

File No. 150337

Committee Item No. _____

Board Item No. 29

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date April 7, 2015

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|--------------------------|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Indiana State Senate Bill 101</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Joy Lamug
Completed by: _____

Date April 2, 2015
Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Denouncing Indiana State Senate Bill 101 (Kruse, Schneider, and Steele) - Discrimination
2 Against Lesbian, Gay, Bisexual, and Transgender Community]

3 **Resolution denouncing Indiana State Senate Bill 101, co-authored by Senators Kruse,**
4 **Schneider, and Steele, a law that permits discrimination against the lesbian, gay,**
5 **bisexual, and transgender community under the guise of religious freedom.**

6
7 WHEREAS, On March 26, 2015, Indiana Governor Mike Pence signed Indiana State
8 Senate Bill (SB) 101 into law, allowing individuals and businesses the right to refuse services
9 to lesbian, gay, bisexual and transgender (LGBT) individuals under the guise of religious
10 freedom; and

11 WHEREAS, SB 101 actively abets discrimination by codifying the right to refuse
12 service if an individual or business believes doing so would violate the practice and
13 observance of his or her religion; and

14 WHEREAS, The Board of Supervisors respects the freedom of religion, but this
15 freedom cannot be used as an excuse for individuals to discriminate against people based on
16 sexual orientation or gender identity, as inferior or less deserving of services and
17 accommodations than others; and

18 WHEREAS, SB 101 is dangerous because it allows individuals the unfettered ability to
19 act upon personal animus against LGBT people, as long as they claim offense to their
20 religious beliefs; and

21 WHEREAS, SB 101 singles out the LGBT community for negative treatment and
22 removal of legal protections, a practice found unconstitutional by the U.S. Supreme Court; and

23 WHEREAS, The signing of SB 101 into law sends a clear message that Indiana is an
24 intolerant and unwelcoming place for LGBT persons; and

1 WHEREAS, The State of Indiana does not have a state law specifically protecting the
2 LGBT community from discrimination; and

3 WHEREAS, Civil rights leaders, elected officials, businesses, the tourism industry and
4 individuals across the country are repudiating SB 101 as immoral, bad public policy, and
5 economically detrimental; and

6 WHEREAS, Mayor Ed Lee has directed all City Departments under his authority to bar
7 any publicly-funded City employee travel to the State of Indiana that is not essential to public
8 health and safety; and

9 WHEREAS, Salesforce CEO Marc Benioff announced that his company is cancelling
10 all required travel to Indiana by Salesforce employees to avoid facing potential discrimination
11 while in state; and

12 WHEREAS, Angie's List has put on hold an \$18,500,000 incentive package from
13 Indianapolis' City-County Council to add 1,000 jobs over five years, until it fully understands
14 the implications of SB 101 on its employees; and

15 WHEREAS, NCAA President Mark Emmert released a statement expressing concern
16 for how SB 101 could affect student-athletes and employees, and that the NCAA intends to
17 examine the implications of this bill and how it might affect future events and their workforce;
18 and

19 WHEREAS, Apple CEO Tim Cook authored an op-ed in The Washington Post, stating
20 that SB 101 would not only rationalize injustice, but also hurt job growth and the economic
21 vitality of the State of Indiana; now, therefore, be it

22 RESOLVED, That the San Francisco Board of Supervisors condemns SB 101 as
23 discriminatory toward the LGBT community; and, be it

24 RESOLVED, That the San Francisco Board of Supervisors calls on City Departments
5 1) to the extent practicable, and in instances where there is no significant additional cost to

1 the City nor conflict with the law, to refrain from entering into any new or amended contracts to
2 purchase goods or services from any company that is headquartered in Indiana, and 2) to
3 review existing contracts for the purchase of goods and services with companies
4 headquartered in Indiana and explore opportunities to discontinue those contracts consistent
5 with the terms of those contracts and principles of fiscal responsibility; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors encourages private San
7 Francisco-based businesses to refrain from doing business with the State of Indiana or
8 holding or participating in any conventions or conferences in Indiana, and also urges San
9 Francisco private citizens to avoid engaging in tourism in the State of Indiana; and, be it

10 FURTHER RESOLVED, That that the San Francisco Board of Supervisors hereby
11 directs the Clerk of the Board to send a copy of this Resolution to Indiana Governor Mike
12 Pence.

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in **this style type**.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE ENROLLED ACT No. 101

AN ACT to amend the Indiana Code concerning civil procedure.

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

SECTION 1. IC 34-13-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 9. Religious Freedom Restoration

Sec. 1. This chapter applies to all governmental entity statutes, ordinances, resolutions, executive or administrative orders, regulations, customs, and usages, including the implementation or application thereof, regardless of whether they were enacted, adopted, or initiated before, on, or after July 1, 2015.

Sec. 2. A governmental entity statute, ordinance, resolution, executive or administrative order, regulation, custom, or usage may not be construed to be exempt from the application of this chapter unless a state statute expressly exempts the statute, ordinance, resolution, executive or administrative order, regulation, custom, or usage from the application of this chapter by citation to this chapter.

Sec. 3. (a) The following definitions apply throughout this section:

- (1) "Establishment Clause" refers to the part of the First Amendment of the Constitution of the United States or the Constitution of the State of Indiana prohibiting laws

SEA 101 — Concur



respecting the establishment of religion.

(2) "Granting", used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

(b) This chapter may not be construed to affect, interpret, or in any way address the Establishment Clause.

(c) Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, does not constitute a violation of this chapter.

Sec. 4. As used in this chapter, "demonstrates" means meets the burdens of going forward with the evidence and of persuasion.

Sec. 5. As used in this chapter, "exercise of religion" includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.

Sec. 6. As used in this chapter, "governmental entity" includes the whole or any part of a branch, department, agency, instrumentality, official, or other individual or entity acting under color of law of any of the following:

- (1) State government.
- (2) A political subdivision (as defined in IC 36-1-2-13).
- (3) An instrumentality of a governmental entity described in subdivision (1) or (2), including a state educational institution, a body politic, a body corporate and politic, or any other similar entity established by law.

Sec. 7. As used in this chapter, "person" includes the following:

- (1) An individual.
- (2) An organization, a religious society, a church, a body of communicants, or a group organized and operated primarily for religious purposes.
- (3) A partnership, a limited liability company, a corporation, a company, a firm, a society, a joint-stock company, an unincorporated association, or another entity that:
 - (A) may sue and be sued; and
 - (B) exercises practices that are compelled or limited by a system of religious belief held by:
 - (i) an individual; or
 - (ii) the individuals;

who have control and substantial ownership of the entity, regardless of whether the entity is organized and operated for profit or nonprofit purposes.

Sec. 8. (a) Except as provided in subsection (b), a governmental entity may not substantially burden a person's exercise of religion,



even if the burden results from a rule of general applicability.

(b) A governmental entity may substantially burden a person's exercise of religion only if the governmental entity demonstrates that application of the burden to the person:

- (1) is in furtherance of a compelling governmental interest; and
- (2) is the least restrictive means of furthering that compelling governmental interest.

Sec. 9. A person whose exercise of religion has been substantially burdened, or is likely to be substantially burdened, by a violation of this chapter may assert the violation or impending violation as a claim or defense in a judicial or administrative proceeding, regardless of whether the state or any other governmental entity is a party to the proceeding. If the relevant governmental entity is not a party to the proceeding, the governmental entity has an unconditional right to intervene in order to respond to the person's invocation of this chapter.

Sec. 10. (a) If a court or other tribunal in which a violation of this chapter is asserted in conformity with section 9 of this chapter determines that:

- (1) the person's exercise of religion has been substantially burdened, or is likely to be substantially burdened; and
- (2) the governmental entity imposing the burden has not demonstrated that application of the burden to the person:
 - (A) is in furtherance of a compelling governmental interest; and
 - (B) is the least restrictive means of furthering that compelling governmental interest;

the court or other tribunal shall allow a defense against any party and shall grant appropriate relief against the governmental entity.

(b) Relief against the governmental entity may include any of the following:

- (1) Declaratory relief or an injunction or mandate that prevents, restrains, corrects, or abates the violation of this chapter.
- (2) Compensatory damages.

(c) In the appropriate case, the court or other tribunal also may award all or part of the costs of litigation, including reasonable attorney's fees, to a person that prevails against the governmental entity under this chapter.

Sec. 11. This chapter is not intended to, and shall not be construed or interpreted to, create a claim or private cause of



action against any private employer by any applicant, employee, or former employee.

SEA 101 — Concur



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 101 — Concur



Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Colon, Farrell,

Supervisors Wiener, Campos, Avalos, Kim, Christensen Tang, Breed, Mar

Subject:

Resolution Denouncing Indiana State Senate Bill 101

The text is listed below or attached:

Resolution Denouncing Indiana State Senate Bill (SB) 101, a law that permits discrimination against the lesbian, gay, bisexual and transgender community under the guise of religious freedom.

Signature of Sponsoring Supervisor:

Scott Wiener

For Clerk's Use Only: