A BILL FOR AN ACT

CONCERNING THE ESTABLISHMENT OF THE "LIVE AND LET LIVE ACT"

IN COLORADO.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill establishes the "Live and Let Live Act" in the state.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add part 10 to article
34 of title 24 as follows:

PART 10

LIVE AND LET LIVE ACT

24-34-1001. Short title. The short title of this Part 10 is the "LIVE AND LET LIVE ACT".

24-34-1002. Legislative declaration. (1) The General Assembly hereby finds and declares that:

(a) Leading legal scholars concur that conflicts between same-sex marriage and religious liberty are real and should be addressed through legislation;

(b) After legalization of same-sex marriage, religious adoption and foster-care agencies in Massachusetts, Illinois, and the District of Columbia were forced to close because of their sincerely held religious beliefs about marriage. Also, a religious educational institution in Massachusetts was threatened by the government with loss of its accreditation because of its sincerely held religious beliefs about marriage. Small family-owned wedding businesses in Colorado, Oregon, Washington, Iowa, New York, and elsewhere have endured fines or financial penalties or been forced to close because they operated consistent with their sincerely held religious beliefs about marriage. In Colorado, a cake baker who willingly served customers from every walk of life was forced to shut down an entire facet of his business, forced to undergo government "reeducation", and required to file constant compliance reports when he declined to add his artistic talents to the creation of a wedding cake that would have celebrated a marriage his
CONSCIENCE REQUIRED HIM NOT TO PARTICIPATE IN. OF THE STATE'S
ACTIONS IN THIS CASE, UNITED STATES SUPREME COURT JUSTICE
ANTHONY KENNEDY STATED, "IT SEEMS TO ME THE STATE HAS BEEN
NEITHER TOLERANT NOR RESPECTFUL." IN AN EQUAL SOCIETY, TOLERANCE
MUST BE MUTUAL.

(c) CITIZENS OF THE STATE HOLD A WIDE RANGE OF REASONABLE
VIEWS ON THE ISSUE OF SAME-SEX MARRIAGE, AND MAINTAINING THE
STATE'S COMMITMENT TO RELIGIOUS FREEDOM WHEN FACED WITH THESE
GOOD-FAITH DIFFERENCES OF OPINION IS VITAL;

(d) OUR NATION HAS A LONG AND HONORABLE HISTORY OF
RESPECTING AND ACCOMMODATING THE RELIGIOUS FREEDOM RIGHTS OF
ITS PEOPLE, DATING FROM BEFORE THE AMERICAN REVOLUTION TO THE
PRESENT. FOR EXAMPLE, LAWS HAVE PROTECTED THE RIGHT OF QUAKERS
AND OTHER PACIFISTS TO SERVE THE NATION AS NONCOMBATANTS IN
times of war, the right of JEWS AND OTHER SABBATH OBSERVERS TO
dedicate their time to GOD AND FAMILY INSTEAD OF WORK ON THEIR
SABBATH, AND THE RIGHT OF RELIGIOUS ORGANIZATIONS TO PROVIDE
CHARITABLE SERVICES TO THE PUBLIC CONSISTENT WITH THEIR BELIEFS BY
HIRING INDIVIDUALS WHO SHARE THE SAME BELIEFS. RELIGIOUS FREEDOM
RIGHTS AND THE RIGHT TO CONSCIENCE HAVE, FOR DECADES, BEEN
ESTABLISHED AS A NONCONTROVERSIAL FOUNDATION OF AMERICAN
SOCIETY. THE UNITED STATES DOES NOT USE DISAGreements ABOUT
RELIGION OR CONSCIENCE AS AN EXCUSE TO BANISH RELIGIOUS OR
CONSCIENTIOUS ACTIVITY FROM THE VIEW OF THOSE IT MIGHT OFFEND.

(e) PROTECTING RELIGIOUS FREEDOM FROM GOVERNMENT
INTRUSION IS A STATE INTEREST OF THE HIGHEST ORDER. LEGISLATION
ADVANCES THIS INTEREST BY REMEDYING, DETERRING, AND PREVENTING
GOVERNMENT INTERFERENCE WITH RELIGIOUS EXERCISE IN A WAY THAT
COMPLEMENTS THE PROTECTIONS MANDATED BY THE STATE AND FEDERAL
CONSTITUTIONS.

(f) PROTECTING THE RELIGIOUS FREEDOM OF FAITH-BASED
CHARITIES AND EDUCATIONAL INSTITUTIONS SERVES THE STATE’S
COMPELLING INTEREST IN PROVIDING ESSENTIAL SOCIAL SERVICES TO THE
POOR AND EDUCATIONAL OPPORTUNITIES TO THE NEXT GENERATION. THIS
IS ALSO CONSISTENT WITH THE STATE’S LONG TRADITION OF COOPERATING
WITH RELIGIOUS ORGANIZATIONS WHEN PROVIDING THESE CRITICAL
SERVICES.

(g) LAWS AND GOVERNMENT ACTIONS THAT PROTECT THE FREE
EXERCISE OF RELIGIOUS BELIEFS AND MORAL CONVICTIONS ABOUT
MARRIAGE AND HUMAN SEXUALITY WILL ENCOURAGE PRIVATE CITIZENS
AND INSTITUTIONS TO DEMONSTRATE TOLERANCE FOR THOSE BELIEFS AND
CONVICTIONS AND THEREFORE CONTRIBUTE TO A MORE RESPECTFUL,
DIVERSE, AND PEACEFUL SOCIETY; AND

(h) IN A PLURALISTIC SOCIETY, IN WHICH PEOPLE OF GOOD FAITH
HOLD MORE THAN ONE VIEW OF MARRIAGE, IT IS POSSIBLE FOR THE
GOVERNMENT TO RECOGNIZE SAME-SEX MARRIAGE WITHOUT FORCING
PERSONS WITH SINCERELY HELD RELIGIOUS BELIEFS OR MORAL
CONVICTIONS TO CONFORM.

24-34-1003. Definitions. As used in this Part 10, unless the
context otherwise requires:

(1) "ADOPTION OR FOSTER CARE" OR "ADOPTION OR FOSTER CARE
SERVICE" MEANS SOCIAL SERVICES PROVIDED TO OR ON BEHALF OF
CHILDREN, INCLUDING:

(a) ASSISTING ABUSED OR NEGLECTED CHILDREN;
(b) Teaching children and parents occupational, homemaking, and other domestic skills;
(c) Promoting foster parenting;
(d) Providing foster homes, residential care, group homes, or temporary group shelters for children;
(e) Recruiting foster parents;
(f) Placing children in foster homes;
(g) Licensing foster homes;
(h) Promoting adoption or recruiting adoptive parents;
(i) Assisting adoptions or supporting adoptive families;
(j) Performing or assisting home studies;
(k) Assisting kinship guardianships or kinship caregivers;
(l) Providing family preservation services;
(m) Providing family support services; and
(n) Providing temporary family reunification services.

(2) "Discriminatory action" means and includes any action taken by the state government to:
(a) Alter in any way the tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, revoke, or otherwise make unavailable an exemption from taxation of any person referred to in section 24-34-1005;
(b) Disallow, deny, or otherwise make unavailable a deduction for state tax purposes of any charitable contribution made to or by any person referred to in section 24-34-1005;
(c) Withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable or deny any state grant, contract, subcontract, cooperative
AGREEMENT, GUARANTEE, LOAN, SCHOLARSHIP, OR OTHER SIMILAR
BENEFIT FROM OR TO ANY PERSON REFERRED TO IN SECTION 24-34-1005;

(d) WITHHOLD, REDUCE, EXCLUDE, TERMINATE, MATERIALLY
ALTER THE TERMS OR CONDITIONS OF, OR OTHERWISE MAKE UNAVAILABLE
OR DENY ANY ENTITLEMENT OR BENEFIT UNDER A STATE BENEFIT
PROGRAM FROM OR TO ANY PERSON REFERRED TO IN SECTION 24-34-1005;

(e) IMPOSE, LEVY, OR ASSESS A MONETARY FINE, FEE, PENALTY,
DAMAGES AWARD, OR INJUNCTION ON ANY PERSON REFERRED TO IN
SECTION 24-34-1005;

(f) WITHHOLD, REDUCE, EXCLUDE, TERMINATE, MATERIALLY
ALTER THE TERMS OR CONDITIONS OF, OR OTHERWISE MAKE UNAVAILABLE
OR DENY ANY LICENSE, CERTIFICATION, ACCREDITATION, CUSTODY AWARD
OR AGREEMENT, DIPLOMA, GRADE, RECOGNITION, OR OTHER SIMILAR
BENEFIT, POSITION, OR STATUS FROM OR TO ANY PERSON REFERRED TO IN
SECTION 24-34-1005; OR

(g) REFUSE TO HIRE OR PROMOTE, FORCE TO RESIGN, FIRE,
DEMOTE, SANCTION, DISCIPLINE, MATERIALLY ALTER THE TERMS OR
CONDITIONS OF EMPLOYMENT, OR RETALIATE OR TAKE OTHER ADVERSE
EMPLOYMENT ACTION AGAINST ANY PERSON REFERRED TO IN SECTION
24-34-1005 WHO IS EMPLOYED OR COMMISSIONED BY THE STATE
GOVERNMENT.

(3) "PERSON" MEANS:

(a) A NATURAL PERSON, IN HIS OR HER INDIVIDUAL CAPACITY,
REGARDLESS OF RELIGIOUS AFFILIATION OR LACK THEREOF, OR IN HIS OR
HER CAPACITY AS A MEMBER, OFFICER, OWNER, VOLUNTEER, EMPLOYEE,
MANAGER, RELIGIOUS LEADER, CLERGY, OR MINISTER OF ANY ENTITY
DESCRIBED IN THIS PART 10;
(b) A RELIGIOUS ORGANIZATION;

(c) A SOLE PROPRIETORSHIP, PARTNERSHIP, TRUST, CLOSELY HELD CORPORATION, OR OTHER CLOSELY HELD ENTITY OPERATING WITH A SINCERELY HELD RELIGIOUS BELIEF OR MORAL CONVICTION DESCRIBED IN SECTION 24-34-1004; OR

(d) COOPERATIVES, VENTURES, OR ENTERPRISES COMPRISED OF TWO OR MORE INDIVIDUALS OR ENTITIES DESCRIBED IN THIS SUBSECTION REGARDLESS OF NONPROFIT OR FOR-PROFIT STATUS.

(4) "RELIGIOUS ORGANIZATION" MEANS:

(a) A HOUSE OF WORSHIP, INCLUDING BUT NOT LIMITED TO CHURCHES, SYNAGOGUES, SHRINES, MOSQUES, AND TEMPLES;

(b) A RELIGIOUS GROUP, CORPORATION, ASSOCIATION, SCHOOL OR EDUCATIONAL INSTITUTION, MINISTRY, ORDER, SOCIETY, OR SIMILAR ENTITY, REGARDLESS OF WHETHER IT IS INTEGRATED OR AFFILIATED WITH A CHURCH OR OTHER HOUSE OF WORSHIP; AND

(c) AN OFFICER, OWNER, EMPLOYEE, MANAGER, RELIGIOUS LEADER, CLERGY, OR MINISTER OF AN ENTITY OR ORGANIZATION DESCRIBED IN THIS SUBSECTION (4).

(5) "STATE BENEFIT PROGRAM" MEANS ANY PROGRAM ADMINISTERED OR FUNDED BY THE STATE, OR BY ANY AGENT ON BEHALF OF THE STATE, PROVIDING CASH, PAYMENTS, GRANTS, CONTRACTS, LOANS, OR IN-KIND ASSISTANCE.

(6) "STATE GOVERNMENT" MEANS:

(a) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE;

(b) ANY AGENCY OF THE STATE OR OF A POLITICAL SUBDIVISION OF THE STATE, INCLUDING A DEPARTMENT, BUREAU, BOARD, COMMISSION, COUNCIL, COURT, OR PUBLIC INSTITUTION OF HIGHER EDUCATION;
(c) Any person acting under color of state law; and

(d) Any private person suing under or attempting to enforce a law, rule, or regulation adopted by the state or a political subdivision of the state.

24-34-1004. Protected religious beliefs and moral convictions.

(1) The sincerely held religious beliefs or moral convictions protected by this part 10 are the beliefs or convictions:

(a) Regarding the sex of the two individuals who may enter into a marriage;

(b) That male (man) or female (woman) refer to an individual’s immutable biological sex as objectively determined by anatomy and genetics by the time of birth.

24-34-1005. Protections for persons, religious organizations, and private associations. (1) Notwithstanding any law to the contrary, the state government shall not take any discriminatory action against a religious organization wholly or partially on the basis that such organization:

(a) Solemnizes or declines to solemnize any marriage, or provides or declines to provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, celebration, or recognition of any marriage, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in section 24-34-1004;

(b) Makes any employment-related decision, including but not limited to the decision whether or not to hire, terminate, or discipline an individual whose conduct or religious beliefs are
INCONSISTENT WITH THOSE OF THE RELIGIOUS ORGANIZATION, BASED
UPON OR IN A MANNER CONSISTENT WITH A SINCERELY HELD RELIGIOUS
BELIEF OR MORAL CONVICTION DESCRIBED IN SECTION 24-34-1004; OR

(c) MAKES ANY DECISION CONCERNING THE SALE, RENTAL,
OCCUPANCY OF, OR TERMS AND CONDITIONS OF OCCUPYING A DWELLING
OR OTHER HOUSING UNDER ITS CONTROL BASED UPON OR IN A MANNER
CONSISTENT WITH A SINCERELY HELD RELIGIOUS BELIEF OR MORAL
CONVICTION DESCRIBED IN SECTION 24-34-1004.

(2) THE STATE GOVERNMENT SHALL NOT TAKE ANY
DISCRIMINATORY ACTION AGAINST A RELIGIOUS ORGANIZATION THAT
ADVERTISES, PROVIDES, OR FACILITATES ADOPTION OR FOSTER CARE,
WHOLLY OR PARTIALLY ON THE BASIS THAT SUCH ORGANIZATION HAS
PROVIDED OR DECLINED TO PROVIDE ANY ADOPTION OR FOSTER CARE
SERVICE, OR RELATED SERVICE, BASED UPON OR IN A MANNER CONSISTENT
WITH A SINCERELY HELD RELIGIOUS BELIEF OR MORAL CONVICTION
DESCRIBED IN SECTION 24-34-1004.

(3) THE STATE GOVERNMENT SHALL NOT TAKE ANY
DISCRIMINATORY ACTION AGAINST A PERSON WHO THE STATE GRANTS
CUSTODY OF A FOSTER OR ADOPTIVE CHILD, OR WHO SEeks FROM THE
STATE CUSTODY OF A FOSTER OR ADOPTIVE CHILD, WHOLLY OR PARTIALLY
ON THE BASIS THAT THE PERSON GUIDES, INSTRUCTS, OR RAISES A CHILD,
OR INTENDS TO GUIDE, INSTRUCT, OR RAISE A CHILD, BASED UPON OR IN A
MANNER CONSISTENT WITH A SINCERELY HELD RELIGIOUS BELIEF OR
MORAL CONVICTION DESCRIBED IN SECTION 24-34-1004.

(4) THE STATE GOVERNMENT SHALL NOT TAKE ANY
DISCRIMINATORY ACTION AGAINST A PERSON WHOLLY OR PARTIALLY ON
THE BASIS THAT THE PERSON DECLINES TO PARTICIPATE IN THE PROVISION
OF TREATMENTS, COUNSELING, OR SURGERIES RELATED TO SEX REASSIGNMENT OR GENDER IDENTITY TRANSITIONING OR DECLINES TO PARTICIPATE IN THE PROVISION OF PSYCHOLOGICAL, COUNSELING, OR FERTILITY SERVICES BASED UPON A SINCERELY HELD RELIGIOUS BELIEF OR MORAL CONVICTION DESCRIBED IN SECTION 24-34-1004. THIS SUBSECTION (4) MAY NOT BE CONSTRUED TO ALLOW ANY PERSON TO DENY VISITATION, RECOGNITION OF A DESIGNATED REPRESENTATIVE FOR HEALTH CARE DECISION-MAKING, OR EMERGENCY MEDICAL TREATMENT NECESSARY TO CURE AN ILLNESS OR INJURY AS REQUIRED BY LAW.

(5) THE STATE GOVERNMENT SHALL NOT TAKE ANY DISCRIMINATORY ACTION AGAINST A PERSON WHOLLY OR PARTIALLY ON THE BASIS THAT THE PERSON HAS PROVIDED OR DECLINED TO PROVIDE THE FOLLOWING SERVICES, ACCOMMODATIONS, FACILITIES, GOODS, OR PRIVILEGES FOR A PURPOSE RELATED TO THE SOLEMNIZATION, FORMATION, CELEBRATION, OR RECOGNITION OF ANY MARRIAGE, BASED UPON OR IN A MANNER CONSISTENT WITH A SINCERELY HELD RELIGIOUS BELIEF OR MORAL CONVICTION DESCRIBED IN SECTION 24-34-1004:

(a) PHOTOGRAPHY, POETRY, VIDEOGRAPHY, DISC-JOCKEY SERVICES, WEDDING PLANNING, PRINTING, PUBLISHING, COUNSELING, OR SIMILAR MARRIAGE-RELATED GOODS OR SERVICES; OR

(b) FLORAL ARRANGEMENTS, DRESS MAKING, CAKE OR PASTRY ARTISTRY, ASSEMBLY-HALL OR OTHER WEDDING-VENUE RENTALS, LIMOUSINE OR OTHER CAR-SERVICE RENTALS, JEWELRY SALES AND SERVICES, OR SIMILAR MARRIAGE-RELATED SERVICES, ACCOMMODATIONS, FACILITIES, OR GOODS.

(6) THE STATE GOVERNMENT SHALL NOT TAKE ANY DISCRIMINATORY ACTION AGAINST A PERSON WHOLLY OR PARTIALLY ON
THE BASIS THAT THE PERSON ESTABLISHES SEX-SPECIFIC STANDARDS OR
POLICIES CONCERNING EMPLOYEE OR STUDENT DRESS OR GROOMING, OR
CONCERNING ACCESS TO RESTROOMS, SPAS, BATHS, SHOWERS, DRESSING
ROOMS, LOCKER ROOMS, OR OTHER INTIMATE FACILITIES OR SETTINGS,
BASED UPON OR IN A MANNER CONSISTENT WITH A SINCERELY HELD
RELIGIOUS BELIEF OR MORAL CONVICTION DESCRIBED IN SECTION
24-34-1004.

(7) THE STATE GOVERNMENT SHALL NOT TAKE ANY
DISCRIMINATORY ACTION AGAINST A STATE EMPLOYEE WHOLLY OR
PARTIALLY ON THE BASIS THAT SUCH EMPLOYEE LAWFULLY SPEAKS OR
ENGAGES IN EXPRESSIVE CONDUCT BASED UPON OR IN A MANNER
CONSISTENT WITH A SINCERELY HELD RELIGIOUS BELIEF OR MORAL
CONVICTION DESCRIBED IN SECTION 24-34-1004, SO LONG AS:

(a) IF THE EMPLOYEE'S SPEECH OR EXPRESSIVE CONDUCT OCCURS
IN THE WORKPLACE, THAT SPEECH OR EXPRESSIVE CONDUCT IS
CONSISTENT WITH THE TIME, PLACE, MANNER, AND FREQUENCY OF ANY
OTHER EXPRESSION OF A RELIGIOUS, POLITICAL, OR MORAL BELIEF OR
CONVICTION ALLOWED; OR

(b) IF THE EMPLOYEE'S SPEECH OR EXPRESSIVE CONDUCT OCCURS
OUTSIDE THE WORKPLACE, THAT SPEECH OR EXPRESSIVE CONDUCT IS IN
THE EMPLOYEE'S PERSONAL CAPACITY AND OUTSIDE THE COURSE OF
PERFORMING WORK DUTIES.

(8) (a) ANY PERSON EMPLOYED BY OR ACTING ON BEHALF OF THE
STATE GOVERNMENT WHO HAS AUTHORITY TO AUTHORIZE OR LICENSE
MARRIAGES, INCLUDING BUT NOT LIMITED TO COUNTY CLERKS OR THEIR
DEPUTIES, MAY SEEK RECUSAL FROM AUTHORIZING OR LICENSING LAWFUL
MARRIAGES BASED UPON OR IN A MANNER CONSISTENT WITH A SINCERELY
HELD RELIGIOUS BELIEF OR MORAL CONVICTION DESCRIBED IN SECTION 24-34-1004. ANY PERSON MAKING SUCH RECUSAL SHALL PROVIDE PRIOR WRITTEN NOTICE TO THE SECRETARY OF STATE, AND THE STATE GOVERNMENT SHALL NOT TAKE ANY DISCRIMINATORY ACTION AGAINST THAT PERSON WHOLLY OR PARTIALLY ON THE BASIS OF SUCH RECUSAL. THE SECRETARY OF STATE SHALL TAKE ALL NECESSARY STEPS TO ENSURE THAT THE AUTHORIZATION AND LICENSING OF ANY LEGALLY VALID MARRIAGE IS NOT IMPEDED OR DELAYED AS A RESULT OF ANY RECUSAL.

(b) ANY PERSON EMPLOYED OR ACTING ON BEHALF OF THE STATE GOVERNMENT WHO HAS AUTHORITY TO PERFORM OR SOLEMNIZE MARRIAGES, INCLUDING BUT NOT LIMITED TO JUDGES, MAGISTRATES, JUSTICES OF THE PEACE, OR THEIR DEPUTIES, MAY SEEK RECUSAL FROM PERFORMING OR SOLEMNIZING LAWFUL MARRIAGES BASED UPON OR IN A MANNER CONSISTENT WITH A SINCERELY HELD RELIGIOUS BELIEF OR MORAL CONVICTION DESCRIBED IN SECTION 24-34-1004. ANY PERSON MAKING SUCH RECUSAL SHALL PROVIDE PRIOR WRITTEN NOTICE TO THE SECRETARY OF STATE, AND THE STATE GOVERNMENT SHALL NOT TAKE ANY DISCRIMINATORY ACTION AGAINST THAT PERSON WHOLLY OR PARTIALLY ON THE BASIS OF SUCH RECUSAL. THE SECRETARY OF STATE SHALL TAKE ALL NECESSARY STEPS TO ENSURE THAT THE PERFORMANCE OR SOLEMNIZATION OF ANY LEGALLY VALID MARRIAGE IS NOT IMPEDED OR DELAYED AS A RESULT OF ANY RECUSAL.

(9) THE STATE GOVERNMENT SHALL CONSIDER ACCREDITED, LICENSED, OR CERTIFIED ANY PERSON THAT WOULD OTHERWISE BE ACCREDITED, LICENSED, OR CERTIFIED, RESPECTIVELY, FOR ANY PURPOSES UNDER STATE LAW BUT FOR A DETERMINATION AGAINST SUCH PERSON WHOLLY OR PARTIALLY ON THE BASIS THAT THE PERSON BELIEVES,
SPEAKS, OR ACTS IN ACCORDANCE WITH A SINCERELY HELD RELIGIOUS
BELIEF OR MORAL CONVICTION DESCRIBED IN SECTION 24-34-1004.

24-34-1006. Claim or defense against state action. (1) Cause
of action and defense. A person may assert a violation of this part
10 as a claim against the state government in any judicial or
administrative proceeding or as a defense in any judicial or
administrative proceeding without regard to whether the
proceeding is brought by or in the name of the state government,
any private person, or any other party.

(2) Administrative remedies not required. Notwithstanding
any other provision of law to the contrary, an action under
part 10 may be commenced, and relief may be granted, in a court
of the state without regard to whether the person commencing
the action has sought or exhausted available administrative
remedies.

24-34-1007. Remedies. (1) (a) Except as provided in
subsection (1)(b) of this section, any person who successfully
asserts a claim or defense under this part 10 may recover:

(I) Declaratory relief;

(II) Injunctive relief to prevent or remedy a violation of
this part 10 or the effects of such a violation;

(III) Compensatory damages for pecuniary and
nonpecuniary losses;

(IV) Reasonable attorneys' fees and costs; and

(V) Any other appropriate relief.

(b) Only declaratory relief and injunctive relief shall be
available against a private person not acting under color of
STATE LAW UPON A SUCCESSFUL ASSERTION OF A DEFENSE UNDER THIS PART 10.

**24-34-1008. Immunity waived.** (1) NOTWITHSTANDING ANY LAW TO THE CONTRARY, SOVEREIGN, GOVERNMENTAL, AND QUALIFIED IMMUNITIES TO SUIT AND FROM LIABILITY ARE WAIVED AND ABOLISHED TO THE EXTENT OF LIABILITY CREATED BY THIS PART 10, AND A PERSON MAY SUE THE STATE GOVERNMENT, EXCEPT STATE COURTS, FOR DAMAGES ALLOWED BY THIS PART 10.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THIS PART 10 DOES NOT WAIVE OR ABOLISH SOVEREIGN IMMUNITY TO SUIT AND FROM LIABILITY UNDER THE ELEVENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

**24-34-1009. Two-year limitation period.** A PERSON MUST BRING AN ACTION TO ASSERT A CLAIM UNDER THIS PART 10 NOT LATER THAN TWO YEARS AFTER THE DATE THAT THE PERSON KNEW OR SHOULD HAVE KNOWN THAT A DISCRIMINATORY ACTION WAS TAKEN AGAINST THAT PERSON.

**24-34-1010. Rules of construction.** (1) Broad construction. THIS PART 10 MUST BE CONSTRUED IN FAVOR OF A BROAD PROTECTION OF FREE EXERCISE OF RELIGIOUS BELIEFS AND MORAL CONVictions, TO THE MAXIMUM EXTENT PERMITTED BY THE STATE AND FEDERAL CONSTITUTIONS.

(2) No preemption, repeal, or narrow construction. THE PROTECTION OF FREE EXERCISE OF RELIGIOUS BELIEFS AND MORAL CONVictions AFFORDED BY THIS PART 10 ARE IN ADDITION TO THE PROTECTIONS PROVIDED UNDER FEDERAL LAW, STATE LAW, AND THE STATE AND FEDERAL CONSTITUTIONS. NOTHING IN THIS PART 10 MAY BE
CONSTRUED TO PREEMPT OR REPEAL ANY STATE OR LOCAL LAW THAT IS
EQUALLY OR MORE PROTECTIVE OF FREE EXERCISE OF RELIGIOUS BELIEFS
OR MORAL CONVICTIONS. NOTHING IN THIS PART 10 MAY BE CONSTRUED
TO NARROW THE MEANING OR APPLICATION OF ANY STATE OR LOCAL LAW
PROTECTING FREE EXERCISE OF RELIGIOUS BELIEFS OR MORAL
CONVICTIONS. NOTHING IN THIS PART 10 MAY BE CONSTRUED TO PREVENT
THE STATE GOVERNMENT FROM PROVIDING, EITHER DIRECTLY OR
THROUGH AN INDIVIDUAL OR ENTITY NOT SEEKING PROTECTION UNDER
THIS PART 10, ANY BENEFIT OR SERVICE AUTHORIZED UNDER STATE LAW.

(3) Supersede other state law. This part 10 applies to, and in
cases of conflict supersedes, each statute of the state that
impinges upon the free exercise of religious beliefs and moral
convictions protected by this part 10, unless a conflicting
statute is expressly made exempt from the application of this
part 10. This part 10 also applies to, and in cases of conflict
supersedes, any ordinance, rule, regulation, order, opinion,
decision, practice, or other exercise of the state government's
authority that impinges upon the free exercise of religious
beliefs and moral convictions protected by this part 10.

(4) Severability. If any provision of this part 10 or any
application of such provision to any particular person or
circumstance is held to be invalid under law, the remainder of
this part 10 and the application of its provisions to any other
person or circumstance is not affected.

SECTION 2. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.