Resolution 2015-253

Resolution Repealing Resolution 2015-169: Indiana Travel Ban for MPRB Employees

Whereas, On March 26, 2015, Indiana passed the Religious Freedom Restoration Act (RFRA) which prohibits a governmental entity from substantially burdening a person's exercise of religion unless the governmental entity can demonstrate that the burden: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering the compelling governmental interest;

Whereas, Following the passing of the bill, controversy ensued as opponents argued that the new law effectively allowed private entities to discriminate based on sexual orientation and as long as the entity was doing so pursuant to its religious beliefs;

Whereas, In response to the RFRA, many cities and states banned local and state funded travel to Indiana;

Whereas, On April 1, 2015 the Minneapolis Park and Recreation Board of Commissioners passed Resolution 215-169 banning MPRB employees from travel and all associated costs to the State of Indiana after May 1, 2015 unless the Indiana RFRA is repealed;

Whereas, The Indiana State Legislature passed and Indiana Governor Mark Pence signed an amendment to the new statute, April 2, 2015, adding a new Section 0.7, which states that the statute does not: (1) authorize a provider to refuse to offer or provide services, facilities, use of public accommodations, goods, employment, or housing to any member of the general public on the basis of race, color, religion, ancestry, age, national origin, disability, sex, sexual orientation, gender identity, or United States military service; (2) establish a defense to a civil action or criminal prosecution for refusal to provide such services; or (3) negate any rights available under the constitution of the State of Indiana; and

Whereas, The MPRB legal counsel reviewed the April 2, 2015 amendment to the new Indiana statute and determined that it explicitly precludes businesses and individuals from relying on the RFRA as a basis for refusing sale, services, or accommodations based on sexual orientation or gender identity thereby negating the need for the MPRB travel ban to Indiana;

RESOLVED, That the Board of Commissioners repeal Resolution 2015-169 effective immediately; and

RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary administrative actions to implement this resolution.

TO: Minneapolis Park and Recreation Board

FROM: Jayne Miller, Superintendent

DATE: July 15, 2015

SUBJECT: Resolution Repealing Resolution 2015-169: Indiana Travel Ban for MPRB Employees

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Prepared By: Jayne Miller, Superintendent, Superintendent's Office
Review:
Jayne Miller Completed 07/07/2015 4:02 PM
Minneapolis Park and Recreation Board Pending 07/15/2015 5:00 PM