

**NEW HAMPSHIRE HOUSE
REPUBLICAN ALLIANCE**

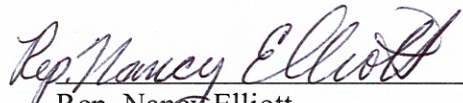


May 29, 2009

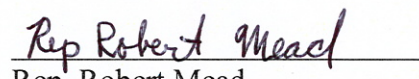
Press Release:

This letter was sent to the Speaker of the NH House today.

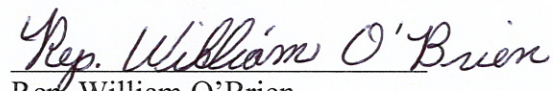
Sincerely,



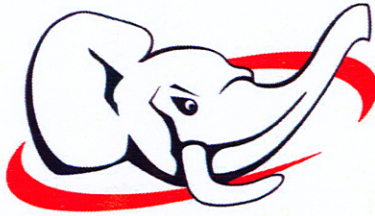
Rep. Nancy Elliott
Co-chair



Rep. Robert Mead,
Co-chair



Rep. William O'Brien
Co-chair



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May 29, 2009

The Honorable Terie Norelli
Speaker of the New Hampshire
House of Representatives
107 North Main Street
Concord, New Hampshire 03301

Re: Open Letter on the Appointment of the House Representation to the Committee of
Conference for House Bill 73

Dear Madame Speaker,

This letter is in reference to your appointment of Reps. Gary Richardson, Robert Thompson, Lucy Weber, and Anthony DiFruscia as House conferees on HB 73. At least two of the first three of these appointees are ineligible to serve on this committee of conference.

While House Rule 49, which pertains to committees of conference, does not specify who may be appointed to a committee of conference, section 769(5) of Mason's Manual of Legislative Procedure clearly states that where a house is divided as to an issue for which such a committee is appointed, "*it is the established practice to appoint a majority of the committee from prevailing side in the controversy, but to also appoint a representative from the minority.*" HB 73 has been transformed by the Senate of course into a bill that divided the House between those for and against same gender marriage. That is the underlying controversy between the majority and minority on HB 73.

The May 20 roll call vote rejecting the motion to concur with the Senate amendment to HB 73 clearly showed that division and who prevailed in the House on the controversy. Reps. Gary Richardson, Thompson and Weber voted for concurrence, therefore, they were not on the prevailing side of the controversy. Consequently, only one of them is eligible to serve on the committee and that service may be only as a representative of the minority. We therefore call upon you to act in accordance with section 769(5) and appoint a majority of the House's representation on the HB 73 committee of conference from the prevailing side on the same gender marriage controversy, as represented by the May 20th 188 to 186 vote against concurrence. This requires that a majority of the committee of conference be drawn from the 188 members who voted against concurrence.

Should you take, as was indicated by your response to a parliamentary inquiry on May 20, 2009, the incorrect and limited view that the controversy is whether to adopt HB 73, as passed by the House and amended by the Senate, then the prevailing side under Mason's section 769(5) would be those who voted in favor of the original HB 73 on

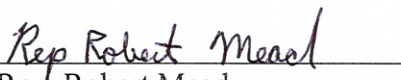
March 25, 2009 and against concurrence on the Senate amendment on May 20, 2009. Once again, the facts are that a majority of the House adopted HB 73 and a majority rejected the Senate's amendment. Reps. Gary Richardson, Thompson and Weber were not in each of those majorities, so they do not satisfy the requirement that they be from the prevailing side of the controversy. Each voted to concur with the Senate on HB 73 and therefore to accept the Senate's amendment. They were among the 186 members who did not prevail as to that controversy and should not have been appointed as representatives of the prevailing side.*

The appointment of Reps. Gary Richardson, Thompson and Weber will result in a majority of the House representation on the committee of conference arguing against the House position on HB 73, a circumstance that section 769(5) obviously seeks to prevent. However, and again, at least one House member must be appointed from the side that did not prevail on that controversy. That member could be one of them, but the remaining two of them are ineligible to serve.

We would like to think that these appointments were made without due consideration of Mason's, in which case a correction would be in order. If however, the appointments were a willful violation, it appears they were made for purely partisan purposes. As such, those appointments would violate the trust you accepted as Speaker to represent the entire House of Representatives and to follow its rules faithfully. If the legislative integrity of this House is to be respected, you need to remedy this violation by appointing House representation to the committee of conference on HB 73 in accordance with the rules and not in furtherance of a desired outcome.

Respectfully,


Rep. Nancy Elliott
Co-chair


Rep. Robert Mead,
Co-chair


Rep. William O'Brien
Co-chair

* Indeed, even if one were to yet more obviously misconstrue the controversy referenced in section 769(5) as being limited to the original March 25th vote on HB 73, your appointments still violate this rule by not including "a representative from the minority." All four of the appointed House conferees voted in favor of OTP on HB 73. The minority position of ITL is not represented.