

This Document can be made available in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2489

03/08/2016 Authored by Anderson, M.; Draskowski; Dettmer and Pugh  
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act  
1.2 relating to judiciary; prohibiting civil court judges from applying foreign law in  
1.3 certain cases; proposing coding for new law in Minnesota Statutes, chapter 546.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[546.45] APPLICATION OF FOREIGN LAW; PRESERVATION OF**  
1.6 **RIGHTS.**

1.7 Subdivision 1. **Definition.** (a) For the purposes of this section, the terms in  
1.8 paragraphs (b) to (d) have the meanings given them.

1.9 (b) "Foreign law, legal code, or system" means a law, legal code, or system of a  
1.10 jurisprudence outside of a state or territory of the United States, including international  
1.11 organizations and tribunals, and applied by that jurisdiction's courts, administrative  
1.12 bodies, or other formal or informal tribunals. Foreign law does not include laws of the  
1.13 Native American tribes in this state.

1.14 (c) "Court" means a court of this state that hears civil actions.

1.15 (d) "Religious organization" means a church, seminary, synagogue, temple, mosque,  
1.16 religious order, religious corporation, association, or society, whose identity is distinctive  
1.17 in terms of common religious creed, beliefs, doctrines, practices, or rituals, of any faith or  
1.18 denomination, including an organization qualifying as a church or religious organization  
1.19 under section 501(c)(3) or 501(d) of the United States Internal Revenue Code.

1.20 Subd. 2. **Application of foreign law prohibited.** (a) A court ruling or decision  
1.21 violates the public policy of this state and is void and unenforceable if the ruling or  
1.22 decision in the matter at issue in whole or in part is based on a law, legal code, or system of  
1.23 jurisprudence that would not grant the parties affected by the ruling or decision the same  
1.24 fundamental liberties, rights, and privileges granted under the United States Constitution

2.1 or Minnesota Constitution, including due process; freedom of religion, speech, or press;  
2.2 and any right of privacy or marriage as specifically defined by the Minnesota Constitution.

2.3 (b) A contract or severable contractual provision that provides for the choice of a  
2.4 law, legal code, or system of jurisprudence to govern some or all of the disputes arising  
2.5 from the contract mutually agreed upon violates the public policy of this state and is  
2.6 void and unenforceable if it includes or incorporates any substantive or procedural law,  
2.7 as applied to the dispute at issue, that would not grant the parties the same fundamental  
2.8 liberties, rights, and privileges granted under the United States Constitution or Minnesota  
2.9 Constitution, including due process; freedom of religion, speech, or press; and any right of  
2.10 privacy or marriage as specifically defined by the Minnesota Constitution.

2.11 Subd. 3. **Choice of jurisdiction.** (a) A contract or severable contractual provision  
2.12 that provides for a jurisdiction for purposes of granting the court personal jurisdiction over  
2.13 the parties to adjudicate disputes arising from the contract mutually agreed upon violates  
2.14 the public policy of this state and is void and unenforceable if the jurisdiction chosen  
2.15 includes any law, legal code, or system of jurisprudence, as applied to the dispute at issue,  
2.16 that would not grant the parties the same fundamental liberties, rights, and privileges  
2.17 granted under the United States Constitution or Minnesota Constitution, including due  
2.18 process; freedom of religion, speech, or press; and any right of privacy or marriage as  
2.19 specifically defined by the Minnesota Constitution.

2.20 (b) If a resident of this state, subject to personal jurisdiction in this state, seeks to  
2.21 maintain litigation in this state and if a court in this state finds that granting a claim of  
2.22 forum non conveniens or a related claim violates or would likely violate the fundamental  
2.23 liberties, rights, and privileges granted under the United States Constitution or Minnesota  
2.24 Constitution of the nonclaimant in the foreign forum with respect to the matter in dispute,  
2.25 it is the public policy of this state that the claim be denied.

2.26 Subd. 4. **Exception.** Without prejudice to any legal right, this section does not apply  
2.27 to a corporation, partnership, limited liability company, business association, or other  
2.28 legal entity that contracts to subject itself to foreign law in a jurisdiction other than this  
2.29 state or the United States.

2.30 Subd. 5. **Interpretation.** (a) A court must not interpret this section to limit the  
2.31 right of any person to the free exercise of religion as guaranteed by the First Amendment  
2.32 to the United States Constitution and by the Minnesota Constitution. A court must not  
2.33 interpret this section to require or authorize any court to adjudicate, or prohibit any  
2.34 religious organization from adjudicating, ecclesiastical matters, including the election,  
2.35 appointment, calling, discipline, dismissal, removal, or excommunication of a member,  
2.36 officer, official, priest, nun, monk, pastor, rabbi, imam, or other member of the clergy

3.1 of the religious organization, or the determination or interpretation of the doctrine of  
3.2 the religious organization, where adjudication by a court would violate the prohibition  
3.3 of the establishment clause of the First Amendment of the United States Constitution or  
3.4 violate the Minnesota Constitution.

3.5 (b) This section must not be interpreted by any court to conflict with any federal treaty  
3.6 or other international agreement to which the United States is a party to the extent that the  
3.7 treaty or international agreement preempts or is superior to state law on the matter at issue.