

Notice Number 2023-301

Rule Number Rev 1900

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| <p>1. Agency Name &amp; Address:</p> <p><b>Department of Revenue Administration</b><br/><b>109 Pleasant Street</b><br/><b>P.O. Box 457</b><br/><b>Concord, NH 03302-0457</b></p> | <p>2. RSA Authority: <u>RSA 21-J:13, III, IV, and IX</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal <u>X</u></p> <p>Readoption <u>X</u></p> <p>Readoption w/amendment <u>X</u></p> |
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5. Short Title: **Municipal Matters**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

**The Department of Revenue Administration is proposing to readopt, readopt and renumber, readopt with amendments, readopt with amendments and renumber, or repeal all of the rules in Chapter Rev 1900, relative to Municipal Matters. Rev 1900 governs municipal officials including the keeping and auditing of their accounts. It also includes certain municipal reporting obligations to the Department of Revenue Administration. Finally, it includes a section governing the valuation and taxing of utility company distribution assets. Most of these rules are scheduled to expire on May 2, 2024, but are subject to extension pursuant to RSA 541-A. Changes to the existing rules in Rev 1900 are summarized below:**

1. **There are editorial and substantive, clarifying amendments throughout, including renumbering some rules, to comply with the provisions of RSA 541-A;**
2. **Rev 1901 is being amended to add a definition for the “Municipal Tax Rate Setting Portal (MTRSP)”, which shall appear at Rev 1901.10. It changes the desired method for certain required reporting to an electronic instead of paper method;**
3. **Rev 1901.10 is being amended to renumber it from Rev 1901.10 to read Rev 1901.11 because a new definition was added defining the Municipal Tax Rate Setting Portal at the new Rev 1901.10;**
4. **Rev 1903.06(f) is being amended to change the location of the statutory reference in the sentence from one part of the sentence to another. It is simply an editorial change to improve sentence structure;**
5. **Rev 1904.01(a) is being amended to update a reference to an outside source. The outside source – Circular A133, Audits of States, Local Government and Nonprofit Organizations – is an outdated source no longer used. It is being replaced with the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”, which can be found at 2 C.F.R § 200.500-200.521. These are the standards followed by federal government auditors;**
6. **Rev 1904.01(d) is being amended to add a reference to a Public Law that amends a federal statute that the rule references. It is considered necessary in order to update Rev 1904.01 to ensure it is current;**
7. **Rev 1904.02(b) is being amended to reference the new threshold dollar amount that is part of the federal regulation. The threshold is now \$750,000 instead of the former threshold of \$500,000;**
8. **Rev 1904.02(b)(2) is being amended to replace the former monetary threshold of \$500,000 with a textual reference to the federal threshold. This prevents Rev 1904.02(b)(2) from**

becoming out of date if a federal rule-making change modifies the dollar amount of that threshold;

9. Rev 1904.03(b)(1) is being amended to update the dollar amount which is part of the federal regulation referenced being referenced that governs when a Single Audit is required under the Single Audit Act;
10. Rev 1904.03(b)(2) is being amended to update the dollar amount which is part of the federal regulation being referenced that governs when a Single Audit is required under the Single Audit Act;
11. Rev 1905.10(b) is being amended to add a reference to the MS-61 form to clarify which form the tax collector shall use to report the listed required information;
12. Rev 1905.10(d) is being amended to change the preferred delivery method for the tax collector to file the MS-61 form from paper to the Municipal Tax Rate Setting Portal;
13. Rev 1907.03 is being repealed because it was a phase-in portion of Rev 1907 which governs the taxing of utility company distribution assets, such as poles and transmission lines, which phase-in period has been completed. Rev 1907.03 is being repealed because it is no longer is relevant and no longer needs to be included in the rule;
14. Rev 1907.04 is being readopted with amendment to strike out a reference to the now defunct phase-in period of Rev 1907 (which is repealed section Rev 1907.03) and it is being renumbered from Rev 1907.04 to be Rev 1907.03 because the existing Rev 1907.03 is being repealed;
15. Rev 1908.01(a) is being amended to change the preferred delivery method for the tax collector to file form MS-60 from paper to the Municipal Tax Rate Setting Portal and to add hand delivery as an option and providing the proper address for hand-delivery;
16. Rev 1908.02(a) is being amended to change the preferred delivery method for form MS-60A from paper to the Municipal Tax Rate Setting Portal and to add hand delivery as an option and providing the proper address for hand-delivery; and
17. Rev 1908.02(c) is being amended to change the preferred delivery method for form MS-60W from paper to the Municipal Tax Rate Setting Portal and to add hand delivery as an option and providing the proper address for hand-delivery.

6. (b) Brief description of the groups affected:

**Municipalities, municipal officials including but not limited to treasurers and tax collectors, municipal auditors, property taxpayers, utility property taxpayers.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

| <b>Rule</b>               | <b>Specific State Statute the Rule Implements</b> |
|---------------------------|---|
| Rev 1901.01               | RSA 21-J:13                                       |
| Rev 1901.02               | RSA 21-J:13; RSA 41:2-g                           |
| Rev 1901.03               | RSA 21-J:13                                       |
| Rev 1901.04               | RSA 21-J:13                                       |
| Rev 1901.05               | RSA 21-J:13                                       |
| Rev 1901.06               | RSA 21-J:13; RSA 31:94; 31:94-a                   |
| Rev 1901.07 – Rev 1901.11 | RSA 21-J:13; RSA 53-B:7                           |
| Rev 1902.01               | RSA 21-J:13; RSA 31:94                            |
| Rev 1902.02               | RSA 21-J:13; RSA 31:94-a                          |
| Rev 1902.03               | RSA 21-J:13; RSA 21-J:1, II (c); 21-J:13, VII (a) |
| Rev 1903                  | RSA 21-J:13; RSA 41:6, V                          |
| Rev 1904.01               | RSA 41:31-c; RSA 21-J:13, IV                      |
| Rev 1904.02               | RSA 41:31-c; RSA 21-J:13, IV                      |
| Rev 1904.03               | RSA 41:31-c; RSA 21-J:13, IV                      |
| Rev 1905.01 – Rev 1905.08 | RSA 41:39; RSA 21-J:13, IV                        |

| <b>Rule</b>  | <b>Specific State Statute the Rule Implements</b> |
|--|---|
| Rev 1905.09  | RSA 41:39; RSA 21-J:13, IV; RSA 52:16; RSA 76:4   |
| Rev 1905.10  | RSA 41:39; RSA 21-J:13, IV                        |
| Rev 1905.11  | RSA 33-A  |
| Rev 1906   | RSA 33:12; RSA 21-J:13, IV                        |
| Rev 1907.01, Rev 1907.02, Rev 1907.03 (repealed), and Rev 1907.03 (formerly Rev 1907.04) | RSA 72:8-d  |
| Rev 1908.01  | RSA 41:31-c; RSA 41:31-d; RSA 21-J:13, IV         |
| Rev 1908.02  | RSA 41:31-c; RSA 41:31-d; RSA 21-J:13, IV         |
| Rev 1908.03  | RSA 41:31-c; RSA 41:31-d; RSA 21-J:13, IV         |

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Cheryl C. Deshaies** Title: **Assistant Revenue Counsel**  
Mailing Address: **109 Pleasant Street** Phone #: **603-230-5029**  
**P.O. Box 457** Fax#: **603-230-5945**  
**Concord, NH 03302-0457** E-mail: **cheryl.c.deshaies@dra.nj.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, February 9, 2024**

Fax  E-mail  Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, February 2, 2024 at 2:00 p.m.**

Physical Location: **New Hampshire Department of Revenue Administration  
Medical and Surgical Building  
109 Pleasant Street, 2<sup>nd</sup> Floor Training Room  
Concord, New Hampshire 03301**

**\*\*\*The security procedures at the Department of Revenue Administration require all visitors to sign in and present photo identification. If you plan to attend the public hearing, please bring photo identification with you.\*\*\***

Electronic Access (if applicable): **N/A**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 23:301, dated 12/22/2023

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules. Not applicable to Rev 1907.03 as it is being repealed.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

There are no costs or benefits attributable to the proposed rules as they are technical in nature.

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**The proposed rule does not mandate fees, or additional local expenditures on a political subdivision of the state and therefore does not violate Part I, Article 28-a of the NH Constitution.**