

**Commission to Study All Aspects of Same Sex Civil Marriage and the Legal Equivalents  
Thereof, Whether Referred to as Civil Unions, Domestic Partnerships,  
or Otherwise SB 427, Chapter 100:2, Laws of 2004**

**TABLE OF CONTENTS – MAJORITY & MINORITY REPORTS**

Table of Authorities .....	i-iv
Executive Summary .....	1
<u>Majority Report: ADOPTED 10/31/05 BY VOTE 7-4</u>	
I. <u>Introduction Paragraph</u> .....	9
II. <u>History of Commission</u> .....	9
a. SB 427	
b. Purpose	
c. Appointments	
d. Election of officers	
III. <u>Summary of Commission Work</u> .....	12
a. Meetings	
b. Hearings	
c. Extensive file – testimony, emails, calls, articles, books, etc.	
d. Experts who testified	
IV. a. <u>Address the issues of public concern</u> – i.e. the desire of same-sex couples to receive state created benefits and economic privileges of married couples. Cite numerous examples of desired economic benefits: health insurance, social security benefits, hospital visitation rights, parenthood rights to each other’s children, life insurance beneficiary, intestate law, etc., Mention all 399+/- N.H. laws which would have to be changed to allow same-sex couples the benefits of marriage .....	19
b. <u>Address the issues that cannot be cured by the State of New Hampshire</u> due to federal preemption such as (1) Income tax and inheritance, (2) Health Care Coverage under COBRA or ERISA, (3) Pensions covered by ERISA, (4) Social Security Benefits or Survivor Rights, (5) Employment rights under FMLA, and (6) Immigration and Customs.....	20
V. <u>Majority Report: Proposed Findings: ADOPTED TO INCLUDE BY VOTE 7-4 ON 10/31/05</u>	
A. That <u>Goodridge vs. Department of Public Health</u> , 440 Mass. 309, 798 N.E.2d 941 (2003) was not decided correctly since the judiciary should not be making law .....	26
B. Reject the notion that same-sex marriage is comparable to civil rights and consistent with <u>Loving vs. Virginia</u> , 388 U.S. 1 (1967). Same sex marriage (SSM) has never been considered either a fundamental right or an essential element of society’s fabric to constitute an essential liberty in New Hampshire history .....	31

**Commission to Study All Aspects of Same Sex Civil Marriage and the Legal Equivalents  
Thereof, Whether Referred to as Civil Unions, Domestic Partnerships,  
or Otherwise SB 427, Chapter 100:2, Laws of 2004**

C. <u>Nature vs. Nurture Conclusions</u> .....	35
1. No gay gene or persons are born gay. Sexual orientation of homosexuality as gay or lesbian is not a mental disorder according to the APA.	
2. Sexual orientation not same as sexual behavior, only 2-3% are exclusively homosexual.	
3. Sexual orientation is not always fixed nor destiny where ¼ gay unions had been married previously and ex-gays do exist who have left homosexuality.	
4. Certain sexual behaviors of male homosexuals are considered at risk for certain diseases compared to heterosexual sexual contact according to the medical literature.	
D. <u>Research on Children</u> .....	37
1. Studies of children raised by same sex couples are statistically in their infancy, lack reproducibility, and lack longitudinal design.	
2. Standard for scientific community of acceptance requires 15-20 years before a study is observed and replicated that has not occurred.	
3. Research on children raised by same sex parents is needed where none is available on male same sex homes compared to married heterosexual biologically related homes.	
4. Research still suggests that the best environment for children is a married heterosexual family where mother and father are biologically related.	
E. <u>Cascade Effect of Legal Recognition of SSM</u> .....	39
1. Parents face homosexuality being introduced in schools' sex education due to SSM.	
2. Private organizations such as Boy Scouts face ban for public access opposed to SSM.	
3. Public policies on HIV still controlled by civil rights for same sex relations and not public health interests such as HIV notification to spouses or significant others.	
4. Citizens face possible loss of speech rights or exercise of religious or conscience if they are opposed to SSM as either public or private employees.	
F. <u>Interstate commerce effect of same sex couples</u> .....	41
1. Legally married or legally recognized civil unions in foreign jurisdictions with children may be deemed co-guardians, see RSA 463:10, III; 463:30; 463:32-a.	
2. NH law can't be extended outside of NH because of Federal DOMA, but recommend other States recognize contractual rights granted in NH with the assistance of The National Conference of Commissioners on Uniform State Laws.	

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VI. Proposed Recommendations: Majority Report – Moving Party

- A. Any change in the public policy regarding marriage must be made by elected representatives of the people and the people of New Hampshire. ADOPTED TO INCLUDE BY VOTE 7-4 ON 10/5/05 .....42
- B. Suggest the legislature take up a Constitutional Amendment recognizing marriage as between one man and one woman to the NH Constitution. Included in this section all other jurisdictions where same-sex marriage/civil unions are or have been challenged. ADOPTED TO INCLUDE BY VOTE 7-4 ON 10/5/05 .....44
- C. Establish and suggest the legislature recognize that religious freedom being an essential right in New Hampshire, no person should be required to perform any marriage which would otherwise offend his conscience. ADOPTED TO INCLUDE BY VOTE 7-4 ON 10/24/05..... 49
- D. Suggest the legislature amend the Patient Bill of Rights to establish hospitals establish policies to allow all patients to select the persons allowed to have visiting privileges and allow mechanisms for its enforcement in NH RSA 151:21. ADOPTED TO INCLUDE BY VOTE 7-4 ON 10/31/05.....51
- E. That the legislature clarify that same sex couples that have legal recognition in their home state for parental rights to be recognized as joint guardians under NH’s law for joint guardians rights and out of state reciprocally as defined in RSA 463:10; RSA 463.30; and RSA 463:32-a. ADOPTED TO INCLUDE BY VOTE 6-5 ON 11/07/05.....54

VII. Proposed Recommendations: Majority Report – Non Moving Party

- A. Do not recognize, establish, and adopt same sex marriage for NH residents nor recognize same sex marriage for non-residents from other jurisdictions. MOTION TO ADOPT SAME SEX MARRIAGE FAILED 2-10 ON 10/24/05 AND MOTION TO RECOGNIZE SAME SEX MARRIAGES FROM OTHER JURISDICTIONS FAILED 5-7 ON 10/24/05.....57
- B. The Commission recommends that the Legislature welcome and recognize the legal status of nonresident gay and lesbian couples from outside of our borders. This should be done regardless of what the legislature determines relative to the legal relationship status of its own gay and lesbian couples. MOTION FAILED 5-7 on 10/24/05.....58
- C. Do not recognize, establish, and adopt civil unions or domestic partnerships for NH residents nor recognize civil unions or domestic partnerships for non-residents from other jurisdictions. MOTION TO ADOPT CIVIL UNIONS FAILED 3-8 ON 11/07/05.....59

**Commission to Study All Aspects of Same Sex Civil Marriage and the Legal Equivalents  
Thereof, Whether Referred to as Civil Unions, Domestic Partnerships,  
or Otherwise SB 427, Chapter 100:2, Laws of 2004**

D.	Do not recognize, establish, and adopt 2 parent adoption or co-parent adoption by the Legislature. MOTION TO ADOPT 2 PARENT ADOPTION FAILED 4-7 ON 11/07/05.....	60
VIII.	<u>Proposed Recommendations: Minority Report (Mooney, Earnshaw, Fredyma, Brassard)</u>	
A.	Hawaii and Washington, DC style Reciprocal Benefits Act (Domestic Partnership Registries) extending economic benefits to <b><i>all</i></b> different family structures including same-sex couples; unmarried heterosexual couples and blood relatives should be further explored and considered in New Hampshire. DENIED BY MAJORITY BY VOTE 5-6 ON 10/24/05 AND DENIED BY MAJORITY BY VOTE 5-6 ON 10/31/05.....	61
B.	The definition of “adultery” in RSA 645:3 should be amended to read as follows: A person is guilty of a class B misdemeanor if, being a married person, he engages in sexual [ <del>intercourse</del> ] <b><i>activity</i></b> with another not his spouse or, being unmarried, engages in sexual [ <del>intercourse</del> ] <b><i>activity</i></b> with another known by him to be married. <b><i>In this section, “sexual activity” shall be as defined in RSA 649-A:2.</i></b> DENIED BY MAJORITY BY VOTE 5-7 ON 10/31/05.....	71
C.	The definition of “incest ” in RSA 639:2, I should be changed to replace the terms “sexual intercourse” with sexual activity where <b><i>“sexual activity” shall be as defined In RSA 649-A:2, III.</i></b> RSA 639:2, I amended to read as follows: A person is guilty of a class B felony if he marries or has sexual [ <del>intercourse</del> ] <b><i>activity</i></b> , or lives together with, under the representation of being married, a person whom he knows to be his ancestor, descendant, brother or sister, of the whole or half blood, or an uncle, aunt, nephew or niece; provided, however, that no person under the age of 18 shall be liable under this section if the other party is at least 3 years older at the time of the act. The relationships referred to herein include blood relationships without regard to legitimacy, stepchildren, and relationships of parent and child by adoption. DENIED BY MAJORITY BY VOTE 5-7 ON 10/31/05.....	71
D.	Tighten the statutes on parental notification and consent on sex education in public schools. [ <i>See</i> Rep. Russ Albert bill]. DENIED BY MAJORITY BY VOTE 5-7 ON 10/31/05.....	73
E.	Include “religious creed” in RSA 354-A:1, RSA 354-A:8 , RSA 354-A-16, and RSA 354-A-17 as similarly found in RSA 354-A-7. DENIED BY MAJORITY BY VOTE 5-7 ON 10/31/05.....	74
IX.	<u>Conclusion</u> .....	75