2023 SESSION

23-0707
10/04

HOUSE BILL ***563-FN-LOCAL***

AN ACT relative to the adoption of school administrative unit budgets.

SPONSORS: Rep. Sellers, Graf. 18; Rep. True, Rock. 9; Rep. Sheehan, Hills. 43; Rep. Layon, Rock. 13; Rep. Creighton, Hills. 30; Rep. Andrus, Merr. 5

COMMITTEE: Education

ANALYSIS

This bill revises the procedure for the adoption of the annual budget for school administrative units and repeals the alternative budget adoption procedure.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0707
10/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the adoption of school administrative unit budgets.

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

1 School Administrative Units; Budget Adoption. Amend RSA 194-C:9 to read as follows:

194-C:9 Budget.

I. At a meeting held before January 1, the school administrative unit board***, or school board for school administrative units comprising only one district,*** shall adopt a budget required for the expenses of the school administrative unit for the next fiscal year, which budget may include the salary and expenses of supervisors of health, physical education, music, art, and guidance, and any other employees, and shall include the expenses necessary for the operation of the school administrative unit. Superintendents, assistant superintendents, business administrators, teacher consultants, and the regularly employed office personnel of the school administrative unit office shall be deemed employees of the school administrative unit for the purposes of payment of salaries and contributions to the employee's retirement system of the state of New Hampshire and workers' compensation.

II.(a) The provisions of this paragraph apply to school administrative units comprising 2 or more districts.

(b) The school administrative unit board shall apportion the total amount of the budget among the constituent school districts in the following manner: the apportionment shall be based 1/2 on the average membership in attendance for the previous school year and 1/2 on the most recently available equalized valuation of each district as of June 30 of the preceding school year. Prior to January 15 in each year, the board shall certify to the chairperson of the school board of each constituent school district the amount so apportioned. Each district within a school administrative unit shall raise at the next annual district meeting the sum of money apportioned to it by the school administrative unit board for the expenses of services which each district received in connection with the school administrative unit office. The school administrative unit board in adopting the budget shall not add any new service to the school administrative unit budget unless a majority of the school districts in the school administrative unit representing not less than 60 percent of the total pupils in the school administrative unit have voted favorably upon the establishment of the service. A vote to accept a new service shall not be construed as a vote to raise and appropriate money within the meaning of RSA 197:3.

~~[II. The provisions of paragraph I shall not apply to school administrative units comprising only one district. The budget for these units shall be a part of the school district budget and subject~~

~~to the vote of the annual school district meeting or, for those districts without an annual meeting, by the legislative body.~~

~~III. Paragraph I of this section shall not apply to school districts which have adopted the provisions of RSA 194-C:9-a.~~]

III. For those districts without an annual meeting, the vote on the school administrative unit budget adopted according to RSA 194-C:9, I and II, shall be taken by the legislative body.

IV.(a) The provisions of this paragraph apply to districts with an annual meeting.

(b) The school administrative unit budget adopted according to RSA 194-C:9, I and II, shall be placed before the voters of each school district of that school administrative unit in a separate warrant article at the annual school district meeting. Wording of the warrant article shall be as follows:

"Shall the voters of _____ (name of school district) _____ adopt a school administrative unit budget of $_____ for the forthcoming fiscal year in which $_____ is assigned to the school budget of this school district?

This year's adjusted budget of $_____, with $_____ assigned to the school budget of this school district, will be adopted if the article does not receive a majority vote of all the school district voters voting in this school administrative unit."

(c) The adjusted budget in the warrant article shall be that of the previous year adjusted for continuing contracts. Notwithstanding RSA 32 and RSA 40:13, the budget adopted by the school administrative unit board, or school board for school administrative units comprising a single district, shall not be amended or changed in any way prior to the vote. The school district moderator shall cause a vote by paper ballot to be taken, record the number of yeas and nays, and announce the result of the vote at the annual meeting.

(1) For school administrative units comprising a single district, the moderator shall deliver the ballots to the secretary of the school administrative unit.

(2) For school administrative units comprising 2 or more districts, the ballots shall be delivered to the moderator of the school district with the latest chronological annual meeting. The moderator of the latest chronological annual meeting shall record the total number of yeas and nays, announce the results of the final vote on the question of adopting the school administrative unit budget, and deliver the ballots to the secretary of the school administrative unit.

(d) A majority of voters voting in favor shall result in adoption of the budget proposed by the school administrative unit board. If the article receives less than a majority vote, the budget amount accepted shall be that of the previous year adjusted for continuing contracts (adjusted budget). After a vote on the school administrative unit budget, the secretary of the school administrative unit shall place the ballots and all

envelopes or wrapping which had previously contained them in a suitable container showing the contents and the date of the vote. The ballots shall be retained for 60 days from the date of the vote or any recount, unless further preservation is necessary or unless disposal is enjoined by the superior court. Any registered voter who resides in a school district within the school administrative unit may, in writing, petition the secretary of the school administrative unit for a recount of the vote no later than the Friday following the latest chronological annual meeting of school districts in the school administrative unit. The secretary shall schedule a recount, to be conducted by the school administrative unit, not earlier than 5 days nor later than 10 days after the date the secretary receives the petition.

2 Repeal. RSA 194-C:9-a and RSA 194-C:9-b, relative to SAU alternative budget adoption procedure, are repealed.

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

LBA
23-0707
1/9/23

HB 563-FN-LOCAL- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the adoption of school administrative unit budgets.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Education