

Tax Expenditure and Potential Liability Report

(Pursuant to [RSA 71-C](#))

Fiscal Year 2020

Prepared By

New Hampshire Department of
Revenue Administration

December 7, 2020



For
The New Hampshire General Court
- and -
His Excellency, Governor Christopher T. Sununu
Governor of New Hampshire

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TAX EXPENDITURE AND POTENTIAL LIABILITY REPORT

I. INTRODUCTION

The Legislature “expends” funds in two ways: 1) through actual appropriations (expenditures); and 2) by foregoing the collection of taxes that it has the statutory authority to collect. The New Hampshire Supreme Court has characterized tax expenditures as follows: “. . . *all exemptions from taxation are practically equivalent to a direct appropriation.*” Canaan v. District, 74 N.H. 517, 537 (1908).

In 2014, the New Hampshire Legislature passed, and Governor Hassan signed, Chapter 28, Laws of 2014 (HB 1531) repealing RSA 77-A:5-a, relative to the “Tax Expenditure Report” previously published by the Department of Revenue Administration on February 1 of every calendar year, and creating a new chapter, RSA 71-C, entitled “Tax Expenditure and Potential Liability Reports.”

Pursuant to [RSA 71-C](#), on or before December 15 of every fiscal year, the Commissioner of the Department shall certify to the General Court and the Governor a “Tax Expenditure and Potential Liability Report,” that analyzes each of the past fiscal year’s tax expenditures and other credits allowed under RSA 77, RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, 78-B, RSA 82-A, RSA 83-E, RSA 84-A, RSA 84-C, and RSA 400-A.

The new statute, RSA 71-C:1, defines “tax expenditure” to mean:

a credit or exemption that is intended by the legislature to allow individuals or businesses to reduce the amount owed for state taxes in return for a change in behavior. A tax expenditure does not include a credit or exemption meant only to avoid double taxation of the same income or assets within the same taxing jurisdiction. A tax rate reduced for the express purpose of achieving a change in behavior may also be identified by the committee in RSA 71-C:3 as a tax expenditure for the purpose of regular review.

RSA 71-C:2 more specifically provides that tax expenditures include, but are not limited to, the Community Development Finance Authority New Investment tax credit as computed in RSA 162-L:10; the Economic Revitalization Zone tax credit as computed in RSA 162-N:6; the Research and Development tax credit under RSA 77-A:5, XIII; the Coos County Job Creation tax credit under RSA 77-E:3-c; the Education Tax Credit as computed in RSA 77-G:4; and the Weighted Apportionment Factors under RSA 77-A:3, II(a) and the exemption for qualified regenerative manufacturing companies allowed



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under RSA 77-A:1, I and RSA 77-E:1, III.

RSA 71-C also created a Joint Committee on Tax Expenditures that shall:

- Determine which credits, exemptions, and reduced rates meet the definition of a tax expenditure;
- Recommend legislation to add any additional tax expenditures to RSA 71-C:2;
- Establish a rotating schedule for review of all qualifying tax expenditures over 5-year periods;
- Determine the goals of each tax expenditure; and
- Establish general criteria for the future evaluation of each such tax expenditure to review and determine which credits, exemptions, and reduced rates meet the definition of a tax expenditure.

This FY 2020 Tax Expenditure and Potential Liability Report is a compilation of data contained within the Department's Tax Information Management System (TIMS), a computer system in operation since January 1, 1991. The numbers have been rounded to the nearest thousand dollars to enhance visual clarity. The information presented is not a statistical sample; but, rather, a summary of the information reported on returns filed within the period. This report provides the most current and complete information and, thus, gives some insight into the next fiscal year.

The purpose of this report is not to single out any group of taxpayers, nor to comment on the correctness or appropriateness of any credit; but, rather, to provide decision makers with the verifiable facts as to the "cost" of the various credits and exemptions. I encourage readers of this report to provide comments and suggestions for future reports.

Lindsey M. Stepp, Commissioner

NH Department of Revenue Administration



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II. DEFINITION OF TERMS

The following terms used in this report have the meaning ascribed below:

- A. Tax liability means the amount of tax shown to be due prior to the application of any payments or credits.
- B. Department means the NH Department of Revenue Administration.
- C. Tax returns filed with the Department in FY 2020 means all tax returns filed with the Department from July 1, 2019 through June 30, 2020 without regard to the tax period for which the returns were filed. Amended returns and audit adjustments are not included in this report unless the original return was filed in FY 2020.
- D. Cascading Credit means a credit allowed against the BET that is also considered BET paid for purposes of the credit allowed against the BPT under [RSA 77-A:5, X](#), such as in the Taxpayer C example below:

Taxpayer A	Taxpayer B	Taxpayer C
<i>Has no tax credits</i>	<i>Has \$2,500 tax credit that is not cascading meaning the credit used is not considered "taxes paid"</i>	<i>Has \$2,500 tax credit that is a cascading credit. Meaning the credit used to offset the BET liability is considered "taxes paid" under RSA 77-E, and may be applied to the BPT liability.</i>
Tax Liability:	Tax Liability:	Tax Liability:
BET: \$ 2,500	BET: \$ 2,500	BET: \$ 2,500
BPT: \$ 7,500	BPT: \$ 7,500	BPT: \$ 7,500
BET: \$2,500 - \$0= \$2,500 (BET Paid)	BET: \$2,500 - \$2,500 = \$0 (BET Paid)	BET: \$2,500 - \$2,500 = \$0 (BET Paid)
BPT: \$7,500 - \$0= \$7,500	BPT: \$7,500 - \$0= \$7,500 (BPT Paid)	BPT: \$7,500 - \$2,500 = \$5,000 (BPT Paid)
- \$2,500 (BET Paid)		
\$5,000 (BPT Paid)		
BET Paid after Credits: \$2,500	BET Paid after Credits: \$ 0	BET Paid after Credits: \$ 0
BPT Paid after Credits: \$5,000	BPT Paid after Credits: \$7,500	BPT Paid after Credits: \$5,000
Total BS Paid by Taxpayer: \$7,500	Total BS Paid by Taxpayer: \$7,500	Total BS Paid by Taxpayer: \$5,000



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III. GENERAL INFORMATION

This report includes credits against Business Profits Tax (BPT) under [RSA 77-A](#), Business Enterprise Tax (BET) under [RSA 77-E](#), and Interest and Dividends Tax (I&D) under [RSA 77](#):

1. Community Development Finance Authority – New Investment Tax Credit ([RSA 162-L:10](#));
2. Economic Revitalization Zone Tax Credit ([RSA 162-N:7](#)), formerly the Community Reinvestment and Opportunity Zones Credit;
3. Research and Development Tax Credit ([RSA 77-A:5, XIII](#));
4. Coos County Job Creation Tax Credit ([RSA 162-Q](#)); and
5. Education Tax Credit ([RSA 77-G](#)).
6. Exemption for Qualified Regenerative Manufacturing Companies ([RSA 77-A:5-c](#))
7. Career and Technical Education Center Credit ([RSA 188-E:9-a](#))

This report also includes information from additional areas:

1. Weighting of the Sales Apportionment Factor ([RSA 77-A:3, II\(a\)](#));
2. Net Operating Losses ([RSA 77-A:4, XIII](#));
3. Business Enterprise Tax Credit ([RSA 77-A:5, X](#));
4. Credit Carryovers From Overpaid Business Taxes; and
5. Insurance Tax ([RSA 400-A](#)).



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IV. OVERVIEW OF TAX EXPENDITURES AND AMOUNTS

The following table gives a general overview of the tax credits available to taxpayers in FY 2020:

Tax Credit Program	RSA	Tax the Credit Can be Applied	Current Year Cap on Program	Maximum Credit Awarded per Taxpayer	Program Maximum Credit	Carryforward Provisions	"Cascading" Credit	Administered by
CDFA -New Investment Tax Credit	RSA 162-L:10	IPT*, BPT & BET	\$5,000,000	75% of Contribution Amount	\$3,750,000	5 Years, but not to exceed \$1,000,000 in any given year.	Yes	Community Development Finance Authority (CDFA)
Economic Revitalization Zone Tax Credit	RSA 162-N:7	BPT & BET	\$825,000	\$40,000	N/A	5 Years, but not to exceed \$40,000 in any given year.	Yes	NH Dept. of Business and Economic Affairs
Research & Development Tax Credit	RSA 77-A:5, XIII	BPT & BET	\$7,000,000	\$50,000	\$7,000,000	5 Years	No	DRA
Coos County Job Creation Tax Credit	RSA 162-Q	BPT & BET	N/A	Based on Types of Employees	N/A	5 Years	Yes	NH Dept. of Business and Economic Affairs
Education Tax Credit	RSA 77-G	I&D, BPT & BET	\$6,000,000	85% of Donation Amount	\$5,100,000	5 Years, but not to exceed \$1,000,000 in any given year. No Carryforward for I&D Tax.	No	DRA
Career & Technical Education Center Credit	RSA 188-E:9-a	BPT	\$500,000	Credit equals Donation Amount.	\$500,000	No	No	NH Dept. of Education
Insurance Premium Tax Credit	RSA 400-A	BPT	N/A	Amount of IPT Paid	N/A	No	No	NH Insurance Dept.

*IPT = Insurance Premium Tax



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The following table gives a general view of the BPT, BET and I&D tax expenditures and amounts as reported on tax returns filed in FY 2020:

Type of Tax Expenditures	Amount of Credit Used
Community Development Finance Authority - New Investment Tax Credit (RSA 162-L:10)	\$2,017,000
Economic Revitalization Zone Tax Credit (RSA 162-N:7)	\$524,000
Research and Development Tax Credit (RSA 77-A:5, XIII)	\$5,341,000
Coos County Job Creation Tax Credit (RSA 162-Q)	\$88,000
Education Tax Credit (RSA 77-G)	\$1,372,000
Exemption for Qualified Regenerative Manufacturing Companies (RSA 77-A:5-c)	-
Career and Technical Education Center Credit (RSA 188-E:9-a)	-
Total Amount of Tax Credit Used	\$9,342,000

The following table gives a general view of the additional areas and amounts (revenue loss or amount claimed) as reported on tax returns filed in FY 2020:

Additional Areas	Revenue Loss/Amount Claimed
Weighting of the Sales Apportionment Factor (RSA 77-A:3, II(a))	-\$10,478,000
Net Operating Loss Deductions Claimed (RSA 77-A:4, XIII)	\$27,843,000
Business Enterprise Tax Credits Claimed (RSA 77-A:5, X)	\$189,456,000
Credit Carryovers Requested – Business Taxes	\$271,594,000
Insurance Premium Tax Credits Claimed (RSA 77-A:5, III)	\$37,366,000



V. REPORT OF TAX CREDIT UTILIZATION

1. Community Development Finance Authority (CDFA) - New Investment Tax Credit ([RSA 162-L:10](#)):

Administered by: The Community Development Finance Authority

Purpose: To encourage contributions to the CDFA, whose mission "...is focused on maximizing the value and impact of community development, economic development and clean energy initiatives throughout New Hampshire."

Description: Chapter 338, Laws of 1998 (HB 1397) enacted the CDFA tax credit and it became effective July 1, 1999. It is an investment tax credit equal to 75% of the contributions made to the CDFA as provided in [RSA 77-A:5, XI](#). The tax credit may be applied to the BPT, the BET, or the Insurance Premium Tax. The Investment Tax credit may be carried forward for no more than five years.

The Investment Tax credit is a "cascading" credit that may be used to reduce a BET liability and then used to reduce a BPT liability. The amount included in this report is the total reduction in revenue to the state whether applied against BPT, BET, or both tax liabilities.

Methodology: Credit used is the amount actually reported and used by 144 taxpayers to offset a tax liability on the New Hampshire BPT return, BET return, or both. This report does not include any credit taken to offset the IPT, which may be done in lieu of applying the credit against business taxes.

Tax returns filed in FY 2020:

Tax Credit Used Against BPT, BET, or both.....\$2,017,000

Comparison FY 2016 through FY 2020

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$3,168,000	\$3,344,000	\$3,732,000	\$2,532,000	\$2,017,000

Number of Taxpayers Utilizing the Credit

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
172	202	172	164	144



2. Economic Revitalization Zone Tax Credit (ERZTC) ([RSA 162-N:7](#)):

Administered by: The NH Department of Business and Economic Affairs

Purpose: To expand the commercial or industrial base in a designated economic revitalization zone and create new jobs in the state by targeting redevelopment of unused or underutilized industrial parks and vacant land or structures previously used for industrial, commercial, or retail purposes that are currently not so used due to demolition, age, obsolescence, deterioration, brownfields, relocation of the former occupant's operations, or cessation of operation resulting from unfavorable economic conditions either generally or in a specific economic sector.

Description: The authority to enter into Community Reinvestment and Opportunity (CROP) Zone Credit Agreements became effective July 1, 2003. The CROP Zone tax credit was replaced with the ERZTC under Chapter 263:120, Laws of 2007 (HB 2) and became effective July 1, 2007. It shall be available to taxpayers only for tax liabilities arising during the five consecutive tax periods following the signing of the agreement. ERZTC shall be applied against BPT. Any unused portion may be applied against BET. ERZTCs shall not be transferable. Any unused portion of the ERZTC may be carried forward for five years.

The ERZTC is a “cascading” tax credit that may be used to reduce a BET liability and, as considered “taxes paid” under RSA 77-E, may then be used to reduce a BPT liability. The amount included in this report is the total reduction in revenue to the State whether applied against BPT, BET, or both tax liabilities.

Methodology: Credit used is the amount actually reported by 50 taxpayers and used to offset a tax liability on the New Hampshire BPT return, BET return, or both.

Tax returns filed in FY 2020:

Tax Credit Used Against BPT, BET, or both.....\$524,000

Comparison FY 2016 through FY 2020

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$901,000	\$823,000	\$938,000	\$610,000	\$524,000

Number of Taxpayers Utilizing the Credit

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
46	57	51	47	50



3. Research and Development (R&D) Tax Credit ([RSA 77-A:5, XIII](#)):

Administered by: The NH Department of Revenue Administration

Purpose: To encourage manufacturing research and development activities in New Hampshire, and specifically the payment of wages attributable to manufacturing research and development.

Description: Chapter 271, Laws of 2007 (SB 134) enacted the R&D Tax Credit. The first credits were allowed to be taken against taxes due on account of taxable periods ending on and after September 7, 2007. The credit is based upon 10% of the excess of the qualified R&D expenses for the taxable year over the base amount. Wages for which a credit is taken shall not also be eligible under the ERZTC ([RSA 162-N:7](#)). Each taxpayer’s share of the R&D tax credit shall not exceed \$50,000 per fiscal year. Taxpayers must apply by June 30 following the tax year during which the research and development occurred and awards are sent by September 30. Through FY 2013, the maximum credit allowed for all taxpayers was \$1,000,000 per fiscal year and beginning in FY 2014, it was \$2,000,000 each year. Beginning in FY 2018, the maximum amount to be issued was \$7,000,000 each year. The R&D tax credit may be carried forward for no more than five years.

The R&D tax credit is first applied to the BPT and, while this is not a “cascading” tax credit, the unused portion of any R&D tax credit shall be available to apply to the BET.

Methodology: Credit used is the amount actually reported by 219 taxpayers and used to offset a tax liability on the New Hampshire BPT return, BET returns, or both.

Tax returns filed in FY 2020:

Tax Credit Used Against BPT, BET, or both..... \$5,341,000

Comparison FY 2016 through FY 2020

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$2,106,000	\$1,840,000	\$5,329,000	\$5,643,000	\$5,341,000

Number of Taxpayers Utilizing the Credit

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
179	169	204	205	219



4. Coos County Job Creation (CCJC) Tax Credit ([RSA 162-Q](#)):

Administered by: The NH Department of Business and Economic Affairs

Purpose: To foster the creation of additional high quality jobs and to stimulate economic growth in Coos County, an area that the general court recognized was particularly impacted by job losses.

Description: Chapter 172, Laws of 2008 (HB 1644) enacted the CCJC tax credit and became effective for taxable periods ending on or after June 9, 2008. The CCJC is awarded to each business organization that hires qualified tax credit employees which means new, full-time, year-round employees hired in Coos county for work directly in one or more business activities for which actual wages paid are equal to or greater than 150 percent of the current state minimum wage. CCJC tax credits shall be applied against tax due under BET and any remainder may be applied against tax due under BPT. Any unused CCJC tax credits may be carried forward for up to five years.

The CCJC tax credit is a “cascading” credit. The amount included in this report is the total reduction in revenue to the State whether applied against BPT, BET, or both tax liabilities.

Methodology: Credit used is the amount actually reported by 25 taxpayers and used to offset a tax liability on the New Hampshire BET and BPT tax returns.

Tax returns filed in FY 2020:

Tax Credit Used Against BPT, BET or both..... \$88,000

Comparison FY 2016 through FY 2020

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$99,000	\$102,000	\$114,000	\$134,000	\$88,000

Number of Taxpayers Utilizing the Credit

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
27	30	29	31	25



5. Education Tax Credit ([RSA 77-G](#)):

Administered by: The NH Department of Revenue Administration

Purpose: To (a) Allow maximum freedom to parents and nonpublic schools to respond to and, without governmental control, provide for the educational needs of children, and this act shall be liberally construed to achieve that purpose. (b) Promote the general welfare by expanding educational opportunities for children. (c) Enable children in this state to achieve a higher level of excellence in their education. (d) Improve the quality of education in this state, both by expanding educational opportunities for children and by creating incentives for schools to achieve excellence..

Description: Chapter 287, Laws of 2012 (SB 372) allows a business organization, business enterprise or individual to make a money donation (up to \$600,000) to an approved scholarship organization(s) for which the business organization, business enterprise or individual will receive a tax credit against the BPT, BET and/or I&D equal to 85% of their donation. The Education Tax Credit Program began January 1, 2013 and is capped at \$5,1000,000 in awarded credits. The program was extended to the I&D Tax and a five year carryforward provision was added only for the BPT and BET, effective July 1, 2018.

This tax credit is not a “cascading” credit. The amount included in this report is the total reduction in revenue to the State whether applied against BPT, BET, and/or I&D tax liabilities.

Methodology: Credit used is the amount actually reported by 110 taxpayers and used to offset a tax liability on the New Hampshire BET, BPT and I&D returns.

Tax returns filed in FY 2020:

Tax Credit Used Against BPT, BET and I&D..... \$1,372,000

Comparison FY 2016 through FY 2020

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$93,000	\$188,000	\$381,000	\$1,009,000	\$1,372,000

Number of Taxpayers Utilizing the Credit

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
21	35	58	74	110



6. **Exemption for Qualified Regenerative Manufacturing Companies** ([RSA 77-A:5-c](#)):

Administered by: The NH Department of Revenue Administration

Purpose: To encourage the development of the regenerative manufacturing activities in New Hampshire.

Description: Chapter 157, Laws of 2018 (SB 564) exempts an organization from the BPT and BET if it meets all the requirements for a qualified regenerative manufacturing company (QRMC) as defined in RSA 77-A:1, XXX, including filing an election with the DRA. The exemption was effective July 29, 2018 for taxable periods beginning after December 31, 2017. An organization electing to be treated as a QRMC must file an election with the DRA on or before the fifteenth day of the third month immediately following the end of its taxable period. The election is effective for the taxable period for which it is made and for all succeeding taxable periods until it is terminated or expires. The election to be a QRMC expires for taxable periods beginning after December 31, 2027. Also, with respect to each taxable period, the organization must file a report detailing income received and expenses incurred, or a copy of its federal income tax return, on or before 30 days following the filing of the federal income tax return with the IRS.

The amount included in this report is the total reduction in revenue to the State whether the exemption applied against BPT, BET, or both tax liabilities.

Methodology: Pursuant to [RSA 21-J:14](#), as of the start of the credit thru FY 2020 the number of organizations electing to be treated as a QRMC are insufficient to disclose any information.



7. Career and Technical Education Center Credit ([RSA 188-E:9-a](#)):

Administered by: The NH Department of Education

Purpose: To encourage charitable donations to regional career and technical education centers.

Description: Chapter 247, Laws of 2019 (SB 270) allows a tax credit against the BPT for qualifying charitable donations to career and technical education (CTE) centers, effective July 1, 2019. A taxpayer may only use the credit in the tax year during which it made the donation, and only in an amount up to 25% of the taxpayer’s BPT due before credits. The maximum amount of tax credits issued to all donors for any state fiscal year will be \$500,000. The program is scheduled to be repealed after fiscal year 2022.

This tax credit is not a “cascading” credit. The tax credit may only be used to offset up to 25% of BPT tax due before credits, within the tax year during which it made the donation.

The amount included in this report is the total reduction in revenue to the State when applied against BPT tax liabilities.

Methodology: Credit used is the amount actually reported by 0 taxpayers and used to offset a tax liability on the New Hampshire BPT returns.

Tax returns filed in FY 2020:

Tax Credit Used Against BPT..... \$0

Comparison FY 2016 through FY 2020

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
N/A	N/A	N/A	N/A	\$0

Number of Taxpayers Utilizing the Credit

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
N/A	N/A	N/A	N/A	0



VI. Report of Additional Information

1. Weighting of the Sales Apportionment Factor ([RSA 77-A:3, II\(a\)](#)) (Net Loss)

For taxable periods ending on or after December 31, 1991 to June 30, 1994, the sales factor of the New Hampshire 3 factor apportionment formula for the BPT was modified. The sales factor was multiplied by 1.5 then combined with the payroll and property factors, the sum of which was divided by 3.5. Therefore, sales comprised 42.8% of the apportionment factor, while payroll and property comprised 28.6% each. It is important to note that this change has no effect on 100% New Hampshire business organizations.

Taxpayers with tax years ending on or after July 1, 1994 must double weight the sales factor of the apportionment formula. This change results in the sales factor comprising 50% of the apportionment factor, with payroll and property comprising 25% each.

METHODOLOGY: All business returns filed in FY 2020 were included in this analysis. Programs were developed to actually calculate the tax that would have been due using equally weighted factors. The results were compared to the actual tax liability and the difference computed. Below are the results of businesses impacted by this provision:

- 3,957 businesses with decreased liability paid \$41,925,000 less in tax.
- 7,137 businesses with increased liability paid \$31,447,000 more in tax.
- The top 10 businesses paying less tax saved \$16,250,094 with an average savings of \$1,625,009.
- The top 10 businesses paying more tax paid \$9,021,814 with an average cost of \$902,181.

Net Impact on Business Profits Tax Revenue: **Revenue loss** of \$10,478,000.

CHANGE TO APPORTIONMENT (NET LOSS) Comparison FY 2016 through FY 2020

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
(\$921,000) Loss	(\$3,607,000) Loss	(\$1,900,000) Loss	(\$3,876,000) Loss	(\$10,478,000) Loss



2. Net Operating Losses (RSA 77-A:4,XIII) (Reduction in BPT)

The Department included in the first Tax Expenditure Report, per request from the New Hampshire legislative leadership, information pertaining to taxpayer use of the Net Operating Loss (NOL) deduction, RSA 77-A:4,XIII. The NOL carry forward provision has a result similar to a credit against the current year tax liability.

The NOL deduction is a provision of the BPT law added in 1988. The NOL provision was effective for losses incurred after January 1, 1989. On July 1, 2002, the law was revised to provide that NOLs may be carried forward for ten years following the loss year instead of five years. The amount of NOL generated each year per entity was limited to \$250,000. For taxable periods ending between July 1, 2003 and June 30, 2004, the NOL generated could not exceed \$500,000, between July 1, 2004 and June 30, 2005, the NOL generated could not exceed \$750,000 and on or after July 1, 2005, the NOL generated could not exceed \$1,000,000 and the requirement to carry-back losses is eliminated.

For taxable periods ending on or after January 1, 2013, the NOL generated may not exceed **\$ 10,000,000** per entity.

In FY 2020, 6,445 business organizations used the net operating loss deduction. The following table details the results of this usage:

Total NOL Used (after apportionment)	<u>\$355,128,000</u>
Average NOL Used (after apportionment).....	<u>\$55,101</u>
Total tax decrease due to NOL.....	<u>\$27,843,000</u>
Average Tax Benefit to each taxpayer	<u>\$4,320</u>

**NET OPERATING LOSS (Reduction in BPT)
 Comparison FY 2016 through FY 2020**

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$34,053,000	\$25,534,000	\$23,617,000	\$25,959,000	\$27,843,000

Number of Taxpayers Utilizing this Credit

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
6,521	6,548	6,448	6,501	6,445



3. Business Enterprise Tax Credit ([RSA 77-A:5, X](#))

Taxes paid under the BET receive a dollar-for-dollar credit against BPT. This tax credit was allowed to be carried forward for up to five years. Effective July 1, 2014, any unused BET credit can be carried forward for 10 years from the taxable period in which it was paid starting with taxable periods ending on or after December 31, 2014.

There were 38,866 returns filed in FY 2020 which had a BET liability, with BET liability reported of \$229,091,000.

BET Credit Used Against BPT\$189,456,000

BET credit was used to offset BPT liabilities on 20,181 returns filed in FY 2020.

**BUSINESS ENTERPRISE TAX CREDIT
 Comparison FY 2016 through FY 2020**

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$151,069,000	\$158,833,000	\$158,382,000	\$160,296,000	\$189,456,000

Number of Taxpayers Utilizing this Credit

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
18,434	19,410	19,646	19,875	20,181



4. Credit Carryovers from Overpaid Business Taxes

Taxpayers often pay more in estimated payments and extension payments than the actual amount of the tax liability due as determined by the filing of their Business Tax return. In that case, the taxpayer directs the Department what to do with the overpaid BPT and BET. Sometimes the taxpayer requests the overpayment be returned to the taxpayer in the form of a refund. Sometimes the taxpayer requests the overpayment be credited against next year's tax liability. And, sometimes the overpayment is partially refunded and partially credited as an estimate against the subsequent filing period.

As of September 15, 2020, the number of business returns filed in FY 2020 was 75,595.

On these 75,595 returns filed in FY 2020, 17,881 taxpayers requested that their overpayment of taxes be credited and carried over to the next tax year. The total amount of requested overpayment to be credited and carried over was \$271,594,000.

CREDIT CARRYOVERS FROM OVERPAID BUSINESS TAXES Comparison FY 2016 through FY 2020

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$173,384,000	\$171,818,000	\$196,039,000	\$268,116,000	\$271,594,000

Number of Taxpayers Utilizing a Credit Carryover

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
17,349	18,583	17,199	17,426	17,881



5. Insurance Premium Tax ([RSA 400-A](#)):

The Insurance Premium Tax is a tax assessed on insurance companies that do business in New Hampshire as provided in RSA 400-A. The Insurance Premium Tax is administered by the New Hampshire Insurance Department. A BPT tax credit for taxes paid pursuant to RSA 400-A is allowed by [RSA 77-A:5, III](#).

The amount reported as Insurance Premium Tax credit used is the amount of credit actually used to offset a BPT liability on 214 returns filed in FY 2020.

Tax credit used against BPT returns filed in FY 2020 \$37,366,000

**CREDIT FOR INSURANCE PREMIUM TAX
 Comparison FY 2016 through FY 2020**

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$36,651,000	\$36,939,000	\$39,637,000	\$30,894,000	\$37,366,000

Number of Taxpayers Utilizing this Credit

FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
244	261	272	223	214



NH Department of Revenue Administration
FY 2020 Tax Expenditure and Potential Liability Report
As required by RSA 71-C



VII. Acknowledgements

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Lindsey M. Stepp, Commissioner

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