



May 2, 2023

Dear Senators,

We, the undersigned organizations, urge you to ensure that New Hampshire's Biennial Budget, currently under consideration through HB 1 and HB 2, reflects New Hampshire values. As you are well aware, budgets are moral documents that demonstrate and ensure necessary funding for the state's priorities. While HB 1 and HB 2 include many important provisions, they also include numerous provisions that would harm NH residents and fail to address other vital issues. Specifically, we urge you to:

### **Public Safety**

- Keep the Northern Border Alliance out of the budget: The House removed a proposed \$1.4 million originally included in the budget to establish a "Northern Border Alliance Program," and we urge the Senate to oppose any efforts to add this back into the budget. The stated goal was to address an increase in unauthorized border crossings, but the Governor's office and Department of Safety have been unable to show any evidence that unauthorized crossings are happening, let alone increasing at or near the New Hampshire/Canada border.<sup>1</sup> Unfortunately, history has already taught us what this is really about – using immigration as an excuse to expand government surveillance and policing near the border. A few years back, we heard similar justifications to support the use of so-called "immigration checkpoints," which a New Hampshire court later found to be used to circumvent the New Hampshire Constitution to go after Granite Staters for low-level drug possession.<sup>2</sup>
- Maintain Changes to Section 48-50: \$40 million of the proposed \$50 million "deposit" on the construction of a new prison was pulled from the House version of HB 2. This is good news, and we urge Senators to oppose any effort to reinstate the money. Since 2014,

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<sup>1</sup> Amanda Gokee, *Sununu's proposal to increase border patrol under fire*, Boston Globe, Mar. 31, 2023, available at

<https://www.bostonglobe.com/2023/03/31/metro/sununus-proposal-increase-border-patrol-under-fire/>.

<sup>2</sup> See, *New Hampshire v. McCarthy*, Docket No. 469-2017-CR-01888 (2nd Cir. Dist. Div. Plymouth, Grafton, May 1, 2018) ("while the stated purpose of the checkpoints in this matter was screening for immigration violations the primary purpose of the action was detection and seizure of drugs." The court went on to state that CBP and the Woodstock Police Department (WPD) were "working in collaboration with each other with the understanding that the WPD would take possession of any drugs seized below the federal guidelines for prosecution in federal court and bring charges in this court based on that evidence. This evidence was seized in violation of the constitutional rights recognized by the New Hampshire Supreme Court in *State v. Pellici*, supra. The New Hampshire Constitution governs the prosecution of state laws in state courts.").

New Hampshire's prison population has declined 35 percent<sup>3</sup> and crime has decreased over 31 percent,<sup>4</sup> showing that we can safely reduce our reliance on incarceration. While there are serious and horrific physical conditions of confinement that need separate and immediate action, we must not allow this to serve as justification for the construction of a possibly up to half-a-billion-dollar facility without a clear understanding of the future of incarceration in NH, including how we can continue to reduce our need for incarceration while increasing community safety.

- Support Section 372: This section would appropriate \$1 million to develop a real time system to ensure that individuals making bail determinations know whether an individual seeking bail is currently on release for another alleged offense. Unlike the one-size-fits-all SB 252 and SB 249, which have passed the Senate and would lead to the needless, mandatory incarceration of thousands of Granite Staters each year, this funding is a targeted approach to ensure that people are not granted bail without the court first knowing whether the individual is on release for another alleged offense.
- Support Section 441-442: This section would require state, county, or municipal law enforcement to provide the public with up to 24 hours' notice when they find out that a federal agency intends to conduct an immigration checkpoint. This notice requirement would be similar to the advanced notice that is provided for sobriety checkpoints, which, as the Attorney General has noted, is important to "minimize[] motorist surprise, apprehension and inconvenience."<sup>5</sup>

## Education

- Retain the provisions in Sections 157-162 that were added by Floor Amendment 20223-1336h, reinstating fiscal capacity disparity aid and aid targeted at high-need school districts. (This aid had been cut by the Governor and House Finance Committee in their budget proposals and replaced with a formula that would have increased aid to wealthier districts while leaving more needy districts with less.)
- Remove the "Weyler Amendment." This means eliminating the \$450M cut in funding for the Education Trust Fund, removing the provision allowing the Education Trust Fund to be used for EFAs, and requiring that school building aid, special education, and career and technical centers continue to be funded out of the Education Trust Fund, rather than the General Fund. If there's a surplus in the Education Trust Fund, it should be used for public schools; that was the intent in establishing the ETF in the first place.
- Restore the \$75M in school building aid that was in the Governor's budget.

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<sup>3</sup> New Hampshire's "prisoner" population peaked at 2,910 in 2014, and was down to 1891 in February 2023, a 35 percent reduction. For 2014 incarceration data, see NH Department of Corrections, Prisoner Population Since 1812, available at <https://www.nh.gov/nhdoc/population.htm> For February 2023 data see, NH Department of Corrections, NH DOC Monthly Facility Population Summary Report, available at <https://www.nh.gov/nhdoc/documents/population-summary.pdf>.

<sup>4</sup> Group A Crimes per 100,000 population decreased from 5,414.5 per 100,000 in 2014 to 3,717.1 per 100,000 in 2021 (the most current year of data available). See, NH Department of Safety, New Hampshire Crime Summary (Public), 2014 & 2021, available at <https://crimestats.dos.nh.gov/public/View/RSReport.aspx?ReportId=22>.

<sup>5</sup> State of New Hampshire, Law Enforcement Manual, 2020 Edition, Nov. 2020, available at <https://www.doj.nh.gov/criminal/documents/law-enforcement-manual.pdf>.

- Use this budget to commit to a comprehensive school funding solution that works for every student, property taxpayer and community in New Hampshire, instead of continuing to downshift \$2.3 billion of education expenses to property taxpayers every year, in violation of the NH Constitution. Children should not be deprived of the opportunity for a quality education simply because of their zip code.

### **Environment**

- Increase funding for public transportation and the New Hampshire Department of Transportation to electrify buses and bolster usage of our transit.
- Add funding for grid modernization, weatherization, and energy efficiency to decrease energy costs for NH residents and decrease our overall demand for energy.
- Add funding for utility cost support and expand outreach to homes that cannot afford their electricity due to rising costs.
- Add investments in renewable energy including incentives for homeowners to upgrade heating and cooling systems to heat pumps.

### **Health and Mental Health**

- Ensure permanent reauthorization of expanded Medicaid, which now has a proven track record of benefits for the state, as well as widespread support from businesses, hospitals and other health care providers.

The current House Budget contained in HB 1 and HB 2 fails to adequately address the main crises in our state's health care system, namely:

- We are a rapidly aging state with our Long-Term Care workforce unable to meet the current needs of frail seniors and persons with developmental disabilities.
- Our community mental health centers have long waiting lists, and our hospital emergency rooms are averaging between 20-40 adults and children in mental health crisis boarding for days waiting for a bed at the state hospital.
- Our state's Medicaid reimbursement rates proposed in the current budget will not remedy the problems outlined above.
- The House Finance Division 3 funded the Children's System of Care for prioritized need at 60% rather than the full funding requested by the mental health community.

Please listen again to the testimony of the citizens struggling with inadequate and underfunded care for our most vulnerable citizens and adjust the proposed budget accordingly.

### **Family friendly policies**

- Throughout New Hampshire, families cannot afford child care, and child care centers are struggling to recruit and retain employees due to low wages and high operational costs. The average cost of child care for one infant in New Hampshire is \$14,425, which is 37% of a single parent's income. Including SB 237 in the budget will ensure more families qualify for the child care scholarship program, establish a child care workforce program, and provide vital funding for child caregiver supports and early childhood education scholarships. These improvements in this bill will keep families working, children healthy, and the economy thriving.

- All Granite Staters should have access to the services they need and the ability to choose where and how they age in New Hampshire. Home and community-based services offer care where you choose to live. Including SB 37 in the budget is a cost-effective way to provide those choices to older adults.
- Earlier this month, the House of Representatives voted to fully fund the Alcohol Abuse, Prevention and Treatment Fund ("Alcohol Fund") in its proposed operating budget for the first time in 20 years. The Alcohol Fund provides necessary funding for dozens of programs in the state, including evidence-based prevention curricula in K-12 schools, youth tobacco and alcohol surveillance, grant program for the Multi-Tiered System of Support for Behavioral Health (MTSS-B), juvenile diversion, family support services, medication assistance services, recovery support services, recovery housing, and peer recovery outreach to unhoused populations, and more. It is critical to New Hampshire's well-being that the Alcohol Fund remains fully funded.

## **Housing**

New Hampshire has a critical shortage of housing at all levels and needs significant investment to help develop the estimated 20,000 units needed to keep up with demand. The lack of affordable housing is a significant factor in New Hampshire's growing statewide homelessness crisis. Responding requires a multi-pronged approach including:

- \$30 million in the Affordable Housing Fund administered by NH Housing Finance Authority to provide below market rate capital to develop multi-family housing with long-term affordability periods.
- \$10 million for homeless services under the Department of Health and Human Services. This was passed in SB 231 and is significantly less than what is needed to prevent evictions and provide more shelter beds.
- \$30 million to continue INVESTNH to bring additional rental housing to the market.
- \$5 million for the Historic Housing Tax Credit to incentivize conversion of historic structures to housing.
- Housing Champion Programs - New Hampshire's business community has come together with the NH Municipal Association to ask that our biennial budget include municipal incentives and support for towns and cities responding to the need for more housing. Please adopt the provisions of this new, promising program and associated grant programs as passed in Senate Bill 145.
- Homeownership Innovation Program (\$5 million) - Since New Hampshire also lacks "starter homes", we urge the Senate to include the program as passed in Senate Bill 202.

## **Public Employees**

- New Hampshire currently has a woefully inadequate and uncompetitive wage structure for state employees, making it difficult to retain a skilled and dedicated workforce in many areas and thus putting at risk the essential services on which our state depends. The 10% salary adjustment incorporated into the budget is a measured and

common-sense approach to addressing the glaring salary disparities that are hurting the fabric of our state. This step is urgently needed and should not be compromised. [More here.](#)

- Retirement COLA: SB 205 would grant a 1.5% cost of living adjustment up to the first \$50,000 of a member's retirement to any retired member in the New Hampshire Retirement System who has been retired for at least 60 months prior to July 1, 2023 or to any beneficiary of a retiree who is receiving an allowance.

## Revenues

- Remove the provisions that accelerate phasing out the interest and dividends tax. This acceleration will reduce revenues in the next budget by \$82M, benefitting only people with high wealth, while making less money available for important public services. Ultra-wealthy Granite Staters with an average of \$2.2 million in income will receive an average tax break of \$11,900, while the rest of us see next to nothing. The proposal to eliminate the Interests and Dividends (I&D) will save millionaires \$369 million in the next 5 years. More [here.](#)

Sincerely,

Maggie Fogarty, Grace Kindeke, & Ophelia Burnett, American Friends Service Committee - NH  
Rev. Heidi Carrington Heath, NH Council of Churches  
Sebastián Fuentes, Rights & Democracy NH  
Frank Knaack & Helen Mrema, ACLU of NH  
Mo Baxley, Unitarian Universalist Action of NH  
Jennifer Dube & Dominic Osmund, 350 New Hampshire  
Melissa Hinebauch & Louise Spencer, Kent Street Coalition  
Erika Perez, NH Youth Movement  
Sarah Jane Knoy & Marsha Feder, Granite State Organizing Project  
Linds Jakows, 603 Equality  
Chris Erchull, GLBTQ Legal Advocates & Defenders  
Will Hopkins, NH Peace Action  
Chris Erchull, GLBTQ Legal Advocates & Defenders  
Carisa Corrow, Educating for Good, Penacook, NH  
Dr. Mary Gannon, Monadnock DEIB Coalition - Education Committee  
Claudia Istel, Economic Justice Mission Group, NH Conference of the United Church of Christ  
Rev. Dr. Gail Kinney, Meriden Congregational Church, United Church of Christ  
Revs. John & Susan Gregory-Davis, Co-Pastors, Meriden Congregational Church, UCC  
Rev. Jon Hopkins, Concordia Lutheran Church, Concord  
Jana Sellarole, Walpole Congregational Church, United Church of Christ  
Rev. Jason Wells, Rector, St. Matthew's Episcopal Church, Goffstown  
Edward Cousineau, Meriden Congregational Church, United Church of Christ  
Lindsay Dearborn, Peace & Social Concerns, Hanover Friends Meeting  
Liz Macedo and Laura Hegfield, Tzedek Social Justice Committee, Temple Beth Abraham  
S.Mary Ellen Foley, Sisters of Mercy of the Americas NH, Justice Committee  
Rev. Robert Grabill, Church of Christ at Dartmouth College, UCC  
The Rev. David Grishaw-Jones, Pastor, Community Church of Durham, UCC  
Rev. Allison Palm, Unitarian Universalist Church of Nashua, NH  
Margaret Hawthorn, AFSC-NH Support Committee