

The Chair recognizes the gentleman, Mr. Egolf, who offers the following amendment, which the clerk will read.

**\*\*\* A5104 \*\*\***

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. 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, 5425.

*AMENDMENT WITHDRAWN*

The SPEAKER. Amendment A5104 is withdrawn. The clerk will read amendment A5425.

**\*\*\* A5425 \*\*\***

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

**Mr. EGOLF.** Thank you, Mr. Speaker.

Mr. Speaker, according to Article Four, Section One of the U.S. Constitution, "Full Faith and Credit shall be given in each State to the public Acts, Record, 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 and 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 long-standing 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 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 "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 cost 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*: "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 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 guaran-

tee of that reverent morality which is the source of all beneficent progress in social and political improvement.”

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

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

The gentleman yield for a moment. Conferences on the floor, please.

The gentleman, Mr. Cohen.

*Mr. COHEN.* Thank you, Mr. Speaker.

Mr. Speaker, on May 8— 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 indicates that *Romer v. Evans*, and you referred to the dissenting opinion by Justice Scalia in that case, said that laws restricting the rights to homosexuals are valid only if they bear a rational relationship to an independent and legitimate end. Are you familiar with this 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 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 aspect, 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 them 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.

*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 non-homosexuals, is there?

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

*Mr. COHEN.* 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.* Would this amendment stop homosexuals from having sexual relations with each other.

**Mr. EGOLF.** No, it would not.

*Mr. COHEN.* Would this amendment stop people from becoming homosexuals.

**Mr. EGOLF.** No, it would not.

*Mr. COHEN.* Would 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 affect that this has on homosexuals with the economic well-being of businesses that offer benefits? Your concern is with the affect on businesses not with the affect 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 affect that this has on businesses which offer benefits and secondarily the affect that this may have, that the 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 a State, 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 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.

Is that State mandate not 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 Pennsylvania, 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. It is all that the amendment does and what it does is redefines and clarify our long-standing policy in Pennsylvania. It is all it does. It is that simple.

The SPEAKER. The gentleman yield.

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

The SPEAKER. The gentleman 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 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 an 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 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. I think, 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 from you, sir.

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

**Mr. EGOLF.** It is designed to benefit the mass 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 the 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

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 same exact 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 relevant 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 Renquist, I am sorry, all the judges except Scalia and Thomas, which I think indicates that this case is of some relevance and 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 — 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 seven/two 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 in 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 on the defense and who are asking themselves everyday, gee, should I be a hetero-

sexual 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 effected 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

**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.

If you could please repeat the answer, now.

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

**Mr. EGOLF.** Oh, 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 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 that Romer v. Evans was— That was not on the case of same-sex marriage. That is the case that took away the rights of, 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 correct?

**Mr. EGOLF.** Since, I think the answer to that of what you are asking is that since no State has, 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, 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 affect 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 States end that it wishes to achieve when it enacts this act in taking certain rights against, away from homosexual people. Is that correct, sir? **Mr. EGOLF.** That is correct as far as I— 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 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 affect 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 Clause, the clause that says we would have to recognize unless its long standing 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.** Common Law v. Custer in Pennsylvania.

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

The SPEAKER. The gentleman 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 illicit 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 that 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 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?

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 Supreme Court, 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 re-drafted 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 question or not, but—

*Mr. PISTELLA.* Mr. Speaker, I do not—

The SPEAKER. 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 effecting the Constitutionality of an amendment to the House for decision.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Chair now does that and 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.

*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 Supreme Court, 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 and 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 that 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.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

**\* \* \* RC - 171-29 \* \* \***

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 and there has been a lot of controversy this week on how I voted on this and that and the other thing, but one thing that no one—

The SPEAKER. The gentleman yield.

Conferences on the floor please cease.

The gentleman, Mr. Gamble.

**Mr. GAMBLE.** 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, 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, Mr. Speaker, there is one hell of a difference.

The SPEAKER. The gentleman, Mr. Thomas. The House will come to order. The gentleman, Mr. Thomas.

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

But 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 prescription or some other prescription, then I think it is premature to preclude something that has not been put before this body for review.

Secondarily, on the question of 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 I circumstances under which Pennsylvania will have to consider whether or not to accept a ruling of the courts in Ohio, in Hawaii and until, until such time we are faced with a situation where we have to accept a mandate or accept a prescription 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 just argue that the institution of marriage is not under attack statutorily, regulatory 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 prescription 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 pre-

clude 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 prescription for something that has not even occurred. The institution of marriage is sound and sits on solid around in the Commonwealth of Pennsylvania and therefore we do not need to reaffirm that institution. It is my understanding that Independent Blue Cross just a little while ago extended, created situation where benefits could be extended to same-sex relationships and there are no laws in the Commonwealth of Pennsylvania that prevent Independent 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 prescription to stop something that the private sector can to 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. Egolf, 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 and, "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:

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 now, 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 it is not a fact that other States, if they pass a law which is not in accordance with a 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 and the idea of this is to clarify our policy here so that it would not be up to, you know, it would not be vague, it would 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 bill, I think that we need to do this to continue to be able to enforce a 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. First must ask that the record be correct, 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 is 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 think, 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 creates, 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 no less



than 100 years ago that the Supreme Court, that many courts determined that white and blacks should not be married or that it would be against the law for inter-racial marriages to take place. So things have changed, the have changed and we need not go back to 1895 to determine whether or not this issue 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 sponsor of the amendment that we do have a right to bring this issue to this body and at this time and 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:

\* \* \* RC - 177-16 \* \* \*

