PACKAGE **KBI**

Kentucky Business Investment Program (KBI) Tax Credit

2017

KRS 154.32-010 to 100

KBI

- ♦ **Only use this package if you have received approval for the KBI credit per KRS 154.32-010 to 100 by the Cabinet for Economic Development.**
- ♦ **See instructions.**
- ♦ **Attach to form 720, 720S, 765, 765GP, or 725.**

Purpose of Package – Use this package to report KBI tax incentives for which your business entity has been approved per KRS 154.32 010 to 100. You must have received preliminary or final approval in accordance with KRS 154.32 to determine the credit allowed. Schedule KBI-T is used by the company which has entered into an agreement for a Kentucky Business Investment Program (KBI) project to maintain a record of approved costs, wage assessments, and tax credits.

General Instructions – Only include one incentive project per Package KBI. If your business entity files a form 720 with the state of Kentucky, you must complete Schedule KBI (Page 3) and Schedule KBI-T (Page 7). If your business entity files form 720S, 765, 765 GP, or 725, you must complete Schedule KBI-SP (Page 5) and Schedule KBI-T (Page 7).

First and Last Year Prorations— Tax incentives are only available to be claimed during the term of the incentive agreement. Tax incentives claimed during the first and last years of an incentive agreement must be prorated accordingly. Separate period accounting is recommended, but a proration factor may be used if separate period accounting is not available.

To determine the proration factor in the first year of the incentive agreement, divide the number of days from the activation date until the end of your taxable year by the total number of days in your taxable year. Multiply the total income by the proration factor to determine the project income when separate period accounting is not available.

To determine the proration factor in the last year of the incentive agreement, divide the number of days from the first day of your taxable year through the end of the incentive agreement term by the total number of days in your taxable year. Multiply the total income by the proration factor to determine the project income when separate period accounting is not available.

TAX CREDIT COMPUTATION SCHEDULE (FOR A KBI PROJECT OF A CORPORATION) 2017

Taxable Year Ending

Mo. Yr.

Name of Corporation	Federal Identification Number	Kentucky Corporation/LLET Account Number
Location of Project City County	Activation Date of KBI Incentive Agreement Mo. Day Yr.	Economic Development Project Number

PART I—Computation of LLET Excluding KBI Project

1. LLET from Form 720, Part I, line 1	1		00
2. LLET on KBI project (see instructions)	2		00
3. LLET excluding LLET on KBI project (line 1 less line 2)	3		00

PART II—Computation of Taxable Net Income Excluding Net Income from KBI Project and KBI Tax Credit

Section A–Computation of Corporation Tax

1. Enter income tax from Form 720, Part II, line 1	1		00
2. LLET of corporation (Part I, line 1)	2		00
3. LLET credit allowed (line 2 less $175, but not more than line 1)	3		00
4. Total corporation tax (lines 1 and 2 less line 3)	4		00

Section B–Computation of Tax Excluding KBI Project

1. Enter taxable net income from Form 720, Part III, line 25	1		00
2. Enter net income from KBI project; if loss, enter -0-	2		00
3. Taxable net income excluding net income from KBI project (line 1 less line 2). If line 2 is greater than line 1, enter -0-	3		00

4. Corporation income tax on amount from line 3:

	Taxable Net Income	Rate	Tax
(a) First $50,000		X 4%	00
(b) Next $50,000		X 5%	00
(c) All income over $100,000		X 6%	00

(d) Total income tax liability excluding KBI project (add lines 4(a) through 4(c))	4(d)		00
5. LLET excluding LLET on KBI project (Part I, line 3)	5		00
6. Enter LLET from line 5 less $175, but not more than line 4(d)	6		00
7. Total tax excluding KBI project (lines 4(d) and 5 less line 6)	7		00
8. Total tax attributable to KBI project (Section A, line 4 less Section B, line 7) Continue to Part III and enter this amount on Part III, line 1	8		00

PART III—Limitation

1. Enter tax liability attributable to KBI project from Part II, Section B, line 8	1		00
2. Enter balance of approved costs from Schedule KBI-T, Column E	2		00
3. Allowable KBI tax credit (lesser of line 1 or line 2)	3		00

Enter allowable credit on Schedule TCS, Part I, Column E and Column F

➤ *Economic development project* means a project authorized under the Kentucky Rural Economic Development Act (KREDA), Metropolitan College Consortium Tax Credit (MCC), Kentucky Small Business Tax Credit Program (KSBTC), Kentucky Industrial Development Act (KIDA), Kentucky Economic Opportunity Zone Act (KEOZ), Kentucky Jobs Retention Agreement (KJRA), Kentucky Industrial Revitalization Act (KIRA), Kentucky Jobs Development Act (KJDA), Kentucky Business Investment Program (KBI), Kentucky Reinvestment Act (KRA), Skills Training Investment Credit Act (STICA), and Incentives for Energy Independence Act (IEIA).

The KBI tax credit is applied against the corporation income tax imposed by KRS 141.040 and/or the limited liability entity tax (LLET) imposed by KRS 141.0401. The amount of tax credit against each tax can be different; however, for tracking purposes, the maximum amount of credit used against either tax is the amount that is used for the tax year.

PURPOSE OF SCHEDULE—This schedule is used by a corporation to determine the credit allowed against the Kentucky corporation income tax liability and LLET attributable to the project per KRS 141.415.

GENERAL INSTRUCTIONS

Part I—Computation of LLET Excluding KBI Project

Line 2—Use Schedule L, Line 1(b) of Form 720 to compute the LLET of the KBI project using only the Kentucky gross receipts and Kentucky gross profits of the project. If approved for multiple projects, attach a breakdown of each project's LLET computation. In the first and last years of each project, only calculate Kentucky gross receipts and gross profits received during the term of the incentive agreement.

If the corporation has operations other than the KBI project, it must attach schedules reflecting the computation of Kentucky gross profits and Kentucky gross receipts from the KBI project per KRS 141.415(6)(b)** or KRS 141.415(7)(b).****

Part II—Computation of Taxable Net Income Excluding Net Income from KBI Project and KBI Tax Credit

Section B

Line 2—Enter net income from the KBI project. If the corporation's only operation in Kentucky is the KBI project, the amount entered on Line 1 must also be entered on Line 2. If the corporation has operations other than the KBI project, it must attach schedules reflecting the computation of the net income from the KBI project per KRS 141.415(6)(a)* or KRS 141.415(7)(a).*** In the first and last years of each project, only calculate Kentucky net income received during the term of the incentive agreement.

See form for computation.

Part III—Limitation

Calculate KBI tax credit based on the corporation's tax liability, tax liability attributable to KBI project, and balance of approved costs from Schedule KBI-T. Enter credit on Schedule TCS, Part I, Column E and Column F.

A corporation with more than one economic development project must separately compute the tax credit derived from each project. Complete the applicable tax computation schedules (KREDA, KIDA, KEOZ, KJRA, KIRA, KJDA, KBI, KRA, or IEIA) for each project. A corporation approved for the Skills Training Investment Credit Act (STICA) or Metropolitan College Consortium Tax Credit (MCC) must attach a copy of the certification(s) from the Bluegrass State Skills Corporation.

A corporation approved for the Kentucky Small Business Tax Credit Program (KSBTC) must attach a copy of the certification from the Kentucky Economic Development Finance Authority.

Alternative Methods — Per KRS 141.415(8), if the approved company can show that the nature of the operations and activities of the approved company are such that it is not practical to use separate accounting to determine net income, Kentucky gross receipts, or Kentucky gross profits from the facility where the project is located, the approved company must determine net income, Kentucky gross receipts, or Kentucky gross profits attributable to the project using an alternative method approved by the Department of Revenue. Thus, if any method other than separate accounting is used, **a copy of the letter from the Department of Revenue approving the alternative method must be attached to this schedule.**

* Per KRS 141.415(6)(a), if the project is a totally separate facility, net income attributable to the project shall be determined by the separate accounting method.

** Per KRS 141.415(6)(b), if the project is a totally separate facility, Kentucky gross receipts or Kentucky gross profits attributable to the project shall be determined under the separate accounting method reflecting only the Kentucky gross receipts or Kentucky gross profits directly attributable to the facility.

*** Per KRS 141.415(7)(a), if the KBI project is an expansion to a previously existing facility, net income attributable to the entire facility shall be determined under the separate accounting method and the net income attributable to the KBI project shall be determined by apportioning the separate accounting net income of the entire facility to the KBI project income using a formula approved by the Department of Revenue. **A copy of the letter from the Department of Revenue approving the formula must be attached to this schedule.**

**** Per KRS 141.415(7)(b), if the KBI project is an expansion to a previously existing facility, Kentucky gross receipts or Kentucky gross profits attributable to the entire facility shall be determined under the separate accounting method and the Kentucky gross receipts or Kentucky gross profits attributable to the KBI project shall be determined by apportioning the separate accounting Kentucky gross receipts or Kentucky gross profits of the entire facility to the KBI project Kentucky gross receipts or Kentucky gross profits. **A copy of the letter from the Department of Revenue approving the formula must be attached to this schedule.**

SCHEDULE **KBI-SP**

Commonwealth of Kentucky
Department of Revenue

TAX COMPUTATION SCHEDULE (FOR A KBI PROJECT OF A PASS–THROUGH ENTITY)

2017

Taxable Year Ending

Mo. Yr.

Name of Pass-through Entity	Federal Identification Number	Kentucky Corporation/LLET Account Number
Location of Project City County	Activation Date of KBI Incentive Agreement Mo. Day Yr.	Economic Development Project Number

PART I—Computation of KBI Tax Credit and Tax Due

1. Kentucky taxable income on KBI project (see instructions)	1		00
2. Net operating loss deduction on KBI project	2	( )	00
3. Kentucky taxable income on KBI project after net operating loss deduction (line 1 less line 2)	3		00
4. Income tax on amount from line 3:			

	Taxable Net Income		Rate	Tax
(a) First $3,000		x	2%	00
(b) Next $1,000		x	3%	00
(c) Next $1,000		x	4%	00
(d) Next $3,000		x	5%	00
(e) Over $8,000 up to $75,000		x	5.8%	00
(f) Over $75,000		x	6%	00

(g) Total income tax liability of KBI project (add lines 4(a) through 4(f))	4(g)		00
5. LLET on KBI project (see instructions). **Not applicable for Form 765–GP**	5		00
6. LLET credit allowed (line 5 less $175, but not more than line 4(g)). **Not applicable for Form 765–GP**	6		00
7. Total tax on KBI project (lines 4(g) and 5 less line 6)	7		00
8. Limitation (Column E from Schedule KBI-T)	8		00
9. Enter the lesser of line 7 or line 8 as either:			
(a) KBI tax credit	9(a)		00
or			
(b) Estimated tax payment and complete election in Part II	9(b)		00
10. If line 7 is larger than line 9(a) or 9(b), enter difference here as a **liability** of the pass–through entity. (Any pass–through entity reflecting a tax liability, complete Tax Payment Summary below and remit payment.)	10		00

PART II—Estimated Tax Election

In accordance with KRS 141.415(4)(b), ______________________________
Name of Pass–through Entity

elects for the taxable year ended ____________________ , in lieu of the KBI tax credit, to have an amount equal to the lesser of line 7 or line 8 above applied as an estimated tax payment.

➤

Signature of Shareholder, Partner, or Member Date

TAX PAYMENT SUMMARY (Make check payable to Kentucky State Treasurer.)

Tax ______________ Interest ______________ Penalty ______________ **TOTAL** ______________

PURPOSE OF SCHEDULE—This schedule is used by a pass–through entity to determine the credit allowed against the Kentucky income tax and LLET attributable to the project per KRS 141.415.

Pass–through entities should first complete Form 720S, 765, or 765–GP to determine net income (loss), deductions, etc., from the entire operations of the pass–through entity. The pass–through entity should then complete Schedule KBI–SP to determine the KBI tax credit and the tax due, if any, from the KBI project. A pass–through entity is subject to tax per KRS 141.020 and KRS 141.0401 on the net income and the Kentucky gross receipts or Kentucky gross profits from the project and the KBI credit is applied against the tax of the KBI project. Consequently, the pass–through entity must use Form 720S(K), Form 765(K), or Form 765–GP(K) to exclude the net income from the KBI project from the partners, members, or shareholders' distributive share income, and Schedule L, Line 1(b) of Form 720S or Form 765 to exclude Kentucky gross receipts or Kentucky gross profits of the KBI project from LLET at the entity level.

Multiple Projects—A pass–through entity with multiple economic development projects must complete the applicable schedules (KREDA–SP, KIDA–SP, KEOZ–SP, KJRA–SP, KIRA–SP, KJDA–SP, KBI–SP, KRA–SP, or IEIA–SP) to determine the credit and net tax liability, if any, for each project.

Line 1—If the pass–through entity's only operation is the KBI project, the amount entered on Line 1 is the net income (loss) from Form 720S, 765, or 765–GP. If the pass–through entity has operations other than the KBI project, a schedule must be attached reflecting the computation of the net income (loss) from the KBI project in accordance with the following instructions, and such amount entered on Line 1. In the first and last years of each project, only calculate Kentucky taxable income received during the term of the incentive agreement.

Separate Facility—Per KRS 141.415(6), if the project is a totally separate facility, net income, Kentucky gross receipts, and Kentucky gross profits attributable to the project must be determined by a separate accounting method.

Expansion of Existing Facility—Per KRS 141.415(7), if the KBI project is an expansion to a previously existing facility, the net income, Kentucky gross receipts, and Kentucky gross profits must be determined under a separate accounting method reflecting the entire facility, and the net income, Kentucky gross receipts, and Kentucky gross profits must be determined by apportioning the net income, Kentucky gross receipts, and Kentucky gross profits of the entire facility to the economic development project by a formula approved by the Department of Revenue. **A copy of the letter from the Department of Revenue approving the percentage must be attached to the schedule.**

Alternative Methods—Per KRS 141.415(8), if the approved company can show that the nature of the operations and activities of the approved company are such that it is not practical to use a separate accounting method to determine the net income, Kentucky gross receipts, and Kentucky gross profits from the facility where the economic development project is located, the approved company must use an alternative method approved by the Department of Revenue. **A copy of the letter from the Department of Revenue approving the alternative method must be attached to this schedule.**

Separate Accounting—If the economic development project is a totally separate facility, net income must reflect only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility; and Kentucky gross receipts or Kentucky gross profits must reflect only Kentucky gross receipts or Kentucky gross profits directly attributable to the facility.

If the economic development project is an expansion to a previously existing facility, net income of the entire facility must reflect only the gross income, deductions, expenses, gains, and losses allowed under this chapter directly attributable to the facility and overhead expenses apportioned to the facility; and Kentucky gross receipts and Kentucky gross profits must reflect only Kentucky gross receipts and Kentucky gross profits directly attributable to the facility. Net income, Kentucky gross receipts, and Kentucky gross profits of the entire facility attributable to the economic development project must be determined by apportioning the net income, Kentucky gross receipts, and Kentucky gross profits by a formula approved by the Department of Revenue.

Line 2—Enter the net operating loss from the KBI project, if any, being carried forward from previous years.

Note: Just as the income from a KBI project does not flow through to partners, members, or shareholders, neither do the losses. The project's net operating loss from prior years must be subtracted from the project income before calculating the KBI credit.

General Partnership—Lines 5 and 6 of this schedule should not be completed by a general partnership as a general partnership is not subject to LLET.

Line 5—Use Schedule L, Line 1(b) of Form 720S or Form 765 to compute the LLET of the KBI project using only the Kentucky gross receipts and Kentucky gross profits of the project. If approved for multiple projects, attach a breakdown of each project's LLET computation. In the first and last years of each project, only calculate Kentucky LLET received during the term of the incentive agreement.

Line 9—In lieu of the tax credit, the approved company may elect, on an annual basis, to apply as an estimated tax payment an amount equal to the allowable tax credit. Any estimated tax payment must be in satisfaction of the tax liability of the partners, members, or shareholders of the pass–through entity, and must be paid on behalf of the partners, members, or shareholders. Enter an amount on either (a) or (b), but in no case should there be an entry on both (a) and (b). Per KRS 141.415(5), this estimated tax payment is excluded in determining each partner, member, or shareholder's distributive share income or credit from a pass–through entity. Accordingly, the partners, members, or shareholders are not entitled to claim any portion of this estimated tax payment against their Kentucky income tax liability.

TRACKING SCHEDULE FOR A KBI PROJECT

2017

Name of Entity

Entity Type	Federal Identification Number	Kentucky Corporation/LLET Account Number
☐ Corporation ☐ Limited Liability Pass-through Entity ☐ General Partnership ☐ Other		

Location of Project City County	Activation Date of KBI Incentive Agreement Mo. Day Yr.	Economic Development Project Number

A Taxable Year Ended	B Approved Costs (Col. E – Col. F from Prior Year)	C Approved Costs	D Employee Wage Assessments Imposed	E KBI Credit Limitation (Col. B + C – D)	F KBI Credit Claimed
			–	=	
	+		–	=	
	+		–	=	
	+		–	=	
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PURPOSE OF SCHEDULE—This schedule is used to maintain a record of the approved costs, wage assessments, and tax credits (income tax and LLET) for the duration of the agreement. This information is necessary for the company to determine the limitation of the tax credit for each year of the agreement and to allow the Kentucky Department of Revenue to verify that the credit has been properly computed.

GENERAL INSTRUCTIONS

A separate Schedule KBI-T, Tracking Schedule for a KBI Project, must be maintained for the duration of each KBI project. Beginning with the first tax year of the KBI tax incentive agreement, complete Columns A through F using a separate line for each year of the agreement. The company must attach a copy of this schedule updated with current year information to the Schedule KBI or Schedule KBI-SP which is filed with the Kentucky tax return.

For Form 720, all tax credits are entered on Schedule TCS, Tax Credit Summary Schedule. The total tax credits calculated may exceed the amount that can be used. Credits must be claimed in the order prescribed by KRS 141.0205. Total credits claimed cannot reduce the LLET below the $175 minimum nor the income tax liability below zero.

SPECIFIC INSTRUCTIONS

Column A—Enter on each line the ending date (month, day and year) of the tax year for which the information requested in Columns B through F is entered.

Column B—This column will always be blank for the first taxable year of the agreement. For each year thereafter, if the amount entered in Column E for the prior year exceeds the amount entered in Column F for the prior year, enter the difference. If the amount entered in Column F for the prior year equals the amount entered in Column E for the prior year, enter zero (-0-).

Column C—Enter the total amount of approved costs per the agreement for the taxable year.

Column D—Enter the total amount of employee wage assessments imposed on the salaries of employees during the taxable year.

Column E—Enter the result of adding the amounts entered in Columns B and C and subtracting the amount entered in Column D. Also, enter on Schedule KBI, Part III, Line 2, or Schedule KBI-SP, Part I, Line 8, whichever is applicable.

Column F—The tax credit calculated for each tax can be different; however, for tracking purposes, the larger amount used against either tax is recorded as the amount claimed. Enter the greater of Column E or Column F from Schedule TCS for this project.