



North Dakota Library Association
Established 1906

LEGISLATIVE UPDATE

JANUARY 30, 2017

By now you are well aware of the state's budget situation. The budget shortfall is dominating the news coming out of this year's legislative session. What you may not be aware of is the unique political dynamics currently at play within the legislature that are also driving much of the agenda beyond matters pertaining to the state's budget.

A well-organized group of legislators, mostly libertarian in outlook, are proposing a number of bills that would impact all levels of government. These legislators have formed, what they call, the Bastiat Caucus. The group has a Facebook page and website. If you are interested in learning more about their philosophy and agenda, check out their website: www.bastiatcaucus.org.

A number of other proposed bills are clearly in response to the populist nature of last year's historic elections. Taken together, many of these bills could – and we emphasize the word *could* – impact our state's libraries. Your NDLA legislative team is following all developments at the State Capitol.

More than in previous sessions, the situation is fluid within the legislature. We want to take this opportunity to provide you with an update on a handful of bills that are especially important to North Dakota's libraries...

- **“Taxation Capping” Proposals.** A handful of bills have been proposed that would cap the taxing level for city and county governments. One bill in particular, HB 1361, would place a three percent (3%) cap on any budget increase by a city government. This bill would impact all departments of local governments. One other “capping bill” (SB 2326) regards removing home rule authority on taxing motor fuels or special fuels. While we are unaware of any public libraries that receive funding through local motor fuel taxes, we are monitoring this legislation out of an abundance of caution. Capping bills are proposed each session and have all died in committees. However, in light of the current political climate and legislative dynamics, your NDLA legislative team is following developments closely.
- **Restricting Public Employee Attendance at Legislative Meetings (HB 1168).** This bill is of direct concern to NDLA. The bill calls would restrict compensation and travel reimbursement for public employees who attend legislative meetings. If passed, all public employees would have to take personal time to attend any legislative meeting. Regular

compensation and travel reimbursement would not be permitted. As we see it, and as a number of other organizations see it, HB 1168 is, at its core, a solution in search of a problem. NDLA has four specific concerns with this legislation:

- 1) It is very restrictive and will most surely result in decreased legislative participation from public employees.
 - 2) It is government micromanaging at its worst. The state legislature should not have the authority to make decisions regarding public employee activity. This authority belongs to the public employee's supervisor. Furthermore, even if there are public employees who currently don't get compensated for taking part in the legislative session, the point is that their supervisors make this decision, not the legislators.
 - 3) It regulates who can and cannot take part in the democratic process. Legislators should not be able to choose who gets to testify at and attend public hearings.
 - 4) It puts public librarians, local government officials and elected officials (especially those from smaller communities) at a disadvantage while, at the same time, it indirectly strengthens the role and importance of paid lobbyists in the legislative process.
- **Refugee Absorptive Capacity (HB 1427).** This bill will be heard in committee on Friday morning. It proposes a study be conducted on the “absorptive capacity” of refugee populations in North Dakota. If it is determined that the capacity is too high, the Governor may issue an executive order that the state will no longer accept refugees. This issue is already dominating national headlines in the wake of President Donald Trump’s recent executive orders. As many libraries currently work directly with refugee families and refugee communities, NDLA is closely monitoring developments regarding this legislation.

IMLS Could Be on the Chopping Block. We are also following developments out of Washington. Multiple reports from reputable sources are reporting that the Trump Administration is considering proposing a number of programs and agencies for elimination or severe budget cuts. The Institute of Museum and Library Services (IMLS) is among those programs that will most likely be on the chopping block. House Speaker Paul Ryan, along with other House Republicans, has long supported its elimination. However, IMLS has enjoyed bipartisan congressional support in the past and both the Bush and Obama administrations fully funded its work.

The American Library Association (ALA) will be working with state library associations in addressing any proposed cuts. Your NDLA legislative team will keep you informed of all developments out of Washington, DC that may impact libraries.

Have questions, comments, or want to get involved?

Contact Christine Kujawa (ckujawa@bismarcklibrary.org) or Janet Anderson (janet.anderson@minotnd.org).