

Madam Chairwoman, and members of the Municipal and County Government Committee.

For the record, my name is Representative Riché Colcombe and I represent Hillsborough District 30, the towns of Antrim, Bennington, Hillsborough, and Windsor.

I am here today to respectfully oppose House Bill 1214.

Current New Hampshire law clearly assigns responsibility for public library governance to elected Library Trustees, and that framework has served communities well for generations. It was intentionally designed to place oversight in the hands of locally elected trustees focused solely on the library and directly accountable to voters. HB1214 does not fix a statutory defect or address widespread governance failures. Instead, it proposes to dismantle a long-standing governance model with centralized authority given to municipal governing bodies without any statewide evidence that the existing model has failed.

This bill appears to be motivated by disputes in a small number of communities. While those situations deserve attention, they do not justify discarding a governance structure that has worked across New Hampshire for over a century.

Library Trustees are elected for a single, well-defined purpose, while Select Boards juggle many municipal responsibilities including tax rates, infrastructure, town-wide personnel matters, and general municipal administration. Voters choose Library Trustees based on their vision for library services and community values around intellectual freedom. Transferring this authority to Select Boards eliminates a separate ballot choice, restricting voters' ability to hold library leadership directly accountable and to exercise independent judgment about library governance when those priorities differ from broader municipal concerns.

RSA 669:7, I, explicitly prohibits one person from holding certain town offices simultaneously in order to preserve checks and balances. This restriction exists because the roles of Selectmen and Trustees of Trust Funds are designed to monitor each other. Selectmen are often designated as agents to expend funds, while Trustees of Trust Funds are custodians of those funds, and their legal duty is to ensure that expenditures are lawful, properly authorized, and consistent with the trusts' purpose.

While Selectmen and Library Trustees are not defined as incompatible positions under our current statute, the same trust-fund risks remain. Both Trustees of Trust Funds and Library Trustees are tasked with safeguarding library-donated funds, creating potential conflicts if authority is consolidated. Consolidating authority weakens this separation and increases the risk that donor-restricted funds could be pressured into uses never intended by the trust.

In addition, because the position of Library Trustee is not defined in statute as incompatible with the Select Board position, Library Trustees would still be eligible to run for a Select Board seat. That means there is a very real possibility that the same individuals could control library operations, town governance, and budgeting. Nothing in

HB1214 prevents the Library Trustees from seeking Select Board seats, effectively consolidating authority rather than correcting it.

Libraries are not your typical town department; they are, in essence, educational institutions and the only municipal spaces where intellectual freedom is a core mission. In *Town of Littleton v. Taylor* (1994), the New Hampshire Supreme Court held that a public library is a “separate and distinct entity” from the town. This separation recognizes the unique role libraries play and allows library operations and personnel to function under policies appropriate to that setting. Transferring governance to Select Boards – *municipal generalists* – risks eroding that legal distinction and the independence it protects.

If the sponsors of this bill, and this committee, believe that consolidating governance under Select Boards is the right way to improve accountability or control costs, it raises an important question for me: ***Should voters first be asked whether Select Boards should govern public schools, with the school boards serving in an advisory role?*** School budgets are the largest driver of local property taxes, yet HB1214 targets libraries, which, by contrast, typically represent one of the smallest portions of municipal budgets. If consolidation is the goal, libraries don’t seem like the logical place to start.

If the real concern behind HB1214 is accountability, there is another solution to consider. Rather than dismantling an entire governance framework that has served New Hampshire for over a century, this committee could consider providing voters with a clear legal mechanism, subject to due process protections, to recall, or remove elected officials, including Library Trustees, who are unable or unwilling to perform their duties or who willfully disregard the wishes of the voters.

Such an approach would strengthen accountability while preserving local control, voter choice, and the separation of powers that protects New Hampshire’s tradition of citizen governance. It would address legitimate concerns about unresponsive trustees without eliminating the independent library governance structure that has proven effective across the state.

HB1214 proposes a structural change to address isolated disputes in a small number of communities. This bill offers no evidence that New Hampshire’s century-old library governance model has failed statewide. Instead, it removes voter choice, creates conflict of interest around trust funds, threatens the legal independence of libraries as educational institutions, and concentrates powers in ways that undermine “checks and balances.”

I respectfully urge this committee to reject this bill and preserve the Library Trustee governance structure that has successfully served New Hampshire since 1917.