CHAPTER 280
HB 155-FN - FINAL VERSION

8Jan2026... 2983h
05/07/2026 1652s
05/07/2026 1754s
4Jun2026... 2088CofC

2026 SESSION

25-0504
07/05

HOUSE BILL ***155-FN***

AN ACT relative to business enterprise tax returns and appropriating funds to the department of health and human services for licensed nursing facilities.

SPONSORS: Rep. Sweeney, Rock. 25; Rep. Alexander Jr., Hills. 29; Rep. Berry, Hills. 44; Rep. Osborne, Rock. 2

COMMITTEE: Ways and Means

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.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to business enterprise tax returns and appropriating funds to the department of health and human services for licensed nursing facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

280:1 Business Enterprise Tax; Returns. Amend RSA 77-E:5, I to read as follows:

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

280:2 Appropriation; Department of Health and Human Services. The sum of $2,500,000 for the biennium ending June 30, 2027, is hereby appropriated to the department of health and human services for the purpose of supporting per-diem nursing facility rates paid out of 05-95-48-482010-2152-504. All funds allocated to the department for this purpose shall be spent during the biennium. The department is authorized to accept and expend any matching federal funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant out of any money in the treasury not otherwise appropriated.

280:3 New Section; Business Enterprise Tax; Automatic Rate Reduction Upon Certified Business Tax Surplus. Amend RSA 77-E by inserting after section 2 the following new section:

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

I. In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

280:4 Effective Date.

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

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

Approved: July 10, 2026
Effective Date:
I. Section 2 effective June 30, 2026
II. Remainder effective January 1, 2027