

HOUSE BILL No. 2320

By Representatives Garber, Donohoe, French, Helmer, Highland, Huebert and Rhiley

2-13

1 AN ACT concerning marriage; enacting the marriage and constitution
2 restoration act.

3
4 WHEREAS, Civilizations for millennia have defined marriage as a
5 union between a man and a woman; and

6 WHEREAS, The United States is a constitutional republic that the state
7 of Kansas is a part of; and

8 WHEREAS, The doctrine of preemption prohibits the state of Kansas
9 from making or enforcing policies that violate the constitution of the
10 United States; and

11 WHEREAS, All state senators and representatives and all executive
12 and judicial officers are bound by oath or affirmation pursuant to article VI
13 of the constitution of the United States to not enforce, respect, favor or
14 endorse policies that violate the free exercise clause or the establishment
15 clause of the 1st amendment of the constitution of the United States,
16 regardless of what political party they are affiliated with; and

17 WHEREAS, The 1st amendment of the constitution of the United States
18 applies to the state of Kansas though the 14th amendment of the
19 constitution of the United States; and

20 WHEREAS, The constitution of the United States is not silent as to
21 how the states must legally define marriage, as acknowledged by the
22 United States supreme court; and

23 WHEREAS, The establishment clause of the 1st amendment of the
24 constitution of the United States, balanced with the free exercise clause of
25 the 1st amendment of the constitution of the United States, has exclusive
26 jurisdiction in informing the state of Kansas how to respond to marriage
27 requests of all kinds that do not involve a man and a woman and how the
28 state must react to all self-asserted, sex-based identity narratives that are
29 questionably real, moral and have a tendency to erode community
30 standards of decency; and

31 WHEREAS, All religion amounts to is a set of unproven answers to the
32 greater questions like "Why are we here?" and "What should we be doing
33 as humans?"; and

34 WHEREAS, The establishment clause of the 1st amendment of the
35 constitution of the United States was never solely designed to prohibit the

1 government from only respecting and recognizing the doctrines of
2 institutionalized religions, but of non-institutionalized religions, like
3 secular humanism, as well; and

4 WHEREAS, The sworn testimonies of ex-gays, medical experts,
5 persecuted Christians and licensed ministers demonstrate that there is no
6 real proof that a gay gene exists, that the idea that sexual orientation is
7 predicated on immutability is not proven and that sexual orientation is a
8 mythology, dogma, doctrine or orthodoxy that is inseparably linked to the
9 religion of secular humanism; and

10 WHEREAS, The United States supreme court found that secular
11 humanism is a religion for the purpose of the establishment clause of the
12 1st amendment of the constitution of the United States in *Torcaso v.*
13 *Watkins*, 367 U.S. 488 (1961), stating "among religions in this country
14 which do not teach what would generally be considered a belief in the
15 existence of God are Buddhism, Taoism, Ethical Culture, Secular
16 Humanism and others"; and

17 WHEREAS, Most of the federal courts of appeals have acknowledged
18 that secular humanism is a religion in cases such as *Malnak v. Yogi*, 592
19 F.2d 197, 200-15 (3d Cir.1979), *Theriault v. Silber*, 547 F.2d 1279, 1281
20 (5th Cir.1977), *Thomas v. Review Bd.*, 450 U.S. 707, 714, 101 S.Ct. 1425,
21 67 L.Ed.2d 624 (1981), *Lindell v. McCallum*, 352 F.3d 1107, 1110 (7th
22 Cir.2003), *Real Alternatives, Inc. v. Sec'y of Dep't of Health and Human*
23 *Servs.*, 150 F.Supp.3d 419 (3d Cir. Aug. 4, 2017), and *Wells v. City and*
24 *County of Denver*, 257 F.3d 1132, 1148 (10th Cir. 2001); and

25 WHEREAS, Secular humanism is also commonly referred to as
26 postmodern western individualistic moral relativism, expressive
27 individualism, and by other names and is centered on the unproven idea
28 that there are no moral absolutes; and

29 WHEREAS, The lesbian, gay, bisexual, transgender and questioning
30 (LGBTQ) community is organized, full and has a daily code by which
31 members may guide their daily lives, which makes it a denominational
32 sect that is inseparably part of the religion of secular humanism; and

33 WHEREAS, Instead of having a cross, the ten commandments icon, or
34 star and crescent, the LGBTQ secular humanist community has the gay
35 pride rainbow colored flag to symbolize its faith-based worldview; and

36 WHEREAS, The ideas that "a person is born homosexual," or that "a
37 person can be born in the wrong body," or that "a person can come out of
38 an invisible closet and be baptized gay," or that "to disagree with
39 homosexual orthodoxy premises makes you a bigot" are a series of
40 unproven faith-based assumptions and naked assertions that are implicitly
41 religious and inseparably linked to the religion of secular humanism; and

42 WHEREAS, The government's endorsement of LGBTQ ideology has
43 amounted to the greatest sham since the inception of American

1 jurisprudence; and

2 WHEREAS, In the wake of the government's endorsement of LGBTQ
3 ideology, the government's endorsement of LGBTQ secular humanism has
4 not been about "tolerance," but "dominance"; and

5 WHEREAS, In the wake of the government's endorsement of LGBTQ
6 ideology, many citizens who object to the government's endorsement of
7 LGBTQ secular humanism is not based on "bigotry," but on "biology"; and

8 WHEREAS, In the wake of the government's endorsement of LGBTQ
9 ideology, when a secular humanist says that "love is love," what they
10 really mean is that they are amenable to government assets being used to
11 oppress and marginalize anyone who disagrees with their beliefs, which is
12 a position that is categorically "unloving"; and

13 WHEREAS, In the wake of the government's endorsement of LGBTQ
14 ideology, we have learned that people who are "intolerant" of "intolerant
15 people" are "intolerant," people who are "judgmental" against "judgmental
16 people" are "judgmental," and people who are "dogmatic" about not "being
17 dogmatic" are "dogmatic"; and

18 WHEREAS, In the wake of the government's entanglement with
19 LGBTQ secular humanism, there has not been a land rush on gay
20 marriage, but there has been a land rush by many secular humanists to
21 persecute many non-observers of the religion of secular humanism; and

22 WHEREAS, In the wake of the government's endorsement of LGBTQ
23 secular humanism, there has not been a land rush on gay marriage but
24 there has been a land rush by many secular humanists to infiltrate public
25 schools and public libraries with the intent to indoctrinate and proselytize
26 minors to their religious worldview on faith, morality, sex and marriage
27 with the government's stamp of approval; and

28 WHEREAS, There are no ex-blacks but there are thousands of ex-gays;
29 and

30 WHEREAS, Skin-tone is genetic and sexual orientation is faith-based;
31 and

32 WHEREAS, Those who seek to end the government's unconstitutional
33 entanglement with the LGBTQ secular humanist religion are defending the
34 integrity of the civil rights movement lead by Dr. Martin Luther King Jr.
35 from an emotional ploy and an unprincipled misapplication of the 14th
36 amendment of the constitution of the United States; and

37 WHEREAS, For any person to suggest that the homosexual civil rights
38 movement, which is not based on immutability or genetics, is equal to the
39 race-based civil rights movement, which was actually based on
40 immutability and genetics, has engaged in an act of fraud and racial
41 animus in-kind that is intellectually, emotionally, sexually and racially
42 exploitative; and

43 WHEREAS, People of color at one point in this country had to ride on

1 the back of the bus, walk to school and drink from colored water fountains,
2 and for anyone to equate the race-based civil rights plight to the goal of
3 many secular humanists to entangle the government with their religion is a
4 per se act of racial animus that is deeply offensive to many people in the
5 state of Kansas; and

6 WHEREAS, Parody marriages have never been a part of American
7 tradition and heritage and have nothing to do with the substantive due
8 process clause of the 14th amendment of the constitution of the United
9 States; and

10 WHEREAS, It is a long-standing government principle that emotional
11 appeals or sincerity of belief do not allow the state of Kansas to usurp the
12 establishment clause of the 1st amendment of the constitution of the United
13 States or for devout secular humanists to entangle our government with
14 LGBTQ secular humanism; and

15 WHEREAS, The history of parody marriages is that most forms were
16 illegal until recently or they remain illegal today, and they continue to
17 erode community standards of decency; and

18 WHEREAS, All forms of parody marriage equally erode community
19 standards of decency; and

20 WHEREAS, The state of Kansas has a compelling interest to uphold
21 community standards of decency as set forth under the constitution of the
22 state of Kansas and in accordance with the findings of the United States
23 supreme court; and

24 WHEREAS, Community standards of decency do not evolve, but
25 people can become desensitized; and

26 WHEREAS, The enforcement of marriage policies between a man and
27 a woman do not erode community standards of decency and fulfill a series
28 of compelling state interest; and

29 WHEREAS, Individuals who legally marry in the state of Kansas are
30 entitled to a constellation of benefits funded by the taxpayers; and

31 WHEREAS, There are many taxpayers in the state of Kansas who
32 sincerely believe that all forms of marriage that do not involve a man and a
33 woman are immoral and that for their tax dollars to be appropriated to
34 enable immorality is itself an act of immorality that causes them to violate
35 their conscience by the simple act of paying taxes; and

36 WHEREAS, Marriage between a man and a woman arose out of the
37 nature of things, and marriage between a man and a woman is natural,
38 neutral and non-controversial, unlike parody forms of marriage that do not
39 involve a man and a woman; and

40 WHEREAS, Marriage policies that endorse marriage between a man
41 and a woman are secular in nature for purposes of the establishment clause
42 of the 1st amendment of the constitution of the United States, insofar as the
43 policies accomplish their purpose, fulfill a compelling state interest and do

1 not put religion over non-religion in their making and in their enforcement,
2 unlike parody marriage policies; and

3 WHEREAS, The legislative branch may sever as a check on the
4 judicial and executive branches; and

5 WHEREAS, The decision in *Obergefell v. Hodges*, 135 S.Ct. 2584
6 (2015) was called an "egotistic judicial putsch" that causes secular
7 humanists in office to constitute "a threat to American Democracy" by
8 dissenting supreme court justices; and

9 WHEREAS, Stare decisis does not keep *Obergefell v. Hodges*, 135 S.Ct.
10 2584 (2015) from being overruled, because stare decisis is at its weakest
11 when the court is asked to interpret the constitution of the United States,
12 and because questions which merely lurk in the record, neither brought to
13 attention of the court nor ruled upon, are not to be considered as having
14 been so decided as to constitute precedents; and

15 WHEREAS, The question whether the establishment clause of the 1st
16 amendment of the constitution of the United States has exclusive
17 jurisdiction over informing the states as to which marriages they can
18 legally recognize was lurking in the shadows but was undecided upon by
19 the court in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015).

20 Now, therefore:

21 *Be it enacted by the Legislature of the State of Kansas:*

22 Section 1. The provisions of sections 1 through 6, and amendments
23 thereto, shall be known and may be cited as the marriage and constitution
24 restoration act.

25 Sec. 2. As used in this act:

26 (a) "Community standards of decency" means a standard based on the
27 reasonable observer's perspective that, if offended by appeals to the
28 prurient interest or the patently offensive, would harm the general decency,
29 safety, health and welfare of the community.

30 (b) "Conversion therapy" means a therapeutic practice in which a
31 licensed mental health expert, acting under authorized consent, assists
32 clients in the goal of realigning such client's sexual preference to prefer
33 members of the opposite sex who have corresponding reproductive
34 anatomy.

35 (c) "Marriage" means a legal union that represents an intended
36 lifelong commitment between one person who was born male and one
37 person who was born female as husband and wife, who are of equal but
38 opposite genders, who become spouses of the opposite sex, and who have
39 corresponding sexual anatomy that, if coalesced, have the actual or
40 symbolic potential to create an offspring whom likely has the input of the
41 two spouses with whom the same genetic code and ancestral chain is
42 shared.

43 (d) "Non-secular sham" means a policy, a course or principle of

1 action adopted or proposed by a state actor that endorses, respects or
2 favors the beliefs of a particular religion where the preeminent and
3 primary force driving the state's action is not genuine, but is a sham that
4 ultimately has a primary religious objective. The term "non-secular sham"
5 refers to a type of policy that is predicated on a series of unproven faith-
6 based assumptions and naked assertions that are implicitly religious.

7 (e) "Parody marriage" means any form of alleged marriage that does
8 not involve a man and a woman. The term "parody marriage" refers to a
9 variety of so-called marriages that do not involve a man and a woman that
10 amount to doctrines that are inseparably linked to the religion of secular
11 humanism. The term "parody marriage" refers to so-called marriages
12 between more than two people, persons of the same sex, a person and an
13 animal, or a person and an object.

14 (f) "Religion" means a set of unproven answers to the greater
15 questions like "Why are we here?" and "What should we be doing as
16 humans?" that are predicated on an institutionalized or non-
17 institutionalized faith-based worldview flowing out of a community that is
18 full, organized and has a daily code by which its members may guide their
19 daily lives.

20 (g) "Secular humanism" means a faith-based worldview that is also
21 referred to as postmodern western individualistic moral relativism and
22 expressive individualism. A belief system that is protected by the free
23 exercise clause of the 1st amendment of the constitution of the United
24 States and the constitution of the state of Kansas, and centered on the
25 unproven assumption that there are no moral absolutes and that on one
26 moral doctrine should be used as the superior basis for law and policy. The
27 term "secular humanism" includes a series of unproven faith-based
28 assumptions and naked assertions that suggest that morality and truth are
29 man-made conventions and that at the heart of liberty is man's ability to
30 define man's own meaning of the universe. The term "secular humanism"
31 refers to a religion that does not fulfill any compelling state interest, but
32 instead, tends to erode community standards of decency. The term "secular
33 humanism" refers to homosexuality, sexual orientation, polygamy,
34 transgenderism, zoophilia and objectophilia, which are self-asserted, sex-
35 based identity narratives, doctrines, dogmas and mythologies that flow
36 directly out of and are inseparably linked to the religion. The term "secular
37 humanism" refers to the belief that man is merely a bundle of chemicals,
38 animated pieces of meat or accidental particles and that nature is all there
39 is. The term "secular humanism" refers to the unproven faith-based
40 assumption that nature is all that there is, but that mankind should still love
41 each other.

42 (h) "Secular policy" means a course or principle of action adopted or
43 proposed by a state actor that is natural, neutral, and non-controversial that

1 is based on self-evident morality and objective truth from the reasonable
2 observer perspective. The term includes procedure that generally
3 accomplishes its goals and does not tend to put religion over non-religion
4 or one religion over another. The term includes a course of governmental
5 action where the preeminent and primary force driving the policy is
6 genuine, not a sham, and not merely secondary to a religious objective.

7 (i) "Sexual orientation" means a mythology, dogma, doctrine or
8 ideology that is inseparably linked to the religion of secular humanism.
9 The term includes self-asserted, sex-based identity narrative that are often
10 predicated on a series of unproven faith-based assumptions and naked
11 assertions that are implicitly religious and have a tendency to erode
12 community standards of decency.

13 Sec. 3. (a) The 1st amendment of the constitution of the United States
14 applies to the state of Kansas though the 14th amendment of the
15 constitution of the United States.

16 (b) All members of the legislature and all executive and judicial
17 officers are bound by oath or affirmation pursuant to article VI of the
18 constitution of the United States to not enforce, respect, recognize or
19 endorse policies that violate the free exercise clause or establishment
20 clause of the 1st amendment of the constitution of the United States
21 regardless of the members' or officers' party affiliation.

22 Sec. 4. (a) Pursuant to the free exercise clause of the 1st amendment
23 of the constitution of the United States, any person within the jurisdiction
24 of this state has the fundamental, existing and individual right to freely
25 cultivate any self-asserted, sex-based identity narrative or self-asserted
26 sexual orientation based on a personal, autonomous choice and to practice
27 secular humanism.

28 (b) A person has the free-exercise right to conduct a marriage
29 ceremony that does not involve a man and a woman and other rituals that
30 are in accord with such person's self-asserted, sexual orientation and to
31 live as married people do, free from governmental interference, as long as
32 the ceremonies and lifestyle practices do not conflict with other state and
33 federal law.

34 Sec. 5. (a) The state has a compelling interest to uphold community
35 standards of decency and a duty to not make or enforce policies that put
36 the religion of secular humanism over non-religion and to not make and
37 enforce policies that are preempted by the establishment clause of the 1st
38 amendment of the constitution of the United States. The unproven truth
39 claims flowing out of the religion of secular humanism tend to erode
40 community standards of decency and cannot be respected, endorsed,
41 favored or recognized for the purposes of this section or the establishment
42 clause of the 1st amendment of the constitution of the United States.

43 (b) Under this section, the establishment clause of the 1st amendment

1 of the constitution of the United States, and the state's compelling interests
2 to uphold community standards of decency, the state is prohibited from
3 enforcing, endorsing, respecting or favoring the following policies for
4 being non-secular shams that cultivate indefensible legal weapons against
5 non-observers of the religion of secular humanism and for having the
6 effect of excessively entangling the government with the religion of
7 secular humanism, while eroding community standards of decency:

8 (1) Policies that permit legally recognized or respected marriage of
9 any form of parody marriage that does not involve a man and a woman;

10 (2) policies that authorize the state to appropriate benefits to
11 individuals who entered into a parody marriage of any kind that does not
12 involve a man and a woman;

13 (3) policies that permit counties to issue marriage licenses to
14 individuals who seek legal recognition and respect of a marriage that does
15 not involve a man and a woman;

16 (4) policies that treat sexual orientation as a suspect class or as a basis
17 of prohibited discrimination under the assumption that sexual orientation is
18 predicated on immutability or genetics;

19 (5) policies that treat sexual orientation as a suspect class or as a basis
20 of prohibited discrimination under the assumption that parody marriage
21 that does not involve a man and a woman are a part of American history or
22 heritage;

23 (6) policies that respect a person's unproven belief that they were
24 born the gender that does not accord with the anatomy with which the
25 individual was born;

26 (7) policies that permit the state to appropriate tax dollars to pay for
27 sex change operations;

28 (8) policies that ban conversion therapy;

29 (9) policies that permit public libraries and public schools in the state
30 to partner with nonsecular organizations to promote, sponsor, host, favor,
31 or endorse the drag queen storytime or other similar, related secular
32 humanist programming that target children with apprehension that the
33 government approves;

34 (10) policies that mandate pronoun changes to respect the plausibility
35 of secular humanist ideology;

36 (11) policies that respect, condone, ratify or affirm homosexual,
37 transgender, zoophilia, objectophilia, polygamy, orthodoxy and sexual
38 orientation as if the doctrines were plausible, moral or decent and not a
39 political ploy or an imperialistic power play; and

40 (12) policies that permit a person or parent to change the sex on a
41 birth certificate that does not accord with the anatomy that the person was
42 born with.

43 (c) The state shall no longer be in the parody marriage funding and

1 endorsement business and shall disentangle itself from the lesbian, gay,
2 bisexual, transgender and questioning (LGBTQ) secular humanist church
3 pursuant to this section and the establishment clause of the 1st amendment
4 of the constitution of the United States. The state shall not, through any
5 government action create, enforce or respect any LGBTQ or any other
6 secular humanist policy whether directly or symbolically. The state shall
7 maintain the separation of church and state, which includes separating
8 itself from the non-institutionalized religions such as secular humanism,
9 expressive individualism and postmodern western individualistic moral
10 relativism.

11 Sec. 6. (a) Policies that respect and endorse a marriage between a
12 man and a woman shall continue to be enforced because the policies are
13 natural, neutral, non-controversial and secular in nature. The state will
14 continue to enforce, respect, endorse and recognize marriage policies
15 between a man and a woman because such marriage policies have a
16 primary secular purpose, accomplishing non-religious objectives and do
17 not put religion over non-religion, unlike policies that respect the various
18 forms of parody marriage, which do not involve a man and a woman. The
19 state will only issue marriage licenses to a man and a woman who meet the
20 requirements by the governing state agency, because such state action is
21 secular and does not excessively entangle the government with any
22 religion nor does the recognition endorse a religion.

23 (b) Policies that respect and endorse a marriage between a man and a
24 woman fulfill a compelling state interest by upholding community
25 standards of decency and such policies are not a critic on religion.

26 (c) The state shall continue to enforce and recognize that marriage
27 policies that respect a legal union that represents an intended lifelong
28 commitment between one person who was born male and one person who
29 was born female as husband and wife, who are of equal but opposite
30 genders, who become spouses of the opposite sex, and who have
31 corresponding sexual anatomy that, if coalesced, have the actual or
32 symbolic potential to create an offspring whom likely has the input of the
33 two spouses with whom the same genetic code and ancestral chain is
34 shared.

35 Sec. 7. This act shall take effect and be in force from and after its
36 publication in the statute book.