

HOUSE BILL NO. HB0167

The Marriage and Constitution Restoration Act.

Sponsored by: Representative(s) Lone and Edwards

A BILL

for

1 AN ACT relating to marriage and sexual orientation;
2 prohibiting any state action that treats sexual orientation
3 as a suspect class; prohibiting the state and its political
4 subdivisions from granting, endorsing, respecting or
5 recognizing any marriage not between a man and woman;
6 providing legislative findings; and providing for an
7 effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.**

12

13 (a) The legislature finds that:

14

15 (i) Parody marriages and policies that endorse
16 parody marriages are nonsecular in nature for purposes of

1 the Establishment Clause of the First Amendment to the
2 United States Constitution;

3

4 (ii) Marriages between a man and a woman and
5 policies that endorse marriages between a man and a woman
6 are secular in nature for purposes of the Establishment
7 Clause of the First Amendment to the United States
8 Constitution;

9

10 (iii) Civilizations for millennia have defined
11 marriage as a union between a man and a woman;

12

13 (iv) Marriage between a man and a woman arose
14 out of the nature of things and is natural, neutral and
15 noncontroversial unlike parody marriages;

16

17 (v) The state of Wyoming has a duty under
18 article 6 of the United States Constitution to uphold the
19 United States Constitution;

20

21 (vi) The First Amendment applies to the state of
22 Wyoming through the Fourteenth Amendment to the United
23 State Constitution;

1

2 (vii) The First Amendment to the United States
3 Constitution has exclusive jurisdiction over which types of
4 marriages the state can endorse, respect and recognize;

5

6 (viii) All forms of parody marriage and all
7 nonheterosexual sexual orientations or self asserted sex
8 based identify narratives that fail to check out with the
9 human design are part of the religion of secular humanism;

10

11 (ix) In *Torcaso v. Watkins* , 367 U.S. 488
12 (1961), and *Edwards v. Aguillard*, 482 U.S. 578 (1987), the
13 United States Supreme Court found that secular humanism is
14 a religion for purposes of the Establishment Clause of the
15 First Amendment to the United States Constitution;

16

17 (x) The state of Wyoming is prohibited from
18 endorsing or favoring religion over nonreligion;

19

20 (xi) The state of Wyoming's decision to respect,
21 endorse and recognize parody marriages and sexual
22 orientation policies has excessively entangled the
23 government with the religion of secular humanism, failed to

1 accomplish its intended purpose and created an indefensible
2 legal weapon against nonobservers;

3

4 (xii) In the wake of *Obergefell v. Hodges*, 135
5 S. Ct. 2584 (2015), there has not been a land rush on same
6 sex marriage but there has been a land rush on the
7 persecution of nonobservers by secular humanists and an
8 effort by secular humanists to infiltrate and indoctrinate
9 minors in public schools to their religious worldview which
10 is obscene and questionably moral and plausible;

11

12 (xiii) It is unsettled whether sexual
13 orientation is immutable or genetic and is therefore a
14 matter of faith;

15

16 (xiv) Parody marriages have never been a part of
17 American tradition and heritage;

18

19 (xv) All forms of parody marriage erode
20 community standards of decency, and this state has a
21 compelling interest to uphold community standards of
22 decency as set forth under the Wyoming Constitution;

23

1 (xvi) Parody marriage policies and statutes
2 treating nonheterosexual people as a suspect class
3 constitute nonsecular state action, and policies that
4 respect, endorse and recognize a marriage between a man and
5 a woman constitute secular state action and accomplishes
6 their intended objective;

7

8 (xvii) In view of the Free Exercise Clauses of
9 the First Amendment to the United States Constitution and
10 the Wyoming Constitution:

11

12 (A) Any person in Wyoming may cultivate any
13 sexual orientation or self asserted sex based identity
14 narrative at-will, even if it does not check out with the
15 human design as a matter of self evident observation;

16

17 (B) Any person in Wyoming may conduct any
18 form of marriage ceremony to include parody marriage
19 ceremonies and other rituals that accord with their self
20 asserted sexual orientation or other sex asserted sex based
21 identity narrative and live as married persons do as long
22 as the ceremonies do not conflict with other parts of state
23 and federal law;

1

2 (C) The state of Wyoming shall no longer
3 respect, endorse or recognize any parody marriage policies
4 because such policies constitute nonsecular state action;

5

6 (D) The state of Wyoming shall no longer
7 enforce, recognize or respect any policies that treat self
8 asserted sexual orientation as a suspect class because such
9 policies constitute nonsecular state action.

10

11 (b) As used in this section:

12

13 (i) "Nonsecular state action" means any state
14 action that endorses, respects and recognizes the beliefs
15 of a particular religion where the preeminent and primary
16 force driving the state action is not genuine but is a sham
17 that ultimately has a primarily religious objective;

18

19 (ii) "Parody marriage" means any form of
20 marriage not between a male and a female person;

21

22 (iii) "Secular state action" means any state
23 action that is natural, neutral, noncontroversial and based

1 on self evident truth and whose primary driving force is
2 genuine, not a sham and not merely secondary to a religious
3 objective.

4

5 **Section 2.** W.S. 9-23-101 is created to read:

6

7

CHAPTER 23

8

SEXUAL ORIENTATION

9

10 **9-23-101. Sexual orientation laws and policies**
11 **prohibited.**

12

13 Notwithstanding any other provision of law, the state and
14 its political subdivisions shall not enact, enforce,
15 respect or recognize any law or policy that treats sexual
16 orientation as a suspect class, because action constitutes
17 nonsecular state action that exclusively entangles the
18 state with the religion of secular humanism. As used in
19 this section, "nonsecular state action" means any state
20 action that endorses, respects and recognizes the beliefs
21 of a particular religion where the preeminent and primary
22 force driving the state action is not genuine but is a sham
23 that ultimately has a primarily religious objective.

1

2 **Section 3.** W.S. 20-1-101 is amended to read:

3

4 **20-1-101. Marriage a civil contract.**

5

6 (a) Marriage is a civil contract between a male and a
7 female person to which the consent of the parties capable
8 of contracting is essential. Notwithstanding any other
9 provision of law, the state and its political subdivisions
10 shall not grant, endorse, respect or recognize any form of
11 parody marriage, because such action constitutes nonsecular
12 state action. The state and its political subdivisions
13 shall continue to grant and recognize marriages between a
14 male and a female person because such action constitutes
15 secular state action which accomplishes its intended
16 purposes. As used in this section:

17

18 (i) "Nonsecular state action" means any state
19 action that endorses, respects and recognizes the beliefs
20 of a particular religion where the preeminent and primary
21 force driving the state action is not genuine but is a sham
22 that ultimately has a primarily religious objective;

23

1 (ii) "Parody marriage" means any form of
2 marriage not between a male and a female person;

3
4 (iii) "Secular state action" means any state
5 action that is natural, neutral, noncontroversial and based
6 on self evident truth and whose primary driving force is
7 genuine, not a sham and not merely secondary to a religious
8 objective.

9
10 **Section 4.** This act is effective July 1, 2018.

11

12

(END)