

1 AN ACT relating to a tax credit for volunteers.

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 tax years beginning on or after January 1, 2019, but before January 1, 2023,*
6 *a refundable credit shall be allowed for:*

7 *(a) A certified volunteer firefighter at a volunteer fire department recognized by*
8 *the Commission on Fire Protection Personnel Standards and Education;*

9 *(b) A volunteer at an emergency medical service department recognized by the*
10 *Kentucky Board of Emergency Medical Services; and*

11 *(c) A volunteer with the local emergency planning committee administered by*
12 *the Kentucky Division of Emergency Management;*

13 *against the tax imposed by KRS 141.020 in the amount equal to one thousand*
14 *dollars (\$1,000), with the ordering of credits as provided in Section 2 of this Act.*

15 *(2) As used in this section, "certified volunteer firefighter" means a volunteer*
16 *firefighter certified by the Commission on Fire Protection Personnel Standards*
17 *and Education under KRS 95A.040.*

18 *(3) To qualify for the credit provided by this section:*

19 *(a) A certified volunteer firefighter shall be a certified volunteer firefighter for*
20 *the entire taxable year for which the credit is claimed; and*

21 *(b) All other volunteers shall provide a statement, on a form required by the*
22 *department, from the emergency medical service department or the local*
23 *emergency planning committee that at least fifty (50) hours of service were*
24 *performed by the volunteer during each month of the taxable year.*

25 *(4) Upon request, the Commission on Fire Protection Personnel Standards and*
26 *Education shall provide to the department a list of all certified volunteer*
27 *firefighters.*

1 (5) The purpose of this tax credit is to encourage citizens of the Commonwealth to
2 volunteer in firefighting, emergency medical services, and local planning for
3 emergency management.

4 (6) (a) In order for the General Assembly to evaluate the fulfillment of the
5 purposes stated in subsection (5) of this section, the department shall
6 provide the following information on a cumulative basis for each taxable
7 year to provide a historical impact of the tax credit to the Commonwealth:

8 1. The name and address for each volunteer claiming the tax credit;

9 2. Whether the volunteer is providing services as:

10 a. A certified volunteer firefighter at a volunteer fire department
11 recognized by the Commission on Fire Protection Personnel
12 Standards and Education;

13 b. A volunteer at an emergency medical service department
14 recognized by the Kentucky Board of Emergency Medical
15 Services; and

16 c. A volunteer with the local emergency planning committee
17 administered by the Kentucky Division of Emergency
18 Management;

19 3. The number of hours of volunteer service performed each month of
20 the taxable year by the volunteer;

21 4. The amount of tax liability offset by the tax credit for the taxpayer and
22 the amount of any refund issued to the taxpayer as a result of this tax
23 credit; and

24 5. In the case of all taxpayers, based on ranges of adjusted gross income
25 of no larger than five thousand dollars (\$5,000) for the taxable year,
26 the total amount of tax credits claimed and the number of returns
27 claiming a tax credit for each adjusted gross income range.

1 **(b) The report required by paragraph (a) of this subsection shall be submitted**
2 **to the Interim Joint Committee on Appropriations and Revenue beginning**
3 **no later than November 1, 2020, and no later than each November 1**
4 **thereafter, as long as the credit is claimed on any return processed by the**
5 **department.**

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

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

10 (1) The nonrefundable business incentive credits against the tax imposed by KRS
11 141.020 shall be taken in the following order:

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

13 (b) The economic development credits computed under KRS 141.347, 141.381,
14 141.384, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and
15 154.12-2088;

16 (c) The qualified farming operation credit permitted by KRS 141.412;

17 (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);

18 (e) The health insurance credit permitted by KRS 141.062;

19 (f) The tax paid to other states credit permitted by KRS 141.070;

20 (g) The credit for hiring the unemployed permitted by KRS 141.065;

21 (h) The recycling or composting equipment credit permitted by KRS 141.390;

22 (i) The tax credit for cash contributions in investment funds permitted by KRS
23 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
24 154.20-258;

25 (j) The research facilities credit permitted by KRS 141.395;

26 (k) The employer High School Equivalency Diploma program incentive credit
27 permitted under KRS 164.0062;

- 1 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
 - 2 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
 - 3 (n) The clean coal incentive credit permitted by KRS 141.428;
 - 4 (o) The ethanol credit permitted by KRS 141.4242;
 - 5 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
 - 6 (q) The energy efficiency credits permitted by KRS 141.436;
 - 7 (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
 - 8 (s) The Endow Kentucky credit permitted by KRS 141.438;
 - 9 (t) The New Markets Development Program credit permitted by KRS 141.434;
 - 10 (u) The distilled spirits credit permitted by KRS 141.389;
 - 11 (v) The angel investor credit permitted by KRS 141.396;
 - 12 (w) The film industry credit permitted by KRS 141.383 for applications approved
 - 13 on or after April 27, 2018; and
 - 14 (x) The inventory credit permitted by KRS 141.408.
- 15 (2) After the application of the nonrefundable credits in subsection (1) of this section,
- 16 the nonrefundable personal tax credits against the tax imposed by KRS 141.020
- 17 shall be taken in the following order:
- 18 (a) The individual credits permitted by KRS 141.020(3);
 - 19 (b) The credit permitted by KRS 141.066;
 - 20 (c) The tuition credit permitted by KRS 141.069; and
 - 21 (d) The household and dependent care credit permitted by KRS 141.067.
- 22 (3) After the application of the nonrefundable credits provided for in subsection (2) of
- 23 this section, the refundable credits against the tax imposed by KRS 141.020 shall be
- 24 taken in the following order:
- 25 (a) The individual withholding tax credit permitted by KRS 141.350;
 - 26 (b) The individual estimated tax payment credit permitted by KRS 141.305;
 - 27 (c) The certified rehabilitation credit permitted by KRS 171.3961 and

- 1 171.397(1)(b); ~~and~~
- 2 (d) The film industry tax credit permitted by KRS 141.383 for applications
- 3 approved prior to April 27, 2018; and
- 4 *(e) The volunteer credit permitted by Section 1 of this Act.*
- 5 (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the
- 6 tax imposed by KRS 141.040.
- 7 (5) The following nonrefundable credits shall be applied against the sum of the tax
- 8 imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)
- 9 of this section, and the tax imposed by KRS 141.0401 in the following order:
- 10 (a) The economic development credits computed under KRS 141.347, 141.381,
- 11 141.384, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and
- 12 154.12-2088;
- 13 (b) The qualified farming operation credit permitted by KRS 141.412;
- 14 (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
- 15 (d) The health insurance credit permitted by KRS 141.062;
- 16 (e) The unemployment credit permitted by KRS 141.065;
- 17 (f) The recycling or composting equipment credit permitted by KRS 141.390;
- 18 (g) The coal conversion credit permitted by KRS 141.041;
- 19 (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods
- 20 ending prior to January 1, 2008;
- 21 (i) The tax credit for cash contributions to investment funds permitted by KRS
- 22 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS
- 23 154.20-258;
- 24 (j) The research facilities credit permitted by KRS 141.395;
- 25 (k) The employer High School Equivalency Diploma program incentive credit
- 26 permitted by KRS 164.0062;
- 27 (l) The voluntary environmental remediation credit permitted by KRS 141.418;

- 1 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- 2 (n) The clean coal incentive credit permitted by KRS 141.428;
- 3 (o) The ethanol credit permitted by KRS 141.4242;
- 4 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- 5 (q) The energy efficiency credits permitted by KRS 141.436;
- 6 (r) The ENERGY STAR home or ENERGY STAR manufactured home credit
7 permitted by KRS 141.437;
- 8 (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 9 (t) The railroad expansion credit permitted by KRS 141.386;
- 10 (u) The Endow Kentucky credit permitted by KRS 141.438;
- 11 (v) The New Markets Development Program credit permitted by KRS 141.434;
- 12 (w) The distilled spirits credit permitted by KRS 141.389;
- 13 (x) The film industry credit permitted by KRS 141.383 for applications approved
14 on or after April 27, 2018; and
- 15 (y) The inventory credit permitted by KRS 141.408.
- 16 (6) After the application of the nonrefundable credits in subsection (5) of this section,
17 the refundable credits shall be taken in the following order:
- 18 (a) The corporation estimated tax payment credit permitted by KRS 141.044;
- 19 (b) The certified rehabilitation credit permitted by KRS 171.3961 and
20 171.397(1)(b); and
- 21 (c) The film industry tax credit permitted by KRS 141.383 for applications
22 approved prior to April 27, 2018.

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 or
2 divulge any information acquired by him of the affairs of any person, or information
3 regarding the tax schedules, returns, or reports required to be filed with the
4 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 properly authorized agent with information
13 respecting his 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; or
- 15 (j) Providing information to the Legislative Research Commission under:
- 16 1. KRS 139.519 for purposes of the sales and use tax refund on building
17 materials used for disaster recovery;
- 18 2. KRS 141.436 for purposes of the energy efficiency products credits;
- 19 3. KRS 141.437 for purposes of the ENERGY STAR home and the
20 ENERGY STAR manufactured home credits;
- 21 4. KRS 148.544 for purposes of the film industry incentives;
- 22 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization
23 tax credits and the job assessment fees;
- 24 6. KRS 141.068 for purposes of the Kentucky investment fund;
- 25 7. KRS 141.396 for purposes of the angel investor tax credit;
- 26 8. KRS 141.389 for purposes of the distilled spirits credit;~~and~~
- 27 9. KRS 141.408 for purposes of the inventory credit; **and**

1 **10. Section 1 of this Act for purposes of the volunteer credit.**

- 2 (3) The commissioner shall make available any information for official use only and on
3 a confidential basis to the proper officer, agency, board or commission of this state,
4 any Kentucky county, any Kentucky city, any other state, or the federal government,
5 under reciprocal agreements whereby the department shall receive similar or useful
6 information in return.
- 7 (4) Access to and inspection of information received from the Internal Revenue Service
8 is for department use only, and is restricted to tax administration purposes.
9 Information received from the Internal Revenue Service shall not be made available
10 to any other agency of state government, or any county, city, or other state, and shall
11 not be inspected intentionally and without authorization by any present secretary or
12 employee of the Finance and Administration Cabinet, commissioner or employee of
13 the department, or any other person.
- 14 (5) Statistics of crude oil as reported to the Department of Revenue under the crude oil
15 excise tax requirements of KRS Chapter 137 and statistics of natural gas production
16 as reported to the Department of Revenue under the natural resources severance tax
17 requirements of KRS Chapter 143A may be made public by the department by
18 release to the Energy and Environment Cabinet, Department for Natural Resources.
- 19 (6) Notwithstanding any provision of law to the contrary, beginning with mine-map
20 submissions for the 1989 tax year, the department may make public or divulge only
21 those portions of mine maps submitted by taxpayers to the department pursuant to
22 KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-
23 out parcel areas. These electronic maps shall not be relied upon to determine actual
24 boundaries of mined-out parcel areas. Property boundaries contained in mine maps
25 required under KRS Chapters 350 and 352 shall not be construed to constitute land
26 surveying or boundary surveys as defined by KRS 322.010 and any administrative
27 regulations promulgated thereto.