



**INSTRUCTIONS**

**GENERAL INSTRUCTIONS**

Page one cannot be completed until all other applicable pages have been completed.

ROUND EVERY ENTRY TO THE NEAREST WHOLE DOLLAR (IF 49 CENTS OR LESS ROUND DOWN, IF 50 CENTS OR MORE ROUND UP). **REPORT NEGATIVE AMOUNTS USING A MINUS SIGN.**

Form NH-1120-WE is used for combined filing. Consolidated returns are not permitted. The purpose of Schedule I-A is to reconcile the federally reported net income of non-consolidated members of the combined group to the New Hampshire combined net income of the water's edge group.

**NAME & TAXPAYER IDENTIFICATION NUMBER**

ENTER the principal New Hampshire filer'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, a 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 405 (c) (2) (C) (i)). Where SSNs or FEINs are required, taxpayers who have been issued a DIN must use their DIN only, and not their SSN or FEIN.

At the top of the return enter the beginning and ending dates of the taxable period if different from the calendar year.

**FORMS AND SCHEDULES USED TO FILE AN NH-1120-WE COMBINED BUSINESS PROFITS TAX RETURN**

FAILURE TO COMPLETE AND INCLUDE ALL FORMS AND SCHEDULES WITH THE RETURN IS A FAILURE TO FILE. There are two types of combined returns, those that reflect a U.S. Consolidated return, and those that include corporate and non-corporate members.

**TYPE ONE**

Complete in the following order:

U.S. Consolidated group combined return

**SCHEDULES REQUIRED**

Form DP-80 Apportionment

**If foreign dividends -**

Page 1 through Page 4 of NH-1120-WE

NH Additional Information Page

NH Affiliation Schedule

U.S. Consolidated Tax Return

NH BET Return

NH BET-80-WE

NH BT Summary

Schedule II and Schedule III **MUST BE COMPLETED**

**TYPE TWO**

Complete in the following order:

Corporate, Proprietorship, Partnership, Trusts. This group can include a U.S. Consolidated return, or a mix of any other federal filed returns.

**SCHEDULES REQUIRED**

NH Schedule I-A

If foreign dividends -

If non-consolidated corporate member-

If 1120S member -

If partnership -

If Proprietorship member -

If LLC member -

If Joint owned property member -

If Trust member -

Form DP-80 Apportionment

Page 1 through Page 4 of NH-1120-WE

NH Additional Information Page

NH Affiliation Schedule

All U.S. tax returns represented

NH BET Return

NH BET-80-WE

NH BT Summary

Schedule II and Schedule III

Schedule 1-A Line 1

Form DP-120

Form DP-120-P

Form DP-121 Part One

Form DP-121 Part One

Form DP-121 Part One

Form DP-121 Part Two



**LINE-BY-LINE INSTRUCTIONS**

**TAXABLE INCOME before Net Operating Loss Deduction and Special Deductions**

**LINE 1 US CONSOLIDATED**

Enter the amount as filed with the IRS on the US consolidated return of the principal New Hampshire business organization. Pursuant to Rev 301.25 "Principal New Hampshire business organization" means an entity designated as the responsible party for filing all returns, declarations, extensions, or other documents required under the business profits tax on behalf of a combined group. If the group does not include a US consolidated member, start at LINE 5 and file under the Principal New Hampshire business organization of that group.

**LINE 2 OVERSEAS BUSINESS ORGANIZATIONS INCLUDED IN LINE 1**

Enter the total of those business organizations gross business profits included in the consolidated US federal income tax return which qualify as overseas business organizations, as defined by RSA 77-A:1, XIX. These business organizations are included in part F of the NH-1120-WE Affiliation Schedule.

**LINE 3 NON-UNITARY ENTITIES INCLUDED IN LINE 1**

Enter the total gross business profits of those entities included in the consolidated US federal income tax return which are not part of the water's edge combined group, as defined in RSA 77-A:1,XV. These business organizations are included in part E of the NH-1120-WE Affiliation Schedule.

**LINE 4 CONSOLIDATING ELIMINATIONS ATTRIBUTABLE TO ENTITIES INCLUDED IN LINE 2 & 3**

Enter the total federal consolidating eliminations which are attributable to those entities excluded from the water's edge combined group as either overseas business organizations or non-unitary affiliates (Line 2 and Line 3).

**LINE 5 NEW HAMPSHIRE UNITARY, NON-CONSOLIDATED MEMBERS FROM SCHEDULE I-A, Line 7**

Enter the total of those business organizations gross business profits including corporations, partnerships, joint ventures, etc., which are part of the water's edge combined group but are not part of the consolidated US federal income tax return reported on Line 1. **If an amount is entered on this line, NH-1120-WE Schedule I-A must be completed.**

**LINE 6 INTERCOMPANY INCOME (EXPENSE)**

Eliminate any intercompany income (Expense) between members of New Hampshire water's edge combined group. Examples would include:

- Income (expense) not eliminated through federal 1120 consolidation.
- Income (expense) between the additional unitary members on Line 5 and the other members.
- Income (expense) between New Hampshire water's edge affiliates on Line 1 and those on Line 5.

Report the elimination of income as a positive amount and the elimination of expense as a negative amount.

**Line 7**

Subtotal (Line 1 minus Lines 2 and 3, plus Lines 4 through Line 6)

**LINE 8(a)**

Enter the income (loss) included in Line 7 which is allowed to be excluded pursuant to federal constitutional law.

**LINE 8(b)**

Enter the amount of deducted expenses related to the exempt income or loss reported on Line 8 (a).

**LINE 9**

Subtotal Line 7 adjusted by Lines 8 (a) and 8(b).

**LINE 10(a) through 10(g)** are adjustments necessary to increase or decrease gross business profits to reflect the Internal Revenue Code (IRC) of 1986 in effect on December 31, 2000. Every business organization which commences business after 12/31/2000, or has been in New Hampshire prior to 12/31/2000 and has availed their business of federal changes after 12/31/2000, must account for the differences between the IRC in place on 12/31/2000 and the changes made to that IRC by Congress from 1/1/2001 to the end date of this tax period, except for IRC §179. The adjustments on Lines 10(a) through 10(g) reflect the adjustments that are necessary to account for the changes. If a taxpayer seeks to report an adjustment which is necessary that has not been delineated in other sections of Line 10, attach an explanation for either Line 10(d) or 10(f).

The statutory requirement to follow the IRC in effect on 12/31/2000 has significant impact on the tax basis of assets used in businesses operating within New Hampshire, and also within and without New Hampshire. A separate accounting of the New Hampshire tax basis must be maintained for depreciation purposes and for determining the gain or loss in the event of the sale of business assets.

LINE 10(a) Add the amount of IRC §179 expense taken on the federal return in excess of \$20,000 or \$25,000 for property placed in service on or after January 1, 2012, including carryover amounts, deducted in the taxable period.

LINE 10(b) Add the amount of bonus depreciation taken on the federal return for assets placed in service this period. Bonus depreciation, allowed federally under §168(k), is not allowed on the BPT return.

LINE 10(c) Add the amount of Domestic Production Activities deduction taken on the federal return this year. Domestic Production Activities deductions are not allowed on the NH-BPT return, as allowed on federal tax returns per IRC §199.



**LINE-BY-LINE INSTRUCTIONS**

LINE 10(d) Add any other deductions taken on the federal return that need to be eliminated or adjusted due to revisions to the IRC in effect on 12/31/2000.

LINE 10(e) Deduct additional depreciation related to IRC §179 and bonus depreciation not allowed for this tax year or for prior tax years. Because there may be a basis difference due to the federal and state treatment of IRC §179 expense and bonus depreciation, the regular depreciation allowed under IRC §167 and IRC §168 may be different than that deducted on the federal return; recalculate your allowable depreciation and deduct the difference on this line.

LINE 10(f) Deduct any other items included on the federal return that need to be eliminated or adjusted due to revisions to the IRC in effect on 12/31/2000.

LINE 10(g) Increase or Decrease the net gain or loss on the sale of assets used in the business which have a different State basis from the tax basis reported on the federal tax return. Because there may be a basis difference between the federal and state treatment of IRC §179 expense, and bonus depreciation, the regular depreciation allowed by IRC §167 and IRC §168 would generally be greater on the NH-BPT return than that deducted on the federal tax return. This may create a different adjusted basis to assets used in the business that have not been completely depreciated, and thus a different gain or loss for state reporting than that reported on the federal tax return on the sale of business assets. Recalculate the gain or loss and place the difference on this line.

LINE 10(h) The sum of 10(a) through 10(d), minus Lines 10(e) and 10(f), adjusted by 10(g); if negative, use minus sign in front of the number.

**LINE 11 COMBINED NET INCOME**

LINE 11(a) Combined Net Income. Enter on Line 11(a), Line 9 adjusted by 10(h). This total represents the combined net income of the water's edge group.

LINE 11(b) Separate entity adjustments to income or expense, attach worksheet. Enter the amounts which arise from the necessity of adjusting Gross Business Profits to accommodate the New Hampshire requirement of separate entity treatment for business organizations. Do not eliminate investment income on this line, as New Hampshire requires that all business income be included. New Hampshire does not have a non-business income statute.

LINE 11(c) Subtotal [Line 11(a) adjusted by Line 11(b)]. If negative, use minus sign [See instructions for Net Operating Loss (NOL) Form DP-132].

LINE 11(d) Foreign Dividends (Must be the same amount as Schedule II, Line 6 and the total of Column B on Schedule III).

LINE 11(e) New Hampshire Combined Net Income [Line 1(c) adjusted by Line 1(d). If negative, use minus sign].

**LINE 12 NEW HAMPSHIRE ADDITIONS AND DEDUCTIONS**

LINE 12(a) Deduct interest or dividend income that is subject to taxation under RSA 77. Deduct the amount of Interest and Dividends reported on the Interest and Dividends Tax return (DP-10) on this line. Partnerships, LLCs, and associations, whose gross interest and dividends do not exceed \$2,400 are not subject to the Interest and Dividends Tax and thus cannot make a deduction on this line. See RSA 77:3, (b). If the amount of interest and dividends exceeds \$2,400, the entity may be subject to the Interest and Dividends Tax. The application of the term "subject to tax" is not affected by the proportionate amount taxed related to a New Hampshire inhabitant partner(s). See RSA 77:14-a.

LINE 12(b) Deduct interest income earned resulting from investments in direct United States obligations. Deduct interest, net of expenses, earned from investments in United States obligations on this line if issued to secure credit to carry on the necessary functions of government. Exempt U.S. Government interest claimed as a deduction must be reduced by the following expenses if the expenses were claimed as deductions in arriving at your federal taxable income: interest on money borrowed to purchase or carry the bonds or securities or ordinary and necessary expenses paid or incurred in connection with producing exempt income. These expenses may also be added back on Line 12(g). Do not add back twice.

LINE 12(c) Deduct reasonable compensation for personal services performed by a proprietor, partner, or member for the business organization, who is a natural person. This deduction is not available to a corporation or a trust. A partnership or proprietorship whose partner(s) or proprietor performs services for the business organization may take a reasonable compensation deduction on the business organization's NH-BPT return for that service. If the compensation deduction exceeds \$75,000, then the business organization must maintain business records to demonstrate that the deduction is reasonable.

If a business organization was unable to take a reasonable compensation deduction in a prior year(s) due to insufficient business profits, the business organization may adjust this year's compensation deduction to reflect the compensation not deducted in the prior year(s). However, the business organization must maintain records sufficient to demonstrate that intention.

The amount of the deduction cannot reduce taxable business profits to less than zero.

Reasonable compensation may also include an amount up to 15% of the gross selling price of a business asset. This amount must represent a commission attributable to the efforts of a partner or proprietor to sell that asset.

LINE 12(d) Add income taxes or franchise taxes measured by income. Add, on this line, deductions for taxes that have been taken on the Federal tax return for any state, or subdivision of a state, or foreign taxes based on or measured by net income.

The Business Enterprise Tax (BET) is not based on or measured by net income and is not added back. Business Profits Tax (BPT) is based on net income and must be added back if a deduction for BPT has been taken of your federal tax return.



**INSTRUCTIONS - continued**

LINE 12(e) In the case of a corporation having adopted a plan of liquidation subsequent to June 30, 1981, which has a non-recognized gain as a result of the application of the IRC (1954) §337, as amended, or meets the exception requirements allowing the federal non-recognition provisions of §337 as provided in §633 of the Tax Reform Act of 1986, an addition to gross business profits for the amount of such gain.

LINE 12(f) Deduct the wage adjustment required by IRC §280C. Deduct the wages or salaries paid or incurred for the taxable year which is equal to the sum of the credits determined for the taxable year under IRC §45A(a), §51(a), §1396(a), §1400P(b), and §1400R.

LINE 12(g) Deduct Foreign dividend gross-up (IRC § 78). IRC §78 provides that dividends received from foreign affiliates are "grossed-up" to include income taxes paid on the dividends to foreign countries. The taxpayer can then apply the grossed-up amount in computing its foreign tax credit for federal purposes. The amount of gross-up is a separately stated item in the federal Form 1120, Schedule C. Qualified dividends do not include IRC §78 amounts. Deduct the gross-up on this line.

LINE 12(h) Deducted qualified charitable contributions. A deduction is allowed for the contribution of scientific equipment or apparatus to educational organization or institutes of higher education equal to the sum of the taxpayer's basis in the contributed property plus 50 percent of the unrealized appreciation, or twice the basis of the property, whichever is less.

LINE 12(i) Deduct the allowable net operating loss (NOL) carry forward from a prior year. Deduct net operating losses from prior years on this line. New Hampshire has a 10-year carryforward provision for using losses. No more than \$250,000 can be carried-forward for taxable periods ending 7/1/1997 to 6/30/2003, \$500,000 for taxable periods ending 7/1/2003 through 6/30/2004, \$750,000 for taxable periods ending 7/1/2004 through 6/30/2005, \$1,000,000 for taxable periods ending 7/1/2005 through 12/31/2012 and \$10,000,000 for taxable periods ending 1/1/2013 and after. Losses from each year may be accumulated, but the integrity of each year's loss must be maintained for expiration verification.

The NOL must be apportioned to the taxable period(s) in which the loss occurred to determine the amount of the carry-forward based on the apportionment determined on the Form DP-80. Form DP-132 must be attached for this deduction.

LINE 12(j) The following adjustments are required to account for the increase in the basis of assets federally due to the sale or exchange of an interest in the business organization:

Line 12(j) - A: Report the amount of the increase in the basis of assets federally, attributable to the sale or exchange of an interest in the business organization. If multiple sales or exchanges, provide an aggregated figure, check the appropriate box(es) below, and attach a schedule of transactions.

Checkbox: If making an election pursuant to RSA 77-A:4, XIV (b) to recognize the basis increase for any sale or exchange reported on Line 6(h) - A, check the "Yes" box. If reporting elections for multiple transactions check the "Yes" box and attach a schedule reporting the details for each transaction.

Line 12(j) - B: If not making an election pursuant to RSA 77-A:4, XIV (b) to recognize the basis increase for a sale or exchange reported on Line 6(h) - A, deduct the basis increase associated with the sale(s) or exchange(s) for which an election is NOT being made. If multiple sales or exchanges provide an aggregated figure and attach a schedule of transactions.

Line 12(j) - C: Add the amount of depreciation claimed on the federal return that is attributable to an increase in the basis of assets that has not been recognized for NH purposes pursuant to RSA 77-A:4, XIV (a)(1).

For sales or exchanges occurring on or after January 1, 2016, an entry on this line is required to account for federally reported depreciation attributable to an increase in the basis of assets attributable to a sale or exchange transaction where an election to recognize the basis increase pursuant to RSA 77-A:4, XIV (b) was not made in the current taxable period, or a prior taxable period, for the economic life of the asset(s) in question.

For sales or exchanges occurring before January 1, 2016, an entry on this line is required to account for federally reported depreciation attributable to an increase in the basis of assets attributable to a sale or exchange transaction where an addition to gross business profits was not made in accordance with Rev 302.02, for the economic life of the asset(s) in question.

Line 12(j) - D: Adjust the gain or loss with respect to the sale of assets to account for an increase in the basis of assets that was not recognized for NH purposes pursuant to RSA 77-A:4, XIV (a)(2).

For sales or exchanges occurring on or after January 1, 2016, an entry on this line is required to account for federally reported depreciation attributable to an increase in the basis of assets attributable to a sale or exchange transaction where an election to recognize the basis increase pursuant to RSA 77-A:4, XIV (b) was not made in the current taxable period, or a prior taxable period, upon the sale or disposition of the asset(s) in question.

For sales or exchanges occurring before January 1, 2016, an entry on this line is required to account for federally reported depreciation attributable to an increase in the basis of assets attributable to a sale or exchange transaction where an addition to gross business profits was not made in accordance with Rev 302.02, upon the sale or disposition of the asset(s) in question.

Enter the cumulative total of all items and adjustments reported on lines 12(j) - A through 12(j) - D.



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**INSTRUCTIONS - continued**

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LINE 12(k) Add Qualified Investment Company (QIC) holder's proportional share of QIC profits. Add your share of QIC profits on this line. A business organization which holds an interest in a QIC must add to gross business profits their share of the QIC profits for the year, losses are not deducted. If the QIC makes a distribution do not include the distribution in gross business profits of the interest holder.

LINE 12(l) Deduct assistance payments under 12 U.S.C., § 1823. Deduct assistance payments included on the Federal Tax form for assistance payments made to insured depository institutions. The Federal Deposit Insurance Corporation is authorized, in its sole discretion and upon such terms and conditions as the Board of Directors may prescribe, to make loans to, to make deposits in, to purchase the assets or securities of, and to assume the liabilities.

LINE 12(m) Combine Lines 12(a) through Line 12(l). If negative, use minus sign in front of the number.

**LINE 13** Adjusted Gross Business Profits [Line 11(e) adjusted by Line 12(m)]. If negative, use minus sign in front of the number.

**LINE 14** New Hampshire Apportionment (From DP-80, Line 5. Express as a decimal to 6 places.) A business organization whose activities do not exceed the protection of P.L. 86-272 shall claim the exemption by checking the box and entering 0.00 on Line 5.

**LINE 15** New Hampshire Water's Edge Taxable Business Profits (Line 13 multiplied by Line 14).

**LINE 16** New Hampshire Foreign Dividends (Must be the same amount as Schedule II, Line 7).

**LINE 17** New Hampshire Taxable Business Profits (Line 15 plus Line 16. If negative, enter zero).

**LINE 18** New Hampshire Business Profits Tax (Line 17 x 8.2%).

**LINE 19(a)** If you have paid the BET in this year or have carry over BET credits from the prior 5 years, and have no other credits, enter the BET credit on Line 19(a). BET must be paid to claim a credit against BPT.

**LINE 19(b)** If you have credits in addition to the BET credit, enter the total credits available on this line. Attach Form DP-160.

**LINE 20** New Hampshire Business Profits Tax Net of Statutory Credits (Line 18 minus Line 19(a) or Line 19(b)). The amount cannot be less than zero. Enter the amount from Line 20 on Line 1(b) of the NH BT- Summary Form.

**THIS RETURN MUST BE FILED WITH THE NH BT-SUMMARY AND ALL APPLICABLE FEDERAL SCHEDULES.**



**SCHEDULE I-A - SUMMARY OF COMBINED NET INCOME, NON-CONSOLIDATED MEMBERS**

**WHO MUST FILE**

Combined filers who have non-consolidated members, including but not limited to C corporations, S corporations, partnerships, proprietorships, LLCs and trusts. For all non-consolidated members of the combined group, with the exception of C corporations, additional forms are required to calculate the net income of each member, which forms are described below in the line-by-line instructions.

Example: the combined group has five members that are S corporations, one Form DP-120 should be used to aggregate the net income of all five S corporations.

**LINE 1 NON-CONSOLIDATED CORPORATE MEMBERS**

Enter the amount from the Federal Form 1120, Line 28 of all non-consolidated corporate members of the combined group. This form should include the sum total of all non-consolidated corporate members. Attach Federal Form 1120 for each included member.

**LINE 2** Enter the amount from Form DP-120, Line 2 for all S-Corporations included in the combined group. Attach Federal Form 1120S for each included member.

**LINE 3** Enter the amount from Form DP-120-P, Line 2 for all partnerships included in the combined group. Attach Federal Form 1065 for each included member.

**LINE 4** Enter the amount from Form DP-121, Part One, Line 10 for proprietorships that file on a single Federal Form 1040, which are owned by the same individual, the amount of net profit or loss from a business, profession, rental, farm activity and gains or losses from the sale of assets held for use in a business activity, that are included in the combined group. Attach Federal Form 1040, Schedules C, E, F, D, 4835, 4797, and 6252 for each included proprietorship member.

**LINE 5** Enter the amount from Form DP-121, Part One, Line 10, for any single member limited liability company (SMLLC) owned, by the same individual, that has been disregarded for federal income tax purposes and has filed as a business, profession, rental, farm activity, or has had gains or losses from the sale of assets held for the use in a business activity, or reported other income, including interest income reported on Federal Form 1040, Schedule B, related to the business activity disregarded for Federal income tax reporting purposes as an LLC. All SMLLCs that have been disregarded for Federal income tax purposes are considered as a business organization for Business Profits Tax filing requirements. Attach Federal Form 1040, Schedules B, C, E, F, D, 4835, 4797, and 6252 for each included SMLLC member.

**LINE 6** Enter the amount from Form DP-121, Part Two, Line 10, for any trust included in the combined group, the amount of net profit or loss from a business, profession, rental, farm activity and gains or losses from the sale of assets held for use in a business activity, that are included in the combined group. Attach Federal Form 1040, Schedules B, C, E, F, 4835, 4797, and 6252, and Federal Form 1041 (including Schedule D if applicable) for each included 1041 member.

**LINE 7** Total the amounts from Lines 1 through 6 and carry the result Form NH-1120-WE, Line 5.



**SCHEDULE II - APPORTIONMENT OF FOREIGN DIVIDENDS**

**NAME & TAXPAYER IDENTIFICATION NUMBER**

ENTER the principal New Hampshire filer'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, a 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 405 (c) (2) (C) (i)). Where SSNs or FEINs are required, taxpayers who have been issued a DIN must use their DIN only, and not their SSN or FEIN.

At the top of the return enter the beginning and ending dates of the taxable period if different from the calendar year.

**LINES 1(a), 2(a), and 3(a).** Complete the Form DP-80 and enter the amount of Everywhere and New Hampshire sales, payroll, and property on Lines 1(a), 2(a), and 3(a) respectively on the NH-1120-WE, Schedule II.

**LINES 1(b), 2(b), and 3(b).** Complete Schedule III. The Foreign Dividend Factor Increments calculated on Schedule III for sales, payroll, and property must be carried to Schedule II as follows:

1. Enter the total of Schedule III, Column L on Line 1(b).
2. Enter the total of Schedule III, Column M on Line 2(b).
3. Enter the total of Schedule III, Column N on Line 3(b).

**Note:** The New Hampshire amount for Foreign Dividend Factor Increments will always be zero.

**LINES 1(c), 2(c), and 3(c).** Total Everywhere and New Hampshire sales Line 1(c), payroll Line 2(c), and property Line 3(c) to obtain denominators and numerators for each factor.

Complete the following calculations, as done for Form DP-80, expressed in decimal form to 6 places.

1. Divide the total New Hampshire sales by the adjusted Everywhere sales. Multiply Line 1(d) by 2 to arrive at the adjusted sales factor and enter this amount on Line 1(e).
2. Divide the total New Hampshire payroll by the adjusted Everywhere payroll to arrive at the adjusted payroll factor and enter this amount on Line 2(d).
3. Divide the total New Hampshire property by the adjusted Everywhere property to arrive at the adjusted property factor and enter this amount on Line 3(d).

**LINE 4** Add Lines 1(e), 2(d), and 3(d) and enter the sum on Line 4, expressed in decimal form to 6 places.

**LINE 5** Divide Line 4 by 4, expressed in decimal form to 6 places.

If there are less than 3 factors with an "Everywhere" denominator, then divide Line 4 as follows:

- Sales/Receipts and Payroll- divide by 3
- Sales/Receipts and Property - divide by 3
- Payroll and Property - divide by 2
- Sales/Receipts only - divide by 2
- Property OR Payroll only- divide by 1

Enter the results of your calculation on Line 5. This is the modified apportionment percentage to be applied to taxable foreign dividends.

**LINE 6** Enter the amount of taxable foreign dividends on Line 6. This amount must agree with NH-1120-WE, Line 11(d) and the total of Schedule III, Column B.

**LINE 7** Multiply Line 6 by the modified apportionment percentage on Line 5. This is the New Hampshire Foreign Dividends Taxable Business Profits. Enter this amount on Line 7 and also on NH-1120-WE, Line 16.



**SCHEDULE III - FOREIGN DIVIDEND FACTOR INCREMENTS**

**NAME & TAXPAYER IDENTIFICATION NUMBER**

ENTER the principal New Hampshire filer'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, a 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 405 (c) (2) (C) (i)). Where SSNs or FEINs are required, taxpayers who have been issued a DIN must use their DIN only, and not their SSN or FEIN.

**COLUMN A**

List in Column A the unitary foreign dividend payors whose dividends qualify for factor relief, including those from:  
New Hampshire 80/20 business organization as defined in Rev 301.13 as an entity whose income is included in a consolidated US income tax return, but whose activities are primarily outside the US because 80 percent or more of the average of payroll and property is outside the 50 states and the District of Columbia.

Controlled Foreign Corporations (CFC) that meet the payroll and property requirements of an overseas business organization as defined in RSA 77-A:1, XIX.

IRC §936 Sales Companies that meet the payroll and property requirements of an overseas business organization.

Foreign Sales Corporation (FSC) that meet the payroll and property requirements of an overseas business organization.

Business organizations meeting the payroll and property requirements of an overseas business organization, which made deemed dividends to a member of the unitary group.

FOR EACH UNITARY DIVIDEND PAYOR LISTED ABOVE, PROVIDE THE FOLLOWING INFORMATION IN US DOLLARS:

**COLUMN B**

Enter the amount of the dividend paid or deemed paid.

**COLUMN C**

Enter the taxable income computed using US tax standards.

**COLUMN D**

Enter the result of Column B divided by Column C, expressed in decimal form to 6 places. If this amount is greater than 1, enter 1.000000. If this amount is less than zero, enter zero.

**COLUMN E**

Enter the sales and receipts less returns and allowances pursuant to RSA 77-A:3, I(c). Refer to Rev 304.

**COLUMN F**

Enter the total payroll pursuant to RSA 77-A:3, I(b). Refer to Rev 304.

**COLUMNS G & H**

Enter the beginning and ending property valued at original cost pursuant to RSA 77-A:3, I(a). Refer to Rev 304.

**COLUMN I**

Enter the results of the sum of Column G and Column H divided by 2.

**COLUMN J**

Enter the valuation of rented property valued at 8 times the net annual rental rate pursuant to RSA 77-A:3, I(a). Refer to Rev 304.02.

**COLUMN K**

Enter the total of Columns I and J.

**COLUMNS L, M & N**

Enter the product of Column D multiplied by Columns E, F and K, respectively.

The total of Columns L, M and N will be used on Schedule II, Lines 1(b), 2(b) and 3(b) to modify the apportionment percentage used to determine the amount of foreign dividends from unitary sources subject to New Hampshire Business Profits Tax.

The Combined Group may include non-corporate members. As such, the unitary rules of combination apply. The DP-120, DP-120-P and DP-121 attached to the NH 1120-WE should reflect the combined totals of the entities represented by these forms.





## INSTRUCTIONS

### DP-120 Instructions for a Sub-Chapter S Corporation

Items of income and deductions are reported on a Federal Form 1120S, Schedule K as flow-through items to the shareholders. These instructions explain how Schedule K amounts will be treated in the computation of Gross Business Profits and reported on NH-1120-WE at the corporate level. This computation is in accordance with RSA 77-A:1, III and Administrative Rule Rev 302.01. The conversion of these items of income and deductions results in taxable income subject to the same limitations under the IRC as a C corporation.

### Items of income to determine 1120S corporation Gross Business Profits

**ROUND EVERY ENTRY TO THE NEAREST WHOLE DOLLAR (IF 49 CENTS OR LESS ROUND DOWN, IF 50 CENTS OR MORE ROUND UP).**

**LINE 1(a)** Schedule K, Line 1 Ordinary business income (loss), is reported on Line 1(a).

**LINE 1(b)** Schedule K, Line 2 Rental activity is reported on Line 1(b).

**LINE 1(c)** Schedule K, Line 3(c) Other net rental income (loss) not from a rental activity not reported on Form 8825. Expenses associated with this activity are allowed as a deduction. The net income (loss) is reported on Line 1(c). The gain or loss from the sale of an asset used as a rental as reported on Line 17 of Federal Form 4797 is included on Line 1(c).

**LINE 1(d)** Schedule K, Line 4 Interest income related to portfolio investments is reported on Line 1(d).

**LINE 1(e)** Schedule K, Line 5(a) Dividend income is reported on Line 1(e).

**LINE 1(f)** Schedule K, Line 6 Royalty income received by the corporation is reported on Line 1(f).

**LINE 1(g)** Schedule K, Line 7 Short term capital gain net of losses for Form NH-1120 purposes, but not less than zero, from Schedule D is reported on the Line 1(g). If the result is a net short term loss, report the result in the box to the left of the calculation row.

**LINE 1(h)** Schedule K, Line 8(a) Net Long term capital gains, net of short term losses from Line 1(g) above for Form NH-1120 purposes, but not less than zero, from the Federal Form Schedule D are reported on Line 1(h).

**LINE 1(i)** Schedule K, Line 9 Gains or losses from the sale of assets used in the business (IRC §1231 assets) are reported here. The net gains or losses from sales of assets used in the business are reported on Line 1(i).

**LINE 1(j)** Schedule K, Line 10 Any other item of income not reported above is reported here. Such items as other portfolio income not reported as interest, ordinary dividends, royalty, and capital gain (loss) on prior add backs to corporate income are reported on Line 1(j). Cancellation of Debt is recognized as income to the corporation on Line 1(j).

### DEDUCTIONS to income to determine 1120S Corporation Gross Business Profit

**LINE 1(k)** Schedule K, Line 11 Deduction for the amount of IRC §179 reported on Federal Form 1120S.

**LINE 1(l)** Schedule K, Line 12(a). Deductions for contributions to tax exempt organizations by 1120S corporations must follow the limitations for charitable contributions followed by C-Corporations. Report on Line 1(l).

**LINE 1(m)** Schedule K, Line 12(b). Investment interest expense relates to assets held by the corporation that are intangible. This is deductible on the BPT if the assets or debt is associated with the production of income for the corporation. Report on Line 1(m).

**LINE 1(n)** Schedule K, Line 12(c). IRC §59(e)(2) expenditures are deductible on the Form NH-1120. Report on Line 1(n).

**LINE 1(o)** Schedule K, Line 12(d). This line includes only business expenses allowed deductions for BPT adjustment not reported on Lines 12(a), 12(b) or 12(c). Report these expenses on Line 1(o). New Hampshire does not have any limitations placed on the portfolio deductions. Thus the 2% limitations to AGI at the shareholder level does not apply to this deduction for the corporation.

**LINE 1(p)** Schedule K, Line 14(l) Deduct the amount of foreign taxes paid or accrued on this line. Foreign taxes paid are an add-back to income. See NH-1120-WE Additions and Deductions to New Hampshire Combined Income, Line 12(d).

**LINE 2** Combine Lines 1(a) through 1(j) and from the result subtract the sum of Lines 1(k) through 1(p). Report on NH-1120-WE, Schedule I-A, Line 2.

### NH-1120-WE DP-120-P Instructions

Schedule K and Federal Form 1065, Schedule K from each of the partnerships included in this combined group.



## INSTRUCTIONS

### DP-120-P Instructions for a Partnership

Items of income and deductions are reported on a Federal Form 1065, Schedule K as flow-through item to the partners. These instructions explain how Schedule K amounts will be treated on the NH-1120-WE at the partnership level.

### Items of Income to Determine Partnership Gross Business Profits

**LINE 1(a)** Schedule K, Line 1 Ordinary business income (loss), is reported on Line 1(a).

**LINE 1(b)** Schedule K, Line 2 Rental activity is reported on Line 1(b).

**LINE 1(c)** Schedule K, Line 3(c) Other rental income (loss) not from a rental activity not reported on Form 8825. The net income (loss) is reported on Line 1(c). The gain or loss from the sale of an asset used as a rental is as reported on Line 17 on Federal Form 4797 is also reported on this line.

**LINE 1(d)** Schedule K, Line 4 Guaranteed payments to partners. This line includes payments for salaries, health insurance, and interest paid to a partner that is deducted by the partnership, deferred compensation plans are not included here. Some payments may be capital in nature. Generally payments to partners related to passive activities are not included here. All guaranteed payments are added back on Line 1(d). Payments to partners that are considered business expenses of the partnership may be deducted as business expenses on DP-120-P. A compensation deduction is allowed Combined Adjustments to Gross Business Profit Adjustments Page Line 12(c).

**LINE 1(e)** Schedule K, Line 5 Interest income is related to portfolio investments and is reported on Line 1(e).

**LINE 1(f)** Schedule K, Line 6(a) Dividend income is reported on Line 1(f).

**LINE 1(g)** Schedule K, Line 7 Royalty income received by the partnership is reported on Line 1(g).

**LINE 1(h)** Schedule K, Line 8 Short term capital gain net of losses for NH-BPT purposes but not less than zero from Schedule D is reported on Line 1(h).

**LINE 1(i)** Schedule K, Line 9(a) Long term capital gains net of losses for NH-1065 purposes, but not less than zero, from the Federal Form Schedule D are reported on Line (i).

**LINE 1(j)** Schedule K, Line 10 Gains or losses from the sale of assets used in the business (1231 assets) are reported on Line 1(j).

**LINE 1(k)** Schedule K, Line 11 Any other item of income not reported above is reported here. Such items as other portfolio income not reported as interest, ordinary dividends, royalty, and capital gain (loss) on prior add backs to partnership income are reported on Line 1(k). Cancellation of Debt that has been recognized by the partners is recognized as income to the partnership on Line 1(k). IRC §108, if applicable, may result in non-recognition of debt forgiveness.

### DEDUCTIONS to Income to Determine Partnership Gross Business Profits

The deductions allowed to a partnership must be business deductions as determined by application of the Internal Revenue Code. Failure to provide substantiation for the business purpose of the deduction may result in disallowance of the deduction.

**LINE 1(l)** Schedule K, Line 12 Deduction for the amount IRC §179 reported on Federal Form 1065.

**LINE 1(m)** Schedule K, Line 13a. Deductions for contributions to tax exempt organizations by partnerships are based on the limitations placed on individuals by the Internal Revenue Code. Partnerships are not allowed to deduct contributions unless the contributions are considered business expenses. Report contributions that are business expenses on Line 1(m). Contributions not deductible as a business expense may be considered as compensation paid based on the reasonable compensation deduction of the partnership allowed on Line 12(c) of NH-1120-WE Additions and Deductions.

**LINE 1(n)** Schedule K, Line 13b. Investment interest expense relates to assets held by the partnership that are intangible. This is deductible on the BPT if the assets or debt is associated with the production of income for the partnership. Debt incurred by the partnership for the purpose of distributing the borrowed funds to the partners is not incurred for the benefit of the partnership and therefore the interest expense related to the debt finances distribution is not a deductible business expense of the partnership. Report on Line 1(n).

**LINE 1(o)** Schedule K, Line 13c. IRC §59(e)(2) expenditures are deductible and reported on Line 1(o).

**LINE 1(p)** Schedule K, Line 13d. This line includes only business expenses allowed deductions for BPT adjustment not reported on Lines 13a, 13b, or 13c. Report these expenses on Line 1(p). Non allowed expenses are such items as dependent care expenses, charitable contributions, and educational assistance benefits. These disallowed expenses not deductible as a business expense may be considered as compensation paid based on the reasonable compensation deduction of the partnership allowed on Line 12(c) of NH-1120-WE Additions and Deductions.

**LINE 1(q)** Schedule K, Line 16(l) foreign taxes paid or accrued are deductions that have been sourced at the partner level which the state would source back to the partnership. Foreign taxes paid would be an add back to income (see NH-1120-WE Additions and Deductions, Line 12(d)).

**LINE 2** Combine Lines 1(a) through 1(k) and from the result subtract the sum of Lines 1(l) through 1(q). Report on NH-1120-WE, Schedule 1-A, Line 3.



## INSTRUCTIONS

### NH-1120-WE DP-121 Instructions

Items of income and deductions reported on Federal Form 1040.

#### PART ONE-Proprietorship or Jointly Owned Property

The total net profit or loss from all business activities owned by an individual, or jointly owned property with a spouse, reported on a Federal Form 1040; Schedule B, C, D, E, F, and Forms 4835, 4797, and 6252 that relate to the business activity of a business, profession, rental, or farm including any gain or loss derived from the sale of assets held or used in the business activity, which are included in this combined group.

**LINE 1** Items of income and deductions reported on Federal Form 1040. Report the profit or loss from Federal Schedule C, Line 31, if the Federal Form 1040 is a joint return and more than one Schedule C is on the Federal Form 1040, report only the Schedule Cs that are owned by the same individual. Multiple unitary Federal Schedule C's should total the net profit or loss of each reporting Schedule C and place the result on Line 1.

**LINE 2** Report the net rental profit or loss from Federal Schedule E, Line 21. If the Federal Form 1040 is a joint return and the property is jointly owned, check the Jointly Owned box at the top of DP-121 and report as a single business activity. Separately owned property must be reported on a NH-1040 by the owner of the property.

**LINE 3** Report the net farm rental profit or loss Federal Form 4835, Line 32.

**LINE 4** Report the net farm profit or loss Federal Schedule F, Line 34.

**LINE 5** Report the net gain or loss from the sale of business assets, Federal Form 4797, Lines 2(g), 3, 5, 10(g), 14, 16 and 30.

**LINE 6** Report the net gain or loss from sale of investment assets, Federal Schedule D, lines 1(h), 2(h), 3(h), 8(h), 9(h) and 10(h). New Hampshire Statutes determine business assets as those assets used in a business activity; therefore assets used in a rental activity would be business assets and not investment assets.

**LINE 7** Report the installment sale income from the sale of business assets recognized during the period Federal Form 6252, Line 24. Report this amount even if the business organization has ceased conducting business.

**LINE 8** Report other net business income not reported above, Federal Form 1040, Line 21 (attach schedule).

**LINE 9** This Line is not used by a proprietor.

**LINE 10** Gross business profits from individual business activity. Total Lines 1 through 9 and report on NH-1120-WE, Schedule 1A, Line 4.

#### PART ONE- SINGLE MEMBER LIMITED LIABILITY COMPANY (SMLLC)

New Hampshire does not disregard limited liability companies (LLC); as such, any business activity or separate activities conducted as an LLC or multiple LLCs by an individual who reports any LLC activity on their Federal Form 1040 must report that activity or activities as separate business organizations. Only one LLC should be reported on DP-121 unless the group of LLCs are owned by the same individual and are part of the combined group.

#### PART ONE-SMLLC

The total net profit or loss from a business activity created as an SMLLC but reporting as a disregarded entity for Federal tax reporting purposes. Each SMLLC reported on a Federal Form 1040; Schedule B, C, D, E, F, and Forms 4835, 4797, and 6252 that is owned by the same individual and is part of a combined group may report that activity on Form DP-121. Each separate LLC must maintain an accounting of the business activities engaged in. Those SMLLCs not part of the combined group must complete and file a separate NH-BPT tax return.



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## INSTRUCTIONS

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### **NH-1120-WE DP-121 Instructions**

**LINE 1** Items of income and deduction of SMLLC reported on Federal Form 1040. Report the profit or loss from Federal Schedule C, Line 31. Multiple unitary Federal Schedule Cs should total the net profit or loss of each reporting Schedule C. Place the result on Line 1.

**LINE 2** Report the net rental profit or loss from Federal Schedule E, Line 21, if the Federal Form 1040 has multiple rental properties, each of which are owned by a different LLC controlled by the same individual and which is part of the combined group should total the net profit or loss of each rental activity and place the result on Line 2.

**LINE 3** If the farm activity is conducted within an SMLLC report the net farm rental profit or loss Federal Form 4835, Line 32 on Line 3.

**LINE 4** If the farm activity is conducted within an SMLLC report the net farm profit or loss Federal Schedule F, Line 34.

**LINE 5** If the SMLLC sells a business asset, report the net gain or loss from the sale of business assets, Federal Form 4797, Line 2(g), 3, 5, 10(g), 14, 16 and 30.

**LINE 6** If the SMLLC sells investments assets defined as business assets for New Hampshire Business Profits Tax purposes report the net gain or loss from sale of investment assets, Federal Schedule D, Part 1, Lines 1(h), 2(h), 3(h), 8(h), 9(h), and 10(h). New Hampshire law defines business assets as those assets used in a business activity, therefore assets used in a rental activity would be business assets and not investment assets.

**LINE 7** If the SMLLC enters into an installment sale, report the installment sale income from the sale of business assets recognized during the period Federal Form 6252, Line 24. Report this amount even if the business organization has ceased conducting business.

**LINE 8** Report other net business income not reported above, Federal Form 1040, Line 21 (attach schedule).

**LINE 9** Other net business income (attach schedule). For SMLLC Business Income from Federal Form 1040, Schedule B may be considered business income if the investment is owned by the SMLLC, but is reported by the individual as being disregarded.

**LINE 10** Gross business profits from SMLLC business activity. Total Lines 1 through 9 and report on NH-1120-WE, Schedule 1A, Line 5.

### **NH-1120-WE DP-121 Instructions**

Items of income and deductions reported on Federal Form 1041, or other business organization engaging in business activity not reporting elsewhere in this return. How these items should be treated for NH-1120.

#### **PART TWO-1041**

The total net profit or loss from all business activities owned by a trust, reported on a Federal Form 1041, Lines 1 through 9, and related business expenses which may be reported on lines 10 through 21 and related Federal 1041 Schedules C, D, E, F, and Forms 4797 that relate to a trust or and any net gains derived from the sale of assets held for use in the business activity, which are included in this combined group. If other business organization engaging in a business activity and have not reported that activity any where else on this tax return, that activity should be reported here.

### **NH-1120-WE DP-121 Instructions**

**LINE 1** Report interest income from investments made by the trust related to business activities reported on Federal Form 1041, Line 1.

**LINE 2** Report all dividends received by the trust from investments made by the trust related to business activities reported on Federal Form 1041, Line 2(a).

**LINE 3** Report the profit or loss from reported on the Federal Form 1041, Line 3.

**LINE 4** If the trust sells investments assets defined as business assets for New Hampshire Business Profits Tax purposes, report the net gain, but not loss, from sale of investment assets, Federal Form 1041, Line 4. New Hampshire law defines business assets as those assets used in a business activity; therefore assets used in a rental activity would be business assets and not investment assets. The BPT Statute requires the net amounts of gains be reported, but not losses.

**LINE 5** Report the royalties, and net rental profit or loss from Federal Form 1041, Line 5. Do not report partnership estate, or other trust activity, as New Hampshire is a separate entity State.

**LINE 6** Report farm income or loss reported on Federal Form 1041, Line 6.

**LINE 7** If the trust sells a business asset, report the net gain only from the sale of business assets, Federal Form 1041, Line 7.

**LINE 8** Report other income, related to the trust business activity, reported on Federal Form 1041, Line 8.

**LINE 9** Report all other business expenses not reported above related to the production of business income reported on Lines 1, 2 and 8.

**LINE 10** Gross business profits from trust business activity. Total Lines 1 through 8 and from the result subtract Line 9. Report on NH-1120-WE, Schedule 1A, Line 6.