

# New Hampshire Department of Revenue Administration

## Fiscal Note Quick Guide

17-0812

**SB 2-FN-A**, *reducing the rate of the business profits tax and the business enterprise tax.*

Senate Ways & Means

Section 1 of this proposed bill reduces the current Business Profits Tax (BPT) rate of 8.2% to 7.5% for taxable periods ending on or after December 31, 2018.

Section 2 of this proposed bill reduces the current Business Enterprise Tax (BET) rate of 0.72% to 0.50% for taxable periods ending on or after December 31, 2018.

When deriving the estimated revenue loss due to the proposed reduction of the BPT rate and BET rate, the Department of Revenue Administration (DRA) took into consideration the previous estimated revenue impact that the DRA calculated on 9/14/15 with respect to the rate reductions contained within Senate Bill 9 (Chapter 274, Sections 23-24, Laws of 2015).

- In FY2016, a previously estimated revenue reduction of \$5,112,407 was already realized as a result of reducing the BPT rate from 8.5% to 8.2% and the BET rate from .75% to .72%. This revenue reduction would have been attributable to reduced estimate payments made in FY2016.
- In FY2017, a previously estimated revenue reduction of \$16,013,240 will be fully realized as a result of reducing the BPT rate from 8.5% to 8.2% and the BET rate from .75% to .72%, as taxpayers file their returns from TY2016.
- For the second round of enacted rate reductions (BPT from 8.2% to 7.9% and BET from .72% to .675%), the FY2018 fiscal impact was estimated at a \$6,214,475 revenue reduction (again attributable to decreased estimate payments in FY2018) and the FY2019 fiscal impact was estimated to be a \$19,465,172 revenue reduction (as taxpayers file their returns for TY2018).
- The second round of enacted rate reductions are contingent upon the receipt of combined unrestricted general and education trust fund revenue of \$4,640,000,000 for the biennium ending June 30, 2017. For purposes of completing this analysis the Department has assumed that these contingent rate reductions will go into effect.
- The fiscal impact analysis outlined above used the FY2015 Plan which was \$568,000,000 as a starting point. The use of 2015 plan significantly underestimated actual revenue for the BPT and BET in FY2016.

Because the analysis of the previously enacted rate reductions utilized FY2015 Plan as a starting point, which significantly underestimated actual revenue for the BPT and BET in FY2016, the DRA believes that it is prudent to use FY2016 cash basis revenue as the starting point for analyzing these proposed additional rate reductions.

- For purposes of calculating the fiscal impact of the proposed rate reduction, the Department assumed that FY2017 revenue would be equal to FY2016 cash basis revenue of \$641,000,000 from the June, 2016 Department of Administrative Services Revenue Focus.
- The Department assumes that the impact of the rate reduction from 8.2% to 7.9% for BPT and .72% to .675% for BET has already been fully realized in the FY2017 estimate payments and has depleted any additional revenue growth. Thus, the Department has not adjusted FY2016 cash basis revenue for FY2017 and thus has used \$641,000,000 as the tax base for FY2017.
- For FY2018, the revenue estimate was reduced from \$641,000,000 to \$631,820,011 to account for the 1<sup>st</sup> and 2<sup>nd</sup> quarter estimate payments for Tax Year 2018, where the tax rate is expected to be reduced from 8.2% to 7.9% for BPT and 0.72% to 0.675% for BET.
- For FY2019 and each year thereafter, the revenue estimate was reduced from \$641,000,000 to \$610,901,677 to realize the full implementation of the tax rate reduction from 8.2% to 7.9% for BPT and 0.72% to 0.675% for BET as taxpayers file their returns.
- In completing this analysis the Department has assumed no revenue growth from FY2019 and has thus retained the FY2019 tax base for purposes of analyzing the revenue impact of the proposed rate reductions.
- **Thus, \$610,901,667 serves as the starting point for analyzing the fiscal impact of these proposed additional rate reductions in FY2019 and each year thereafter.**
- Each fiscal year's revenue was allocated based on the proportionate amount of revenue anticipated to be received. For example: the 1<sup>st</sup> and 2<sup>nd</sup> quarter estimate payments average about 30.5% of the total BPT/BET revenue received in each tax year. Therefore, when calculating the fiscal impact of a tax year rate change on a state FY basis, this percentage was applied to allocate the fiscal impact proportionally based on the fiscal year when the revenue will actually be received.
- The DRA assumes no revenue impact in FY2017 because taxpayers would not adjust their first and second quarterly estimated payments to reflect the rate reduction as those payments are due before the bill would be in effect.
- After revenue was allocated proportionally based on when it is received, this new reduced revenue was subtracted from the assumed revenue to determine the incremental revenue impact of the proposed rate reductions for each fiscal year.
- The fiscal impact of the proposed rate reductions may be overstated or understated for future fiscal years depending on whether actual revenue under or over performs compared to the DRA's assumed revenue figures.

**Fiscal Impact of Rate Reductions by Fiscal Year**

<b>Fiscal Year</b>	<b>New Revenue</b>	<b>Assumed Revenue</b>	<b>Difference</b>
FY16	\$641,000,000	\$641,000,000	\$0
FY17	\$641,000,000	\$641,000,000	\$0
FY18	\$607,084,558	\$631,820,011	-\$24,735,453
FY19	\$529,801,829	\$610,901,677	-\$81,099,848
FY20	\$529,801,829	\$610,901,677	-\$81,099,848
FY21	\$529,801,829	\$610,901,677	-\$81,099,848

**Original Rates and Assumed Revenue without Implementation of Proposed Legislation**

<b>Tax Year</b>	<b>Documents Due</b>	<b>Old BPT Rate</b>	<b>Old BET Rate</b>	<b>BPT Revenue</b>	<b>BET Revenue</b>	<b>Total BS Revenue</b>	<b>Fiscal Year</b>
TY18	1st and 2nd Quarter Estimates	7.9%	0.675%	\$112,982,043	\$73,342,969	\$186,325,011	FY18
TY18 & TY19	Full Year at Current Rate	7.9%	0.675%	\$370,432,927	\$240,468,750	\$610,901,677	FY19
TY19 & TY20	Full Year at Current Rate	7.9%	0.675%	\$370,432,927	\$240,468,750	\$610,901,677	FY20
TY20 & TY21	Full Year at Current Rate	7.9%	0.675%	\$370,432,927	\$240,468,750	\$610,901,677	FY21

**New Rates and Revenue with Implementation of Proposed Legislation**

<b>Tax Year</b>	<b>Documents Due</b>	<b>New BPT Rate</b>	<b>New BET Rate</b>	<b>BPT Revenue</b>	<b>BET Revenue</b>	<b>Total BS Revenue</b>	<b>Fiscal Year</b>
TY18	1st and 2nd Quarter Estimates	7.5%	0.50%	\$107,261,433	\$54,328,125	\$161,589,558	FY18
TY18 & TY19	Full Year at Current Rate	7.5%	0.50%	\$351,676,829	\$178,125,000	\$529,801,829	FY19
TY19 & TY20	Full Year at Current Rate	7.5%	0.50%	\$351,676,829	\$178,125,000	\$529,801,829	FY20
TY20 & TY21	Full Year at Current Rate	7.5%	0.50%	\$351,676,829	\$178,125,000	\$529,801,829	FY21

**Difference from New Rates and Revenue to Original Rates and Assumed Revenue**

<b>Tax Year</b>	<b>Documents Due</b>	<b>Difference in BPT Rate</b>	<b>Difference in BET Rate</b>	<b>BPT Reduction in Revenue</b>	<b>BET Reduction in Revenue</b>	<b>Total Reduction in BS Revenue</b>	<b>Fiscal Year</b>
TY18	1st and 2nd Quarter Estimates	-0.4%	-0.175%	-\$5,720,610	-\$19,014,844	\$24,735,453	FY18
TY18 & TY19	Full Year at Current Rate	-0.4%	-0.175%	-\$18,756,098	-\$62,343,750	\$81,099,848	FY19
TY19 & TY20	Full Year at Current Rate	-0.4%	-0.175%	-\$18,756,098	-\$62,343,750	\$81,099,848	FY20
TY20 & TY21	Full Year at Current Rate	-0.4%	-0.175%	-\$18,756,098	-\$62,343,750	\$81,099,848	FY21