

Legal Q&A: Legislation & Lobbying

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The past few months have seen an uptick in legislative filings across the nation specifically aimed at libraries. While we haven't seen similar legislation filed here in New Hampshire, that's not an excuse for librarians and library trustees to ignore what happens at the legislature. In fact, some of what happens that may not appear to affect libraries at first glance can have serious ripple effects. For example, this year saw filed House Bill 1033. That bill would significantly burden the ability of local, school, and county officials to speak and engage in the legislative process by prohibiting subdivisions of the state from spending money on lobbying the state legislature. Without the ability to lobby the legislature, it would be difficult for municipalities — and entities within them — to explain to the legislature how proposed legislation would impact them.

The lesson here is that it is important to pay attention to what is occurring at the legislature. That can seem overwhelming, but there are groups — like NHMA — that publish periodic bulletins to let members know what is happening at the legislature. It's also important to get to know who your state representatives and senator are, and not just by name. Invite them to events. They'll view it as a great opportunity to campaign, and you'll get the opportunity to talk about issues that are important to you and your organization. It's also a great educational opportunity. They'll know who to call when an issue that impacts your organization comes up.

That's a lesson that I learned back when I was a municipal prosecutor. After identifying an issue in the law that needed to be fixed and reaching out to my representatives, I became the *de facto* source of information on criminal law issues for them. Whenever they had a question, they'd give me a call, and I was happy to help explain how things worked and help them work through the policy considerations of whatever issue had come up.

In the context of libraries, take this year's House Bill 1529 as an example of an issue where the voice of libraries and library trustees is important to help policy makers determine the appropriate policy. As filed, House Bill 1529 would require all prospective employees and all volunteers of public libraries to obtain a federal background check before beginning employment or volunteer service. That includes any individual who "volunteers" his or her expertise to speak, conduct a program or activity, or volunteer at a one-time event would be subject to fingerprinting and federal background check requirements. So, when a library wants local author Natch Greyes to come in and talk about carnivorous plants for an hour, he'd have to undergo a background check, as would every other speaker and every kid shelving books for community service credit and the list goes on and on. That could seriously impact a local library's ability to plan programs, book speakers, and plan activities — but how much would depend on how much of that kind of activity a particular library does. The only way for legislators to know is for librarians and library trustees to have that conversation with them. (Update: HB 1529 was voted inexpedient to legislate and HB 1033 was laid on the table, effectively killing the bill.)

One of the most important things that I've learned about the New Hampshire legislature since transitioning to my new role as Government Affairs Counsel, is that our legislature is typically a year or two behind other legislatures in considering nationally branded legislation. In other words, the legislation that is pushed by national organizations typically doesn't come to New Hampshire's legislature until a year or two after making it to other state legislatures. The reason for that is because the dates when our legislators must file legislation is much earlier than most other states. That's

largely a factor of having the largest legislature in the country, and it gives us some time to see how things have worked elsewhere before we consider it here.

The lesson for libraries is that it's probable that we'll see some library-specific legislation next year. As that's the case, it's a good idea to start reaching out to your legislators and having conversations with them – not only about this year's legislation but also about the issues that might come up next year. In that way, you'll become to your legislators what you are for the rest of the community – the resource to find out more.

NHLTA recommends signing up for the NHMA Legislative Bulletin. It is published each Friday during the legislative session (early January through the end of either May or June, depending on the year), highlighting bills of municipal interest as they move through the legislative process. Each issue contains a brief analysis of key legislative developments during the past week, a legislative calendar listing municipal bills to be heard in the next two weeks, a call to action on scheduled hearings, and updates on federal issues of interest to municipalities.

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