

# Senate Finance Committee

*Deb Martone 271-4980*

**HB 1054-A**, relative to the Northern Border Alliance Program fund.

**Hearing Date:** April 2, 2024

**Time Opened:** 2:04 p.m.

**Time Closed:** 2:20 p.m.

**Members of the Committee Present:** Senators Gray, Innis, Bradley, Birdsell, Pearl and Rosenwald. Senator Soucy attended as an alternate for Senator D'Allesandro.

**Bill Analysis:** This bill lapses the northern border alliance fund and ends its continuous appropriation to the department of safety.

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**Sponsors:**

Rep. A. Murray

Rep. M. Perez

Rep. Wallner

Rep. Tellez

Rep. Wheeler

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**Who supports the bill:** Representative Alissandra Murray; Gilles Bissonnette; Hayden Smith; Blake Tyler; Julie Zimmer; Eva Castillo; Sharon Parker; Eileen Brady; Jennifer Smith; Carol Morrison; Amy Antonucci; Janet Lucas; Barbara Pugh; Jordan King; Marsha Feder; Emmanuel Krasner; Julia Thompson; Jonathan Davis; Andrew Jones; Gary Devore; Anthony Holtz; Victoria Markiewicz; Richard DeMark; Fiona Geary; Linda Benham; Cora Quisumbing-King; Linda Hallock; Lois Cote; Laura Sokoloski; Susan Moore; Phil Hatcher;

**Who opposes the bill:** Julie Smith; James Verschueren; Daniel Richardson;

**Summary of testimony presented in support:**

Representative Alissandra Murphy, Prime Sponsor:

- This bill changes the funding in last year's budget for the Northern Border Alliance Program from a non-lapsing fund to a lapsing fund.
- This is a new program lacking data. Most of the current funds are being used for training purposes.
- It is likely there will be leftover funds. It makes sense to have those leftover funds lapse to the General Fund.
- During the next biennium we can assess the success of the program, and determine the amount of money needed going forward.
- Senator Rosenwald inquired of the Legislative Budget Assistant Office since this was a HB 2 appropriation, would it be required to continue through the end of the biennium, or could we change that. The LBAO explained HB 2 created this separate, dedicated fund and its appropriation. HB 1054-A suggests that money left in the fund at the end of the biennium lapse back to the General Fund. You

wouldn't want it to lapse at the end of each biennium. Senator Rosenwald wondered if because it's not a line item in the budget, would there need to be another appropriation in HB 2. The LBAO agreed there would need to be some type of appropriation, gift or other federal monies deposited to the fund.

- Representative Murray suggested the possibility of additional federal funding within the next couple of years. It makes sense to reevaluate the fund in the next biennium and determine whether there needs to be a state appropriation or whether federal funds will be involved.

Gilles Bissonnette, Legal Director, ACLU-NH:

- It is important to monitor the efficacy of this type of program on an annual basis. If the money is not used it should go back. Accountability is important.
- There are legitimate questions as to the necessity of this program.
- This bill has been principally styled as a program necessary to address immigration. However, on the ground it is being utilized more for general crime enforcement. It is hard to tell as the program is new and patrols only started in mid-December 2023. Based on some of the data we do have it does seem the number of apprehensions and encounters, at least before this program started, with respect to individuals who are perceived to be undocumented, the numbers are pretty small in New Hampshire. Between October 2022 and December 2023 Border Patrol only had 21 encounters or apprehensions. The foundation of this program was that there has been an increase in the Swanton Sector apprehensions and encounters. The Swanton Sector includes not just New Hampshire, but includes New York and Vermont.
- What's the New Hampshire data? Again, that number is pretty small.
- Attached to Mr. Bissonnette's written testimony is the Department of Safety's January 22, 2024 first report. During the first three weeks of this program there were 22 patrol shifts with 79 encounters, resulting in two arrests. There is no indication in the report that any of the 79 encounters were immigration-related.
- Senator Gray shared when this data was provided on the Senate floor he took exception due to the lack of supporting data. The same would pertain to this first report, although he has been unable to review the report. His understanding from Border Patrol email is that this only includes data from months where there were apprehensions. To characterize the report as *all* of the encounters is not supported by the email. Mr. Bissonnette disagreed, and had included the email in question with his written testimony. The ACLU followed up with Border Patrol to confirm the data they produced wasn't just apprehensions, but was encounters and apprehensions. Border Patrol confirmed same. This is an apples-to-apples comparison. We have the Swanton Sector apprehension and encounter information, and we have the Department of Safety apprehension and encounter information. Senator Gray reiterated that is not supported by the email. Again, Mr. Bissonnette disagreed.
- Senator Gray inquired if there was a border station in New Hampshire. Mr. Bissonnette indicated there is a checkpoint in the Pittsburg area. Senator Gray asked if that was a border station. Mr. Bissonnette thought it was. Senator Gray explained there are only eight in the Swanton Sector and the last border

section is actually in Vermont. That leaves 58 miles in New Hampshire which is approximately 19 percent of the border in the Swanton Sector. None of that data gives Senator Gray confidence that the Border Patrol is doing a good job. The information Senator Gray was able to obtain online doesn't support the data. Mr. Bissonnette will forward the confirmation email to committee members.

- The Swanton Sector station that covers New Hampshire is indeed located in Vermont. The Border Patrol agents that cover that station regularly patrol New Hampshire.
- Senator Birdsell inquired if the data includes "got-aways"--individuals that Border Patrol did not apprehend or did not see. Individuals who live on the border area supplied evidence that many individuals are coming over the border. Is any of that information included? Mr. Bissonnette indicated that evidence is not reflected. What evidence is there that those individuals are truly undocumented?

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Date Hearing Report completed: April 4, 2024