

**New Hampshire Department of Revenue Administration  
109 Pleasant Street, Concord, NH 03301**

**TECHNICAL INFORMATION RELEASE  
TIR 2022-003 Date: September 1, 2022**

A Technical Information Release is designed to provide immediate information regarding tax laws administered by the Department or the policy positions of the Department as a service to taxpayers and practitioners. A Technical Information Release represents the position of the Department on the limited issues discussed herein based on current law and Department interpretation. For the current status of any tax law, practitioners and taxpayers should consult the source documents (i.e., Revised Statutes Annotated, Rules, Case Law, Session Laws, etc.). Questions should be directed to Taxpayer Services at (603) 230-5920.

**2022 Legislative Session in Review**

The purpose of this Technical Information Release (TIR) is to provide taxpayers and tax practitioners with a convenient reference guide of relevant statutory changes made during the 2022 Legislative Session by the New Hampshire General Court impacting various taxes administered by the New Hampshire Department of Revenue Administration (DRA). This TIR is for informational purposes only and is intended to provide a summary or synopsis of enacted legislation. It is not intended to be relied upon as a full and complete text or as a substitute for the actual state law. Please refer to the applicable statutes and rules to determine how this information applies to specific persons or situations.

**BUSINESS TAX**

**SB 435 (Chapter 241)** modifies the calculation of net operating loss carryover (NOL) for determining taxable business profits under the Business Profits Tax by only apportioning the NOL in the year incurred and conforming the NOL calculation to the Internal Revenue Code in effect, as defined in RSA 77-A:1, XX.

*Statute Amended: RSA 77-A:1, IV and RSA 77-A:4, XIII*

*Effective Date: July 1, 2022 (shall apply to business organizations' tax years ending on or after December 31, 2022)*

**HB 102 (Chapter 12, Sections 1 - 3)** establishes a commission to study worldwide combined reporting method for unitary businesses under the Business Profits Tax (BPT). The commission shall study the replacement of the current water's edge method with a worldwide combined reporting method for apportionment of income under BPT.

*Statute Added: RSA 77-A:23-b*

*Effective Date: April 11, 2022*

**HB 102 (Chapter 12, Sections 4 - 5)** includes moneys or property received by a regulated public utility which provides water or sewerage disposal services as "contribution to the capital of the business taxpayer" in the determination of the business organization's gross business profits. To qualify, such moneys or property received shall be either a contribution in aid of construction or

a contribution by a governmental entity to the capital of the utility. At the same time, no deduction or credit shall be allowed for expenditures which constitutes contribution in aid of construction.

*Statute Added: RSA 77-A:3-d*

*Effective Date: April 11, 2022 (applicable to contributions made on or after January 1, 2021)*

**HB 1063 (Chapter 16, Section 1)** accommodates the ability to electronically submit the Research and Development Credit application by replacing the June 30<sup>th</sup> application deadline requirement from “postmarked” to “filed”.

*Statute Amended: RSA 77-A:5, XIII(a)(3)*

*Effective Date: April 11, 2022*

**HB 1063 (Chapter 16, Section 3)** eliminates the requirement for the Department to issue a notice of refund when a claim of refund is refunded or granted as a credit in full. A notice will only be issued when the claim is completely or partially denied.

*Statute Amended: RSA 21-J:28-a, II*

*Effective Date: April 11, 2022*

**HB 1221 (Chapter 189, Section 1)** reduces the rate of the BPT for taxable periods ending on or after December 31, 2023 to 7.5%.

*Statute Added: RSA 77-A:2, III*

*Effective Date: June 17, 2022 (applicable to taxable periods ending on or after December 31, 2023)*

## **MUNICIPAL AND PROPERTY**

**SB 239 (Chapter 127, Section 2)** requires notification by each city, town, school district, village district, county, or precinct to the Department of a completed audit under RSA 21-J:19 or RSA 21-J:20, and establishes a fine for failure to complete a required audit.

*Statute Added: RSA 21-J:20-a*

*Effective Date: May 27, 2022*

**SB 312 (Chapter 163)** provides that the assessors and selectmen shall, as part of creating an annual revised inventory of taxable property, correct any errors in existing appraisals.

*Statute Amended: RSA 75:8, I*

*Effective Date: August 6, 2022*

**SB 317 (Chapter 164)** reduces the interest rate applied to the amount of paid property taxes abated by a municipality from 6% to 4% per annum.

*Statute Amended: RSA 76:17-a*

*Effective Date: April 1, 2022 (apply to taxable periods beginning on or after April 1, 2022)*

**HB 410 (Chapter 49)** establishes a commission to study the assessing of power generation and utility transmission. The commission shall determine the most accurate methodology for assessing power generation assets and utility transmission, compare the efficacy of the Department's approach to assessing the assets with the approach utilized by the municipalities, study the approach used by other states, and recommend a unified approach for the Department and the municipalities.

*Statute Added: RSA 72:8-f*

*Effective Date: May 20, 2022*

**HB 1063 (Chapter 16, Section 4)** clarifies that for redevelopment district bonds issued from an unincorporated place, the manner of sale and terms of any bonds issued by the county, the amount of assessment, payment terms and method of collection shall be established in a financing plan prepared by the project developer or developers.

*Statute Amended: RSA 33:20*

*Effective Date: April 11, 2022*

**HB 1667 (Chapter 121)** clarifies that veterans as defined in RSA 21:50 who served in any active duty status and who continue to serve qualify for the veteran's property tax credits. This expanded definition shall apply to the Standard Veterans' Tax Credit without any action from municipalities. Municipalities that had previously adopted the Optional Veterans' Tax Credit or the All Veterans' Tax Credit, shall readopt these local options to continue to provide such credits to the qualified veterans in their community.

*Statute Amended: RSA 72:28, IV, RSA 72:28-b, IV*

*Effective Date: July 26, 2022*

**HB 1221 (Chapter 189, Sections 2 - 6)** provides for a one-time payment by the state of an amount equal to 7.5% of required political subdivision employer contributions made to the state retirement system for group I teachers and group II members.

*Statute Added: Property Tax Relief Act of 2022*

*Statute Repealed: RSA 100-A:16, II(c-1)*

*Effective Date: July 1, 2022*

**HB 1552 (Chapter 267)** establishes within the Office of Professional Licensure and Certification an independent assessing certification board for the certification of assessors. Any certificate issued by the Department in accordance with RSA 21-J:14-f shall be valid until its expiration date. At expiration, such certificate may be renewed by the board in accordance with RSA 310-C:2. The Department shall continue to have the authority to issue certifications and

discipline certified assessing personnel until the Governor and Council have confirmed four members of the assessing certification board. The Commissioner of the Department may extend the period of time through August 31, 2023 for the completion of continuing education hours, upon written request by any Department certified assessor personnel prior to the expiration of his or her certification.

***Statute Added: RSA 310-C***

***Statute Amended: RSA 21-J:14-k; RSA 21-J:39, IV(a) and (b); RSA 21-J:14-f; RSA 21-J:14-g, I; RSA 31:95-g; RSA 79-A:3, II(a); RSA 310-A:1-a, I***

***Effective Date: January 1, 2023***

***Statute Amended: RSA 21-J:14-g, II***

***Effective Date: September 1, 2023***

## **MISCELLANEOUS**

**SB 53 (Chapter 123)** provides that certain records pertaining to the certification and decertification of assessors shall be exempt from the Department's confidentiality requirements.

***Statute Amended: RSA 21-J:14, IV(a)***

***Effective Date: May 27, 2022***

**HB 1040 (Chapter 255)** establishes a commission to study revenue alternatives to the road toll for the funding of the state's highways and bridges and resulting improvements to the environment.

***Statute Added: RSA 21-J:49***

***Effective Date: June 24, 2022***

**HB 1097 (Chapter 185)** declares that the income from employer-employee relationship earned and received by residents of the state of New Hampshire for services entirely performed within this state shall not be subject to personal income tax in any other state.

***Statute Added: RSA 78-F:1***

***Effective Date: June 17, 2022***

***Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the N.H. Department of Revenue Administration, 109 Pleasant Street, Concord, NH 03301 or by contacting them at (603) 230-5920.***