

1 AN ACT relating to tax credits.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 198A IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Department" means the Department of Revenue;*

7 *(b) "Eligibility statement" means the statement issued by the corporation to the*  
8 *owner of a qualified project certifying:*

9 *1. That a qualified low-income building is a qualified project; and*

10 *2. The amount of Kentucky affordable housing credit that may be*  
11 *claimed for each year for that qualified project;*

12 *(c) "Federal low-income housing tax credit" means the federal tax credit*  
13 *under 26 U.S.C. sec. 42;*

14 *(d) "Kentucky affordable housing credit" means a nonrefundable Kentucky tax*  
15 *credit, under this section;*

16 *(e) "Qualified low-income building" has the same meaning as in 26 U.S.C. sec.*  
17 *42(c);*

18 *(f) "Qualified project" means a qualified low-income building located within*  
19 *the Commonwealth which qualifies for the federal low-income housing tax*  
20 *credit and the Kentucky affordable housing credit. A qualified project may*  
21 *include but not be limited to:*

22 *1. Housing for older persons, as defined in 42 U.S.C. sec. 3607;*

23 *2. Workforce housing that:*

24 *a. Is defined by the corporation in its qualified allocation plan*  
25 *prepared as required by 26 U.S.C. sec. 42(m)(1); and*

26 *b. Facilitates the creation of housing in areas where economic*  
27 *development and job creation could be inhibited by limitations in*

- 1 the availability of affordable housing; or
- 2 3. Supportive housing projects that:
- 3 a. Provide youths between eighteen (18) and twenty-one (21) years
- 4 of age who are transitioning out of foster care with daily living
- 5 skills and services access;
- 6 b. Use a recovery program model that includes peer support, daily
- 7 living skills classes, and job responsibilities to establish new
- 8 behaviors for individuals recovering from substance abuse;
- 9 c. Provide veterans with housing stability and peer support; or
- 10 d. Allow home health care services to be provided to tenants;
- 11 (g) "Qualified taxpayer" means a taxpayer owning an interest, direct or
- 12 indirect, in a qualified project prior to filing a tax return claiming a
- 13 Kentucky affordable housing credit;
- 14 (h) "Taxable year" has the same meaning as in KRS 141.010; and
- 15 (i) "Taxpayer" has the same meaning as in KRS 131.010.
- 16 (2) (a) The corporation may award Kentucky affordable housing credits for a
- 17 period of five (5) consecutive years commencing with the first year that the
- 18 corporation awards Kentucky affordable housing credits.
- 19 (b) The amount of Kentucky affordable housing credit awarded to a qualified
- 20 project shall be equal to the amount of the federal low-income housing tax
- 21 credit allocated to the qualified project under 26 U.S.C. sec. 42(h)(1) or
- 22 allowed to the qualified project under 26 U.S.C. sec. 42(h)(4)(B).
- 23 (c) The Kentucky affordable housing credit awarded to a qualified project
- 24 shall:
- 25 1. Be claimed over the same ten (10) year credit period as the federal
- 26 low-income housing tax credit, except that there shall be no reduction
- 27 in the tax credit allowable in the first year of the credit period due to

- 1                   the calculation in 26 U.S.C. 42(f)(2);
- 2                   2. Be claimed beginning with the taxable year in which the last building
- 3                   of a qualified project is placed in service; and
- 4                   3. Only apply if:
- 5                   a. The qualified low-income building is a qualified project as of the
- 6                   close of the first year of the credit period; and
- 7                   b. The qualified project is placed in service on or after January 1,
- 8                   2021.
- 9                   (d) 1. If the owner of the qualified project is a pass-through entity, as
- 10                   defined in KRS 141.010, the Kentucky affordable housing credit may
- 11                   be allocated to the partners, members, or shareholders of the entity in
- 12                   any manner agreed to in writing by the partners, members, or
- 13                   shareholders, regardless of whether any person is deemed a partner
- 14                   for federal income tax purposes.
- 15                   2. If the partner, member, or shareholder to which the Kentucky
- 16                   affordable housing credit is allocated is also a pass-through entity, the
- 17                   credit shall continue to pass through each level of the multiple-tiered
- 18                   pass-through entity to the ultimate qualified taxpayer which shall
- 19                   claim the credit.
- 20                   3. For purposes of this section:
- 21                   a. "Member" has the same meaning as in KRS 275.015; and
- 22                   b. "Partner" has the same meaning as in KRS 362.401.
- 23                   (e) The corporation shall not award to any qualified project a combined
- 24                   amount of federal low-income housing tax credit and Kentucky affordable
- 25                   housing credit that exceeds the amount necessary to make the project
- 26                   financially feasible as required by 26 U.S.C. sec. 42(m)(2).
- 27                   (3) (a) An owner of a project seeking the Kentucky affordable housing credit shall

1 file an application with the corporation on a form prescribed by the  
2 corporation.

3 (b) The application shall contain sufficient information for the corporation to  
4 determine that the project is eligible for the Kentucky affordable housing  
5 credit.

6 (4) For taxable years or periods beginning on or after January 1, 2021, a qualified  
7 taxpayer shall be allowed a nonrefundable Kentucky affordable housing credit  
8 against:

9 (a) 1. The income taxes imposed by KRS 141.020 or 141.040; and  
10 2. The limited liability tax imposed by KRS 141.0401;  
11 with the ordering of the credits as provided in Section 3 of this Act; or

12 (b) 1. The insurance premium taxes imposed by KRS 136.330, 136.340,  
13 136.350, 136.360, 136.370, and 136.390; and  
14 2. The retaliatory tax imposed by KRS 304.3-270;  
15 with the ordering of the credits as provided in Section 5 of this Act.

16 (5) (a) The corporation shall issue an eligibility statement to the owner of the  
17 qualified project upon the corporation's approval of a final cost certification  
18 that complies with the corporation's requirements.

19 (b) The eligibility statement shall state:  
20 1. The name and address of the owner of the qualified project;  
21 2. The tax identification number of the owner of the qualified project;  
22 3. The amount of the Kentucky affordable housing credit allocated to the  
23 qualified project for each year of the credit period; and  
24 4. Any other information necessary for the department to efficiently  
25 process a tax return claiming the Kentucky affordable housing credit.

26 (c) The corporation shall transmit all information from the eligibility statement  
27 to the department for processing returns claiming the Kentucky affordable

1           housing credit.

2   (6) The purposes of the Kentucky affordable housing credit include:

3           (a) To encourage a greater amount of private investment in affordable housing  
4           in the Commonwealth;

5           (b) To expand the development of housing for persons with special needs, the  
6           elderly, and the Commonwealth's most vulnerable populations; and

7           (c) To eliminate chronic homelessness for Kentuckians recovering from  
8           substance abuse.

9   (7) The corporation shall report the following information, for each year any  
10   amount of credit is awarded, to the Interim Joint Committee on Appropriations  
11   and Revenue no later than December 31, 2021, and annually thereafter as long  
12   as the Kentucky affordable housing credit is awarded:

13           (a) The number of qualified projects awarded credits each year;

14           (b) A listing, by county of location, of each qualified project awarded credits;  
15           and

16           (c) The amount of credit awarded to each qualified project.

17   ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO  
18 READ AS FOLLOWS:

19   (1) As used in this section:

20           (a) "Eligibility statement" has the same meaning as in Section 1 of this Act;

21           (b) "Federal low-income housing tax credit" has the same meaning as in  
22           Section 1 of this Act;

23           (c) "Kentucky affordable housing credit" has the same meaning as in Section  
24           1 of this Act;

25           (d) "Qualified project" has the same meaning as in Section 1 of this Act; and

26           (e) "Qualified taxpayer" has the same meaning as in Section 1 of this Act.

27   (2) (a) For taxable years beginning on or after January 1, 2021, a qualified

1           taxpayer shall be allowed a nonrefundable Kentucky affordable housing  
2           credit against the taxes imposed by KRS 141.020 or 141.040 and 141.0401,  
3           with the ordering of the credits as provided in Section 3 of this Act.

4           (b) If the tax liability of the qualified taxpayer in any taxable year is not an  
5           amount sufficient to fully utilize the entire Kentucky affordable housing  
6           credit for that taxable year, the excess credit may be carried forward by the  
7           qualified taxpayer for three (3) taxable years.

8           (3) (a) The qualified taxpayer claiming a Kentucky affordable housing credit shall  
9           submit to the department, at the time of filing the tax return claiming the  
10           Kentucky affordable housing credit, a copy of the eligibility statement issued  
11           by the corporation to the qualified project.

12           (b) If the corporation has not yet issued the eligibility statement at the time the  
13           qualified taxpayer files the return, the qualified taxpayer may later amend  
14           the tax return to include the eligibility statement.

15           (4) (a) If any amount of the federal low-income housing tax credit claimed for a  
16           qualified project is required to be recaptured or is otherwise disallowed  
17           pursuant to 26 U.S.C. sec. 42, a portion of the Kentucky affordable housing  
18           credit shall be recaptured from the qualified taxpayer claiming the credit.

19           (b) The percentage of the Kentucky affordable housing credit that is recaptured  
20           under paragraph (a) of this subsection shall be equal to the percentage of  
21           federal low-income housing tax credit which is recaptured.

22           (c) If any amount of the Kentucky affordable housing credit is recaptured, the  
23           department shall assess the taxpayer in an amount equal to one hundred  
24           percent (100%) of the recaptured amount. The recaptured amount shall be  
25           paid in the taxable year within which the recapture occurs.

26           (5) (a) In order for the General Assembly to evaluate the purposes of the tax credits  
27           provided in Section 1 of this Act, the department shall provide the following

1 information on a cumulative basis for each taxable year or period to provide  
 2 a historical impact of the tax credits to the Commonwealth:

3 1. The number of tax returns, by the tax type of return filed, claiming the  
 4 credit for each taxable year;

5 2. The total amount of credit claimed on returns filed for each taxable  
 6 year or period;

7 3. The cumulative number of projects by county, as identified by the  
 8 mailing address on the return filed for each taxable year or period;

9 4. The cumulative total of credit claimed by county, as identified by the  
 10 mailing address on the return filed for each taxable year or period;

11 5. a. In the case of taxpayers other than corporations, based on  
 12 ranges of adjusted gross income of no larger than five thousand  
 13 dollars (\$5,000), the total amount of credits claimed for each  
 14 adjusted gross income range for each taxable year; and

15 b. In the case of corporations, based on ranges of net income of no  
 16 larger than fifty thousand dollars (\$50,000), the total amount of  
 17 credits claimed for each net income range for each taxable year;  
 18 and

19 6. Any other taxpayer information necessary for the General Assembly to  
 20 evaluate this credit.

21 (b) The report required by paragraph (a) of this subsection shall be submitted  
 22 to the Interim Joint Committee on Appropriations and Revenue no later  
 23 than November 1, 2022, and annually thereafter as long as the Kentucky  
 24 affordable housing credit is claimed on any tax return filed, including  
 25 returns filed under Section 4 of this Act.

26 ➔Section 3. KRS 141.0205 is amended to read as follows:

27 If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax

1 imposed by KRS 141.020, 141.040, and 141.0401, the priority of application and use of  
2 the credits shall be determined as follows:

- 3 (1) The nonrefundable business incentive credits against the tax imposed by KRS  
4 141.020 shall be taken in the following order:
- 5 (a) The limited liability entity tax credit permitted by KRS 141.0401;
  - 6 (b) The economic development credits computed under KRS 141.347, 141.381,  
7 141.384, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and  
8 154.12-2088;
  - 9 (c) The qualified farming operation credit permitted by KRS 141.412;
  - 10 (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
  - 11 (e) The health insurance credit permitted by KRS 141.062;
  - 12 (f) The tax paid to other states credit permitted by KRS 141.070;
  - 13 (g) The credit for hiring the unemployed permitted by KRS 141.065;
  - 14 (h) The recycling or composting equipment credit permitted by KRS 141.390;
  - 15 (i) The tax credit for cash contributions in investment funds permitted by KRS  
16 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS  
17 154.20-258;
  - 18 (j) The research facilities credit permitted by KRS 141.395;
  - 19 (k) The employer High School Equivalency Diploma program incentive credit  
20 permitted under KRS 151B.402;
  - 21 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
  - 22 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
  - 23 (n) The clean coal incentive credit permitted by KRS 141.428;
  - 24 (o) The ethanol credit permitted by KRS 141.4242;
  - 25 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
  - 26 (q) The energy efficiency credits permitted by KRS 141.436;
  - 27 (r) The railroad maintenance and improvement credit permitted by KRS 141.385;



- 1 (s) The Endow Kentucky credit permitted by KRS 141.438;
- 2 (t) The New Markets Development Program credit permitted by KRS 141.434;
- 3 (u) The distilled spirits credit permitted by KRS 141.389;
- 4 (v) The angel investor credit permitted by KRS 141.396;
- 5 (w) The film industry credit permitted by KRS 141.383 for applications approved
- 6 on or after April 27, 2018;~~and~~
- 7 (x) The inventory credit permitted by KRS 141.408; ***and***
- 8 ***(y) The Kentucky affordable housing credit permitted by Section 2 of this Act.***
- 9 (2) After the application of the nonrefundable credits in subsection (1) of this section,
- 10 the nonrefundable personal tax credits against the tax imposed by KRS 141.020
- 11 shall be taken in the following order:
- 12 (a) The individual credits permitted by KRS 141.020(3);
- 13 (b) The credit permitted by KRS 141.066;
- 14 (c) The tuition credit permitted by KRS 141.069;
- 15 (d) The household and dependent care credit permitted by KRS 141.067; and
- 16 (e) The income gap credit permitted by KRS 141.066.
- 17 (3) After the application of the nonrefundable credits provided for in subsection (2) of
- 18 this section, the refundable credits against the tax imposed by KRS 141.020 shall be
- 19 taken in the following order:
- 20 (a) The individual withholding tax credit permitted by KRS 141.350;
- 21 (b) The individual estimated tax payment credit permitted by KRS 141.305;
- 22 (c) The certified rehabilitation credit permitted by KRS 171.3961 and
- 23 171.397(1)(b); and
- 24 (d) The film industry tax credit permitted by KRS 141.383 for applications
- 25 approved prior to April 27, 2018.
- 26 (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the
- 27 tax imposed by KRS 141.040.

- 1 (5) The following nonrefundable credits shall be applied against the sum of the tax  
2 imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)  
3 of this section, and the tax imposed by KRS 141.0401 in the following order:
- 4 (a) The economic development credits computed under KRS 141.347, 141.381,  
5 141.384, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and  
6 154.12-2088;
  - 7 (b) The qualified farming operation credit permitted by KRS 141.412;
  - 8 (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
  - 9 (d) The health insurance credit permitted by KRS 141.062;
  - 10 (e) The unemployment credit permitted by KRS 141.065;
  - 11 (f) The recycling or composting equipment credit permitted by KRS 141.390;
  - 12 (g) The coal conversion credit permitted by KRS 141.041;
  - 13 (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods  
14 ending prior to January 1, 2008;
  - 15 (i) The tax credit for cash contributions to investment funds permitted by KRS  
16 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS  
17 154.20-258;
  - 18 (j) The research facilities credit permitted by KRS 141.395;
  - 19 (k) The employer High School Equivalency Diploma program incentive credit  
20 permitted by KRS 151B.402;
  - 21 (l) The voluntary environmental remediation credit permitted by KRS 141.418;
  - 22 (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
  - 23 (n) The clean coal incentive credit permitted by KRS 141.428;
  - 24 (o) The ethanol credit permitted by KRS 141.4242;
  - 25 (p) The cellulosic ethanol credit permitted by KRS 141.4244;
  - 26 (q) The energy efficiency credits permitted by KRS 141.436;
  - 27 (r) The ENERGY STAR home or ENERGY STAR manufactured home credit

- 1 permitted by KRS 141.437;
- 2 (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
- 3 (t) The railroad expansion credit permitted by KRS 141.386;
- 4 (u) The Endow Kentucky credit permitted by KRS 141.438;
- 5 (v) The New Markets Development Program credit permitted by KRS 141.434;
- 6 (w) The distilled spirits credit permitted by KRS 141.389;
- 7 (x) The film industry credit permitted by KRS 141.383 for applications approved
- 8 on or after April 27, 2018;~~and~~
- 9 (y) The inventory credit permitted by KRS 141.408; ***and***
- 10 ***(z) The Kentucky affordable housing credit permitted by Section 2 of this Act.***
- 11 (6) After the application of the nonrefundable credits in subsection (5) of this section,
- 12 the refundable credits shall be taken in the following order:
- 13 (a) The corporation estimated tax payment credit permitted by KRS 141.044;
- 14 (b) The certified rehabilitation credit permitted by KRS 171.3961 and
- 15 171.397(1)(b); and
- 16 (c) The film industry tax credit permitted by KRS 141.383 for applications
- 17 approved prior to April 27, 2018.

18 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 136 IS CREATED TO

19 READ AS FOLLOWS:

20 ***(1) As used in this section:***

- 21 ***(a) "Eligibility statement" has the same meaning as in Section 1 of this Act;***
- 22 ***(b) "Federal low-income housing tax credit" has the same meaning as in***
- 23 ***Section 1 of this Act;***
- 24 ***(c) "Kentucky affordable housing credit" has the same meaning as in Section***
- 25 ***1 of this Act;***
- 26 ***(d) "Qualified project" has the same meaning as in Section 1 of this Act; and***
- 27 ***(e) "Qualified taxpayer" has the same meaning as in Section 1 of this Act.***

- 1 (2) For insurance premiums tax returns beginning on or after January 1, 2021, a  
2 qualified taxpayer shall be allowed a nonrefundable Kentucky affordable housing  
3 credit against the taxes imposed by KRS 136.330, 136.340, 136.350, 136.360,  
4 136.370, 136.390, or 304.3-270, with the ordering of the credits as provided in  
5 Section 5 of this Act.
- 6 (3) If the tax liability of the qualified taxpayer in any taxable year is not an amount  
7 sufficient to fully utilize the entire Kentucky affordable housing credit for that  
8 taxable year, the excess credit may be carried forward by the qualified taxpayer  
9 for three (3) taxable years.
- 10 (4) (a) The qualified taxpayer claiming a Kentucky affordable housing credit shall  
11 submit to the department, at the time of filing the tax return claiming the  
12 Kentucky affordable housing credit, a copy of the eligibility statement issued  
13 by the corporation to the qualified project.
- 14 (b) If the corporation has not yet issued the eligibility statement at the time the  
15 qualified taxpayer files the return, the qualified taxpayer may later amend  
16 the tax return to include the eligibility statement.
- 17 (5) (a) If any amount of the federal low-income housing tax credit claimed for a  
18 qualified project is required to be recaptured or is otherwise disallowed  
19 pursuant to 26 U.S.C. sec. 42, a portion of the Kentucky affordable housing  
20 credit shall be recaptured from the qualified taxpayer claiming the credit.
- 21 (b) The percentage of the Kentucky affordable housing credit that is recaptured  
22 under paragraph (a) of this subsection shall be equal to the percentage of  
23 federal low-income housing tax credit which is recaptured.
- 24 (c) If any amount of the Kentucky affordable housing credit is recaptured, the  
25 department shall assess the taxpayer in an amount equal to one hundred  
26 percent (100%) of the recaptured amount. The recaptured amount shall be  
27 paid in the year within which the recapture occurs.

1 **(6) The Kentucky Department of Revenue shall provide the same type of information**  
 2 **for credits claimed under this section as required by Section 2 of this Act to the**  
 3 **Interim Joint Committee on Appropriations and Revenue no later than November**  
 4 **1, 2022, and annually thereafter as long as the Kentucky affordable housing**  
 5 **credit is claimed on any tax return filed.**

6 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 136 IS CREATED TO  
 7 READ AS FOLLOWS:

8 **(1) If a taxpayer is entitled to more than one (1) of the tax credits allowed against the**  
 9 **taxes imposed by KRS 136.330, 136.340, 136.350, 136.360, 136.370, 136.390, and**  
 10 **304.3-270, the priority of application and use of the credits shall be determined as**  
 11 **follows:**

12 **(a) The Kentucky Investment Fund Act credit permitted by KRS 154.20-258;**

13 **(b) The New Markets Development Program credit permitted by KRS 141.434;**

14 **and**

15 **(c) The Kentucky affordable housing credit permitted by Section 1 of this Act.**

16 **(2) A qualified taxpayer claiming a credit against any of the insurance premiums**  
 17 **taxes imposed by KRS 136.330, 136.340, 136.350, 136.360, 136.370, or 136.390**  
 18 **shall not be required to pay additional retaliatory tax imposed by KRS 304.3-270.**

19 ➔Section 6. KRS 131.190 is amended to read as follows:

20 (1) No present or former commissioner or employee of the department, present or  
 21 former member of a county board of assessment appeals, present or former property  
 22 valuation administrator or employee, present or former secretary or employee of the  
 23 Finance and Administration Cabinet, former secretary or employee of the Revenue  
 24 Cabinet, or any other person, shall intentionally and without authorization inspect or  
 25 divulge any information acquired by him of the affairs of any person, or information  
 26 regarding the tax schedules, returns, or reports required to be filed with the  
 27 department or other proper officer, or any information produced by a hearing or

1 investigation, insofar as the information may have to do with the affairs of the  
2 person's business.

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

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

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

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

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

14 (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or  
15 energy resources assessed under KRS 132.820, or owners of surface land  
16 under which the unmined minerals lie, factual information about the owner's  
17 property derived from third-party returns filed for that owner's property, under  
18 the provisions of KRS 132.820, that is used to determine the owner's  
19 assessment. This information shall be provided to the owner on a confidential  
20 basis, and the owner shall be subject to the penalties provided in KRS  
21 131.990(2). The third-party filer shall be given prior notice of any disclosure  
22 of information to the owner that was provided by the third-party filer;

23 (f) Providing to a third-party purchaser pursuant to an order entered in a  
24 foreclosure action filed in a court of competent jurisdiction, factual  
25 information related to the owner or lessee of coal, oil, gas reserves, or any  
26 other mineral resources assessed under KRS 132.820. The department may  
27 promulgate an administrative regulation establishing a fee schedule for the

- 1 provision of the information described in this paragraph. Any fee imposed  
 2 shall not exceed the greater of the actual cost of providing the information or  
 3 ten dollars (\$10);
- 4 (g) Providing information to a licensing agency, the Transportation Cabinet, or  
 5 the Kentucky Supreme Court under KRS 131.1817;
- 6 (h) Statistics of gasoline and special fuels gallonage reported to the department  
 7 under KRS 138.210 to 138.448;
- 8 (i) Providing any utility gross receipts license tax return information that is  
 9 necessary to administer the provisions of KRS 160.613 to 160.617 to  
 10 applicable school districts on a confidential basis;
- 11 (j) Providing documents, data, or other information to a third party pursuant to an  
 12 order issued by a court of competent jurisdiction; or
- 13 (k) Providing information to the Legislative Research Commission under:
- 14 1. KRS 139.519 for purposes of the sales and use tax refund on building  
 15 materials used for disaster recovery;
  - 16 2. KRS 141.436 for purposes of the energy efficiency products credits;
  - 17 3. KRS 141.437 for purposes of the ENERGY STAR home and the  
 18 ENERGY STAR manufactured home credits;
  - 19 4. KRS 148.544 for purposes of the film industry incentives;
  - 20 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization  
 21 tax credits and the job assessment fees;
  - 22 6. KRS 141.068 for purposes of the Kentucky investment fund;
  - 23 7. KRS 141.396 for purposes of the angel investor tax credit;
  - 24 8. KRS 141.389 for purposes of the distilled spirits credit;
  - 25 9. KRS 141.408 for purposes of the inventory credit; ~~and~~
  - 26 10. KRS 141.390 for purposes of the recycling and composting credit; ***and***
  - 27 ***11. Sections 2 and 4 of this Act for purposes of the Kentucky affordable***

1                                    *housing 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.