



Dear Representative Whalley,

The Democrat majority is seeking to finance its unprecedented expansion of state government by shifting costs, at least through the next general election, to local government including towns and cities. It is evident that they are attempting to provide a completely new array of costly benefits and entitlements while hiding those costs from the public at least through the period where voters might judge their efforts and their reelections adversely affected.

There are many examples of this practice that could be cited, but one that will be particularly devastating to a number of our constituents is the funding of the so-called “educational adequacy.” Through that definition, a number of communities will be required by state mandate to institute or expand kindergartens, yet the state will not be paying all or any significant portion of the cost of satisfying this mandate.

This current abuse of state budgeting was anticipated and prohibited by constitutional amendment over 20 years ago. In 1984 the citizens of New Hampshire added article 28-a to the state constitution. In salient part, this constitutional provision reads as follows:

The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state

The Democrat majority in the legislature has acted as if article 28-a is not part of the constitutional landscape of New Hampshire. They have expanded and modified programs and responsibilities, and in particular added a new requirement that towns and cities provide kindergarten, even though a number of local communities have declined repeatedly to do so. They have refused to provide any, let alone full, funding for these programs. If their efforts are allowed to proceed, they will have placed the state in violation of article 28-a.

Members of the House Republican Alliance, along with most Republicans in the House, have sought to protect towns and communities from this abusive budgeting. We continue to discuss how we might shield our local towns and cities from these practices. One alternative that often is the subject of these discussions is requesting the Attorney General to review and provide an opinion as to whether they violate article 28-a.

As the kindergarten mandate is one of the most pressing of these unfunded mandates, by vote of the members of the House Republican Alliance we are requesting that you as Republican leader in the House request an opinion of the Attorney General as to whether the state-imposed kindergarten mandate is a violation of article 28-a where it is not accompanied by full funding by the state. Such an opinion could serve as a beacon to show the way to responsible educational policies in this session of the House, but most importantly, it will protect a number of municipalities from having to assume the hidden costs of the activist legislative agenda that the current legislative majority has brought to Concord. It will fulfill the intent of article 28-a that budgeting be transparent and legislators eventually justify their spending decision to the voters of New Hampshire.

We look forward to your response and the response of the Attorney General.

Sincerely,

David J. Bettencourt
House Republican Alliance Co-Chair

Andy Renzullo
House Republican Alliance Co-Chair

Nancy Elliott
House Republican Alliance Co-Chair

To: Representative Mike Whalley, House Republican Leader

cc: Representative David Hess, Deputy Republican Leader, Representative Gene Chandler, Republican Policy Leader, Senator Ted Gatsas, Senate Republican Leader