

1 Committee of Conference Report on HB 155-FN, reducing the rate of the business enterprise tax.

2
3 Recommendation:

4 That the House recede from its position of nonconcurrency with the Senate amendment, and
5 concur with the Senate amendment, and

6 That the Senate and House adopt the following new amendment to the bill as amended by the
7 Senate, and pass the bill as so amended:

8
9 Amend the bill by replacing all after the enacting clause with the following:

10
11 1 Business Enterprise Tax; Returns. Amend RSA 77-E:5, I to read as follows:

12 I. Every business enterprise having gross business receipts in excess of [~~\$250,000~~] **\$400,000**
13 as defined by RSA 77-E:1, X, during the taxable period or the enterprise value tax base of which is
14 greater than [~~\$250,000~~] **\$400,000** shall, on or before the fifteenth day of the third month in the case
15 of enterprises required to file a United States partnership tax return, the fifteenth day of the fifth
16 month in the case of enterprises required to file a United States exempt organization return, and the
17 fifteenth day of the fourth month in the case of all other business enterprises, following expiration of
18 its taxable period, make a return to the commissioner. For tax years beginning January 1, [~~2015~~]
19 **2029**, the commissioner shall biennially adjust these threshold amounts rounding to the nearest
20 \$1,000 based on the 2-year (24-month) percentage change in the Consumer Price Index for All Urban
21 Consumers, Northeast Region as published by the Bureau of Labor Statistics, United States
22 Department of Labor using the amount published for the month of June in the year prior to the start
23 of the tax year. All returns shall be signed by the business enterprise or by its authorized
24 representative, subject to the pains and penalties of perjury and the penalties provided in RSA 21-
25 J:39.

26 2 Appropriation; Department of Health and Human Services. The sum of \$2,500,000 for the
27 biennium ending June 30, 2027, is hereby appropriated to the department of health and human
28 services for the purpose of supporting per-diem nursing facility rates paid out of 05-95-48-482010-
29 2152-504. All funds allocated to the department for this purpose shall be spent during the biennium.
30 The department is authorized to accept and expend any matching federal funds without prior
31 approval of the fiscal committee. The governor is authorized to draw a warrant out of any money in
32 the treasury not otherwise appropriated.

33 3 New Section; Business Enterprise Tax; Automatic Rate Reduction Upon Certified Business
34 Tax Surplus. Amend RSA 77-E by inserting after section 2 the following new section:

Committee of Conference Report on HB 155-FN
- Page 2 -

1 77-E:2-a Automatic Rate Reduction Upon Certified Business Tax Surplus.

2 I. In this section:

3 (a) "Combined business tax revenue" means the total unrestricted revenue received by
4 the state from the business profits tax under RSA 77-A and the business enterprise tax under RSA
5 77-E for a completed fiscal year, net of refunds, as reported in the audited annual comprehensive
6 financial report.

7 (b) "Combined business tax plan" means the sum of the final official revenue estimates
8 for the business profits tax and the business enterprise tax as adopted in the biennial operating
9 budget and any revisions enacted in statute prior to the close of the applicable fiscal year.

10 (c) "Business tax surplus" means the amount, if any, by which combined business tax
11 revenue exceeds the combined business tax plan for the same fiscal year.

12 II. Not later than December 31 following the close of each fiscal year, the legislative budget
13 assistant, based upon the audited annual comprehensive financial report prepared by the
14 department of administrative services and the official revenue reports issued by the department of
15 revenue administration, shall certify in writing to the governor, the speaker of the house of
16 representatives, the president of the senate, the chairs of the house ways and means, senate ways
17 and means, house finance, and senate finance committees, and the commissioner of the department
18 of revenue administration:

19 (a) The combined business tax revenue for the completed fiscal year;

20 (b) The combined business tax plan for the same fiscal year; and

21 (c) The business tax surplus, if any, calculated under this section.

22 III. For each full \$100,000,000 of business tax surplus certified under paragraph II, and
23 subject to the conditions and floor set forth in paragraphs IV through VI, the rate of tax imposed
24 under RSA 77-E:2 shall be reduced by 0.05 percentage points, effective for taxable periods beginning
25 on or after January 1 of the calendar year immediately following the calendar year in which the
26 certification is issued.

27 IV.(a) No rate reduction shall take effect under this section if any of the following conditions
28 are true at the close of the applicable fiscal year:

29 (1) The revenue stabilization reserve account established under RSA 9:13-e is below
30 its statutory cap;

31 (2) Combined general fund and education trust fund unrestricted revenue for the
32 applicable fiscal year is less than the official revenue plan for those funds; or

33 (3) Combined business tax revenue for the applicable fiscal year is less than
34 combined business tax revenue for the immediately preceding fiscal year.

35 (b) If any of these conditions causes a reduction to be suspended, the certified business
36 tax surplus shall carry forward and be applied in the next succeeding fiscal year in which none of
37 these conditions is true.

Committee of Conference Report on HB 155-FN
- Page 3 -

1 V. The rate of tax imposed under RSA 77-E:2 shall not be reduced below 0.25 percent by
2 operation of this section. Upon the rate reaching 0.25 percent, this section shall cease to operate,
3 and any further reduction in the rate shall require an affirmative enactment of the general court.

4 VI. Not later than 60 days following each certification under paragraph II, the commissioner
5 of the department of revenue administration shall publish notice of any rate reduction taking effect
6 under this section and shall issue updated forms and guidance to taxpayers. Required updates to
7 administrative rules shall be exempt from the procedures in RSA 541-A to the extent necessary to
8 give timely effect to a rate reduction under this section.

9 4 Effective Date.

10 I. Section 2 of this act shall take effect June 30, 2026.

11 II. The remainder of this act shall take effect January 1, 2027.

Committee of Conference Report on HB 155-FN
- Page 4 -

The signatures below attest to the authenticity of this Report on HB 155-FN, reducing the rate of the business enterprise tax.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Lang, Dist. 2

Rep. Janigian, Rock. 25

Sen. Sullivan, Dist. 18

Rep. Ulery, Hills. 13

Sen. Murphy, Dist. 16

Rep. Sweeney, Rock. 25

Rep. Ford, Rock. 3

Committee of Conference Report on HB 155-FN
- Page 5 -

2026-2088-CofC

AMENDED ANALYSIS

This bill:

I. Raises the amount of income needed before businesses are required to file a business enterprise tax return with the department of revenue administration.

II. Appropriates funds to the department of health and human services for certain nursing facilities.

III. Reduces the rate of the business enterprise tax in the event of certain business tax revenue surpluses.