



## INSTRUCTIONS

### WHO MUST APPORTION

A business enterprise must apportion its enterprise value tax base if:

- Its business activities are conducted both inside and outside New Hampshire, AND
- The business enterprise is subject to a business privilege tax, net income tax, franchise tax based upon net income, capital stock tax in another state, or is subject to the jurisdiction of another state to impose a net income tax or capital stock tax upon it, whether or not it is actually imposed by the other state.

Combined Group Filers: The individual nexus members must apportion the separate entity's activities using the Form BET-80-WE.

## LINE-BY-LINE INSTRUCTIONS

### NAME AND TAXPAYER IDENTIFICATION NUMBER

ENTER the Business Enterprise's name and taxpayer identification number [Social Security Number (SSN), Federal Employer Identification Number (FEIN), or Department Identification Number (DIN)] in the spaces provided.

For the purpose of administering any state tax as allowed under 42 U.S.C Section 405, the Commissioner of the Department of Revenue Administration is authorized to require the submission of an SSN, FEIN, or any other identifying number used in filing or preparing federal tax returns by individuals, businesses, or return preparers. (See RSA 21-J:27-a; N.H. Code of Admin. Rules, Rev 2903.02(c); and 42 USCS sec. 405(c)(2)(C)(i)). Where SSNs or FEINs are required, taxpayers who have been issued a DIN shall use their DIN only, not their SSN or FEIN.

Enter the beginning and ending dates of the taxable period if different from the calendar year.

## SECTION I APPORTIONMENT FACTORS

For combined groups, using the Form BET-80-WE, enter the name and FEIN of each nexus member at the top of each column. If additional columns are needed attach a schedule using the same format. Complete Lines 1 through 29 separately for each New Hampshire nexus member in the combined group. Note: Business Enterprise Tax (BET) nexus differs from Business Profits Tax (BPT) nexus. Public Law 86-272 does not apply to BET.

### COMPENSATION AND WAGES FACTOR

#### LINES 1 & 2

Enter on Line 1 the "New Hampshire" compensation and wages paid or accrued.

Enter on Line 2 the "EVERYWHERE" compensation and wages paid or accrued.

"Compensation and wages" includes all wages, salaries, fees, bonuses, commissions or other payments paid directly or accrued by the business enterprise, in the taxable period, on behalf of or for the benefit of employees, officers or directors of the business enterprise and subject to or specifically exempt from withholding under Internal Revenue Code (IRC) Section 3401. Payments made expressly exempt from withholding under IRC § 3401(a) (1), (9), (10), (13), (14), (15), (16), (18), (19), and (20); as well as any tips required to be reported by the employee to the employer under IRC § 6053(a) should not be included.

**For Proprietorships and Partnerships:** The compensation amount entered on Line 18 should include the amount of any compensation deduction taken under the BPT pursuant to RSA 77-A:4, III in the taxable period. It should include the remainder, if any, of the guaranteed payments to partners reduced by the New Hampshire BPT Compensation for Personal Services deduction, and any net earnings from self-employment subject to tax under IRC § 1401 to the extent it was not included in the amount of any deduction taken pursuant to RSA 77-A:4, III in the taxable period.

#### LINE 3

Enter on Line 3 the amount of Line 1 divided by Line 2. Express this amount as a decimal to six places.

## INTEREST FACTOR

#### LINES 4 & 5

Enter on Line 4 the average value of beginning and ending "New Hampshire" real and tangible personal property owned and employed. Enter on Line 5 the average value of beginning and ending "EVERYWHERE" real and tangible personal property owned and employed. Property includes all real and tangible personal property owned and employed by the business enterprise during the taxable period in the regular course of its trade or business. Leasehold improvements are treated as property owned by the business enterprise. Real and tangible personal property which is rented or leased is NOT included in the BET interest factor.

"Real and tangible personal property" includes land, buildings, improvements, equipment, merchandise or manufacturing inventories, leasehold improvements and other similar property that reflects the enterprise's business activities. Property shall be included if it is actually used, available to be used, or capable of being used during the taxable period in the regular course of the trade or business of the enterprise. Property or equipment under construction during the taxable period, except inventoriable goods in process, shall be excluded until such property is actually used or available for use by the business enterprise in its regular trade or business.

**Valuation of Owned Property:** Property owned by the business enterprise must be valued at its original cost. "Original cost" is the basis of the property for federal income tax purposes at the time of acquisition, prior to any federal adjustments, and adjusted by subsequent sale, exchange, abandonment, etc. Inventory is included in accordance with the valuation method used for federal income tax purposes.



**INSTRUCTIONS - continued**

Average Value of Owned Property: The beginning and ending cost of owned property is used to determine the average cost for the property. Where fluctuations in values exist during the period or where property is acquired or disposed of during the period, a monthly average shall be used to prevent distortions. "Beginning of Period" means the start of the taxable period or when available for use.

**LINE 6**

Enter on Line 6 the amount of Line 4 divided by Line 5. Express this amount as a decimal to six places.

**DIVIDEND FACTOR**

**LINES 7 & 8**

Enter on Line 7 the "New Hampshire" sales.

Enter on Line 8 the "EVERYWHERE" sales.

Sales include:

- Sales less returns and allowances;
- Interest, rents and royalties;
- Dividends which are not eligible for the dividend deduction under RSA 77-E:3, II and III;
- Capital gain income;
- Net gains or losses; and
- Other income unless the other income is properly includible as a reduction of an expense or allowance.

**LINE 9**

Enter on Line 9 the amount of Line 7 divided by Line 8. Express this amount as a decimal to six places.

**LINE 10**

Enter on Line 10 the sum of the Lines 3, 6 and 9.

**LINE 11**

Enter on Line 11 the amount of Line 10 divided by 3. Express this amount as a decimal to six places. If there are only two "EVERYWHERE" factors, then divide by 2; if only one "EVERYWHERE" factor, divide by 1.

**SECTION II BUSINESS ENTERPRISE TAX BASE APPORTIONMENT**

**DIVIDEND APPORTIONMENT**

**LINE 12**

Enter the amount of dividends paid. "Dividends" means any distribution of money or property, other than the distribution of newly issued stock of the same enterprise, to the owners of a business with respect to their ownership interest in such enterprise from accumulated revenues and profits of the enterprise. See the BET "Quick Checklist" for dividends not included.

**LINE 13**

Enter the amount allowed for dividends received from members of an affiliated group of business enterprises, as provided in RSA 77-E:3, II and III. Include only those dividends which have previously been included in the payor corporation's taxable business enterprise value tax base, subject to taxation under the BET law.

**LINE 14**

Enter the amount of Line 12 minus Line 13.

**LINE 15**

Enter the DIVIDEND FACTOR from Line 11.

**LINE 16**

Enter the product of Line 14 multiplied by Line 15. If negative, use minus sign, e.g., -\$50.

**LINE 17**

If Line 16 is negative, enter zero. If Line 16 is positive, enter this amount on Line 17. Enter the amount from Line 17 on Line 1 of your Business Enterprise Tax Return or Form BET.

**LINE 17(a) For Combined Group BET-80-WE**

Enter the sum of columns 17A, 17B & 17C for all nexus members of the combined group on Line 17(a). If additional Columns were used, include the sum of all Columns in the total. Enter this amount on Form BET, Line 1.



**INSTRUCTIONS - continued**

**COMPENSATION WAGES AND APPORTIONMENT, INCLUDING DEFERRED COMPENSATION**

**LINE 18**

Enter the amount of everywhere compensation paid or accrued, including deferred compensation. Include all wages, salaries, fees, bonuses, commissions or other payments paid or accrued in the taxable period.

**For Proprietorships and Partnerships:** The compensation amount entered on Line 18 should include the amount of any compensation deduction taken under the BPT pursuant to RSA 77-A:4, III in the taxable period. It should include the remainder, if any, of the guaranteed payments to partners reduced by the New Hampshire BPT Compensation for Personal Services deduction and any net earnings from self-employment subject to tax under IRC § 1401 to the extent it was not included in the amount of any deduction taken pursuant to RSA 77-A:4, III in the taxable period.

**LINE 19**

Enter the amount of any net earnings from self-employment that are retained and used for the reasonable needs of the enterprise. See Rev 2403.01 for further clarification.

**LINE 20**

Enter the amount of Line 18 minus Line 19.

**LINE 21**

Enter the COMPENSATION FACTOR from Line 3.

**LINE 22**

Enter the product of Line 20 multiplied by Line 21. If negative, use minus sign, e.g., -\$50.

**LINES 23 and LINE 28**

If Line 16 is positive or zero, enter zero on Lines 23 and 28. If Line 16 is negative, then this amount may be applied on Line 23 to offset "TAXABLE COMPENSATION" or applied on Line 28 to offset "TAXABLE INTEREST".

The amount entered on Line 23 cannot exceed the amount on Line 22.  
The amount entered on Line 28 cannot exceed the amount on Line 27.  
The sum of Lines 23 and 28 cannot exceed the amount on Line 16.

**LINE 24**

Enter the amount of Line 22 minus Line 23.

**Enter the amount from Line 24 on Line 2 of your Business Enterprise Tax Return or Form BET.**

**LINE 24(a) For Combined Group BET-80-WE**

Enter the sum of columns 24A, 24B & 24C for all nexus members of the combined group on line 24(a). If additional columns were used, include the sum of all columns in the total. Enter this amount on Form BET, Line 2.

**INTEREST APPORTIONMENT**

**LINE 25**

Enter the amount of interest paid or accrued. Pursuant to RSA 77-E:1, XI, "Interest" means all amounts paid or accrued for the use or forbearance of money or property. The term "interest" shall not include amounts paid, credited, or set aside in connection with reserves by insurers to fulfill policy and contractual responsibilities to policy holders or by voluntary employees' beneficiary associations qualified under IRC § 501(c) (9) to fulfill obligations to members.

**LINE 26**

Enter the INTEREST FACTOR from Line 6.

**LINE 27**

Enter the product of Line 25 multiplied by Line 26. If negative, use minus sign, e.g., -\$50.

**LINE 28**

See instructions for Line 23.

**LINE 29**

Enter the amount of Line 27 minus Line 28. Enter the amount from Line 29 on Line 3 of your Business Enterprise Tax Return or Form BET.

**LINE 29(a) For Combined Group BET-80-WE**

Enter the sum of columns 29A, 29B & 29C for all nexus members of the combined group on Line 29(a). If additional columns were used, include the sum of all columns in the total. Enter this amount on Form BET, Line 3.