

SENATE FINANCE COMMITTEE - 5/24/19
HB 1 AND HB 2 REVENUE RELATED AMENDMENTS

<u>HB 1</u>	<u>AMENDMENT #</u>
Estimates of Unrestricted Revenues	2019-1929s
<u>HB 2</u>	
Office of Cost Containment (SB 237)	2019-2207s
Deletes sections relative to the capital gains tax.	2019-1904s
Communication Services Tax -VoIP and prepaid (SB 93)	2019-1794s
Conformity with Internal Revenue Code in effect on 12/31/18 (Tax Cuts and Jobs Act), decouple from section 951A (GILTI)	2019-1932s
BPT Apportionment (market based sourcing FY 2021) and single sales factor (effective 22-23 biennium)	2019-2190s
Sports Betting	2019-2203s
Deletes sections 213-216 relative to BPT and BET rates	2019-2212s
Designates certain funds credited to Fish and Game Fund as unrestricted revenue	2019-1930s

Sen. D'Allesandro, Dist 20
Sen. Feltes, Dist 15
May 13, 2019
2019-1929s
05/04

Amendment to HB 1-A

1 Amend the bill by replacing section 8 with the following:

2

3 8 Estimates of Unrestricted Revenue.

4 GENERAL FUND	<u>FY 2020</u>	<u>FY 2021</u>
5 BUSINESS PROFITS TAX	\$397,900,000	\$389,700,000
6 BUSINESS ENTERPRISE TAX	<u>51,700,000</u>	<u>50,700,000</u>
7 SUBTOTAL BUSINESS TAXES	\$449,600,000	\$440,400,000
8 MEALS AND ROOMS TAX	352,800,000	360,400,000
9 TOBACCO TAX	110,900,000	109,500,000
10 TRANSFER FROM LIQUOR	132,800,000	133,800,000
11 INTEREST AND DIVIDENDS TAX	113,400,000	113,400,000
12 INSURANCE	125,300,000	129,500,000
13 COMMUNICATIONS TAX	37,500,000	34,200,000
14 REAL ESTATE TRANSFER TAX	110,100,000	110,100,000
15 COURT FINES & FEES	12,900,000	12,700,000
16 SECURITIES REVENUE	45,700,000	45,700,000
17 BEER TAX	13,100,000	13,100,000
18 OTHER REVENUES	68,400,000	71,900,000
19 MEDICAID RECOVERIES	<u>3,700,000</u>	<u>3,300,000</u>
20 TOTAL GENERAL FUND	\$1,576,200,000	\$1,578,000,000
21		
22 EDUCATION FUND	<u>FY 2020</u>	<u>FY 2021</u>
23 BUSINESS PROFITS TAX	\$93,300,000	\$91,400,000
24 BUSINESS ENTERPRISE TAX	<u>252,600,000</u>	<u>247,400,000</u>
25 SUBTOTAL BUSINESS TAXES	\$345,900,000	\$338,800,000
26 MEALS AND ROOMS TAX	10,900,000	11,100,000
27 TOBACCO TAX	87,100,000	86,000,000
28 REAL ESTATE TRANSFER TAX	54,200,000	54,200,000
29 TRANSFER FROM LOTTERY	96,000,000	96,000,000
30 TOBACCO SETTLEMENT	39,700,000	39,200,000
31 UTILITY PROPERTY TAX	46,100,000	46,800,000

Amendment to HB 1-A
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1	STATEWIDE PROPERTY TAX	<u>363,100,000</u>	<u>363,100,000</u>
2	TOTAL EDUCATION FUND	\$1,043,000,000	\$1,035,200,000
3			
4	HIGHWAY FUND	<u>FY 2020</u>	<u>FY 2021</u>
5	GASOLINE ROAD TOLL	\$130,200,000	\$132,300,000
6	MOTOR VEHICLE FEES	120,200,000	114,600,000
7	MISCELLANEOUS	<u>200,000</u>	<u>200,000</u>
8	TOTAL HIGHWAY FUND	\$250,600,000	\$247,100,000
9			
10	FISH AND GAME FUND	<u>FY 2020</u>	<u>FY 2021</u>
11	FISH AND GAME LICENSES	\$9,700,000	\$9,700,000
12	FINES AND MISCELLANEOUS	<u>3,200,000</u>	<u>3,200,000</u>
13	TOTAL FISH AND GAME FUND	\$12,900,000	\$12,900,000

Amendment to HB 2-FN-A-LOCAL

1 1 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. RSA 604-
2 A:9, I, I-a, I-b, and I-c are repealed and reenacted to read as follows:

3 I.(a) Any adult defendant or juvenile respondent who has been assigned counsel or a public
4 defender shall be subject to an order by the court, pursuant to this section, regarding payment to
5 the state for counsel fees and expenses paid by the state on behalf of the defendant or juvenile, and
6 regarding payment of an administrative service assessment. Any payment obligation shall apply
7 only to a defendant who has been convicted or a juvenile who has been found delinquent.

8 (b) Upon entering a judgment of conviction or a finding of delinquency, and the
9 issuance of sentence or disposition, the court shall enter a separate written order setting forth the
10 reasons for the court's conclusion regarding the financial ability of the defendant or the juvenile,
11 including any person liable for the support of the juvenile pursuant to RSA 604-A:2-a, to make
12 payment of counsel fees and expenses, and administrative service assessment. In its discretion, the
13 court may conduct an ability-to-pay hearing to assist in its determination. If the court finds that
14 there is an ability to pay some or all of the counsel fees and expenses and the assessment, either
15 presently or in the future, it shall order payment in such amounts and upon such terms and
16 conditions it finds equitable; any payment obligation shall not commence until the conviction and
17 sentence or the finding of delinquency and disposition has become final. If the court finds that
18 there is no such ability to pay, it shall so order, and any payment obligation shall terminate.

19 (c) In assessing ability to pay upon or after the entering of a judgment of conviction and
20 the issuance of a sentence, neither the court nor the office of cost containment shall consider income
21 that is exempt from execution, levy, attachment, garnishment, or other legal process under any
22 state or federal law, and shall be reduced only by the amount of expenses which are reasonably
23 necessary for the maintenance of the defendant and his dependents.

24 (d) If the court determines that the defendant is financially unable to repay any fees
25 and expenses to the state, the repayment obligation shall be waived. A copy of each order finding
26 that the defendant has an ability to pay fees and assessments shall be forwarded to the
27 commissioner of the department of administrative services and the office of cost containment. An
28 order waiving the repayment obligation shall not be forwarded. Neither the commissioner of the
29 department of administrative services nor the office of cost containment shall have the authority to
30 alter the court's determination that a repayment obligation is waived.

31 (e) After the judgment of conviction is entered and a repayment order is issued, a
32 defendant subject to a repayment order under this section may, if his or her circumstances have

Amendment to HB 2-FN-A-LOCAL

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1 changed since the date of the court's order, petition the court for relief from the obligation imposed
2 by this section, which may be granted upon a finding that the defendant is unable to comply with
3 the terms of the court's order or any modification of the order by the court.

4 (f) The maximum payment amount for counsel fees and expenses shall be according to a
5 schedule established by the administrator of the office of cost containment with the approval of the
6 administrative justices of the courts. Any payment obligation for fees and expenses shall not exceed
7 the amount of the state's flat rate payable to a contract attorney as established pursuant to RSA
8 604-B. The administrative service assessment shall not exceed 10 percent of the counsel fees and
9 expenses. Payment shall be made to the office of cost containment unless the defendant or juvenile
10 is placed on probation or sentenced to a period of conditional discharge, in which case repayment
11 shall be made to the state through the department of corrections. Any payment obligation
12 attributable to a juvenile shall terminate when the juvenile reaches the age of majority, except
13 when the juvenile has been certified and tried as an adult.

14 (g) In a case where counsel has been appointed, and a repayment order issued, the
15 defendant shall be required to notify the clerk of the court and the office of cost containment of each
16 change of mail address and actual street address. Whenever notice to the defendant is required,
17 notice to the last mail address on file shall be deemed notice to and binding on the defendant.

18 2 Adequate Representation for Indigent Defendants in Criminal Cases; Repayment. Amend
19 RSA 604-A:9, II to read as follows:

20 II. All petitions for court appointed counsel shall bear the following words in capital letters:
21 I UNDERSTAND THAT I MAY BE REQUIRED TO REPAY THE SERVICES PROVIDED TO ME
22 BY COURT APPOINTED COUNSEL IF I AM CONVICTED UNLESS THE COURT FINDS THAT I
23 AM OR WILL BE FINANCIALLY UNABLE TO PAY.

24 3 Reference Change; Appointment of Counsel; Payment Obligation. Amend RSA 604-A:2-f, IV
25 to read as follows:

26 IV. When the court appoints counsel to represent a defendant in a proceeding under this
27 section, the court shall grant the defendant relief from the obligation to repay the state for
28 appointed counsel fees under [~~RSA 604-A:9, I-b~~] **RSA 604-A:9, I(b)**, if the court determines that the
29 defendant is financially unable to repay.

30 4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

Amends the procedure for determining an indigent defendant's ability to pay for services rendered by court-appointed counsel in a criminal case and provides that a repayment obligation shall only apply to a defendant who has been convicted or a juvenile who has been found delinquent.

Sen. D'Allesandro, Dist 20
May 10, 2019
2019-1904s
11/01

Amendment to HB 2-FN-A-LOCAL

- 1 Delete sections 242 through 256.

AMENDED ANALYSIS

Delete paragraph 100, extending the interest and dividends tax to capital gains and increasing exemptions for the tax.

Delete paragraph 101, requiring a portion of interest and dividend and capital gains tax revenues to be credited to the education trust fund.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 1 Communications Services Tax; Purpose; Basic Communications Services Deleted. Amend
2 RSA 82-A:1 to read as follows:

3 82-A:1 Statement of Purpose. It is the intent of the general court to impose a tax on those who
4 use 2-way communications services and to source mobile telecommunications services to the place of
5 primary use. It is also the intent of the general court that Internet access service [~~and basic~~
6 ~~communications services essential to public health, safety, and welfare~~] shall not be subject to the
7 tax imposed by this chapter.

8 2 Definitions; Communications Services. Amend the introductory paragraph of RSA 82-A:2, III
9 to read as follows:

10 III. "Communications services" means services for transmitting, emitting, or receiving
11 signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system
12 capable of 2-way communication and includes, without limitation, messages or information
13 transmitted through use of local, toll and wide area telephone service; private line services and
14 networks, whether leased, rented or owned; channel services; telegraph services; teletypewriter
15 services; cable television; computer exchange services; mobile telecommunications services;
16 **prepaid wireless telecommunications services; VoIP**; facsimile services; specialized mobile
17 radio; stationary 2-way radio; paging services; or any other form, whether stationary, portable or
18 mobile, of 2-way communications; or any other transmission of messages or information by
19 electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave,
20 radio, satellite or similar facilities. "Communications services" shall not include:

21 3 Definitions; Retailer. Amend RSA 82-A:2, X to read as follows:

22 X. "Retailer" means and includes every person engaged in the business of making sales at
23 retail as defined in this chapter. The department may, in its discretion, upon application, authorize
24 the collection of the tax hereby imposed by any retailer not maintaining a place of business within
25 this state, who, to the satisfaction of the department, furnishes adequate security to insure
26 collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect
27 such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the
28 gross charges for communications services in this state in the same manner and subject to the same
29 requirements as a retailer maintaining a place of business within this state. The permit may be
30 revoked by the department at its discretion. **For purposes of the tax imposed by this chapter**
31 **on prepaid wireless telecommunications service, "retailer" has the same meaning as**
32 **"seller."**

Amendment to HB 2-FN-A-LOCAL

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1 4 New Paragraphs; Definitions; Prepaid Wireless Telecommunications Service; VoIP. Amend
2 RSA 82-A:2 by inserting after paragraph XXVI the following new paragraphs:

3 XXVII. "Prepaid wireless telecommunications service" means "prepaid commercial mobile
4 radio service," as that term is defined in RSA 106-H:2, VIII-b.

5 XXVIII. "Retail transaction" means the purchase of prepaid wireless telecommunications
6 service from a seller for any purpose other than resale.

7 XXIX. "Seller" means a person who sells prepaid wireless telecommunications service to
8 another person.

9 XXX. "Voice over Internet Protocol" or "VoIP" means any service that:

10 (a) Enables real-time, 2-way voice communications that originate from or terminate to
11 the user's location in Internet Protocol or any successor protocol;

12 (b) Requires a broadband connection from the user's location; and

13 (c) Permits users generally to receive calls that originate on the public switched
14 telephone network and to terminate calls to the public switched telephone network.

15 5 Imposition of Tax; Reference Added. Amend RSA 82-A:4 to read as follows:

16 82-A:4 Imposition of Tax; Interstate Communications Services. Except as provided in RSA 82-
17 A:4-b, ***RSA 82-A:4-d and RSA 82-A:4-e***, a tax is imposed upon interstate communications services
18 and private communications services furnished to a person in this state and purchased at retail
19 from a retailer by such person, at the rate of 7 percent of the gross charge when such service
20 purchased on a call-by call basis originates in this state and terminates outside this state or
21 originates outside this state and terminates in this state and the service address is in this state, or
22 when such service purchased on a basis other than a call-by-call basis is provided to a person with a
23 place of primary use in this state or when such private communications services are apportioned to
24 this state in accordance with RSA 82-A:4-c. Provided however, a tax is imposed upon interstate
25 paid calling service furnished to a person in this state and purchased at retail from a retailer by
26 such person, at the rate of 7 percent of the gross charge when the origination point of the
27 communications signal (as first identified by either (a) the seller's telecommunications system, or (b)
28 information received by the seller from its service provider, where the system used to transport
29 such signals is not that of the seller) is in this state. To prevent actual multi-state taxation of
30 communications services that are subject to taxation under this section, any taxpayer, upon proof
31 that that taxpayer has paid a tax in another state on such services, shall be allowed a credit against
32 the tax imposed in this section to the extent of the amount of such tax properly due and paid in such
33 other state. However, such tax is not imposed on communications services to the extent such
34 services may not, under the Constitution and statutes of the United States, be made the subject of
35 taxation by the state.

36 6 New Sections; Special Rules for VOIP Services and Prepaid Wireless Telecommunications
37 Service. Amend RSA 82-A by inserting after section 4-c the following new sections:

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1 82-A:4-d Special Rules for VoIP Services. A tax is imposed on intrastate and interstate
2 communications services that are VoIP services provided by a retailer to a person with a place of
3 primary use in this state, regardless of where the VoIP services originate, terminate, or pass
4 through. The tax shall be imposed on the gross charge at the rate specified in RSA 82-A:3 and RSA
5 82-A:4. No tax shall be imposed on a person whose place of primary use is outside this state.

6 82-A:4-e Special Rules for Prepaid Wireless Telecommunications Service.

7 I. A tax is imposed on each retail transaction in this state of intrastate and interstate
8 communications services that are prepaid wireless telecommunications services. The tax shall be
9 imposed on the gross charge at the rate specified in RSA 82-A:3 and 82-A:4.

10 II. For purposes of paragraph I, a retail transaction is sourced to New Hampshire:

11 (a) If the retail transaction occurs in person at a seller's location in New Hampshire; or

12 (b) If subparagraph (a) does not apply, the prepaid wireless telecommunications service
13 is evidenced by a physical item, such as a card, and the purchaser provides a New Hampshire
14 delivery address for such item; or

15 (c) If subparagraphs (a) and (b) do not apply, the consumer gives a New Hampshire
16 address during the consummation of the sale, including the address associated with the consumer's
17 payment instrument if no other address is available, and the address is not given in bad faith; or

18 (d) If subparagraphs (a)-(c) do not apply, the consumer's mobile telephone number is
19 associated with a postal zip code, telephone area code, or location within New Hampshire.

20 III. The tax imposed by this section shall be collected by the seller from the consumer with
21 respect to each retail transaction sourced to New Hampshire, in accordance with RSA 82-A:6;
22 provided, however, the amount of the tax shall be either separately stated on an invoice, receipt, or
23 other similar document that is provided by the seller to the consumer, or otherwise disclosed to the
24 consumer.

25 IV. If prepaid wireless telecommunications service is sold with one or more other products
26 or services for a single, non-itemized charge, then the tax shall apply to the entire non-itemized
27 charge except as provided in RSA 82-A:2, V(e).

28 V. If a minimal amount of prepaid wireless telecommunications service is sold with a
29 prepaid wireless device for a single, non-itemized charge, then the seller may elect not to apply the
30 tax to such transaction. For purposes of this subparagraph, an amount of service denominated as
31 10 minutes or less, or \$5 or less, is minimal.

32 VI. The seller shall be liable to remit all taxes required by this section that are collected
33 from consumers, including all such taxes that the seller is deemed to collect where the amount of
34 the tax has not been separately stated on an invoice, receipt, or other similar document provided by
35 the seller to the consumer, in accordance with RSA 82-A:7.

36 VII. The prepaid commercial mobile radio service E911 surcharge imposed under RSA 106-
37 H:9, I-a shall not be subject to the tax imposed by this section.

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- 1 7 Applicability. Section 1-6 of this act shall apply to taxable periods ending after December 31,
2 2019.
- 3 8 Effective Date. Sections 1-6 of this act shall take effect January 1, 2020.

2019-1794s

AMENDED ANALYSIS

1. Clarifies the applicability of the communications services tax to voice over Internet protocol (VoIP) and prepaid wireless telecommunications service.

UNAPPROVED

Sen. Feltes, Dist 15
May 13, 2019
2019-1932s
10/04

Amendment to HB 2-FN-A-LOCAL

1 1 New Subparagraph; Business Profits Tax; Definition; Internal Revenue Code. Amend RSA
2 77-A:1, XX by inserting after subparagraph (n) the following new subparagraph:

3 (o) For all taxable periods beginning on or after January 1, 2020, the United States
4 Internal Revenue Code of 1986 in effect on December 31, 2018, subject to RSA 77-A:3-b.

5 2 Business Profits Tax; Adjustments; Internal Revenue Code Provisions. Amend RSA 77-A:3-b,
6 II to read as follows:

7 II. The United States Internal Revenue Code shall be applied without section [199] **951A** of
8 such code.

2019-1932s

AMENDED ANALYSIS

1. Updates provisions and adjustments of the United States Internal Revenue Code applicable to the business profits tax.

Amendment to HB 2-FN-A-LOCAL

1 1 Business Profits Tax; Apportionment; 2021. Amend RSA 77-A:3, I(c) to read as follows:

2 (c) The percentage of the total sales, including charges for services, made by the
3 business organization everywhere as is made by it within this state[-] :

4 (1) Sales of tangible personal property are made in this state if the property is
5 delivered or shipped to a purchaser, other than the United States government, within this state
6 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
7 warehouse, factory or other place of storage in this state and [~~(1)~~] (A) the purchaser is the United
8 States government, or [~~(2)~~] (B) the business organization is not taxable in the state of the
9 purchaser.

10 (2) Sales other than sales of tangible personal property are in this state if the
11 [~~income producing activity is performed in this state, or the income producing activity is performed~~
12 ~~both in and outside this state and a greater proportion of the income producing activity is~~
13 ~~performed in this state than in any other state, based on costs of performance]~~ *business*
14 *organization's market for the sales is in this state, as follows:*

15 (A) *In the case of sale, rental, lease or license of real property, if and to*
16 *the extent the property is located in this state;*

17 (B) *In the case of rental, lease or license of tangible personal property, if*
18 *and to the extent the property is located in this state;*

19 (C) *In the case of sale of a service, if and to the extent the service is*
20 *delivered to a location in this state;*

21 (D) *In the case of sale, rental, lease or license of intangible property, if*
22 *and to the extent the property is used in this state;*

23 (E) *In the case of interest income, if and to the extent the debtor or*
24 *encumbered property is located in this state;*

25 (F) *In the case of dividend income, if and to the extent the business*
26 *organization's commercial domicile is in this state; and*

27 (G) *In the case of other income, if and to the extent the income is derived*
28 *from sources in this state.*

29 (3) *In the case of sales other than sales of tangible personal property, if the*
30 *state or states of assignment cannot be determined, the state or states of assignment shall*
31 *be reasonably approximated.*

32 (4) *In the case of sales other than sales of tangible personal property, if the*

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1 *taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment*
2 *cannot be determined or reasonably approximated, such sale shall be excluded from the*
3 *denominator of the sales factor.*

4 2 Business Enterprise Tax; Apportionment of Dividends; 2021. Amend RSA 77-E:4, I(c)(3) to
5 read as follows:

6 (3) The percentage of the total sales, including charges for services, made by the
7 business enterprise everywhere as is made by it within this state[-]:

8 (A) Sales of tangible personal property are made in this state if the property is
9 delivered or shipped to a purchaser, other than the United States government, within this state
10 regardless of free on board point or other conditions of sale, or the property is shipped from an
11 office, store, warehouse, factory or other place of storage in this state and [(A)] (i) the purchaser is
12 the United States government, or [(B)] (ii) the business enterprise is not taxable in the state of the
13 purchaser.

14 (B) Sales other than sales of tangible personal property are in this state if the
15 ~~[revenue-producing activity is performed in this state, or the revenue-producing activity is~~
16 ~~performed both in and outside this state and a greater proportion of the revenue-producing activity~~
17 ~~is performed in this state than in any other state, based on costs of performance]~~ *business*
18 *enterprise's market for the sales is in this state, as follows:*

19 (i) *In the case of sale, rental, lease or license of real property, if and*
20 *to the extent the property is located in this state;*

21 (ii) *In the case of rental, lease or license of tangible personal*
22 *property, if and to the extent the property is located in this state;*

23 (iii) *In the case of sale of a service, if and to the extent the service is*
24 *delivered to a location in this state;*

25 (iv) *In the case of sale, rental, lease or license of intangible property,*
26 *if and to the extent the property is used in this state;*

27 (v) *In the case of interest income, if and to the extent the debtor or*
28 *encumbered property is located in this state;*

29 (vi) *In the case of dividend income, if and to the extent the business*
30 *enterprise's commercial domicile is in this state; and*

31 (vii) *In the case of other income, if and to the extent the income is*
32 *derived from sources in this state.*

33 (C) *In the case of sales other than sales of tangible personal property, if*
34 *the state or states of assignment cannot be determined, the state or states of assignment*
35 *shall be reasonably approximated.*

36 (D) *In the case of sales other than sales of tangible personal property, if*
37 *the taxpayer is not taxable in a state to which a sale is assigned, or if the state of*

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1 *assignment cannot be determined or reasonably approximated, such sale shall be*
2 *excluded from the denominator of the sales factor.*

3 3 Business Profits Tax; Apportionment; 2022. Amend RSA 77-A:3, I-III to read as follows:

4 I. A business organization which derives gross business profits from business activity both
5 within and without this state, and which is subject to a net income tax, a franchise tax measured by
6 net income, or a capital stock tax in another state or is subject to the jurisdiction of another state to
7 impose a net income tax or capital stock tax upon it, whether or not such tax is actually imposed,
8 shall apportion its gross business profits so as to allocate to this state a fair and equitable proportion
9 of such business profits. Except as provided in this section, such apportionment shall be made ~~on~~
10 ~~the basis of the following 3 factors~~ *in the following manner:*

11 *(a) For taxable periods ending before December 31, 2022:*

12 *(1) The business organization's gross business profits shall be apportioned*
13 *on the basis of the following 3 factors:*

14 ~~[(a)]~~ *(A)* The percentage of value of the total real and tangible personal property owned,
15 rented and employed by the business organization everywhere as is owned, rented and employed by
16 it in the operation of its business in this state. Property owned by the business organization shall
17 be valued at its original cost. Property rented by the business organization shall be valued at 8
18 times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the
19 business organization less any annual rental rate received by the business organization from
20 subrentals.

21 ~~[(b)]~~ *(B)* The percentage of total compensation paid by the business organization to
22 employees everywhere as is paid by the business organization to employees for services rendered
23 within this state. Such compensation is deemed to be disbursed for services in this state if the
24 service is performed entirely within this state, or if the service is performed both within and
25 without this state and the service performed without this state is incidental to the service within
26 this state, or some of the service is performed in this state and ~~[(1)]~~ *(i)* the base of operations or, if
27 there is no base of operations, the place from which the service is directed or controlled is in this
28 state, or ~~[(2)]~~ *(ii)* the base of operations or the place from which the service is directed or controlled
29 is not in any state in which some part of the service is performed, but the individual performing
30 such service resides within this state.

31 ~~[(c)]~~ *(C)* The percentage of the total sales, including charges for services, made by the
32 business organization everywhere as is made by it within this state:

33 ~~[(1)]~~ *(i)* Sales of tangible personal property are made in this state if the property is
34 delivered or shipped to a purchaser, other than the United States government, within this state
35 regardless of f.o.b. point or other conditions of sale, or the property is shipped from an office, store,
36 warehouse, factory or other place of storage in this state and ~~[(A)]~~ the purchaser is the United
37 States government, or ~~[(B)]~~ the business organization is not taxable in the state of the purchaser.

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1 ~~[(2)]~~ **(ii)** Sales other than sales of tangible personal property are in this state if the
2 business organization's market for the sales is in this state, as follows:

3 ~~[(A)]~~ **1.** In the case of sale, rental, lease or license of real property, if and to the
4 extent the property is located in this state;

5 ~~[(B)]~~ **2.** In the case of rental, lease or license of tangible personal property, if and
6 to the extent the property is located in this state;

7 ~~[(C)]~~ **3.** In the case of sale of a service, if and to the extent the service is
8 delivered to a location in this state;

9 ~~[(D)]~~ **4.** In the case of sale, rental, lease or license of intangible property, if and
10 to the extent the property is used in this state;

11 ~~[(E)]~~ **5.** In the case of interest income, if and to the extent the debtor or
12 encumbered property is located in this state;

13 ~~[(F)]~~ **6.** In the case of dividend income, if and to the extent the business
14 organization's commercial domicile is in this state; and

15 ~~[(G)]~~ **7.** In the case of other income, if and to the extent the income is derived
16 from sources in this state.

17 ~~[(3)]~~ **(iii)** In the case of sales other than sales of tangible personal property, if the
18 state or states of assignment cannot be determined, the state or states of assignment shall be
19 reasonably approximated.

20 ~~[(4)]~~ **(iv)** In the case of sales other than sales of tangible personal property, if the
21 taxpayer is not taxable in a state to which a sale is assigned, or if the state of assignment cannot be
22 determined or reasonably approximated, such sale shall be excluded from the denominator of the
23 sales factor.

24 ~~[(H-(a))]~~ **(2)** A fraction, the numerator of which shall be the property factor in subparagraph
25 ~~[(I-(a))]~~ **I(a)(1)(A)** plus the compensation factor in subparagraph ~~[(I-(b))]~~ **I(a)(1)(B)** plus 2 multiplied by
26 the sales factor in subparagraph ~~[(I-(c))]~~ **I(a)(1)(C)** and the denominator of which is 4, shall be
27 applied to the total gross business profits (less foreign dividends) of the business organization to
28 ascertain its gross business profits in this state.

29 **(b)** *For taxable periods ending on or after December 31, 2022, the business*
30 *organization's gross business profits shall be apportioned by multiplying the total gross*
31 *business profits (less foreign dividends) of the business organization by the sales factor in*
32 *subparagraph I(a)(1)(C).*

33 **II.(a)** If ~~[this]~~ **the applicable** method of apportionment **in paragraph I** does not fairly
34 represent the business organization's business activity in this state, the business organization may
35 petition for, or the commissioner may require, in respect to all or any part of the business
36 organization's business activity, if reasonable~~[-]~~,

37 ~~[(1)]~~ ~~The exclusion of any one or more of the apportionment factors;~~

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1 ~~(2) The inclusion of one or more additional apportionment factors which will fairly~~
2 ~~represent the business organization's business activity in the state; or~~

3 ~~(3)~~ the employment of any other method to effect an equitable apportionment of the
4 business organization's gross business profits.

5 (b) For foreign dividends from unitary sources, the following formula shall be used to
6 modify factors relating to included dividends:

7 (1) Determine a percentage for each dividend payor consisting of dividends paid
8 divided by taxable income which has been computed using United States standards.

9 (2) Apply this percentage to the dividend payor's foreign property, payroll, and sales
10 *for taxable periods ending before December 31, 2022, or to the dividend payor's foreign*
11 *sales for taxable periods ending on or after December 31, 2022.*

12 (3) Sum the results in subparagraph (2) for all dividend payors.

13 (4) Add the result in subparagraph (3) to the denominators of the combined water's
14 edge group. The numerator will remain the New Hampshire numerator.

15 (5) Apply the resulting percentage to the foreign dividends.

16 (6) Add this amount to the amount of New Hampshire taxable business profits
17 computed pursuant to RSA 77-A:3, I ~~and II(a)~~.

18 III. When 2 or more related business organizations are engaged in a unitary business, as
19 defined in RSA 77-A:1, XIV, a part of which is conducted in this state by one or more members of
20 the group, the income attributable to this state shall be determined by means of the *applicable*
21 combined apportionment factors of the unitary business group in accordance with paragraphs I and
22 II.

23 4 Business Profits Tax; Qualified Manufacturing Research and Development Expenditures.
24 Amend the introductory paragraph of RSA 77-A:5, XIII(b)(1) to read as follows:

25 XIII.(b)(1) The term "qualified manufacturing research and development expenditures"
26 shall mean solely any wages paid or incurred to an employee of the business organization for
27 services rendered by such employee within this state within the meaning of RSA ~~[77-A:3;I(b)]~~ *77-*
28 *A:3, I(a)(1)(B)*, provided that:

29 5 Business Enterprise Tax; Application of Credit for Business Enterprise Tax Against Business
30 Profits Tax. Amend RSA 77-E:13, I and II to read as follows:

31 I. Determine a combined nexus group denominator for the ~~[property, payroll and sales]~~
32 *applicable apportionment* factors by adding the ~~[property, payroll and sales]~~ *apportionment*
33 factor numerators of the individual members of the combined group subject to tax under RSA 77-A.

34 II. Determine an individual apportionment percentage for each member of the combined
35 group subject to tax under RSA 77-A by dividing such member's *applicable* individual New
36 Hampshire ~~[property, payroll and sales]~~ *apportionment* factor numerators by the combined nexus
37 group denominators determined in paragraph I.

Amendment to HB 2-FN-A-LOCAL
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1 6 New Paragraph; Business Profits Tax; Definition. Amend RSA 77-A:1 by inserting after
2 paragraph XVIII the following new paragraph:

3 XVIII-a. "Foreign sales" as used in RSA 77-A:3, II means the sales data of overseas business
4 organizations which have paid dividends to a member of the water's edge combined group.

5 7 Applicability. Sections 1 and 2 of this act shall apply to taxable periods ending on or after
6 December 31, 2021.

7 8 Effective Date.

8 I. Sections 1 and 2 of this act shall take effect January 1, 2021.

9 II. The remainder of this act shall take effect January 1, 2022.

UNAPPROVED

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 101 with the following:

2
3 101 New Chapter; Sports Betting. Amend RSA by inserting after chapter 287-H the following
4 new chapter:

5 CHAPTER 287-I
6 SPORTS BETTING

7 287-I:1 Definitions. For the purposes of this chapter these words shall have the following
8 meaning:

9 I. "Agent" means a party who is authorized by contract or agreement with the commission
10 to conduct a sports book.

11 II. "Authorized sports bettor" means an individual 18 years of age or older who is physically
12 present in the state of New Hampshire when placing a sports wager with the commission or an
13 authorized agent of the commission and is not a prohibited sports bettor.

14 III. "Collegiate sports event" means a sports or athletic event participated in or offered or
15 sponsored by a public or private institution that offers educational services beyond the secondary
16 level.

17 IV. "Commission" means the lottery commission.

18 V. "Director" means the executive director of the lottery commission or designee.

19 VI. "High school sports event" " means a sports or athletic event participated in or offered
20 or sponsored by a public or private institution that offers educational services at the secondary
21 level.

22 VII. "In-play sports wager" means a sports wager on a sports event after the sports event
23 has begun and before it ends.

24 VIII. "Mobile sports wagering platform" means the combination of hardware, software, and
25 data networks used to manage, administer, record, and/or control sports wagers.

26 IX. "Professional sports event" means an event at which 2 or more persons participate in a
27 sports or athletic event and receive compensation in excess of actual expenses for their participation
28 in such event.

29 X. "Prohibited sports bettor" means:

30 (a) Any member or employee of the commission and any spouse, child, sibling, or parent
31 residing in the same household as a member or employee of the commission.

32 (b) Any principal or employee of any agent.

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1 (c) Any contractor of the commission or its agents when such contract relates to the
2 conduct of sports wagering.

3 (d) Any contractor or employee of an entity that conducts sports wagering in another
4 jurisdiction when the bettor possesses confidential nonpublic information as a result of his or her
5 contract or employment relating to the wager being placed.

6 (e) Any amateur or professional athlete if the sports wager is based in whole or part on
7 a sport or athletic event overseen by the athlete's governing sports body.

8 (f) Any sports agent, owner or employee of a team, player, umpire, referee, coach, union
9 official, or official of a sports governing body if the sports wager is based in whole or part on a sport
10 or athletic event overseen by the governing body which oversees the individual's sport.

11 (g) Any individual placing a wager as an agent of or proxy for a prohibited sports bettor.

12 (h) Any person under the age of 18.

13 XI. "Prohibited sports event" means:

14 (a) A collegiate sports event in which one of the participants is a collegiate team of a
15 college institution that is primarily located in New Hampshire;

16 (b) A collegiate sports event that takes place in New Hampshire;

17 (c) Any high school sports event in any location;

18 (d) Any amateur sports event where the participants are primarily under the age of 18;
19 provided that "prohibited sports event" does not include the games of a collegiate sports tournament
20 in which a New Hampshire college team participates, nor does it include any games of a collegiate
21 sports tournament that occurs outside New Hampshire even though some of the individual games
22 or events are held in New Hampshire; and provided further that sports wagers are permitted on
23 collegiate sports tournament games in which a New Hampshire college team participates only if the
24 outcome of the wager is based on the outcome of all games within the tournament.

25 XII. "Sports governing body" means the organization that prescribes final rules and
26 enforces codes of conduct with respect to a sporting event and participants therein.

27 XIII. "Sports book" means the business of accepting wagers on any sports event by any
28 system or method of wagering.

29 XIV. "Sports wager" means cash or cash equivalent paid by an individual to participate in
30 sports wagering.

31 XV. "Sports wagering" means wagering on sporting events or any portion thereof, or on the
32 individual performance statistics of athletes participating in a sports event, or combination of sports
33 events, by any system or method of wagering, including but not limited to in person communication
34 and electronic communication through Internet websites accessed via a mobile device or computer
35 and mobile device applications. The term sports wagering shall include, but not be limited to, single
36 game bets, teaser bets, parlays, over-under bets, money line bets, pools, exchange wagering, in
37 game wagering, in-play bets, proposition bets, and straight bets.

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1 XVI. "Tier I sports wager" means a sports wager that is placed before the start of the sports
2 event and is determined solely by the final score or final outcome of that single sports event.

3 XVII. "Tier II sports wager" means an in-play sports wager.

4 XVIII. "Tier III sports wager" means a sports wager that is neither a tier I or tier II wager.

5 287-I:2 Sports Book Authorized. The commission is authorized to operate a sports book for the
6 purposes of accepting and paying sports wagers by authorized bettors within the state in
7 conformance with the requirements of this chapter.

8 287-I:3 Commission Agents. The commission shall conduct sports books for sports wagering
9 through agents selected through a competitive bid process and approved by the governor and
10 executive council. Any such contract shall be based on the state receiving a percentage of revenue
11 from sports wagering activities within the state. The commission shall ensure that an agent
12 demonstrates financial stability, responsibility, good character, honesty, and integrity. In selecting
13 an agent, the commission shall consider, at a minimum, the experience and background of the
14 agent, the agent's ability to serve proposed locations for sports book retail operations, the agent's
15 mobile and Internet capabilities, the agent's contribution to economic development within the state,
16 the agent's commitment to prevention of problem gambling, to responsible gaming, and to integrity
17 in betting. The commission shall select a group of bidders who best meet the criteria set forth in
18 this paragraph and select from that group the agent or agents whose bids provide the state with the
19 highest percentage of revenue from the sports wagering activities covered by the bid or bids,
20 provided that the commission determines that the bidder's commitment to return said revenue
21 percentage to the state is consistent with the bidder's commitment to meet all other criteria
22 specified in the bid request and in applicable law. All agents shall be subject to criminal and
23 financial background checks as prescribed by the commission.

24 287-I:4 Commission Directed Sports Wagering. The commission is further authorized to
25 directly offer lottery games to authorized bettors within the state in the form of tier III sports
26 wagers through the commission's lottery retailers subject to the provisions of this chapter. The
27 commission may retain vendors to support the commission in operating a sports book and such
28 vendors shall be selected through a competitive bid process and approved by the governor and
29 executive council.

30 287-I:5 Sports Book Retail Operations. The commission and its agents are further authorized
31 to operate physical sports book retail locations within the state for the purposes of accepting tier I
32 and tier III sports wagers from authorized bettors and paying prizes relating to those wagers. The
33 sports book retail locations may be co-located with other commercial businesses or general
34 commercial retail locations. No more than 10 sports book retail locations may be in operation at any
35 given time.

36 287-I:6 Local Option for Operation of Sports Book Retail Locations.

37 I. Any town or city may allow the operation of a sports book retail location according to the

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1 provisions of this subdivision, in the following manner, excepting that nothing in this section shall
2 be construed to prohibit Internet or mobile wagering or lottery games involving tier III sports
3 wagers in the jurisdiction, if so authorized by the passage of this statute.

4 (a) In a town, the question shall be placed on the warrant of an annual town meeting
5 under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative
6 body may vote to place the question on the official ballot for any regular municipal election, or, in
7 the alternative, shall place the question on the official ballot for any regular municipal election
8 upon submission to the legislative body of a petition signed by 25 of the registered voters.

9 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question
10 at least 15 days but not more than 30 days before the question is to be voted on. Notice of the
11 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper
12 of general circulation at least 7 days before the hearing.

13 (c) The wording of the question shall be substantially as follows: "Shall we allow the
14 operation of sports book retail locations within the town or city?"

15 II. If a majority of those voting on the question vote "Yes", sports book retail locations may
16 be operated within the town or city.

17 III. If the question is not approved, the question may later be voted upon according to the
18 provisions of paragraph I at the next annual town meeting or regular municipal election.

19 IV. A municipality that has voted to allow the operation of sports book retail locations may
20 consider rescinding its action in the manner described in paragraph I of this section.

21 V. An unincorporated place may allow the operation of a physical sports book retail location
22 by majority vote of the county delegation, after a public hearing is held.

23 VI. The commission shall maintain a list of municipalities where sports book retail locations
24 may be placed into operation.

25 287-I:7 Mobile Sports Wagering Authorized. The commission and its agents are authorized to
26 operate a sports books that offer tier I, tier II, and tier III sports wagers through a mobile sports
27 wagering platform by mobile devices or over the Internet. No more than 5 mobile sports wagering
28 agents shall be in operation at any given time. With respect to mobile sports wagering, the
29 commission, either independently, or through its agent, shall provide:

30 I. Age verification measures to be undertaken to block access to and prevent sports wagers
31 by persons under the age of 18 years.

32 II. Identity verification through secure online databases or by examination of photo
33 identification.

34 III. That mobile sports wagers must be initiated and received within the geographic borders
35 of the state of New Hampshire and may not be intentionally routed outside of the state. The
36 incidental intermediate routing of mobile sports wager shall not determine the location or locations
37 in which such a wager is initiated, received, or otherwise made.

1 IV. Wager limits for daily, weekly, and monthly amounts consistent with the best practices
2 in addressing problem gambling.

3 V. A voluntary self-exclusion program for players to self-exclude themselves from wagering
4 for set periods of time.

5 VI. Security mechanisms to ensure the confidentiality of wagering and personal and
6 financial information except as otherwise authorized by this chapter.

7 287-I:8 Sports Wagering Supervision. The commission shall create a division of sports
8 wagering which will be responsible for ensuring compliance with the requirements of this chapter
9 and any rules promulgated by the commission in accordance with the authorities granted under
10 this chapter. In addition, the division, under the direction of the director and commission, shall
11 ensure that the commission's agents and vendors comply with the following obligations:

12 I. Each agent or vendor engaged in sports wagering shall submit a security and internal
13 control report for the division's review and approval prior to conducting any sports wagering within
14 the state and every year thereafter. This report shall address all aspects of security and controls
15 including physical security, personnel security, and computer systems security including:

16 (a) Surveillance plans for all retail sports book locations, including surveillance
17 coverage and direct access for the commission to the surveillance system.

18 (b) User access controls for sports book personnel.

19 (c) Segregation of duties within the sports book.

20 (d) Employment background checks and policies.

21 (e) Automated and manual risk management procedures.

22 (f) Procedures for identifying and reporting fraud and suspicious conduct.

23 (g) Procedures to establish connectivity with monitoring services and/or sports
24 governing bodies relating to suspicious activity.

25 (h) Any and all monitoring systems utilized by the agents or vendor to report and
26 receive information on suspicious betting activities.

27 (i) Systems and procedures to prevent prohibited sports bettors from placing wagers.

28 (j) Description of anti-money laundering compliance standards.

29 (k) Descriptions of all integrated third-party systems or components and the security
30 procedures relating to those systems.

31 II. For each wagering computer system used to conduct sports wagering, including all
32 mobile sports wagering platforms within the state, the agent or vendor providing such system shall
33 provide a detailed computer system security report to be approved by the commission prior to the
34 acceptance of wagers and each year thereafter. The report shall address the issues set forth in the
35 security and internal control report along with the following:

36 (a) Documented system security testing performed by a licensed third-party contractor
37 approved by the commission;

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- 1 (b) A description of all software applications that comprise the system;
- 2 (c) A procedure for third-party auditing of financial transactions received by the system;
- 3 (d) A description of all types of wagers supported by the system;
- 4 (e) Unique identification and verification systems for wagers;
- 5 (f) Procedures to prevent past posting of wagers;
- 6 (g) A list of data recorded relating to each wager;
- 7 (h) System redundancy to ensure recording of wagers during a system outage;
- 8 (i) A mechanism to provide read only access to the commission to the back office system
- 9 for the purposes of reviewing and auditing wagering activities;
- 10 (j) Integration with an independent control system to ensure integrity of system
- 11 wagering information;
- 12 (k) Capabilities for canceling existing wagers, freezing or suspending wagering across
- 13 the platform, or for specific events; and
- 14 (l) Any other issue identified by the division upon review of the proposed gaming
- 15 system.

16 III. Each agent engaged in sports wagering shall submit house rules for the division's
17 review and approval prior to conducting any sports wagering within the state and every year
18 thereafter. These house rules shall include at a minimum:

- 19 (a) The method for calculation and payment of winning wagers.
- 20 (b) The effect of schedule changes for a sports event.
- 21 (c) The method of notifying bettors of odds or proposition changes.
- 22 (d) Acceptance of wagers at terms other than those posted.
- 23 (e) Expiration dates for winning tickets.
- 24 (f) Circumstances under which the agent will void a bet;
- 25 (g) Treatment of errors, late bets, and related contingencies;
- 26 (h) Method of contacting the agents or vendor for questions or complaints;
- 27 (i) Description of those persons who are prohibited from wagering with the agents of
- 28 contractor if broader than the prohibited bettors list set forth in this section;
- 29 (j) The method and location for posting and publishing the approved house rules.

30 IV. Each agent or vendor engaged in sports wagering shall submit accounting controls for
31 the division's review and approval prior to conducting any sports wagering within the state and
32 every year thereafter. These accounting controls shall include at a minimum:

- 33 (a) A process for documenting and verifying beginning of day cash balance;
- 34 (b) Processes for recording collection of wagers, payment of wagers, and cancellation of
- 35 wagers issued;
- 36 (c) Processes for handling cash within sports book retail locations including segregation
- 37 of duties related to counting and storage of cash; and

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1 (d) The establishment of a segregated account related to New Hampshire sports
2 wagering activities.

3 V. The commission's agents shall submit a responsible gaming plan for the division's review
4 and approval prior to conducting any sports wagering within the state and every year thereafter.
5 This plan should include identification of posting and materials related to problem gaming,
6 resources to be made available to bettors expressing concerns about problem gaming, house imposed
7 player limits, and self-exclusion programs.

8 VI. The commission's agents shall maintain a cash reserve available to pay wagers as
9 determined by the commission.

10 VII. The commission's agents or vendor shall not accept any wager on a sports event unless
11 it has received approval from the commission to conduct that type or category of wager. A type of
12 wager refers to the method of determining the outcome of the wager. The category refers to the
13 kind of event being wagered on. The commission shall approve wager categories and types in a
14 reasonable time frame. Once a particular category or wager type is approved for its first use it may
15 be used on multiple events without further approval.

16 VIII. The commission shall only approve wagers on categories of events where:

- 17 (a) The outcome can be verified;
18 (b) The outcome can be generated by a reliable and independent process; and
19 (c) The event is conducted in conformity with applicable laws.

20 IX. Wagers made under this section shall be made with:

- 21 (a) Cash;
22 (b) Cash equivalent;
23 (c) PayPal;
24 (d) Debit card;
25 (e) ACH;
26 (f) Promotional funds; and
27 (g) Any other means approved by the executive director.

28 X. Any agent or contractor who sends or receives electronic sports wagers is responsible to
29 ensure that any transfer of that wager is initiated and received and completed within the state of
30 New Hampshire and that only incidental intermediate routing of the wager occurs outside of the
31 state. The agent and contractor shall be responsible for periodically reviewing their information
32 technology systems and networks to ensure compliance with this section.

33 287-I:9 Proceeds to Education Fund. The proceeds received by the commission from sports
34 wagering, less the administrative costs of the commission, prizes paid, and payments for problem
35 gambling services, shall be deposited in the education trust fund established in RSA 198:39.

36 287-I:10 Limitations on Sports Wagers. The commission and its agents are prohibited from the
37 following activities:

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1 I. Accepting or making payment relating to sports wagers made by prohibited sports
2 bettors.

3 II. Accepting sports wagers on prohibited sports events.

4 III. Accepting sports wagers from persons who are physically outside of the state of New
5 Hampshire at the time of the sports wager.

6 287-I:11 Disclosure of Data Source. The commission and agents shall publicly disclose the
7 source of the data that will be used to determine the outcome of a tier II or tier III wager.

8 287-I:12 Risk Management. The commission's agents may take any risk management
9 strategies as authorized by the director.

10 287-I:13 Maintaining Sports Integrity. The commission and agents may participate in national
11 and international monitoring services and associations and may share betting information with
12 those entities and sports governing bodies in order to ensure the integrity of sports wagers and
13 sports events. The director may restrict, limit, or exclude wagering on a sports event if he or she
14 determines that such an action is necessary to ensure the integrity of the sports book.

15 287-I:14 Financial Reports. The commission may seek financial and compliance reports from
16 its agents periodically and may conduct audits of these reports to ensure that the state receives the
17 agreed upon revenue sharing proceeds.

18 287-I:15 Compliance Reviews. The commission shall retain oversight of its agents to ensure
19 that all sports wagering activities are conducted in accordance with this statute and any rules
20 adopted by the commission.

21 287-I:16 Fantasy Sports Exempted. Nothing in this chapter shall apply to fantasy sports
22 contests authorized pursuant to RSA 287-H.

23 287-I:17 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to the
24 operation, conduct, location, and oversight of sports books. The commission may enact emergency
25 rules, which will take effect upon approval.

26 102 Effective Date. This act shall take effect upon its passage.

Sen. Giuda, Dist 2
May 22, 2019
2019-2212s
06/01

Amendment to HB 2-FN-A-LOCAL

- 1 Delete sections 213-216, relative to the business profits tax and the business enterprise tax.

2019-2212s

AMENDED ANALYSIS

Delete paragraph 78 establishing the rates of the business profits tax and the business enterprise tax and repealing rate reductions.

UNAPPROVED

Sen. D'Allesandro, Dist 20
May 13, 2019
2019-1930s
11/04

Amendment to HB 2-FN-A-LOCAL

1 1 Administration of Motor Vehicle Laws; Road Tolls; Exception. Amend RSA 260:60 to read as
2 follows:

3 260:60 Exception. Notwithstanding all other laws and rules to the contrary, annually, on or
4 before June 1, the road toll administrator shall compare the number of gallons on which refunds
5 have been made for the preceding calendar year for motor fuel used in the propulsion of boats on
6 inland public waters of the state, with the number of gallons of such motor fuel sold and delivered
7 directly into the fuel tanks, or supplementary fuel tanks, of boats or outboard motors upon the
8 inland public waters for use in such boats or outboards, based on the number of boats registered in
9 the state at 100 gallons usage per boat, and if there is any balance of unrefunded tolls so collected,
10 the administrator shall report the same to the comptroller who shall, on July 1, next following,
11 credit 1/2 of said balance to the general fund and credit 1/2 of said balance to the fish and game
12 department. The funds credited to the fish and game department shall be used by said department
13 to carry out its program and be accounted for as *unrestricted revenue to* the fish and game fund
14 [~~is accounted for~~]. Any funds credited to the fish and game department as above provided shall not
15 lapse at the end of the fiscal year. The department shall pay monthly to the state treasurer all
16 revenue from the aircraft landing area toll.

17 2 Administration of Motor Vehicle Laws; Road Tolls; Credit Provided. Amend RSA 260:61, I to
18 read as follows:

19 I. Annually, on or before June 30, the comptroller shall transfer, from road tolls collected,
20 an amount equal to the number of licensed OHRVs and snowmobiles for the previous year times the
21 average number of gallons consumed per year per OHRV and snowmobile times the gasoline road
22 toll imposed under RSA 260:32, less any amount refunded for OHRV and snowmobile use for the
23 previous year, to the fish and game department and the bureau of trails as follows. The road toll
24 administrator shall report to the comptroller if there is a balance of unrefunded road tolls collected.
25 The administrator shall certify the amount to the comptroller who shall credit 1/2 of such balance to
26 the bureau of trails for use as provided in paragraph I-a, and 1/2 of such balance to the fish and
27 game department *as unrestricted revenue to the fish and game fund*. For the purposes of this
28 section, "the average number of gallons consumed per year per OHRV or snowmobile" is 100.