

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEB WHITEWOOD, <i>et al.</i> ,	:	
	:	Civil Action
Plaintiffs,	:	
	:	No. 1:13-cv-1861
v.	:	
	:	
MICHAEL WOLF, in his official	:	
capacity as the Pennsylvania	:	
Secretary of Health, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**STATEMENT OF RELEVANT UNDISPUTED FACTS IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT OF
DEFENDANTS SECRETARY OF HEALTH MICHAEL WOLF AND
SECRETARY OF REVENUE DAN MEUSER**

Defendants Michael Wolf, the Secretary of Health, and Dan Meuser, the Secretary of Revenue (“Defendants”), by and through their attorneys, Lamb McErlane PC, respectfully submit this statement of relevant, material facts as to which the Defendants contend there is no genuine issue to be tried:

1. On July 9, 2013, Plaintiffs filed a complaint seeking to invalidate, by declaratory judgment, provisions of Pennsylvania’s Marriage Law that (a) define marriage as the union of “one man and one woman,” 23 Pa.C.S. § 1102; and (2) declare as void in Pennsylvania same-sex marriages entered into in other jurisdictions, 23 Pa.C.S. § 1704. (Doc. 1).

2. On November 7, 2013, Plaintiffs filed an amended complaint naming as defendants Michael Wolf in his official capacity as the Secretary of Health; Dan Meuser, in his official capacity as Secretary of Revenue; and Donald Petrille, Jr., in his official capacity as the Register of Wills and Clerk of the Orphans' Court of Bucks County. (Doc. 64).

3. Plaintiffs Deb and Susan Whitewood are a lesbian couple who reside in Bridgeville, Pennsylvania. They married in Maryland on October 19, 2013, and seek to have their marriage recognized in Pennsylvania. (Doc. 64).

4. Plaintiffs Fredia and Lynn Hurdle are a lesbian couple who reside in Pittsburgh, Pennsylvania. They seek to marry in Pennsylvania. (Doc. 64).

5. Plaintiffs Edwin and David Palmer are a gay couple who reside in Bangor, Pennsylvania. They were married in Maine on May 10, 2013, and seek to have their marriage recognized in Pennsylvania. (Doc. 64).

6. Plaintiffs Heather and Kath Poehler are a lesbian couple who reside in Downingtown, Pennsylvania. They were married in Massachusetts on September 10, 2005, which is where they resided at the time they were married. The couple moved to Pennsylvania in 2007 and seeks to have their marriage recognized in Pennsylvania. (Doc. 64).

7. Plaintiffs Fernando Chang-Muy and Len Rieser are a gay couple who reside in Philadelphia, Pennsylvania. They entered into a civil union in

Vermont on February 14, 2004, and they seek to marry in Pennsylvania. (Doc. 64).

8. Plaintiffs Dawn Plummer and Diana Polson are a lesbian couple who reside in Pittsburgh, Pennsylvania. They seek to marry in Pennsylvania. (Doc. 64).

9. Plaintiffs Angela Gillem and Gail Lloyd are a lesbian couple who reside in Philadelphia, Pennsylvania. They seek to marry in Pennsylvania. (Doc. 64).

10. Plaintiffs Helena Miller and Dara Raspberry are a lesbian couple who reside in Philadelphia, Pennsylvania. They married in Connecticut on September 10, 2010, and seek to have their marriage recognized in Pennsylvania. (Doc. 64).

11. Plaintiffs Ron Gebhardtsbauer and Greg Wright are a gay couple who reside in State College, Pennsylvania. They registered as domestic partners in State College in 2011 (Doc. 64) and married in the State of Maryland in 2013. (*See Deposition of Ron Gebhardtsbauer, pp. 28:12 – 29:21, attached as Exhibit “A”*).

12. Plaintiffs Marla Cattermole and Julia Lobur are a lesbian couple who reside in Harrisburg, Pennsylvania. They married in Iowa in 2009 and seek to have their marriage recognized in Pennsylvania. (Doc. 64).

13. Plaintiffs Sandy Ferlanie and Christine Donato are a lesbian couple who reside in Swarthmore, Pennsylvania. They seek to marry in Pennsylvania. (Doc. 64).

14. Plaintiff Maureen Hennessey was in a relationship with Mary Beth McIntyre from 1984 until 2013, when Ms. McIntyre passed away in Pennsylvania. They were married in Massachusetts on June 9, 2011. Plaintiff Hennessey seeks to have the marriage recognized in Pennsylvania. (Doc. 64).

15. Defendant Michael Wolf is the Secretary of Health of the Commonwealth of Pennsylvania and has those duties and authorities granted to that office by law, including serving as head of the Pennsylvania Department of Health. (Doc. 81).

16. Defendant Dan Meuser is the Secretary of Revenue of the Commonwealth of Pennsylvania and has those duties and authorities granted to that office by law, including serving as head of the Pennsylvania Department of Revenue. (Doc. 81).

17. The provisions of the Marriage Law that Plaintiffs challenge were passed by the Pennsylvania General Assembly on October 7, 1996, and signed into law by then-Governor Ridge on October 16, 1996, as Act 124.

18. The *Legislative Journal*, the relevant portion of which is attached hereto as Exhibit “B”, reflects any state interest that the General Assembly might have considered in enacting the legislation.

19. During floor debate, individual members of the General Assembly identified as a state interest the promotion of procreation and expressed their view that 23 Pa.C.S. §§ 1102 and 1704 would rationally advance that state interest. (*See, e.g.*, Rep. Stern statement).

20. During floor debate, individual members of the General Assembly identified child rearing and the well-being of children as state interests to which 23 Pa.C.S. §§ 1102 and 1704 would rationally relate and promote. (*See, e.g.*, Rep. Stern statement).

21. During floor debate, individual members of the General Assembly identified tradition as a state interest that 23 Pa.C.S. §§ 1102 and 1704 rationally would preserve. (*See, e.g.*, Rep. Egolf statement and Rep. Stern statement).

22. During floor debate, individual members of the General Assembly stated their view that redefining marriage would detrimentally affect Pennsylvania businesses economically and that 23 Pa.C.S. §§ 1102 and 1704 is rationally related to that interest. (*See, e.g.*, Rep. Egolf statement).

23. Act 124 of 1996, which amended 23 Pa.C.S. § 1102 to define marriage as “[a] civil contract by which one man and one woman take each other

for husband and wife,” and added 23 Pa.C.S. § 1704 (relating to “marriage between persons of the same sex”), were passed by overwhelming majorities of legislators in both chambers of the General Assembly (*i.e.*, 177 votes in favor in the House of Representatives to 16 votes in opposition; 43 votes in favor in the Senate to 5 votes in opposition).

24. Under the provisions of the Tax Reform Code of 1971, the personal income tax liability of Pennsylvania residents is typically the same whether they file their income tax returns jointly or separately. That is so because the Pennsylvania state income tax is imposed upon the income of each individual taxpayer. Taxpayers filing a joint return cannot combine their income. The filing of a joint return is merely a convenience. (See 72 P.S. § 7301 (w), 61 Pa. Code § 101.1 and 61 Pa. Code § 121.15 (c)).

25. There are a number of measures currently pending in the General Assembly that seek to protect the rights of gays and lesbians. For example, there are 18 bills currently pending in the General Assembly that seek to afford protection to gays and lesbians in connection with subjects such as taxes and revenue, discrimination, and prevention of intimidation based on sexual orientation, among others. *A true and correct summary of the bills currently pending in the General Assembly is attached as Exhibit “C” hereto.*

26. The majority of the states (33) does not allow or recognize same-sex marriage.

27. Plaintiffs who married in other states are entitled to certain benefits under federal law, notwithstanding the fact that their marriages are not recognized in Pennsylvania. For example, the United States government has expanded recognition of same-sex marriages with regard to issues such as bankruptcy, prison visits and survivor benefits. Dep't of Justice, *Attorney General Eric Holder Delivers Remarks at the Human Rights Campaign Greater New York Gala*, February 2014 Press Release (February 10, 2014).

28. The federal government recently expanded recognition of same sex marriages in connection with survivor benefits for spouses of police officers and firefighters killed on the job, as well as with regard to the legal right to refuse to testify to incriminate a spouse. Dep't of Justice, *Attorney General Eric Holder Delivers Remarks at the Human Rights Campaign Greater New York Gala*, February 2014 Press Release (February 10, 2014).

29. The U.S. Treasury Department and the Internal Revenue Service have publicly announced that all legally married gay couples may file joint federal tax returns, even if they reside in a state that does not recognize same-sex marriages. Internal Revenue Service, *Treasury and IRS Announce That All Legal Same-Sex Marriages Will Be Recognized For Federal Tax Purposes; Ruling*

Provides Certainty, Benefits and Protections Under Federal Tax Law for Same-Sex Married Couple, IR-2013-72 (August 29, 2013).

30. The U.S. Department of Defense has announced that it will grant military spousal benefits to same-sex couples. Dep't of Defense, *DOD Announces Same-Sex Spousal Benefits*, Press Release No. 581-13 (August 14, 2013); *see e.g.* MarAdmin 432/13; NavAdmin 218/13; AlCoast 357/13; ALARACT 212 2013.

31. The U.S. Department of Health and Human Services has said the federal Defense of Marriage Act is no longer a bar to states recognizing same-sex marriages under state Medicaid and Children's Health Insurance Programs. Dep't of Health and Human Services, Centers for Medicare and Medicaid Services, *United States v. Windsor*, SHO #13-006 (September 27, 2013).

32. The U.S. Office of Personnel Management has announced that it will extend benefits to legally married same-sex spouses of federal employees and annuitants. Office of Personnel Management, *Benefits Administration Letter: Coverage of Same-Sex Spouses*, No. 13-203 (July 17, 2013).

Respectfully submitted,

LAMB McERLANE PC

Date: April 21, 2014

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	:	Civil Action
Plaintiffs,	:	
	:	1:13-cv-1861
v.	:	
	:	Honorable John E. Jones, III
MICHAEL WOLF, in his official	:	
capacity as the Pennsylvania	:	
Secretary of Health, <i>et al.</i> ,	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Statement of Relevant Undisputed Facts in Support of Motion for Summary Judgment of Defendants Secretary of Health Michael Wolf and Secretary of Revenue Dan Meuser in the above captioned matter was served on the 21st day of April, 2014, to the attorneys/parties of record as follows:

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Exhibit “A”

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1 exception for us. I don't know if they changed
2 their policy or not.

3 Q. And so you haven't written to any
4 Commonwealth official about Pennsylvania's marriage
5 laws. Is that fair to say?

6 A. I think that's correct, because we just
7 didn't think that we would get anywhere, because
8 there's a law.

9 Q. Have you ever applied for a marriage
10 license in Pennsylvania?

11 A. No.

12 Q. And I think you said you have -- since
13 this lawsuit was initiated you have gotten married;
14 is that correct?

15 A. Yes.

16 Q. And can you tell me the circumstances
17 of that?

18 A. Sure. Back last summer, the IRS came
19 out with a decision that they would accept federal
20 filings for taxes, and I realized that that meant
21 that we could be legally married. And that was
22 such an exciting idea.

23 It wasn't actually the fact that my
24 taxes would go down if I married jointly. It was
25 because we would be legally married and there would

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1 be an entity in the United States that would
2 recognize it.

3 So we went home -- I went home, talked
4 about it with Greg, and we said, yeah, maybe we
5 should get married. So on Thanksgiving when we
6 went down to see my mom for Thanksgiving and the
7 family --

8 Q. In what state?

9 A. Maryland. We just went a few miles
10 over to the county courthouse and got married. And
11 it's kind of fun. My mom, my brother and sister
12 were with Greg and I, and we got married. So it
13 was kind of an exciting day.

14 We were disappointed we couldn't do it
15 up here, because we've actually talked to our
16 minister and our church up here. This is where our
17 friends are, and we would love to have it here.

18 We still hope to have a celebration
19 here when Pennsylvania actually does change the
20 rules, but we decided to go ahead and get married
21 down in Maryland.

22 Q. Let me just ask you a couple of
23 questions about that. So you could have gotten
24 married in Maryland before the -- before the IRS
25 announced its change in policy; correct?

Exhibit “B”

2016

LEGISLATIVE JOURNAL — HOUSE

JUNE 28

Battisto	Fichter	Marsico	Shaner
Bebko-Jones	Flagle	Masland	Sheehan
Belardi	Flick	Mayernik	Smith, B.
Belfanti	Gamble	McCall	Smith, S. H.
Bimmelin	Gannon	McGeehan	Snyder, D. W.
Bishop	Geist	McGill	Staback
Blaum	George	Mello	Stairs
Boscola	Gigliotti	Merry	Steelman
Boyes	Gladeck	Michlovic	Steil
Brown	Godshall	Micozzie	Stern
Browne	Gordner	Miller	Stetter
Bunt	Gruitza	Mundy	Stish
Butkovitz	Gruppo	Myers	Strittmatter
Buxton	Habay	Nailor	Sturla
Caltagirone	Haluska	Nickol	Surra
Cappabianca	Hanna	Nyce	Taylor, E. Z.
Carr	Harhart	O'Brien	Taylor, J.
Carone	Hasay	Olasz	Thomas
Chawley	Haste	Oliver	Tigue
Chadwick	Hennessey	Perzel	Travaglio
Civera	Herman	Pesci	Trello
Clark	Hershey	Petrarca	Trich
Clymer	Hess	Petrone	True
Cohen, L. I.	Horsley	Pettit	Tulli
Cohen, M.	Hutchinson	Phillips	Vance
Colafella	Itkin	Pistella	Veon
Colaizzo	Jadlowiec	Pitts	Vitali
Conti	James	Platts	Walko
Cornell	Jarroll	Preston	Washington
Corpora	Josephs	Ramos	Waugh
Corrigan	Kaiser	Raymond	Williams
Cowell	Keller	Readshaw	Wogan
Coy	Kenney	Reber	Wozniak
Curry	King	Reinard	Wright, D. R.
Daley	Krebs	Rieger	Wright, M. N.
DeLuca	Kukovich	Robinson	Yewcic
Dempsey	LaGrotta	Roebuck	Youngblood
Dent	Laughlin	Rohrer	Zimmerman
Dermody	Lawless	Rooney	Zug
DeWeese	Lederer	Rubley	
DiGirolamo	Leh	Rudy	Ryan,
Donatucci	Lescovitz	Sainato	Speaker
Druce	Levdansky	Santoni	

The House proceeded to third consideration of **SB 434, PN 1059**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for petition for custody by grandparents.

On the question,
Will the House agree to the bill on third consideration ?

Mr. **EGOLF** offered the following amendment No. **A5104**:

Amend Title, page 1, lines 2 through 4, by striking out all of said lines and inserting

Consolidated Statutes, defining "marriage"; and adding provisions relating to same sex marriages.

Amend Bill, page 1, lines 7 through 18; page 2, lines 1 through 20, by striking out all of said lines on said pages and inserting

Section 1. Section 1102 of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:
§ 1102. Definitions.

The following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Marriage." A civil contract by which one man and one woman take each other for husband and wife.

Section 2. Title 23 is amended by adding a section to read:
§ 1704. Marriage between persons of the same sex.

It is hereby declared to be the strong and longstanding public policy of this Commonwealth that marriage shall be between one man and one woman. A marriage between persons of the same sex, which was entered into in another state or foreign jurisdiction, even if valid where entered into, shall be void in this Commonwealth.

Section 3. This act shall take effect immediately.

On the question,
Will the House agree to the amendment ?

The **SPEAKER**. The House will come to order.
This is an amendment that in some quarters might be considered controversial. You had better listen.

The Chair recognizes the gentleman, Mr. Egolf.
Mr. **EGOLF**. Thank you, Mr. Speaker.

The **SPEAKER**. Will the gentleman yield.
The House will come to order.

Conferences on the floor will please break up; conferences on the floor will please break up.

The gentleman, Mr. Egolf, would you advise the Chair whether you are offering 5104 or 5425.

Mr. **EGOLF**. Mr. Speaker, it is 5425.

AMENDMENT WITHDRAWN

The **SPEAKER**. Amendment A5104 is withdrawn.

On the question recurring,
Will the House agree to the bill on third consideration ?

NAYS-0

NOT VOTING-4

Kirkland Roberts -----Tangretti Van Home

EXCUSED-2

Farmer Mihalich

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

1996

LEGISLATIVE JOURNAL — HOUSE

2017

Mr. EGOLF offered the following amendment No. A5425:

Amend Title, page 1, line 2, by inserting after "further" defining "marriage"; adding provisions relating to same sex marriages; and

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 1102 of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read: § 1102. Definitions.

The following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Marriage." A civil contract by which one man and one woman take each other for husband and wife.

Section 2. Title 23 is amended by adding a section to read:

§ 1704. Marriage between persons of the same sex.

It is hereby declared to be the strong and longstanding public policy of this Commonwealth that marriage shall be between one man and one woman. A marriage between persons of the same sex, which was entered into in another state or foreign jurisdiction, even if valid where entered into, shall be void in this Commonwealth.

Section 3. Section 5313 of Title 23 is amended to read:

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Egolf.

Mr. EGOLF. Thank you, Mr. Speaker.

Mr. Speaker, according to Article IV, section 1, of the U.S. Constitution, "Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State." This means that, generally, if a marriage is valid where it is performed, it is valid everywhere.

However, there are exceptions to the full faith and credit clause. The U.S. Supreme Court has stated that every State is entitled to enforce its own statutes in its own courts, and not every statute from another State will override a conflicting statute in Pennsylvania. In the case of marriage, the exception allows States not to recognize marriages if they are repugnant to the public policy of the home State.

Since no State has ever recognized same-sex marriages before, the question has never come before the courts. If and when the question comes to Pennsylvania courts, we want to remove any potential confusion and misinterpretation. This amendment introduced by Representative Maitland and myself specifically states what our policy is and always has been — that these so-called marriages are contrary to our public policy and will not be recognized in Pennsylvania.

This amendment does not take anything away from anyone that they now have. It is simply an expression of Pennsylvania's traditional and longstanding policy of moral opposition to same-sex marriages, as described by *DeSanto v. Barnsley*, Pennsylvania Superior Court, 1984, and support of the traditional family unit. In addition, this amendment serves many other practical purposes for the Commonwealth of today and the future.

For example, legalizing same-sex marriages would place another unfunded mandate on our business community. Any existing pension or insurance program providing benefits to a spouse would now have to include an entirely new supply of so-called spouses. The providers of these benefits would have to assume a liability they never conceived when the promise was made. To avoid these new liabilities, providers would have to cancel and rewrite the agreements, and future agreements might even delete the coverage of spouse and family that Pennsylvania workers have come to depend on.

The burden on the public sector could be great as well. In recognizing same-sex marriages, courts would also have to hear all same-sex divorce suits. This will only compound the backlog of cases in our judicial system. Social Security, tax, and other benefits presently conferred on spouses would have to be expanded to include married partners of the same sex. The financial costs imposed on society by the forced recognition of same-sex marriage cannot even be calculated at this time.

Ours is a democratic form of government. Do you want a group of judges in Hawaii determining Pennsylvania's laws and policies? If the people of Pennsylvania want us to change our marriage laws, we have the legislative process to do that. However, I do not believe that they want to do that at this time. A CNN/USA Today poll taken in March of this year indicated that nearly 70 percent — 68 percent to be exact — of Americans are opposed to same-sex marriages.

As our U.S. Supreme Court said in 1885 and Justice Scalia recently reiterated in *Romer v. Evans*, quote, "Certainly no legislation can be supposed more wholesome and necessary in the founding of a free, self-governing commonwealth, fit to take rank as one of the coordinate States of the Union, than that which seeks to establish it on the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guarantee of that reverent morality which is the source of all beneficent progress in social and political improvement," end quote.

I urge you to vote "yes" on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, on May 8, 19— Mr. Speaker, would Mr. Egolf submit to interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, on May 8, 1996, you introduced HB 2604, which is identical to this amendment. On May 22, 1996, the U.S. Supreme Court in the case of *Romer v. Evans* — and you have referred to the dissenting opinion by Justice Scalia in that case — said that laws restricting the rights of homosexuals are valid only if they bear a rational relationship to an independent and legitimate legislative end. Are you familiar with the majority opinion of that decision?

Mr. EGOLF. Somewhat, yes.

Mr. COHEN. Mr. Speaker, the decision called for a rational relationship to an independent and legitimate legislative end.

Would you care to explain what you think is the legitimate legislative end that this amendment serves?

Mr. EGOLF, Mr. Speaker, I think that is the moral and economic— That is the consequences and implications of the moral aspect of that — and economic.

Mr. COHEN. Moral and economic aspects, Mr. Speaker.

Mr. EGOLF. Yes, Mr. Speaker.

Mr. COHEN. Well, Mr. Speaker, is there any law in the Commonwealth of Pennsylvania requiring businesses to offer benefits to spouses now?

Mr. EGOLF. There is no law that requires that that I am aware of.

Mr. COHEN. And there is no law requiring it to homosexual spouses, is there?

Mr. EGOLF. That is correct.

Mr. COHEN. Would the legislature not have to pass a law extending the benefit to homosexual partners and requiring that businesses offer this in order for them to be so required?

Mr. EGOLF, Mr. Speaker, it is not a law, but it has been common practice for employers to offer special benefits to spouses at work.

Mr. COHEN. There is no law requiring employers to offer benefits to spouses.

Mr. EGOLF. That is correct.

Mr. COHEN. And there is no law in Pennsylvania saying that you have to offer the same thing to homosexuals as you offer to nonhomosexuals, is there?

Mr. EGOLF. That is correct, as far as I am aware.

Mr. COHEN. Well, homosexuals are not a protected class under Pennsylvania law or under Federal law, are they?

Mr. EGOLF. I am sorry; I did not hear that first part.

Mr. COHEN. Homosexuals are not a protected class—

Mr. EGOLF. That is correct.

Mr. COHEN. —under Federal law.

Mr. Speaker, will this amendment stop homosexuals from living with each other?

Mr. EGOLF. No, this would not.

Mr. COHEN. Will this amendment stop homosexuals from having sexual relations with each other?

Mr. EGOLF. No, it would not.

Mr. COHEN. Will this amendment stop people from becoming homosexuals?

Mr. EGOLF. No, it would not.

Mr. COHEN. Will this amendment stop homosexuals from having exclusive relationships with each other and not having sexual relationships with others?

Mr. EGOLF. It would not do that. All it does is prevent a marriage or the recognition of marriage from another State.

Mr. COHEN. Is it safe to say, Mr. Speaker, that your concern is not with the effect that this has on homosexuals but with the economic well-being of businesses that offer benefits? Your concern is with the effect on businesses, not with the effect on homosexuals?

Mr. EGOLF. That is part of it. It is also to protect the institution of marriage as we have it now.

Mr. COHEN. And the institution of marriage that we have now is concerned with heterosexuals, obviously.

Mr. Lynch, would you like to answer—

Mr. EGOLF. Would you say the question again, please?

Mr. COHEN. Mr. Speaker, could you repeat that? I could not hear you.

Mr. EGOLF. Would you repeat the question, please.

Mr. COHEN. Okay.

Mr. Speaker, your concern in offering this amendment is primarily the effect that this has on businesses which offer benefits, and secondarily, the effect that this may have, that homosexual marriages may have, on heterosexuals.

Mr. EGOLF. Mr. Speaker, the purpose of this is for several reasons. One is that I feel that we have a legislative process in Pennsylvania. We should not let the judges in another State determine our State policy. If the people in our State want a change, we have the process to do it. That is part of it. And of course, the other is, if we recognize or if we are forced to recognize because of another State, if we are forced to recognize same-sex marriages, this would put an unfunded mandate on our businesses, another burden on our taxpayers, and so on. So these are also peripheral reasons.

Mr. COHEN. Okay. Well, we have agreed, though, it is not a mandate; it is a custom. There is no State mandate requiring the offering of the benefits in the first place. We have agreed on that.

Mr. EGOLF. That is correct.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, do you expect that if we do not pass this amendment, some or many heterosexuals in Pennsylvania will become homosexuals?

Mr. EGOLF. I think these questions you are asking, the answer is obvious. Just look; it is a very short amendment. All it does is require us to not recognize same-sex marriages that are performed in another State or performed in Pennsylvania. That is all the amendment does, and what it does is redefine and clarify our longstanding policy in Pennsylvania. That is all it does. It is that simple.

The SPEAKER. The gentleman will yield.

Mr. COHEN. Mr. Speaker, do you believe—

The SPEAKER. The gentleman will yield.

Conferences on the floor, please go to one of the chambers outside of the House, outside of the floor of the House.

POINT OF ORDER

Mr. LYNCH. Point of order, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Lynch.

Mr. COHEN. Mr. Speaker, I have not finished my interrogation.

The SPEAKER. The gentleman will yield.

The gentleman, Mr. Lynch, raises a point of order. What is your point of order?

Mr. LYNCH. Well, I will tell you, I am not quite sure what the point of order is; however, I believe that the minority chair has really become argumentative in this interrogation and has gone past the point of seeking factual information from the sponsor of the amendment and is now looking for judgmental information. I do not believe that that is the purpose of an interrogation. He is not sticking to the facts; he is looking for judgmental information. I do not think that is appropriate.

The SPEAKER. I hesitate to say this; I disagree with you, though. As I have listened to the gentleman, Mr. Cohen, I think he

is within the bounds of interrogation, but I will listen more closely. And I do not usually side with the gentleman, Mr. Cohen, but, Mr. Cohen, you go ahead.

Mr. COHEN. Thank you, Mr. Speaker, for that nonpartisan ruling.

The SPEAKER. Everyone is entitled to one.

Mr. COHEN. I think I have gotten more than that from you, sir.

So, Mr. Speaker, it is your view that this amendment is not designed to benefit the vast majority of Pennsylvanians; it just is a very simple, narrow purpose.

Mr. EGOLF. It is designed to benefit the vast majority of Pennsylvanians, because the large majority do not want our traditional marriage institution and our state of morals to be changed. That has been shown in a scientific poll.

Mr. COHEN. So it is a majority sentiment against changing morals that also motivates you, not just saving money for business?

Mr. EGOLF. Oh, certainly.

Mr. COHEN. Thank you, Mr. Speaker.

I have no further questions of the gentleman. I would like to speak.

The SPEAKER. The gentleman is recognized.

Mr. COHEN. Mr. Speaker, this is an extremely politically charged issue, and therefore, I am not going to make any recommendations on how anybody ought to vote. I believe, however, that Mr. Egolf has not stated a reason under the majority opinion of *Romer v. Evans* why this is a rational State policy.

Mr. Egolf, the prime sponsor of this legislation, when he kept the exact same wording of this legislation that was drafted before the *Romer v. Evans* decision, after the *Romer v. Evans* decision, which was the first case in the history of the United States at a Supreme Court level to specifically recognize that homosexuals have some constitutional rights as homosexuals, the prime sponsor of this bill made the judgment that that Supreme Court decision was irrelevant to this issue. Whether it is irrelevant or not is subject, of course, to the judgment of the Federal courts.

I would like to read some quotes from the majority opinion supported by seven of the nine judges on the Supreme Court, all the judges except Rehnquist — I am sorry — all the judges except Scalia and Thomas, which I think indicates that this case is of some relevance. I also think that this is obviously an issue that is going to be litigated all around the country and that Pennsylvania's courts and the third circuit courts are among the most liberal courts in the country, and I am not certain that Mr. Egolf is going to be very happy about providing an easy vehicle for the Pennsylvania district courts and the third circuit Federal courts to express their opinions and seek to influence the U.S. Supreme Court on this. But in any case, you know, the U.S. Supreme Court is going to be voting on it, and Pennsylvania courts and third circuit courts now will have, assuming this amendment becomes law, an opportunity to express their opinions.

The Supreme Court in *Romer v. Evans* said, and I am just reading excerpts, "Homosexuals, by state decree, are put in a solitary class with respect to transactions and relations in both the private and governmental spheres," under Amendment 2 of the Colorado Constitution. That is the same situation that we have here.

"'If the adverse impact on the disfavored class' — which is homosexuals — " 'is an apparent aim of the legislature' " — the Supreme Court said in the majority opinion — " 'its impartiality would be suspect.' "

" 'Equal protection of the laws is not achieved through indiscriminate imposition of inequalities.' "

"Respect for this principle explains why laws singling out a certain class of citizens for disfavored legal status or general hardships are rare. A law declaring that in general it shall be more difficult for one group of citizens than for all others to seek aid from the government is itself a denial of equal protection of the laws in the most literal sense."

"We must conclude" — the 7-2 majority said — "that Amendment 2 classifies homosexuals not to further a proper legislative end but to make them unequal to everyone else. This Colorado cannot do. A State cannot so deem a class of persons a stranger to its laws. Amendment 2 violates the Equal Protection Clause, and the judgment of the Supreme Court of Colorado is affirmed." That was the U.S. Supreme Court about 5 weeks ago.

Mr. Speaker, we are dealing here with an issue that has not yet come before us in any real sense. We are expediting, in my judgment, the Federal courts dealing with this issue, which is totally the opposite of Mr. Egolf's wishes on this matter.

I personally intend to vote against this bill, because I have doubts about its constitutionality. I have doubts about whether it meets the goals set forth by the Supreme Court. I personally believe that the overwhelming majority of all homosexuals are biological homosexuals, that there are no significant number of people in this society who are on the fence and who are asking themselves every day, gee, should I be a heterosexual or should I be a homosexual?

I personally think that homosexuals are, with very, very few exceptions, a separate and discreet group of people. I do not believe that the institution of marriage in any meaningful sense is affected by this. I do not believe any children are going to be corrupted by the fact that homosexuals are living together and call themselves married, and therefore, I personally am voting against this piece of legislation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

I was wondering if the gentleman would stand for an interrogation, please?

The SPEAKER. Which gentleman?

Mr. PISTELLA. Mr. Egolf — I am sorry — the prime sponsor of the amendment.

The SPEAKER. Mr. Egolf will stand for interrogation. You may begin.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I was trying to follow the discussion of the Supreme Court case that was made reference to by both of the previous speakers in the interrogation, *Romer v. Evans*. My question is this, Mr. Speaker: I am looking at your amendment, which appears to do two things. First of all, it will define what a marriage is, constituting a contract civilly between a man and a woman. The second provision, however, deals with marriages between persons of the same sex and whether or not those

marriages that take place in other States will be honored here in Pennsylvania. Is that correct, sir?

Mr. EGOLF. That is correct.

Mr. PISTELLA. Thank you.

Now, my question is this: I am not familiar with the language of the Supreme Court case that you use upon which to draft this, but I am wondering, the language of the Supreme Court case would allow States to determine whether or not they would wish to ban same-sex marriages. Is that accurate?

Mr. EGOLF. My understanding is, there is no Supreme Court case on that subject.

Mr. PISTELLA. I am sorry. Could you give me one moment, please.

I am sorry. If you could please repeat the answer now.

I am sorry? Would you want me to repeat the question again?

Mr. EGOLF. Yes, would you repeat the question. I did not hear the last part.

Mr. PISTELLA. Yes.

The language contained in the Supreme Court decision, which obviously is the basis that you are using to craft this particular amendment, said what as it relates to what the States can do in regard to same-sex marriages? What is it that States can do?

Mr. EGOLF. It says if it is repugnant to our public policy, then we do not have to recognize it. Now, that is my— Excuse me, sir. That is not a Supreme Court decision; that is our own Pennsylvania Superior Court decision.

Mr. PISTELLA. Now, I am making reference to the case of *Romer v. Evans*. Now, is *Romer v. Evans* a Pennsylvania Supreme Court case or a U.S. Supreme Court case?

Mr. EGOLF. My understanding is that *Romer v. Evans* was— That was not on the case of same-sex marriages. That is the case that took away the rights, was concerning taking away the rights of homosexuals in Colorado.

Mr. PISTELLA. Which precipitated the recent Supreme Court decision as to what basis States can use to determine what rights will be granted or taken away from homosexuals. Is that—

Mr. EGOLF. I think the answer to that, what you are asking, is that since this has not been a question until this point, there has not been a case on same-sex marriages. So the *Romer v. Evans* was a different case. That took away all rights of homosexuals. But there has been no case on marriage, same-sex marriage.

Mr. PISTELLA. Okay. Let me ask the question this way, and I am trying to work through.

My understanding is that the Supreme Court in the case of *Romer v. Evans* has said that there is a certain standard which is referred to as the "rational-basis standard" that States must use in determining if the laws that they are going to enact will have an adverse effect on the rights of classes of people; in this case, the class of people being homosexuals. The rational-basis test is there has to be a rational relationship to the State's end that it wishes to achieve when it enacts this act in taking certain rights away from homosexual people. Is that correct, sir?

Mr. EGOLF. That is correct as far as I know. That is right.

Mr. PISTELLA. Okay. Thank you, sir.

Now, my next question is this: As it relates to the full faith and credit act or the full faith and credit clause of the Constitution of the United States as it relates to this particular case, was there any language in that decision that has an effect on the full faith and credit clause of the Constitution in terms of what can

Pennsylvanians do in recognizing or not recognizing those types of same-sex marriages that take place in other States?

Mr. EGOLF. This amendment was drawn up to satisfy both the *Romer v. Evans* and the full faith and credit, the clause that says we would have to recognize unless it is longstanding policy or repugnant to our public policy. So it was drafted to fit both of those requirements.

Mr. PISTELLA. But are both of those requirements addressed in *Romer v. Evans*, or is there a separate case addressing the issue of the full faith and credit clause of the Constitution other than *Romer v. Evans*?

Mr. EGOLF. *Commonwealth v. Custer* in Pennsylvania.

Mr. PISTELLA. One moment, sir. *Commonwealth v. Custer* is a Pennsylvania Supreme Court decision, or is it a United States Supreme Court decision?

The SPEAKER. The gentleman will yield.

If the gentleman, Mr. Pistella, knows the answers to these questions, then it is not a legitimate subject of interrogation, and the hour is getting late.

Mr. PISTELLA. Mr. Speaker, if I may. The answer to the question is, I do not know the answer. I realize the purpose of interrogation is to elicit answers to questions to which we do not know the answers. I do not, sir. I am not attempting to be argumentative.

The SPEAKER. All right.

Mr. PISTELLA. I am simply suggesting, I do not know. The gentleman is saying that this amendment has been drafted to address two issues. Obviously the one that I am addressing now is the issue of full faith and credit of the United States Constitution. I can very simply make a motion it is unconstitutional precipitating another vote; I would rather hear what the gentleman has to say. It may be appropriate to divide this amendment if it is proper, Mr. Speaker, and have the members vote on it at that time. I am not attempting to be obstructionist, but I think we do have a responsibility, as you have pointed out on previous occasions, Mr. Speaker, to our constituents, and that is what I am attempting to do. I apologize if it takes a long time.

If I may continue, Mr. Speaker, with all due respect.

The SPEAKER. Of course.

Mr. PISTELLA. Thank you.

I am sorry, sir. The question I had was, when crafting this, was this to address the full faith and credit clause of the Constitution by virtue of another U.S. Supreme Court case?

Mr. EGOLF. No, it was not.

Mr. PISTELLA. Okay. Thank you, Mr. Speaker.

Mr. Speaker, on that point, if I may, I would suggest that we could have one of two options: either address the issue of constitutionality of the question, I agree with what Mr. Egolf has said about the language of the first portion of the amendment being appropriate under the Supreme Court decision. I think he has admitted, however, that the other language contained in here does not meet Supreme Court interpretation of the U.S. Constitution's full faith and credit clause and would suggest for the gentleman it may be appropriate to either divide the amendment or to withdraw it, have it redrafted and submit it so it is constitutional.

The SPEAKER. For the information of the gentleman, the amendment is not divisible.

CONSTITUTIONAL POINT OF ORDER

Mr. PISTELLA. Thank you, Mr. Speaker. I appreciate that.

Then I would raise the question of constitutionality that the latter portion of the Egolf amendment does not meet the United States Constitution's full faith and credit clause.

Mr. EGOLF. Mr. Speaker, may I respond to that? I do not know if it is a question or not, but—

Mr. PISTELLA. Mr. Speaker, I do not know if it is—

The SPEAKER. The gentlemen, both gentlemen, yield.

The gentleman, Mr. Pistella, raises the point of order that the Egolf amendment A5425 is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision. The Chair now does that.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Egolf.

Mr. Egolf, did you seek recognition on this point?

Mr. EGOLF. Well, on the constitutionality, this was drafted to be constitutional on all grounds.

The SPEAKER. Mr. Pistella is recognized.

Mr. PISTELLA. Mr. Speaker, I think the members of the General Assembly have heard; I asked the question directly of the prime sponsor if this in fact was drafted to meet the constitutional standard of United States Supreme Court decisions addressing the issue of the full faith and credit clause. Earlier in his presentation, he said it was. When I asked him for the specific case, he in fact said that it had not been. He did cite a Pennsylvania Supreme Court case which I think, under the circumstances, would not be appropriate.

I would suggest that under those circumstances, this amendment that is being offered at this time is in fact unconstitutional under the United States Constitution's full faith and credit clause.

The SPEAKER. The Chair thanks the gentleman.

On the question before the House, those voting "aye" will vote to declare the amendment to be constitutional; those voting "no" will vote to declare the amendment to be unconstitutional. The question is on the question of constitutionality.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—171

Adolph	Fajt	Lucyk	Saylor
Allen	Fargo	Lynch	Schroder
Argall	Feese	Maitland	Schuler
Armstrong	Fichter	Major	Scrimenti
Baker	Fleagle	Markosek	Semmel
Bard	Flick	Marsico	Serafini
Barley	Gamble	Masland	Shaner

Battisto	Gannon	Mayermik	Sheehan
Bebko-Jones	Geist	McCall	Smith, B.
Belardi	George	McGeehan	Smith, S. H.
Belfanti	Gigliotti	McGill	Snyder, D. W.
Birmelin	Gladeck	Melio	Staback
Blaum	Godshall	Merry	Stairs
Boscota	Gordner	Micozzie	Steil
Boyes	Gruitza	Miller	Stern
Brown	Gruppo	Mundy	Stish
Browne	Habay	Nailor	Strittmatter
Bunt	Haluska	Nickol	Surra
Butkovitz	Hanna	Nyce	Tangretti
Caltagirone	Harhart	O'Brien	Taylor, E. Z.
Cappablanca	Hasay	Olasz	Taylor, J.
Carone	Haste	Perzel	Tigue
Cawley	Hennessey	Pescl	Travaglio
Chadwick	Herman	Petrarca	Trello
Civera	Hershey	Petrone	Trich
Clark	Hess	Pettit	Truc
Clymer	Horsey	Phillips	Tullit
Cohen, L. I.	Hutchinson	Pitts	Vance
Colafella	Jadlowiec	Platts	Van Home
Colaizzo	Jarolin	Raymond	Vitali
Conti	Kaiser	Readshaw	Walko
Cornell	Keiler	Reber	Wagh
Corpora	Kenney	Reinard	Wogan
Coy	King	Rieger	Wozniak
Daley	Krcbs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Rohrer	Yewcic
Dent	Laughlin	Rooney	Youngblood
DiGirolamo	Lawless	Rubley	Zimmerman
Donatucci	Lederer	Rudy	Zug
Druce	Leh	Sainato	
Durham	Lescovitz	Santoni	Ryan,
Egolf	Lloyd	Sather	Speaker
Fairchild			

NAYS—29

Bishop	DeWeese	Michlovic	Steelman
Buxton	Evans	Myers	Stetler
Carn	Itkin	Oliver	Sturla
Cohen, M.	James	Pistella	Thomas
Corrigan	Josephs	Preston	Veon
Cowell	Levdansky	Ramos	Washington
Curry	Manderino	Roebuck	Williams
Dermody			

NOT VOTING—1

Kirkland

EXCUSED—2

Farmer Mihalich

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Gamble.

Mr. GAMBLE. I rise to support this amendment. I never thought in my 20 years that I would be voting on such an amendment.

There has been a lot of talk this week on how I have voted on several issues this week and previous weeks, and you can say what you want about me but you cannot say that I am inconsistent, because I am going to vote against Democratic leadership again by voting for this amendment. And as usual, it is an embarrassment to me to have somebody from this party stand up to take that position on statewide television, and with leaders like that, you are going to be voting on a lot of Republican budgets because you are so out of touch with the people of this State.

Just to sum it up, I just thank God I am going back to Oakdale, where men are men and women are women, and believe me, boys and girls, there is one heck of a difference.

The SPEAKER. The gentleman, Mr. Thomas.

Mr. THOMAS. Can I move that those remarks be stricken from the record?

On this amendment, Mr. Speaker, I rise to oppose the amendment, and I oppose the amendment for the following reasons.

Number one, the amendment is not right for review. This body nor the courts, to the best of my knowledge, have been confronted with the question of whether or not benefits and/or other opportunities should be extended to same-sex marriages or same-sex relationships, and until such time that this issue comes before the General Assembly by way of a legislative proscription or some other proscription, then I think it is premature to preclude something that has not been put before this body for review.

Secondarily, on the question of the full faith and credit clause of the United States — and if I am mistaken, then, please, someone correct me — the issue came up before the courts in Hawaii. Under the full faith and credit clause, there is no automatic application to Pennsylvania. There are circumstances under which Pennsylvania will have to consider whether or not to accept a ruling of the courts in Hawaii, and until such time we are faced with a situation where we have to accept a mandate or accept a proscription of another State, then I think it is also premature to address this issue.

And last but not least, on the question of whether or not we need to reaffirm the institution of marriage in the Commonwealth of Pennsylvania, Mr. Speaker, I would just argue that the institution of marriage is not under attack statutorily, regulatorily, or by case law, and until such time that the institution of marriage is under attack in the Commonwealth of Pennsylvania, then it is equally premature for us to address this issue.

I think that it would be fundamentally wrong for me to offer a legislative proscription for something that I suspect that the speaker might do sometime in the future, because sometime in the future, a series of circumstances can change the speaker's position and thereby preclude or put the speaker in a position where he or she might not want to engage in particular conduct.

So I think that we are stretching it a little bit much in trying to offer a legislative proscription for something that has not even occurred. The institution of marriage is sound and sits on solid ground in the Commonwealth of Pennsylvania, and therefore, we do not need to reaffirm that institution.

It is my understanding that Independence Blue Cross, just a little while ago, created a situation where benefits could be

extended to same-sex relationships, and there are no laws in the Commonwealth of Pennsylvania that prevent Independence Blue Cross or any other member of the private sector from providing such benefits under those very select circumstances. So we do not need to come up with a legislative proscription to stop something that the private sector can do anytime that it wants.

And therefore, Mr. Speaker, I think that it is probably time for us to move on to other business and deal with this issue, Mr. Speaker, when the time arises. But it is not yet right for review, for us in this very august body, and so I rise in opposition, and I ask that members from both sides of the aisle join me in that opposition. Thank you.

The SPEAKER. The gentleman, Mr. Stern, from the county of Blair.

Mr. STERN. Mr. Speaker, on the amendment, I would like to read something: "In 1885, the Supreme Court" — we heard about Supreme Court decisions here today — "In 1885, the Supreme Court felt so strongly that marriage was to be protected that it declared it as a requirement for admission of new states to the Union. Any prospective state, the court said, had to have law resting 'on the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization, the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement.'"

REMARKS SUBMITTED FOR THE RECORD

Mr. STERN. Mr. Speaker, I rise in support of the Egolf amendment, and for the sake of time and clarity, I would like to submit my remarks for the record.

The SPEAKER. Very good.

The Chair thanks the gentleman.

Mr. STERN submitted the following remarks for the Legislative Journal:

Mr. Speaker, I rise in support of the Egolf amendment to SB 434. I believe that it is imperative that we in Pennsylvania should stand up for traditional marriage for the benefit of families and children in the Commonwealth and our future. What began in Hawaii from the Commission on Sexual Orientation and their recommendation as a denial of basic human rights under their Constitution by five unelected individuals has spurred the debate on same-sex marriages.

The full faith and credit clause of the United States Constitution would force Pennsylvania to recognize same-sex marriages in Pennsylvania because of a liberal court ruling in Hawaii. Pennsylvania, if need be, needs to reemphasize Pennsylvania's current policy that marriage is a fundamental institution in a civil society between a man and a woman. We should not allow a decision in another State that has been determined by an appellate court to dictate what we must abide by here in the Commonwealth. In this day and age, we hear much rhetoric and discussion on family values. This is a vote about family values and traditional beliefs, and we should all support the Egolf amendment.

Also, for the record, I would like to submit a statement by the Hawaii Catholic Conference on the Report of the Commission on Sexual Orientation and the law dated December 13, 1995:

On Pearl Harbor Day, 1995, the State of Hawaii was attacked. This time the target was not a military base, but the State itself. Five unelected individuals, sitting on a commission, decided that government should forcibly redefine the institution of marriage.

No government on planet earth has done this, and none should. The five individuals think it would be a great idea. As citizens, as neighbors, and as Catholics, we strongly disagree.

Marriage between a man and a woman is the fundamental institution of civil society. It is the basis for healthy individuals, a peaceful community, and responsible citizenship. Government cannot simply "redefine" it. This commission is directly attacking our most crucial institution.

We are not fooled by the rhetoric of "civil rights" and "equality." Hawaii is a very tolerant State. The Catholic Church has strongly supported civil rights. We are publicly committed to a pluralistic society with liberty and justice for all.

This commission, however, is up to something very different. In the name of "equality" for individuals, it seeks to redefine marriage as an institution. This mixes apples and oranges. Every individual is equal before the law, and rightfully so. But marriage is not a creation of the law; it precedes the law.

Religion, Catholic or otherwise, did not create the institution of marriage. Nor did the State. Neither can simply "redefine" marriage, and both should be wise enough to know this. Just as we have learned to respect the natural ecology of our island State, we should respect its social ecology as well.

What are the lessons of marriage which have been given to us? There are at least four. First, children enter society through the union of a man and a woman, not just a sperm and an egg. This is obvious! A sperm bank is not the equivalent of a real father. The people of Hawaii know that our children are our future. If children are not a "compelling interest" of the State, what is?

Second, a committed, faithful and lifelong relationship between a woman and a man is the best environment for children. Every child deserves a stable home with her real mother and father. Single parents can raise children well through heroic efforts, yet they know, perhaps better than anyone, that there is a difference. We all know the results when stable families begin to break down: disoriented children, domestic violence, and increased crime.

Third, a formal commitment between a man and a woman encourages them to take joint responsibility for their children and for each other. Marriage is a formal commitment, made in the presence of society. Because this commitment is essential to our biological and social future, it is preserved, protected, and

promoted by the law of the State. The law of marriage connects sex, commitment, and children. It holds parents responsible for supporting and educating their children, both within marriage and even if a marriage breaks down. If the law redefines marriage and sends a message that marriage has no relationship to sex, commitment, or children, it will only add to our current troubles, and undermine what health still remains.

Fourth, these benefits to society are only made possible and reach their greatest fruition because of the obvious complementary natures of a woman and a man. The relationship between a man and a woman is special and beneficial to both the individuals in the relationship and to society as a whole. Man and woman, equal yet different, complement one another, and in marital love humanize and civilize each other and society. No same-sex relationship can mimic the genuine potential of a relationship between a woman and a man. Nor should society expect it to through governmental fiat.

The Catholic Church does not believe that the citizens of Hawaii must choose between liberty, privacy, and equality. We have a tradition of protecting individual liberties. We respect the private choices of others, even if we disagree with them. We treat each individual with equal rights and dignity before the law. To use these great traditions of our people to attack the crucial institution of marriage is to treat our people as a group of fools. To pretend that same-sex relationships are on the same level as the institution of marriage not only goes against the facts, but also denigrates the men and women who make their special contribution to society through their marriages.

We know the difference between males and females. We know the difference between individuals and institutions. We know the difference between friendships and marriages. We know the difference between tolerance and endorsement. We know the difference between "broadening" and redefinition. No government commission can change reality.

We call upon the legislature to reject this report as a direct attack on the institution of marriage. We call upon our fellow citizens, including our Catholic brothers and sisters, to make their voices heard in the halls of government. And our voice must be clear: We are not fooled by this report.

The Church did not define marriage, but it will defend it. To our neighbors and public officials, we say, "Give marriage the justice it deserves. Do not redefine marriage. Respect marriage!"

The SPEAKER. The Chair recognizes the gentleman from Warren County, Mr. Lynch, for the second time on the issue.

Mr. LYNCH. Thank you, Mr. Speaker.

I would like to interrogate the sponsor of the amendment.

The SPEAKER. You may begin.

Mr. LYNCH. I heard a lot of things, Mr. Speaker, and I want to make sure we get this perfectly clear.

This amendment, first off, does recognize that there is a traditional marriage concept in Pennsylvania. Is that not true?

Mr. EGOLF. That is true.

Mr. LYNCH. Now, a prior speaker has indicated that we should maybe do this when the time is right to do it. But is it not a fact that other States, if they pass a law which is not in accordance with the traditional marriage concept in Pennsylvania, that that law could be carried over into our State and that Pennsylvania would have to recognize that State's — that State's — value of marriage?

Mr. EGOLF. That is correct; it could, it could. The idea of this is to clarify our policy here so that it will not be vague; it will be very strong and help the courts, if it comes to a court case, to establish that we have a strong law and a strong policy in place.

Mr. LYNCH. Thank you, Mr. Speaker.

A brief comment on the amendment.

I think that we need to do this to continue to be able to enforce the traditional marriage concept in Pennsylvania, and I strongly urge that we all vote in the affirmative on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Montgomery County, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Egolf amendment.

VOTE CORRECTION

Mrs. COHEN. First, I must ask that the record be corrected. My switch malfunctioned on the motion for constitutionality. As an attorney, I certainly believe that this amendment is highly unconstitutional.

What we are talking about, so many times here in this body, are family values, love, togetherness, parents and children together. What this amendment does is say to the world that we are against families, parents with children. I believe that what this amendment does is penalize children of such unions. They will not be entitled to certain benefits that children of unions between a man and a woman would be entitled to. The general message that this amendment states is really one of bigotry and one of hatred. It has nothing to do with whether or not we are in favor of same-sex marriages.

I think it is interesting and I think that I am correct that in Pennsylvania first cousins are not allowed to marry. If that is true — and I think it is — just as a rhetorical question and not in the form of interrogation of the maker of the amendment, but will Pennsylvania's next step be to deny marriages between two first cousins that occur in another State and therefore deny benefits to the people, the man and the woman of such a union, and certainly the children?

I would really rather not deal with this amendment at all, but, Mr. Speaker, I do believe that we are sending a message not that we are opposed to unions, to same-sex unions, but that I truly believe this is a bigoted statement, this is a statement that is against family values, is very much contrary to family values and to the

love and warmth and affection that we constantly espouse among family members.

So therefore, I would urge my fellow Representatives to vote "no" on this, and it is a message, by voting "no," that indeed we are in favor of whole families.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Thomas, for the second time.

Mr. THOMAS. Thank you, Mr. Speaker.

Very quickly, just in response to the citing of an 1885 law that was cited in terms of what the Supreme Court said.

Let us not forget that it was no more than 100 years ago that the Supreme Court, in 1896, in the Dred Scott case, determined that African-Americans were not whole people. Let us not forget that it was less than 100 years ago that the Supreme Court, that many courts determined that white and black should not be married or that it would be against the law for interracial marriages to take place.

So things have changed, they have changed, and we need not go back to 1895 to determine whether or not this issue that is before us, whether this issue is right for review at this particular time. The issue is not right for review. We are not confronted with the question of whether or not same-sex marriages should exist or not exist in the Commonwealth of Pennsylvania, nor are we confronted with the issue of whether or not the institution of marriage is sacred in the Commonwealth of Pennsylvania.

We are not confronted with those questions, and therefore, I urge members from both sides to vote "no" on the Egolf amendment, and let us move on. At some point maybe in the future we will have an opportunity to deal with this question, but it is not right for review right now.

The SPEAKER. The gentleman, Dr. King.

Mr. KING. Thank you, Mr. Speaker.

Several of the members have spoken out against this particular issue, and I find disagreement in the sense that the marriage tradition and the sanctity of our marriage is not under attack across the land, and I agree with the sponsor of the amendment that we do have a right to bring this issue to this body and at this time.

I think that we need to say to ourselves, if not now, when? And what are we trying to say? Are we trying to say that because there are scientific changes in the community, that there might be in some fashion offspring of this union, that we are so to say to these people that the sanctity of marriage as we understand it is to be voided?

I would say to you that it is time for us now to speak out for those values that have brought us to this great Commonwealth through the past, whether it has been a reinstatement of a court case from the 1800's to this day, that today's values will be tomorrow's future here in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

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YEAS-177

Adolph	Durham	Lloyd	Schroder
Allen	Egolf	Lucyk	Schuler
Argall	Fairchild	Lynch	Serimenti
Armstrong	Fajt	Maitland	Sermmel
Baker	Fargo	Major	Serafini
Bard	Fcese	Markosek	Shaner
Barley	Fichter	Marsico	Sheehan
Battisto	Fleagle	Masland	Smith, B.
Bebko-Jones	Flick	Mayernik	Smith, S. H.
Belardi	Gamble	McCall	Snyder, D. W.
Belfanti	Gannon	McGeehan	Staback
Birmelin	Geist	McGill	Stairs
Bishop	George	Melio	Steelman
Blaum	Gigliotti	Merry	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stish
Brown	Gordner	Mundy	Strittmatter
Browne	Gruitza	Nailor	Sturla
Bunt	Gruppo	Nickol	Surra
Butkovitz	Habay	Nyce	Tangretti
Buxton	Haluska	O'Brien	Taylor, E. Z.
Caltagirone	Hanna	Otasz	Taylor, J.
Cappabianca	Harhart	Perzel	Tigue
Carone	Hasay	Pesci	Travaglio
Cawley	Haste	Petrarca	Trello
Chadwick	Hennessey	Petrone	Trich
Civera	Herman	Pettit	True
Clark	Hershey	Phillips	Tulli
Clymer	Hess	Pitts	Vance
Colaella	Horsey	Platts	Van Horne
Colaizzo	Hutchinson	Raymond	Veon
Conti	Jadlowiec	Readshaw	Vitali
Cornell	Jarolin	Reber	Walko
Corpora	Kaiser	Reinard	Waugh
Corrigan	Keller	Rieger	Wogan
Cowell	Kenney	Roberts	Wozniak
Coy	King	Robinson	Wright, D. R.
Daley	Krebs	Rohrer	Wright, M. N.
DeLuca	LaGrotta	Rooney	Yewcic
Dempsey	Laughlin	Rubley	Zimmerman
Dent	Lawless	Rudy	Zug
Dermody	Lederer	Sainato	
DiGirolamo	Leh	Santoni	Ryan,
Donatucci	Lescovitz	Sather	Speaker
Druce	Levdansky	Saylor	

NAYS-16

Cam	Evans	Michtovic	Roebuck
Cohen, L. I.	Itkin	Oliver	Thomas
Cohen, M.	Josephs	Pistella	Williams
Curry	Manderino	Preston	Youngblood

NOT VOTING-8

DeWeese	Kirkland	Myers	Stetler
James	Kukovich	Ramos	Washington

EXCUSED-2

Farmer	Mihalich
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,
Will the House agree to the bill on third consideration as amended?

Mr. VEON offered the following amendment No. A5227:

Amend Title, page 1, line 2, by striking out "providing for"
Amend Title, page 1, line 3, by inserting after "grandparents"
further providing for definitions, for arrearages, for
contempt of the court order, for attachment of
income and for

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. The definition of "income" in section 4302 of Title 23 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:
§ 4302. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commonwealth agency." Any agency, commission, public institution, political subdivision or any other organized body, office, institution or entity established by the laws of this Commonwealth for the exercise of any function of government. The term shall include all public utilities regulated by the Pennsylvania Public Utility Commission.

"Income." Includes compensation for services, including, but not limited to, wages, salaries, fees, compensation in kind, commissions and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; all forms of retirement; pensions; income from discharge of indebtedness; distributive share of partnership gross income; income in respect of a decedent; income from an interest in an estate or trust; military retirement benefits; railroad employment retirement benefits; social security benefits; temporary and permanent disability benefits; workmen's compensation and unemployment compensation; or other entitlements to money or lump sum awards, without regard to source.

"Labor organization." Any organization or employee representation committee, plan or arrangement in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, conditions of work, pensions or benefits.

Section 2. Sections 4304, 4345, 4348(o) and 5313 of Title 23 are amended to read:

§ 4304. Cooperation of Commonwealth agencies and other organizations.
(a) Cooperation of Commonwealth agencies.—Upon request of the Department of Public Welfare on behalf of a domestic relations section, Commonwealth agencies shall provide information regarding [wages, employer and address information for the purposes of carrying out this chapter, unless such information must remain confidential pursuant to other provisions of law.] a person's income, telephone number, address, Social Security number and date of birth and the name, address and telephone number of that person's employer to the extent this information is known by the Commonwealth agency unless such information must remain confidential in accordance with Federal law. All information obtained by a domestic relations section under this section shall be confidential and shall only be used in the enforcement and establishment of child support orders under this title.

(b) Cooperation of labor organizations.—Upon the request of the Department of Public Welfare on behalf of a domestic relations section, labor organizations shall provide information regarding a person's income, telephone number, address, Social Security number and date of

Exhibit “C”

Bill Number	Bill amends	Bill Progress	Summary
HB 177	Title 18 (Crimes and Offenses)	Introduced & Referred to House Judiciary	Adding that the offense of ethnic intimidation includes intimidation based on actual or perceived race, ancestry, mental or physical disability, sexual orientation, gender, or gender identity.
HB 300	PA Human Relations Act	Introduced & Referred to House State Government	to prohibit, among other things, discrimination in employment for sexual orientation, gender identity or expression.
HB 1178	Title 23 (Domestic Relations)	Introduced & Referred to House Judiciary	In marriage, defining "civil union" as a union between two adults of the same sex and adding that all of the rights, protections and duties created by the Commonwealth that are applicable to a marriage shall apply to a civil union, unless the General Assembly expressly states otherwise. A marriage between persons of the same sex, a civil union or a substantially similar legal relationship to that of a civil union, other than common-law marriage, legally entered into in another jurisdiction shall be recognized in Pennsylvania as a civil union.
HB 1417	Title 18 (Crimes and Offenses)	Introduced & Referred to House Judiciary	Revises Human Trafficking laws. On Page 54 it restricts admission to a shelter based on sexual orientation. It also mentions sexual orientation on page 46.
HB 1569	Tax Reform Code	Introduced & Referred to House Finance	Eliminating the Inheritance Tax for domestic partners. Adds definitions of "domestic partner" and "spouse".
HB 1647	Title 23 (Domestic Relations)	Introduced & Referred to House Judiciary	Defining "marriage" as two people entering into matrimony. The legislation also allows for same-sex marriages

Bill Number	Bill amends	Bill Progress	Summary
HB 1686	Title 23 (Domestic Relations)	Introduced & Referred to House Judiciary	Redefining "marriage" as a civil contract between two people who enter into matrimony and repealing language that prohibits marriage between persons of the same sex. The bill shall not be construed to compel a religious sect to perform same-sex marriages; and marriages performed legally outside Pennsylvania shall be recognized by the Commonwealth.
HB 1984	PA Human Relations Act	Introduced & Referred to House Labor & Industry	Defining "marital status" and "family member" and prohibiting discrimination based on marital or familial status. Specifically page 4 includes domestic partner as a family member.
SB 42	Title 18 (Crimes and Offenses)	Introduced & Referred to Senate Judiciary	Redefining the offense of ethnic intimidation to include malicious intention toward the actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals.
SB 75	Title 18 (Crimes and Offenses)	Passed the Senate. Referred to House Judiciary	Revises Human Trafficking laws. On Page 61-62 it restricts admission to a shelter based on sexual orientation. It also mentions sexual orientation on page 52.
SB 300	PA Human Relations Act	Introduced & Referred to Senate State Government	to prohibit, among other things, discrimination in employment for sexual orientation, gender identity or expression.
SB 400	Creates the "Business Healthcare Security Act"	Introduced & Referred to Senate Banking & Insurance	The plan and participating providers may not discriminate on the basis of race, ethnicity, national origin, gender, age, religion, sexual orientation, health status, mental or physical disability, employment status, veteran status or occupation.

Bill Number	Bill amends	Bill Progress	Summary
SB 452	Creates the "Military Spouse License Portability Act"	Introduced & Referred to Senate Consumer Protection & Professional Licensure	Defines "Military spouse." A person who is married to a member of the armed forces of the United States or a reserve component of the armed forces of the United States under the laws of the jurisdiction where the marriage took place.
SB 646	The Tax Reform Code	Introduced & Referred to Senate Finance	In inheritance tax, defining "domestic partnership" and stating the tax rate shall be zero for the transfer of property passing to or for the use of an individual in a domestic partnership for estates of decedents dying on or after January 1, 2013. The department may require an individual who asserts a domestic partnership to provide certain documentation.
SB 719	Title 23 (Domestic Relations)	Introduced & Referred to Senate Judiciary	Entitling same-sex couples to the same rights and responsibilities of marriage. Also requires the recognition of same-sex marriages conducted in other states where such marriages are legal
SB 1295	PA Human Relations Act	Introduced & Referred to Senate State Government	Defining "marital status" and "family member" and prohibiting discrimination based on marital or familial status. Specifically page 4 includes domestic partner as a family member.

Bill Number	Bill amends	Bill Progress	Summary
	Bills that may not pertain:		
HB 156	Public School Code	Introduced & Referred to House Education	"Bullying" shall mean any written, verbal or physical act or conduct which may, but shall not be required to, be based on any actual or perceived characteristic, including, but not limited to, race; color; religion; national origin, ancestry or ethnicity; sexual orientation; physical, mental, emotional or learning disability; gender, gender identity or expression.
HB 914	Public School Code	Introduced & Referred to House Education	"harassment, intimidation, bullying and cyberbullying" shall mean any written, verbal or physical act, or any electronic communication including, but not limited to, one shown to be motivated by a student's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, physical, mental, emotional or learning disability, gender, gender identity and expression or other distinguishing personal characteristic or based on association with any such characteristic.