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MINNESOTA  
FAMILY COUNCIL

March 7, 2023

Members of the Judiciary Finance and Civil Law Committee  
House of Representatives  
State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155

Re: HF 1655

Dear Committee Members,

As organizations representing and working with many families across the state, we have deep concerns about the practical and policy implications of HF 1655. As proposed, this bill is a significant encroachment on the fundamental liberties of Minnesotans who choose to live consistent with their personal moral values and religious beliefs. Under the guise of human rights, this legislation would shrink the scope of current exemptions under the law, effectively banning disagreement over the government's perception of sexual orthodoxy, finding those who reasonably object to government ideology in violation of the law. To be clear, this legislation is not about equality. To the contrary, this bill strikes at the delicate balance and preservation afforded to individuals in a free-thinking society, chipping away the most basic fundamental rights guaranteed by the U.S. Constitution and the Minnesota State Constitution. Rather than protect fundamental liberties, this bill creates a slippery slope to continue repealing the law's existing protections for people of conscience.

In addition to policy concerns relating to fundamental rights, Minnesotans will also suffer from the practical implications of this bill. The broad scope of this bill 1) infringes on the use and occupation of a resident owner's small housing; and 2) removes the statutory exemption allowing various types of nonpublic youth organizations to operate consistent with their mission and values both in employment practices and volunteer staffing.

As to resident owners of small housing, this bill significantly restricts the use of one's own property by removing an entire provision in current statute. Under the guise of anti-discrimination, in some instances a homeowner could be prohibited from living in accordance with her religious beliefs in her own dwelling. Long-term implications of this bill are likely, such as some resident owners

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feeling coerced to violate their moral and religious consciences, while others, in response to the law, may withdraw from the market entirely, thereby shrinking the stock of available housing and raising prices. To be sure, this bill is a bold invasion of a cherished freedom—one’s supremacy over their home (“a man’s home is his castle”)—a freedom that is acknowledged, accepted, and protected in the Minnesota Human Rights Act. That this bill seeks to impose such drastic regulations over resident homeowners, quite literally, desiring to live consistent with the dictates of their conscience should concern all Minnesotans.

Even more troubling is HF 1655’s complete elimination of the exemption provision for employees and volunteers of nonpublic service organizations, effectively preventing these organizations from hiring based on sex distinctions. The categorical denial of rights to these organizations is astounding. Undoubtedly, eliminating the exemption provision will significantly impact these organizations, such as: 1) coercing some organizations to violate their moral consciences undermining the entire mission and purpose of some organizations; and 2) violating the constitutionally protected right of expressive association recognized in *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).

Many children benefit from various opportunities provided through the types of nonpublic service organizations this bill seeks to abolish, where mentorship based on sex distinctions is critical. For example, a boys’ club that seeks to provide father figure type mentors to boys would be prohibited from allowing male only mentors. Girls’ clubs would face the same prohibitions.

Furthermore, the proposed legislation is unnecessary and unfounded. Under current law, provisions in the Minnesota Human Rights Act sufficiently protect all individuals, affording even greater protections than many states across the country, specifically with respect to sexual orientation. Arguably, the proposed legislation is nothing more than an attempt to further erode current legal protections afforded to individuals in the human rights statute.

Overall, this bill is unnecessary, unconstitutional, impractical, and will cause more harm than it proposes to remedy.

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