

# Senate Judiciary Committee

*Pete Mulvey 271-4063*

**HB 71-FN**, prohibiting the use of the facilities of a public elementary school, a public secondary school, or an institution of higher education to provide shelter for aliens who have not been admitted into the United States and relative to department of health and human services contracts.

**Hearing Date:** April 29, 2025

**Time Opened:** 1:51 p.m.

**Time Closed:** 2:18 p.m.

**Members of the Committee Present:** Senators Gannon, McConkey, Altschiller and Reardon and Ward.

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

**Bill Analysis:** This bill prohibits the use of public schools or institutions of higher learning from providing shelter for specified aliens who have not been admitted to the United States, absent a specified disaster.

This bill also requires the department of health and human services to include references to the patients' bill of rights in contracts and contract addenda.

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## **Sponsors:**

Rep. Harvey-Bolia

Rep. Hill

Rep. Pauer

Rep. Peternel

Rep. Sweeney

Rep. Freeman

Rep. Sabourin

Rep. Thibault

Sen. Murphy

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**Who supports the bill:** 134 supported HB 71-FN. Contact [peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov) for further details.

**Who opposes the bill:** 218 opposed HB 71-FN. Contact [peter.mulvey@gc.nh.gov](mailto:peter.mulvey@gc.nh.gov) for further details.

**Who is neutral on the bill:** N/A

## **Summary of testimony:**

**Representative Juliet Harvey-Bolia**

### **Hillsborough – District 23**

- Rep. Bolia stated that the impetus of HB 71 was the closing of schools in Brooklyn, New York.
- HB 71 was largely inspired by legislation from Texas Senator Ted Cruz.

- Students were still recovering from the negative implications of school shutdowns amid COVID.
- HB 71 would prevent the utilization of school facilities for housing those defined as aliens under the immigration and nationality act.
- HB 71 would not ban schools from housing nonstudent populations, or from converting their facilities into temporary, short-term emergency shelters.
- ‘Short term’ as defined in HB 71 was limited to 72 hours. Further, Shelter conversions are okay for any type of disaster.
- Sen. Gannon noted that Boston utilized the Reggie Lewis center for its immigrant housing needs. Sen. Gannon asked if the bill should be broadened to include other types of facilities.
  - Rep. Bolia said that it was up to the committee and did not oppose the concept.
- Sen. Altschiller asked if there were any examples of schools being closed to house immigrants in the State of New Hampshire.
  - Rep. Bolia said that it had not happened locally, but did happen at logan airport.
- Sen. Altschiller said the bill did not concern airports. Sen. Altschiller asked if the bill acted to the detriment of local control regarding what a municipality can do in a disaster with its buildings that it paid for and built.
  - Rep. Bolia did not agree with Sen. Altschiller’s characterization of the bill. Rep. Bolia maintained that if states were going to admit immigrants or refugees, then they must have an approved plan. HB 71 would encourage better planning and benefit students.

## **Aubrey Freedman**

### **Bridgewater, New Hampshire**

- Mr. Freedman spoke in support of the bill.
- Taxpayers owned the schools subject to the bill.
- Mr. Freedman recognized that while the issue of closing schools for shelter had not happened locally, it did not mean it could not in the future. HB 71 was proactive.
- Mr. Freedman did not find it fair that the federal government could utilize buildings owned by the local taxpayers.

## **Representative Lisa Freedman**

### **Belknap – District 8**

- Rep. Freedman cosponsored and cowrote the bill.
- Rep. Freedman flew out of logan airport last year, where behind a partition, there were 500 individuals sheltered, which she found to be a security concern.
- In Roxbury, Massachusetts, there is one community center. Roxbury has the largest minority population in Massachusetts. The shelter in question was closed for migrants according to Rep. Freedman.
- Rep. Freedman’s husband served with ICE for 15 years. She asserted that anytime there was a new administration, laws were made along the way rather than a consistent doctrine being followed.
- Alien is a valid term under United States Code; an alien is someone who has gained illegal access into the country according to Rep. Freedman.
- There are exceptions in the bill for refugees, legal immigrants, and asylees if shelter is needed. HB 71 codified that taxpayer owned buildings are not to be used to house unvetted aliens.

## **Representative Henry Giasson**

### **Hillsborough – District 29**

- Rep. Giasson spoke in support of HB 71.
- HB 71 would not turn anyone away from shelters. The bill ensured that specific, taxpayer funded buildings with a specific purpose should only deviate from that use in emergencies.
- Rep. Giasson said that the bill did not usurp local control unless the town fully funded, and ran the building in question.
- Rep. Giasson added that schools and other municipal buildings received federal assistance.
- While serving at Camp Edwards in Cape Cod in its time a relocation shelter, Rep. Giasson observed extensive damage to the military installation. Buildings get worn more significantly when used for such purposes, which Rep. Giasson found inappropriate for schools or other municipal structures.

## **Rep. Timothy Horrigan**

### **Stafford – District 10**

- Rep. Horrigan opposed the bill.
- Being an alien was not a crime under United States Code according to Rep. Horrigan.
- Rep. Horrigan clarified that HB 71 covered any state institution receiving state assistance, which encompassed private schools as well as non-private schools.
- The University of New Hampshire has a rotational use building that would be very suitable as a shelter. Rep. Horrigan maintained that use ought to be left to the owner's discretion.
- Rep. Horrigan emphasized that the examples provided by previous witnesses did not relate to public schools.
- Local schools had not been used to hold undocumented immigrants.
- Rep. Horrigan urged the committee to consider the bill inexpedient to legislate
- Sen. Altschiller referenced line twelve of the bill's first page and asked if alien meant that an individual was a non-citizen or non-national.
  - Rep. Horrigan said that sounded correct

## **Representative Jerry Stringham**

### **Grafton – District 3**

- Rep. Stringham opposed the bill.
- The House finance committee heard significant concerns that the bill may conflict with federal guidance and risk a loss of federal funding.
- The state may lose up to \$15m of annual federal funding via HB 71.
- A school would have to evict all students and hold people for longer than 72 hours for HB 71 to apply, which would likely never happen according to Rep. Stringham.
- Rep. Stringham recommended that the bill be considered inexpedient to legislate.
- Sen. Altschiller asked if the State would lose \$12-18m of federal funding if the refugee plan was disrupted via HB 71.
  - Rep. Stringham said potentially, and that the State risked losing funds from the Department of Health and Human Service's Office of Refugee Resettlement.

- Sen. Altschiller asked if State facilities and plans received federal funds given their cooperation and compliance with federal guidelines.
  - Rep. Stringham said that was correct.

## **Melissa Blasek**

### **ReBuild NH**

- Ms. Blasek supported the bill.
- Ms. Blasek cosponsored a bill in 2022, which would assure that a patient cannot be denied treatment based upon vaccination status according to the patient's bill of rights. HB 71 included similar language which referred to the patient's bill of rights and the administration of care.

PM

Date Hearing Report completed: May 5, 2025