

# Bill as Introduced

HB 101 - AS AMENDED BY THE HOUSE

7Apr2021... 0164h

2021 SESSION

21-0101  
10/08

HOUSE BILL            **101**

AN ACT                relative to the close of a county's books of records.

SPONSORS:            Rep. J. MacDonald, Carr. 6; Rep. Marsh, Carr. 8; Rep. Crawford, Carr. 4; Rep. Nelson, Carr. 5; Rep. Avellani, Carr. 5; Rep. Deshaies, Carr. 6

COMMITTEE:          Municipal and County Government

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AMENDED ANALYSIS

This bill requires counties to close their books 45 days following the end of the fiscal year unless granted an extension by the commissioner of revenue administration.

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Explanation:          Matter added to current law appears in **bold italics**.  
                         Matter removed from current law appears [~~in brackets and struck through~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the close of a county's books of records.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Counties; Close of Books for Fiscal Year. Amend RSA 28:3-a to read as follows:

2 28:3-a County *Close of Books*; Audits.

3 *I. Counties shall close their books on or before 45 days following the end of the*  
4 *county fiscal year unless the county has been granted an extension by the commissioner of*  
5 *the department of revenue administration. The commissioner may grant one or more 45-*  
6 *day extensions for cause, and shall notify the chairperson of the county convention of each*  
7 *extension and the reasons it was granted.*

8 *II. In the event that an audit is required or requested by resolution by either the board of*  
9 *commissioners or the county convention, the commissioners, with the approval of the executive*  
10 *committee of the county convention, shall engage the services of a certified public accountant*  
11 *qualified in municipal and county finances for the purpose of conducting an audit of the county books*  
12 *of records. The performance and scope of the audit shall be in accordance with generally-accepted*  
13 *auditing standards. The audit shall include an examination for conformance with state and federal*  
14 *laws and regulations relating to county finances, including rules adopted by the commissioner of*  
15 *revenue administration pursuant to RSA 541-A, and shall also include an examination of any subject*  
16 *of county finances that may be requested either by the commissioners, by the county convention, or*  
17 *by the treasurer. The audit shall be completed within 120 days following the close of the books of the*  
18 *county fiscal year. The commissioners shall cause the report of the auditor, together with the*  
19 *customary management representation letter and management responses, to be published with or*  
20 *supplementary to the annual reports of the county officers, with a copy forwarded to the department*  
21 *of revenue administration. Upon completion of a county audit under this section, the county*  
22 *convention shall review the audit, management representation letter, and management responses*  
23 *for compliance with the criteria described in this section and may suggest alternative or additional*  
24 *measures for use in subsequent audits.*

25 2 Effective Date. This act shall take effect 60 days after its passage.

HB 101 - AS AMENDED BY THE SENATE

7Apr2021... 0164h

04/22/2021 1146s

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21-0101

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HOUSE BILL **101**

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COMMITTEE: Municipal and County Government

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This bill requires counties to close their books 90 days following the end of the fiscal year unless granted an extension by the commissioner of revenue administration.

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4 ***county fiscal year unless the county has been granted an extension by the commissioner of***  
5 ***the department of revenue administration. The commissioner may grant one or more 45-***  
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7 ***extension and the reasons it was granted.***

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9 commissioners or the county convention, the commissioners, with the approval of the executive  
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13 auditing standards. The audit shall include an examination for conformance with state and federal  
14 laws and regulations relating to county finances, including rules adopted by the commissioner of  
15 revenue administration pursuant to RSA 541-A, and shall also include an examination of any subject  
16 of county finances that may be requested either by the commissioners, by the county convention, or  
17 by the treasurer. The audit shall be completed within 120 days following the close of the books of the  
18 county fiscal year. The commissioners shall cause the report of the auditor, together with the  
19 customary management representation letter and management responses, to be published with or  
20 supplementary to the annual reports of the county officers, with a copy forwarded to the department  
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23 for compliance with the criteria described in this section and may suggest alternative or additional  
24 measures for use in subsequent audits.

25 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 162  
HB 101 - FINAL VERSION

7Apr2021... 0164h  
04/22/2021 1146s

2021 SESSION

21-0101  
10/08

HOUSE BILL ***101***

AN ACT relative to the close of a county's books of records.

SPONSORS: Rep. J. MacDonald, Carr. 6; Rep. Marsh, Carr. 8; Rep. Crawford, Carr. 4; Rep. Nelson, Carr. 5; Rep. Avellani, Carr. 5; Rep. Deshaies, Carr. 6

COMMITTEE: Municipal and County Government

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CHAPTER 162  
HB 101 - FINAL VERSION

7Apr2021... 0164h  
04/22/2021 1146s

21-0101  
10/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the close of a county's books of records.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 162:1 Counties; Close of Books for Fiscal Year. Amend RSA 28:3-a to read as follows:

2 28:3-a County *Close of Books*; Audits.

3 *I. Counties shall close their books on or before 90 days following the end of the*  
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21 of revenue administration. Upon completion of a county audit under this section, the county  
22 convention shall review the audit, management representation letter, and management responses  
23 for compliance with the criteria described in this section and may suggest alternative or additional  
24 measures for use in subsequent audits.

162:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 30, 2021  
Effective Date: September 28, 2021

# Amendments



Sen. Gray, Dist 6  
April 12, 2021  
2021-1121s  
12/10

Amendment to HB 101

1 Amend RSA 28:3-a, I as inserted by section 1 of the bill by replacing it with the following:

2

3 *I. Counties shall close their books on or before 90 days following the end of the*  
4 *county fiscal year unless the county has been granted an extension by the commissioner of*  
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7 *extension and the reasons it was granted.*

UNAPPROVED

2021-1121s

AMENDED ANALYSIS

This bill requires counties to close their books 90 days following the end of the fiscal year unless granted an extension by the commissioner of revenue administration.

NOT APPROVED

Election Law and Municipal Affairs  
April 15, 2021  
2021-1146s  
10/06

Amendment to HB 101

1 Amend RSA 28:3-a, I as inserted by section 1 of the bill by replacing it with the following:

2

3 *I. Counties shall close their books on or before 90 days following the end of the*  
4 *county fiscal year unless the county has been granted an extension by the commissioner of*  
5 *the department of revenue administration. The commissioner may grant one or more 45-*  
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7 *extension and the reasons it was granted.*

**Amendment to HB 101**  
**- Page 2 -**

2021-1146s

**AMENDED ANALYSIS**

This bill requires counties to close their books 90 days following the end of the fiscal year unless granted an extension by the commissioner of revenue administration.

# Committee Minutes

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# SENATE CALENDAR NOTICE

## Election Law and Municipal Affairs

Sen James Gray, Chair  
Sen Regina Birdsell, Vice Chair  
Sen Ruth Ward, Member  
Sen Donna Soucy, Member  
Sen Rebecca Perkins Kwoka, Member

Date: April 7, 2021

### HEARINGS

Monday

04/12/2021

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Election Law and Municipal Affairs	REMOTE	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. HB 64-LOCAL	relative to renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.	
9:15 a.m. HB 79	relative to town health officers.	
9:30 a.m. HB 88	relative to the city of Claremont police commission.	
9:50 a.m. HB 101	relative to the close of a county's books of records.	
10:15 a.m. HB 284	relative to the restoration of involuntarily merged lots.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/93269591456>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 93269591456# or 16465588656, 93269591456#
4. Webinar ID: [932 6959 1456](https://www.zoom.us/j/93269591456)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 64-LOCAL**

Rep. Aron  
Rep. McGhee

**HB 79**

Rep. Marsh  
Rep. Edwards

**HB 88**

Rep. O'Hearne

**HB 101**

Rep. J. MacDonald  
Rep. Avellani

**HB 284**

Rep. McBeath

Rep. Porter

Rep. Salloway  
Rep. Deshaies

Rep. Merchant

Rep. Marsh  
Rep. Deshaies

Rep. Steven Smith

Rep. Merchant  
Sen. Bradley

Rep. Stapleton

Rep. Crawford

Sen. Ward

Rep. Avellani  
Sen. Sherman

Rep. Cloutier

Rep. Nelson

Tricia Melillo 271-3077

James P. Gray  
Chairman

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**HB 101**, relative to the close of a county's books of records.

**Hearing Date:** April 12, 2021

**Members of the Committee Present:** Senators Gray, Birdsell, Ward and Perkins  
Kwoka

**Members of the Committee Absent :** Senator Soucy

**Bill Analysis:** This bill requires counties to close their books 45 days following the end of the fiscal year unless granted an extension by the commissioner of revenue administration.

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**Sponsors:**

Rep. J. MacDonald  
Rep. Nelson

Rep. Marsh  
Rep. Avellani

Rep. Crawford  
Rep. Deshaies

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**Who supports the bill:** Representative John MacDonald, Representative William Marsh, Eric Pauer

**Who opposes the bill:** Kate Horgan, Cathy Stacey

**Summary of testimony presented in support:**

**Representative John MacDonald**

- This bill addresses the closure of County books and comes at the request of some of his colleagues on the County delegation.
- It will clearly identify a period of time, 45 days from the end of the fiscal year, that each County has to close the books.
- In the event that the County cannot accomplish that they can request an extension from the Commissioner of the Department of Revenue.
- It is a clean up bill that relates to RSA 28:3-a County Audits.
- The issue is that some counties never close the books until late in September, October or November.
- This legislation will be an incentive to close the books so the audits can be done in a timely fashion.
- Senator Gray commented that closing the books in 45 days sounds unrealistic and asked if he would object to changing 45 days to 90 days.
  - Representative MacDonald stated that he would not object to that but thinks it is important there be a defined deadline to close the books.



**Summary of testimony presented in opposition:**

**Kate Horgan – NH Association of Counties, Executive Director**

- They agree with Senator Gray that 45 days is unreasonable for Counties to close the books.
- Often they are waiting for vendors to complete their transactions with them and that includes both private entities and the state.
- 90 days is far more reasonable, and they would appreciate the adjustment.
- Senator Birdsell commented that Cathy Stacey, the Register of Deeds, is signed in opposed and asked if that was because of the 45 days.
  - Ms. Horgan replied yes, that is the reason. She also stated that she checked the feasibility of 90 days with Ray Bower who is the County Administrator for Strafford County.

TJM  
Date Hearing Report completed: April 14, 2021

# Speakers

## Senate Remote Testify

### Election Law and Municipal Affairs Committee Testify List for Bill HB101 on 2021

Support: 3 Oppose: 2 Neutral: 0 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Horgan, Kate	khorgan@dupontgroup.com	603.228.3322	A Lobbyist	NH Association of Counties	Oppose	Yes	4
MacDonald, Representative John	johnmacdonald@leg.state.nh	603.387.5255	An Elected Official	Myself /Sponsor	Support	Yes	4
Stacey, Cathy	cstacey@nhdeeds.com	Not Given	An Elected Official	Rockingham County	Oppose	No	4
Marsh, William	wmarshmd@gmail.com	603.569.6382	An Elected Official	Carroll 8	Support	No	4
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No	4

# Testimony

**President**  
Wendy Piper  
Grafton County Commissioner



**Association of Counties**

29 School St., Ste. 200  
Concord, NH 03301

[info@nhcounties.org](mailto:info@nhcounties.org)

[www.nhcounties.org](http://www.nhcounties.org)

**Vice President**  
Tom Tombarello  
Rockingham County Commissioner

**At Large Member**  
Toni Pappas  
Hillsborough County Commissioner

**At Large Member**  
Cathy Stacey  
Rockingham County Register of Deeds

**Immediate Past President**  
Chuck Weed  
Cheshire County Commissioner

**Treasurer**  
Suzanne Collins  
Coos County Treasurer

**Bylaws Chair**  
Chris Coates  
Cheshire County Administrator

Friday, April 9, 2021

Chairman Gray  
Election Law and Municipal Affairs Committee  
Concord, NH 03301

Chairman Gray and the Election Law and Municipal Affairs Committee,

The NH Association of Counties would like to express its opposition to HB 101, relative to the close of a county's books of records. While we understand that the intentions of this bill were noble, it would cause extreme difficulties for New Hampshire's Counties.

While counties are inclined to close their books as soon as possible, setting a timeline on the close of a county's books to 45 days would require each county to ask for multiple extensions from DRA. Counties are only able to close their books after all the outstanding bills from vendors have been paid. Like many businesses in New Hampshire, county government has outstanding bills from both private entities as well as the State that may not be paid for 90 days or more.

The New Hampshire Association of Counties would ask that you vote this bill Inexpedient to Legislate.

Sincerely,

Wendy Piper  
President  
NH Association of Counties

# Voting Sheets

**Senate Election Law  
& Municipal Affairs Committee  
EXECUTIVE SESSION RECORD  
2021 Session**

Bill HB 101

Hearing date: 4-12-2021

Executive Session date: 4-15-2021

Motion of: OTP Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: 1121s <sup>sent to OLS</sup> 11:16 A.M. Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consent -> Sen. W Sen. Soucy and 5-0

Reported out by: Sen. Gray.

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report



STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Thursday, April 15, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 101**

AN ACT relative to the close of a county's books of records.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1146s

Senator James Gray  
For the Committee

As amended, this bill requires counties to close their books within 90 days of the close of the fiscal year but may be granted an extension for cause by the commissioner of the Department of Revenue Administration. In 2019, the General Court updated the statute about county audits by requiring audits to be completed within 120 days of the close of books. In some counties, audits have been delayed indefinitely due to non-closure of the books. This legislation will close that loophole and allow audits to be done in a timely manner.

Tricia Melillo 271-3077

## General Court of New Hampshire - Bill Status System

**Docket of HB101**

Docket Abbreviations

**Bill Title:** relative to the close of a county's books of records.*Official Docket of HB101.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/4/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Municipal and County Government <b>HJ 2</b> P. 35
1/21/2021	H	Public Hearing: 02/01/2021 10:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95927066667">https://www.zoom.us/j/95927066667</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
1/27/2021	H	Executive Session: 02/08/2021 02:00 pm Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/96815613466">https://www.zoom.us/j/96815613466</a>
3/9/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-0164h</b> (Vote 19-0; CC) <b>HC 18</b> P. 20
4/7/2021	H	Amendment <b>#2021-0164h</b> : AA VV 04/07/2021 <b>HJ 5</b> P. 43
4/7/2021	H	<b>Ought to Pass with Amendment</b> 2021-0164h: MA VV 04/07/2021 <b>HJ 5</b> P. 43
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 <b>HJ 5</b> P. 50
4/7/2021	S	Introduced 04/01/2021 and Referred to Election Law and Municipal Affairs; <b>SJ 11</b>
4/7/2021	S	Remote <b>Hearing</b> : 04/12/2021, 09:50 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 19</b>
4/16/2021	S	Committee Report: Ought to Pass with Amendment <b>#2021-1146s</b> , 04/22/2021; Vote 5-0; CC; <b>SC 20</b>
4/22/2021	S	Committee Amendment <b>#2021-1146s</b> , RC 23Y-1N, AA; 04/22/2021; <b>SJ 12</b>
4/22/2021	S	<b>Ought to Pass with Amendment</b> 2021-1146s, RC 23Y-1N, MA; OT3rdg; 04/22/2021; <b>SJ 12</b>
6/10/2021	H	House Concurs with Senate. Amendment 2021-1146s (Rep. Dolan): MA VV 06/10/2021 <b>HJ 10</b> P. 13
7/15/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); <b>SJ 20</b>
7/15/2021	H	Enrolled (in recess of) 06/24/2021
8/3/2021	H	Signed by Governor Sununu 07/30/2021; Chapter 162; Eff: 09/28/2021

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 101

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # 11215       - amendment # 11465
- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_
- Executive Session Sheet
- Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

- \_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- \_\_\_ Enrolled Bill Amendment(s)
- \_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

- as amended by the senate      \_\_\_ as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office

