

INSTRUCTIONS –SCHEDULE KEOZ-SP
(Form 720S, Form 765 or Form 765-GP)

PURPOSE OF SCHEDULE—This schedule is used by any pass-through entity which has entered into a service and technology agreement or a tax incentive agreement for a Kentucky Economic Opportunity Zone (KEOZ) Act project to determine the credit allowed against the Kentucky income tax and LLET in accordance with KRS 141.401 on the income and Kentucky gross receipts or Kentucky gross profits from the project.

Pass-through entities should first complete Form 720S, Form 765 or Form 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 KEOZ-SP to determine the KEOZ tax credit and the tax due, if any, from the KEOZ project. A pass-through entity is subject to tax as provided by 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 KEOZ credit is applied against the tax of the KEOZ project. Consequently, the pass-through entity must use Form 720S(K), Form 765(K) or Form 765-GP(K) in lieu of Schedule K (Form 720S), Schedule K (Form 765) or Schedule K (Form 765-GP) in order to exclude the net income from the KEOZ project from the partners, members or shareholders' distributive share income, and Schedule LLET(K) in lieu of Schedule LLET in order to exclude the Kentucky gross receipts or the Kentucky gross profits of the KEOZ project from the LLET at the entity level.

Multiple Projects—A general partnership with multiple economic development projects must complete an applicable schedule (Schedule KREDA-SP, Schedule KIDA-SP, Schedule KJDA-SP, Schedule KIRA-SP or Schedule KEOZ-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 KEOZ project, the amount entered on Line 1 is the net income (loss) from Form 720S, Form 765 or Form 765-GP. If the pass-through entity has operations other than the KEOZ project, a schedule must be attached reflecting the computation of the net income (loss) from the KEOZ project in accordance with the following instructions, and such amount entered on Line 1.

Separate Facility—In accordance with KRS 141.401(6), if the project is a totally separate facility, net income, Kentucky gross receipts and Kentucky gross profits attributable to the project shall be determined by a separate accounting method.

Expansion of Existing Facility—In accordance with KRS 141.401(7), if the KEOZ project is an expansion to a previously existing facility, the net income, Kentucky gross receipts and Kentucky gross profits shall be determined under a separate accounting method reflecting the entire facility, and the net income, Kentucky gross receipts and Kentucky gross profits shall 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—In accordance with KRS 141.401(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 at which the economic development project is located, the approved company shall 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 shall 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 shall 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 shall 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 shall 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 shall 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 KEOZ project, if any, being carried forward from previous years.

Note: Just as the income from a KEOZ 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 KEOZ credit.

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

Line 5—Using Schedule LLET, compute the LLET using only the Kentucky gross receipts and Kentucky gross profits of the KEOZ project. Enter KEOZ at the top center of the Schedule LLET and attach to return.

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 made in this paragraph shall be in satisfaction of the tax liability of the partners, members or shareholders of the pass-through entity, and shall be paid on behalf of the partners, members or shareholders. Enter an amount on either (a) or (b), but in no case shall there be an entry on both (a) and (b). In accordance with KRS 141.401(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.