

State of New Hampshire

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Contains: Supplemental calendar of the House Republican Alliance for March 24, 25 and 26 concerning minority reports that have been censored or suppressed by the Speaker's Office

HRA SUPPLEMENTAL CALENDAR OF SUPPRESSED MINORITY REPORTS

APPLICABLE RULES:

House Rule (HR) 10. In all cases not provided for by the Constitution, House Rules or Joint Rules, Mason's Manual of Legislative Procedure, 2000 Edition, shall be the parliamentary guide.

HR 31. The committees shall promptly consider and report on all matters referred to them.

HR 100. Committee Chairman; Duties. The duties of each committee chairman, appointed pursuant to House Rule 32, shall be the following:

....

(n) To supervise and be responsible for the preparation of committee reports and supplements;

....

(q) To transmit to the Clerk each legislative document and report which the committee has: 1) reported, or 2) been discharged from considering, or 3) been ordered to report;

HR 111. Back-Up Rules. In such cases where New Hampshire House Committee rules are silent, "Mason's Manual of Legislative Procedures," 2000 Edition, shall be the parliamentary guide.

Mason's Chapter 62, Committee Reports (§§ 663 – 677).

ANALYSIS:

According to House Rules and Mason's, the Speaker has no authority with regard to a committee reporting its findings to the House body. It is the express duty of the committee chairman to be responsible for the preparation of committee reports and to then transmit those reports to the Clerk of the House for dissemination to

the body (via the House Calendar). They are not to be transmitted to the Speaker or anyone. Mason's states with regard to minority reports (sec 674) that, 1. It is a customary courtesy for the body to receive a minority report, 2. Minority members may, collectively or individually, present their own views, 3. It is proper for a single member to dissent from the report of the majority, and 4. A minority of a committee may, with permission, submit a report in which those members make recommendations opposed to all or part of the majority recommendations, such permission being that of the committee chairman as inferred from House rule #100n and by Mason's chapter 62. No House rule or any rule in Mason's gives that permissive authority to the Speaker.

Mason's further states (§ 676), "[i]f a question is raised concerning whether a committee report is sufficient or has been properly authorized, **the question should be submitted to the body itself for a decision rather than being decided by the presiding officer.**" (emphasis added) It is the body who decides the appropriateness of any committee report and not the Speaker. After all, it is a report created by the committee for the body, not the Speaker.

Though the Speaker has the authority (House Rule #59) to define the duties of the Clerk, the Speaker has no authority to prevent a committee report (majority or minority) from being given to the body by the Clerk (via the House Calendar).

REGULAR CALENDAR – PART II

JUDICIARY

HB 73, relative to the solemnization of marriage. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L O'Brien for the **Minority** of Judiciary: The minority did not hear the sponsor or committee proponents of this bill demonstrate that it addresses any problem or solves any problem. No more, nor fewer people will be married by the passage of this bill. But, it became apparent, that is not the point. Rather, the point of this legislation is to move New Hampshire into a post-Christian world; a world where terms such as "minister of the gospel" are condemned as highly exclusionary and offensive, and are to be discarded despite literally centuries of use in our laws. A world in which we abandon our Judeo-Christian tradition as a country that has a secular government combined with a society based on religious values. Values that are founded on a strong biblical view of a world in which there can be earthly justice; there is an emphasis on laws; there is a belief in judging, as well as in love and forgiving and the sanctity of all individuals, from whatever religion or part of the world. Values that serve as both the essence and also the foundation of American Exceptionalism.

In exchange for this tradition, we will enter the amoral world of post-modern Europe, a world that stands for nothing, therefore falls for everything. A world that has no foundation of values and therefore falls in turn to the collectivist nightmares of the left: fascism and communism. A world that has no ideological defense to the stridency and prejudice of Islamo-fascism. This is the world of HB 73. Reject it and you reject HB 73.

HB 396, relative to the solemnization of marriage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert Mead for the **Minority** of Judiciary. This bill is relative to the solemnization of marriage, solemnization being the very public performance of a sacrament or solemn ceremony with all appropriate ritual, "the celebration of marriage." It permits members of the clergy, religious officiates, and others who are licensed by the secretary of state to solemnize marriages. The bill also replaces all statutory references to "marriage license" with "certificate of notice of intent to marry" and seeks to restore the status of marriage to what it was prior to 1998, when the marriage license was created. It returns the marriage license to the certificate of notice, removing the requirement to seek permission of the State to engage what is in its roots a religious ceremony. It also seeks to recognize the right of all religious practitioners to perform marriages. In accomplishing these objectives, it is the embodiment of Part 1, Article 5, of the New Hampshire Constitution, forbidding the State from abridging religious practices. The notion of marriage as a sacrament and not just a contract can be traced back to St. Paul, who compared the relationship of a husband and wife to that of Christ and his church (Eph. v, 23-32). The Council of Trent was so disturbed by marriages taking place without witness or ceremony in the 1500's that they decreed in 1563 that marriages should be celebrated in the presence of a priest and at least two witnesses. Marriage took on a new role of saving men and women from being sinful, and of procreation. Years later, the Puritans viewed marriage as a very blessed relationship that gave marital partners opportunities to not only love, but also to forgive. Many people hold the view that regardless of how people enter into matrimony, marriage is a bond between two people that involves responsibility and legalities, as well as commitment and challenge. That concept of marriage hasn't changed through the ages. Issues of marriage that mattered to government were legitimacy of children for purposes of inheritance, and marriages were recognized without government approval or any necessary ceremony or record.

The Church got involved in marriages in the ninth century, simply by blessing unions that had been declared, but quickly became a necessary part of the marriage process. Governments at the time were intertwined with the Church so government simply recognized the Church's authority in this area. Civil marriages did not come into existence until 1837 in England. As government grew, civil marriages became more common in places where government and the Church were at odds. Marriage licenses are a new invention. In the mid-1800's some states did issue marriage certificates, but these were not required. A general requirement for a license to get married was not common until the early 20th Century, the purpose of the license or certificate being mostly for legal certainty. Laws regarding inheritance, parental authority, taxes, and other legal matters made one's state of marriage relevant. A marriage certificate from the State made it clear to everyone when the marriage began and that it existed. With ever-expanding growth in State government, the States have become more involved in the regulating of marriages through social engineering; and civilly-sanctioned marriages are attempting to now dominate and regulate the act of

marriage. This bill will remove the requirement to seek permission of the State to engage in what is in its roots a religious ceremony.

HB 453, establishing that marriage between one man and one woman shall be the only legal domestic union that shall be valid or recognized in this state.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Robert Mead for the **Minority** of Judiciary. This bill establishes that marriage between one man and one woman shall be the only legal domestic union that shall be valid or recognized in this state. We know that strong traditional families are the keys to solving many of our societal problems, and the basis for improving many problems in our state, our communities, our towns and our schools. Marriage is not just a legal matter, but also a bond between individuals, rooted in the most basic of all traditions, propagating, raising, teaching and preparing the next generation for the responsibilities of adulthood. It would be a shame, indeed, if our advice to our children were to skip marriage because it is simply an institution based upon economic factors intended to combine assets, gain better insurance rates, or rights of survivorship. Marriage is more than that. Marriage, instituted under God is more than just an institution; it is a gift from you to another, a gift that is based on devotion and commitment requiring dedication, sacrifice and forgiveness. When entered into with the right intention and when properly nurtured, it will be graced by God and will result in more than the mere mingling of assets. It will become the underpinnings of a strong family, and serve as the vehicle by which children can learn the lessons required to give form to a free and just society, grounded in honor and truth as were those of our forefathers. Only then can we continue to enjoy the benefits of true freedom. Representatives take an oath to represent the citizens of their districts and of New Hampshire, and they should respect their constituents' wishes. "Genderless" marriage is not the kind of change the majority of people in New Hampshire had in mind or hoped for when they voted for change in the recent presidential election. You need look no further than the outcome of the general election in California, where the cry for "change" received 61% of the state's votes, but proponents for nontraditional marriage were unable to attract enough of the votes needed to defeat Proposition 8, which amended the CA Constitution solidifying traditional marriage. Unlike California, New Hampshire only supported the desire for "change" by 54%, so it is easy to calculate the percentage of voters who would be likely to support traditional marriage here. Historically, the definition of marriage has rested on a foundation of historic tradition, legal precedent, theology, and the overwhelming support of the people. After the introduction of marriage between homosexuals, however, it will be supported by nothing more substantial than state law and the opinion of a single judge or by a black-robed panel of Supremes. Given the legal climate and propensity in New Hampshire for legislating from the bench, it is certain that some self-possessed judge, somewhere, will soon rule that three men or three women can marry. Or five men and two women. Or four and four. The history of the gay and lesbian movement has been that its adherents quickly move the goal line as soon as the previous one has been achieved, revealing even more shocking and outrageous objectives. In the present instance, homosexual activists, heady with power and exhilaration, feel the political climate is now right to get what they have always wanted in New Hampshire. Legalization will change everything,

especially for the institution of the family. The implications for children in a world of decaying families are profound. When the State sanctions homosexual relationships and gives them its blessing, the younger generation will become confused about sexual identity and quickly lose their understanding of lifelong commitments, emotional bonding, sexual purity, the role of the children in the family, and from a spiritual perspective, the sanctity of marriage.

To extend the legal status of marriage to same-sex couples would indicate that the State believes that same-sex couples are equally as effective in raising children as heterosexual couples. This is contradicted by numerous studies, including Review of Research on Homosexual Parenting, Adoption and Foster Parenting, by George A. Rekers, PhD, Professor at the University of South Carolina School of Medicine. This study concludes that, on average, raising children in same-sex homes “uniquely endangers foster children by exposing them to a substantial level of harmful stresses that are over and above usual stress levels in heterosexual foster homes.” Numerous studies have concluded that children do best when they are raised by loving and committed mothers and fathers. They are less likely to be on illegal drugs, less likely to be retained in a grade, less likely to drop out of school, less likely to commit suicide, less likely to be in poverty, less likely to become juvenile delinquents, and for the girls, less likely to become teen mothers. They are healthier both emotionally and physically. If we succumb to the pressure from lobbyists and special interest groups to change our definitions of marriage, there is no limit to where it will stop. If "genderless" marriage is allowed, then why not polygamy, marriage to one's blood relative, marriage of an adult to a minor, or even marriage to one's pet? Though they may seem ridiculous to us now, these examples are no more far-fetched than the idea of legalizing same-sex marriage was several years ago. Legalizing the concept of same-sex “marriage” has other significant ramifications throughout society. When same-sex “marriages” are legal, there is no state tolerance of the beliefs of individuals not to recognize these marriages. For example, in Massachusetts adoption agencies are required by the State to provide no discrimination against same-sex “married” couples in adopting children, in spite of possible harm to children as reported above. Catholic agencies have been forced to give up handling adoptions as a result of their religious beliefs. In California, wedding photographers are forced to provide services for all weddings, same-sex or not. Similarly, advertisers will have to be careful not to exclude displays that show same-sex couples as well as heterosexual ones when representing marriage situations. Consider the effect that such decisions will have on New Hampshire's families, and the precedent it will set for the future. New Hampshire needs to get back to the principles and values upon which it was founded. Yielding to pressure to change the "norms," and the resulting change of the traditional definition of marriage, will further weaken the very foundation of the American family structure. The consequence of defining marriage other than the traditional one of one man and one woman has negative ramifications throughout society, both present and future and once these underpinnings are dissolved, and the cohesiveness of the family unit is destroyed, it will be lost forever.