

House Republican Alliance Recommendation Sheet

“TRUST BUT VERIFY”

The purpose of the House Republican Alliance is to preserve and strengthen the traditional principles and values of the Republican Party through the NH House of Representatives and throughout the state of NH, including fiscal restraint, personal freedom and responsibility, small government, free enterprise and strong families. We offer the following recommendations based on those principles, the Republican Party Platform, and the NH and Federal Constitutions.



MAY 19, 2010 JOINT COMMITTEE ON ADDRESS

Bill of Address Process:

The constitutional process of bill of address is an example, and a component, of the check and balances among the branches of government. It provides that all judges and commissioned officers shall hold their office during good behavior. Commissioned officers include marital masters because they are nominated by the governor and approved by the governor's council. They do not become "uncommissioned" merely because they are later reappointed by the chief justice.

The grounds for adoption of a bill address include any reasonable cause, but not those would be grounds for impeachment. A bill of address is heard by a joint senate and house committee that recommends only ought to pass or ought not to pass. Adoption of a bill of address is a message to the governor and the governor's council that they should remove a judge or commissioned officer.

HA 1, for the removal of Michael Garner, marital master in the judicial branch family division in Laconia. **MAJORITY: OUGHT NOT TO PASS. MINORITY: OUGHT TO PASS. Vote 6-4.**

HRA Analysis: Republicans believe in religious freedom and understand that religious freedom does not just extend to those who are not Christians. A marital master who changes the education of a child of divorced parents based on a finding that the child's belief in Christianity is too rigid automatically disqualifies himself from further authority over the citizens of NH. Reasonable cause was demonstrated for Michael Garner's removal as a marital master.

HRA Recommendation: Support OTP.

HA 2, for the removal of Lucinda Sadler, district court judge, from her said office. **MAJORITY: OUGHT NOT TO PASS. MINORITY: OUGHT TO PASS. Vote 6-4.**

HRA Analysis: Part II, Article 73 of the NH Constitution allows that "*The governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature.*" The GOP-Platform states that "*the first priority of our judiciary is to serve the people's needs by expediting justice and ensuring fairness.*" Thus, whenever the behavior of a judicial officer comes into question, the Legislature must investigate and act. Judge Sadler either did not meet her obligation to read and approve the recommended decisions of Masters Garner (HA1) and Cross (HA3) or she approves of those flawed recommendations. In either case, reasonable cause exists for her removal. Republicans understand that judges should either do their job or be removed from those jobs.

HRA Recommendation: Support OTP.

HA 3, for the removal of Philip Cross, marital master in the judicial branch family division in the Derry District Court, from his said office. **MAJORITY: OUGHT NOT TO PASS. MINORITY: OUGHT TO PASS. Vote 6-3.**

HRA Analysis: Testimony was given that Master Cross exhibited bad behavior in failure to allow all positions to be heard in court, in changing the purpose of a hearing at the last moment without notice to one of the parties, altering a court document previously signed by both parties, and recommending conflicting orders that effectively required a parent to be in contempt. Testimony also presented a pattern of high levels of appeal and grievances filed against Master Cross. Republicans on the Joint Committee requested Cross to come before the Committee to explain his version of events, but he did not appear. Reasonable cause was demonstrated for his removal under Part II Article 73 of the NH Constitution.

HRA Recommendation: Support OTP.

A message for our Democrat colleagues as we come near the end of this session:

For they have sown the wind, and they shall reap the whirlwind: it has no stalk; the bud shall yield no meal: if so be it yield, the strangers shall swallow it up.

Hosea 8:7