend any changes it may find desirable with respect to ending a tax expenditure or economic development incentive at a future date, immediately repealing a tax expenditure or economic development incentive, or otherwise changing a tax expenditure or economic development incentive;

(4) (a) Identify and list all existing tax expenditures and economic development incentives.

(b) For each tax expenditure and economic development incentive:

1. Determine its purpose, goals, enabling legislation, impact to revenues, beneficiaries, usage, benchmarks, and performance standards; and

2. Analyze how the expenditure or incentive has been impacted by behavioral changes since its implementation.

(c) For any tax expenditure or economic development incentive that does not have stated purposes or goals, the board shall research its history and

recommend purposes, goals, benchmarks, and performance standards as applicable;

(5) Research issues related to existing or proposed tax expenditures or economic development incentives;

(6) Develop standardized reporting requirements for agencies to follow in reporting data that pertains to tax expenditures or economic development incentives to the Legislative Research Commission and recommend any legislation needed to implement the requirements;

(7) At the request of either co-chair of the Interim Joint Committee on Appropriations and Revenue, the chair of the House Standing Committee on Appropriations and Revenue, the chair of the Senate Standing Committee on Appropriations and Revenue, the Speaker of the House of Representatives, or the President of the Senate, evaluate proposed changes to laws that include a tax expenditure or economic development incentive and report back on the state and local fiscal impacts and desirability as a matter of public policy;

(8) At the request of either co-chair of the Interim Joint Committee on Appropriations and Revenue, the chair of the House Standing Committee on Appropriations and Revenue, the chair of the Senate Standing Committee on Appropriations and Revenue, review all new or amended administrative regulations that include tax expenditures or economic development incentives and provide comments to the Administrative Regulation Review Subcommittee established by KRS 13A.020; and

(9) Publish an annual report covering the board's evaluation and recommendations for each tax expenditure and economic development incentive reviewed during the year. The report shall be submitted to the Interim Joint Committee on Appropriations and Revenue, the President of the Senate, and the Speaker of the House of Representatives no later than November 30 of each year and shall

include:

(a) A summary of the actions by the board during the year;

(b) Any legislative recommendations made by the board; and

(c) A statement on the viability of each tax expenditure and economic development incentive reviewed.

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

When enacting any new tax expenditure or economic development incentive, the General Assembly shall:

(1) Establish the tax expenditure or economic development incentive for no more than five (5) years;

(2) State the purpose, goals, and performance measurements for the tax expenditure or economic development incentive;

(3) Identify specific data that the agency administering the tax expenditure or economic development incentive shall collect so that the effectiveness of the tax expenditure or economic development incentive can be evaluated;

(4) Require data, benchmarks, financial impact statements, cost-benefit analysis directly related to the tax expenditure or economic development incentive, and any other information from the appropriate agency to be reported on an annual basis for evaluation of the tax expenditure or economic development incentive; and

(5) At the discretion of the Speaker of the House of Representatives or the President of the Senate, allow the board to evaluate the tax expenditure or economic development incentive prior to assigning the legislation that proposes the tax expenditure or economic development incentive to any committee of the General Assembly during a regular or extraordinary session.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 7A IS CREATED TO

READ AS FOLLOWS:

<u>*(1) To facilitate the work of the board, the Department of Revenue and all agencies administering or responsible for tax expenditures or economic development incentives shall work collaboratively to:*</u>

<u>*(a) Assign a unique number to each individual taxpayer to allow for the tracking of tax expenditures and economic development incentives related to them. The unique number shall not be an individual's Social Security number or the tax identification number for a business. The unique number of the entity or individual shall be the same for all related:*</u>

<u>*1. Programs with tax expenditures or economic development incentives;*</u>

<u>*2. Taxes paid;*</u>

<u>*3. Tax attributes reported; and*</u>

<u>*4. Tax expenditures or economic development incentives received or claimed;*</u>

<u>*(b) Identify a location or locations for the entity or individual by county based on where the activity occurs or the entity or individual is located; and*</u>

<u>*(c) For each tax expenditure and economic development incentive, identify the total number of taxpayers claiming the expenditure or incentive.*</u>

<u>*(2) The Department of Revenue and any other agency involved in the processes described in subsection (1) of this section shall complete the processes in order to provide requested data and information to the board within three (3) months of the effective date of this Act.*</u>

➔Section 9. KRS 11.068 is amended to read as follows:

(1) There is created an agency of state government known as the Office of State Budget Director. The office shall be attached for administrative purposes to the Office of the Governor.

(2) The office shall include the following major organizational units:

(a) The Office of State Budget Director***;***

(b) The Governor's Office for Policy and Management;

(c) The Governor's Office for Policy Research; and

(d) The Governor's Office for Economic Analysis.

(3) The Office of State Budget Director shall be~~[,]~~ headed by the state budget director. The state budget director shall be appointed by the Governor pursuant to KRS 11.040 and shall serve, under direction of the Governor, as state budget director and secretary of the state planning committee. The office shall include such principal assistants and supporting personnel appointed pursuant to KRS Chapter 12 as may be necessary to carry out the functions of the office. The office shall have such duties, rights, and responsibilities as are necessary to perform, without being limited to, the following functions:

(a)~~[1.]~~ Functions relative to the preparation, administration, and evaluation of the executive budget as provided in KRS Chapters 45 and 48 and in other laws, including but not limited to, capital construction budgeting, evaluation of state programs, program monitoring, financial and policy analysis and issue review, and executive policy implementation and compliance;

(b)~~[2.]~~ Continuous evaluation of statewide management and administrative procedures and practices, including but not limited to economic forecasting, technical assistance to state agencies, forms control, and special analytic studies as directed by the Governor; and

(c)~~[3.]~~ Staff planning functions of the state planning committee and evaluation of statewide management and administrative practices and procedures.

(4)~~[(b)]~~ ***The*** Governor's Office for Policy and Management ***shall be***~~[,]~~ headed by the state budget director. The state budget director shall maintain staff employed pursuant to KRS Chapter 18A sufficient to carry out the functions of the office relating to state budgeting as provided in~~[paragraph (a) of this]~~ subsection ***(3) of***

this section and state planning as provided in KRS Chapter 147, review of administrative regulations proposed by executive agencies prior to filing pursuant to KRS Chapter 13A and such other duties as may be assigned by the Governor.

(5)~~[(c)]~~ ***The*** Governor's Office for Policy Research ***shall be***~~[,]~~ headed by the state budget director. The Governor's Office for Policy Research shall assist the state budget director in providing policy research data, information, and analysis to the Governor on public policy issues that impact the Commonwealth. The state budget director shall identify and direct the research to be completed and provided by the office. The state budget director shall maintain staff employed in accordance with KRS Chapter 18A sufficient to carry out the functions of the office.

(6)~~[(d)]~~ ***The*** Governor's Office for Economic Analysis ***shall be***~~[,]~~ headed by the state budget director. The state budget director shall maintain staff employed in accordance with KRS Chapter 18A sufficient to carry out the functions of the office. The Governor's Office for Economic Analysis shall***:***

(a) Carry out the revenue estimating and economic analysis functions and responsibilities, including but not limited to the functions and responsibilities assigned to the Office of State Budget Director by KRS Chapter 48***;***~~[.]~~

(b) ~~[The Governor's Office for Economic Analysis shall]~~Perform the tax administrative function of using tax data to provide the Department of Revenue with studies, projections, statistical analyses, and any other information that will assist the Department of Revenue in performing its tax administrative functions***; and***

(c) 1. On or before October 15, 2025, and biennially on or before each October 15 of each odd-numbered year thereafter, provide to the Tax Expenditure and Economic Development Incentive Review Board established in Section 2 of this Act and the Interim Joint Committee on Appropriations and Revenue a detailed estimate of the revenue loss

resulting from each tax expenditure and economic development incentive, as defined in Section 1 of this Act, for the general fund and road fund for the current fiscal year and the next two (2) fiscal years.

2. ***The Department of Revenue, the Cabinet for Economic Development, the Tourism, Arts and Heritage Cabinet, and any other agency with information relating to tax expenditures or economic development incentives shall provide assistance and furnish data to produce the detailed estimate.***

3. ***The detailed estimate of the revenue loss shall include analysis from:***

a. ***A tax-by-tax view;***

b. ***An entity-type view, including individuals, pass-through entities, and corporations; and***

c. ***An expenditure or incentive view, including a description for each tax type if the expenditure or incentive crosses multiple taxes.***

4. ***The estimate for each tax expenditure and economic development incentive shall include:***

a. ***A citation of the legal authority for the tax expenditure or economic development incentive;***

b. ***The enactment year and the bill number that originally authorized the tax expenditure or economic development incentive;***

c. ***A description of how the tax expenditure or economic development incentive has changed over time, if amendments to the statutory language have been enacted, including the year and bill number that authorized the amendment;***

d. ***The number of taxpayers currently claiming each tax***

expenditure and economic development incentive;

e. The amount of projected revenue loss for the current fiscal year and the two (2) fiscal years of the upcoming biennium;

f. A description of the data used to form the estimate of revenue loss, including:

i. The source of the data;

ii. The publication year or period related to the data;

iii. The agency or entity producing the data;

iv. The data set used, if a subset of the data source was necessary;

v. A complete data citation related to that source, including electronic sources;

vi. Whether the data is a line item from a Kentucky or federal income tax return; and

vii. Whether the data relates directly to Kentucky activity, and if not, how the data was modified to obtain an estimate for the Commonwealth;

g. If a purpose or goal is not included in the statute, a best determination by the Office of State Budget Director of all purposes or goals of the tax expenditure or economic development incentive; and

h. A statement regarding whether the purpose or goal of the tax expenditure or economic development incentive:

i. Is currently being met;

ii. Has been met and the tax expenditure or economic development incentive is no longer needed; or

iii. Is not being met and the tax expenditure or economic

development incentive should be repealed or amended, including data which supports the statement.

➔Section 10. KRS 131.020 is amended to read as follows:

(1) The Department of Revenue, headed by a commissioner appointed by the secretary with the approval of the Governor, shall be organized into the following functional units:

(a) Office of the Commissioner, which shall consist of:

1. The Division of Protest Resolution, headed by a division director who shall report directly to the commissioner. The division shall administer the protest functions for the department from office resolution through court action;

2. The Division of Taxpayer Ombudsman, headed by a division director who shall report to the commissioner. The division shall perform those duties set out in KRS 131.083;

3. The Special Investigations Division, headed by a division director who shall report directly to the commissioner. The division shall investigate alleged violations of the tax laws and recommend criminal prosecution of the laws when warranted; and

4. The Division of Information Management, headed by a division director who shall report directly to the commissioner. The division shall provide project management, planning, analysis, application development, implementation, security, support, and maintenance for new and existing legacy systems of the department;

(b) Office of Tax Policy and Regulation, headed by an executive director who shall report directly to the commissioner. The office shall be responsible for:

1. Providing oral and written technical advice on Kentucky tax law;

2. Drafting proposed tax legislation and regulations;

3. Testifying before legislative committees on tax matters;
4. Analyzing tax publications;
5. Providing expert witness testimony in tax litigation cases;
6. Providing consultation and assistance in protested tax cases;~~[and]~~
7. Conducting training and education programs;***<u> and</u>***
<u>8. Collecting, reporting, and providing the data required under Section 5 of this Act to the Tax Expenditure and Economic Development Incentive Review Board;</u>

(c) Office of Registration and Operations, headed by an executive director who shall report directly to the commissioner. The office shall be responsible for processing documents, depositing funds, collecting debt payments, and coordinating, planning, and implementing a data integrity strategy. The office shall consist of the:

1. Division of Operations, which shall be responsible for opening all tax returns, preparing the returns for data capture, coordinating the data capture process, depositing receipts, maintaining tax data, and assisting other state agencies with similar operational aspects as negotiated between the department and the other agency; and
2. Division of Registration, which shall be responsible for registering businesses for tax purposes, ensuring that the data entered into the department's tax systems is accurate and complete, and assisting the taxing areas in proper procedures to ensure the accuracy of the data over time;

(d) Office of Property Valuation, headed by an executive director who shall report directly to the commissioner. The office shall consist of the:

1. Division of Local Support, which shall be responsible for providing supervision, assistance, and training to the property valuation

administrators and sheriffs within the Commonwealth;

2. Division of State Valuation, which shall be responsible for providing assessments of public service companies and motor vehicles, and providing assistance to property valuation administrators and sheriffs with the administration of tangible and omitted property taxes within the Commonwealth; and

3. Division of Minerals Taxation and Geographical Information System Services, which shall be responsible for providing geographical information system mapping support, ensuring proper filing of severance tax returns, ensuring consistency of unmined coal assessments, and gathering and providing data to properly assess minerals to the property valuation administrators within the Commonwealth;

(e) Office of Sales and Excise Taxes, headed by an executive director who shall report directly to the commissioner. The office shall administer all matters relating to sales and use taxes and miscellaneous excise taxes, including but not limited to technical tax research, compliance, taxpayer assistance, tax-specific training, and publications. The office shall consist of the:

1. Division of Sales and Use Tax, which shall administer the sales and use tax; and

2. Division of Miscellaneous Taxes, which shall administer various other taxes, including but not limited to alcoholic beverage taxes; cigarette enforcement fees, stamps, meters, and taxes; gasoline tax; bank franchise tax; inheritance and estate tax; insurance premiums and insurance surcharge taxes; motor vehicle tire fees and usage taxes; and special fuels taxes;

(f) Office of Income Taxation, headed by an executive director who shall report directly to the commissioner. The office shall administer all matters related to income and corporation license taxes, including technical tax research, compliance, taxpayer assistance, tax-specific training, and publications. The office shall consist of the:

1. Division of Individual Tax, which shall administer the following taxes or returns: individual income, fiduciary, and employer withholding; and
2. Division of Corporation Tax, which shall administer the corporation income tax, corporation license tax, pass-through entity withholding, and pass-through entity reporting requirements;

(g) Office of Field Operations, headed by an executive director who shall report directly to the commissioner. The office shall manage the regional taxpayer service centers and the field audit program; and

(h) Office of Enforcement, headed by an executive director who shall report directly to the commissioner. The office shall initiate all collection enforcement activity related to due and owing tax assessments, including protest resolution, and shall assist other state agencies with similar collection aspects as negotiated between the department and other state agencies. The office shall consist of the Division of Collections.

(2) The functions and duties of the department shall include conducting conferences, administering taxpayer protests, and settling tax controversies on a fair and equitable basis, taking into consideration the hazards of litigation to the Commonwealth of Kentucky and the taxpayer. The mission of the department shall be to afford an opportunity for taxpayers to have an independent informal review of the determinations of the audit functions of the department, and to attempt to fairly and equitably resolve tax controversies at the administrative level.

(3) The department shall maintain an accounting structure for the one hundred twenty (120) property valuation administrators' offices across the Commonwealth in order

to facilitate use of the state payroll system and the budgeting process.

(4) Except as provided in KRS 131.190(4), the department shall fully cooperate with and make tax information available as prescribed under KRS 131.190(3) to the Governor's Office for Economic Analysis as necessary for the office to perform the tax administration function established in KRS 42.410.

(5) Executive directors and division directors established under this section shall be appointed by the secretary with the approval of the Governor under KRS 12.050.

➔Section 11. KRS 131.190 is amended to read as follows:

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

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

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

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

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

(d) Testimony provided by the commissioner or any employee of the department in any court, or the introduction as evidence of returns or reports filed with the department, in an action for violation of state or federal tax laws or in any action challenging state or federal tax laws;

(e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or energy resources assessed under KRS 132.820, or owners of surface land under which the unmined minerals lie, factual information about the owner's property derived from third-party returns filed for that owner's property, under the provisions of KRS 132.820, that is used to determine the owner's assessment. This information shall be provided to the owner on a confidential basis, and the owner shall be subject to the penalties provided in KRS 131.990(2). The third-party filer shall be given prior notice of any disclosure of information to the owner that was provided by the third-party filer;

(f) Providing to a third-party purchaser pursuant to an order entered in a foreclosure action filed in a court of competent jurisdiction, factual information related to the owner or lessee of coal, oil, gas reserves, or any other mineral resources assessed under KRS 132.820. The department may promulgate an administrative regulation establishing a fee schedule for the provision of the information described in this paragraph. Any fee imposed shall not exceed the greater of the actual cost of providing the information or ten dollars ($10);

(g) Providing information to a licensing agency, the Transportation Cabinet, or the Kentucky Supreme Court under KRS 131.1817;

(h) Statistics of gasoline and special fuels gallonage reported to the department under KRS 138.210 to 138.448;

(i) Providing any utility gross receipts license tax return information that is necessary to administer the provisions of KRS 160.613 to 160.617 to applicable school districts on a confidential basis;

(j) Providing documents, data, or other information to a third party pursuant to an order issued by a court of competent jurisdiction; or

(k) Providing information to***:***

1. The Legislative Research Commission under:

a.~~[1.]~~KRS 139.519 for purposes of the sales and use tax refund on building materials used for disaster recovery;

b.~~[2.]~~KRS 141.436 for purposes of the energy efficiency products credits;

c.~~[3.]~~KRS 141.437 for purposes of the ENERGY STAR home and the ENERGY STAR manufactured home credits;

d.~~[4.]~~KRS 141.383 for purposes of the film industry incentives;

e.~~[5.]~~KRS 154.26-095 for purposes of the Kentucky industrial revitalization tax credits and the job assessment fees;

f.~~[6.]~~ KRS 141.068 for purposes of the Kentucky investment fund;

g.~~[7.]~~KRS 141.396 for purposes of the angel investor tax credit;

h.~~[8.]~~KRS 141.389 for purposes of the distilled spirits credit;

i.~~[9.]~~ KRS 141.408 for purposes of the inventory credit;

j.~~[10.]~~ KRS 141.390 for purposes of the recycling and composting credit;

k.~~[11.]~~ KRS 141.3841 for purposes of the selling farmer tax credit;

l.~~[12.]~~ KRS 141.4231 for purposes of the renewable chemical production tax credit;

m.~~[13.]~~ KRS 141.524 for purposes of the Education Opportunity Account Program tax credit;

n.~~[14.]~~ KRS 141.398 for purposes of the development area tax credit;

o.~~[15.]~~ KRS 139.516 for the purposes of the sales and use tax exemption on the commercial mining of cryptocurrency; and

p.~~[16.]~~ KRS 141.419 for purposes of the decontamination tax credit***;*** ***and***~~[.]~~

2. The Tax Expenditure and Economic Development Incentive Review Board established in Section 2 of this Act.

(3) The commissioner shall make available any information for official use only and on a confidential basis to the proper officer, agency, board or commission of this state, any Kentucky county, any Kentucky city, any other state, or the federal government, under reciprocal agreements whereby the department shall receive similar or useful information in return.

(4) Access to and inspection of information received from the Internal Revenue Service is for department use only, and is restricted to tax administration purposes. Information received from the Internal Revenue Service shall not be made available to any other agency of state government, or any county, city, or other state, and shall not be inspected intentionally and without authorization by any present secretary or employee of the Finance and Administration Cabinet, commissioner or employee of the department, or any other person.

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

(6) Notwithstanding any provision of law to the contrary, beginning with mine-map submissions for the 1989 tax year, the department may make public or divulge only those portions of mine maps submitted by taxpayers to the department pursuant to KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-out parcel areas. These electronic maps shall not be relied upon to determine actual boundaries of mined-out parcel areas. Property boundaries contained in mine maps

required under KRS Chapters 350 and 352 shall not be construed to constitute land surveying or boundary surveys as defined by KRS 322.010 and any administrative regulations promulgated thereto.