

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 1264**

(SENATE AUTHORS: BROWN and Hall)

DATE	D-PG	OFFICIAL STATUS
03/02/2015	500	Introduction and first reading Referred to Judiciary

1.1 A bill for an act  
 1.2 relating to constitutional rights; prohibiting application of foreign law in certain  
 1.3 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. **Findings.** (a) The legislature finds that it is the public policy of this  
 1.8 state to protect its citizens from the application of foreign laws when the application  
 1.9 of a foreign law will result in the violation of a right guaranteed by the United States  
 1.10 Constitution or Minnesota Constitution, including due process; freedom of religion,  
 1.11 speech, or press; and any right of privacy or marriage as specifically defined by the  
 1.12 Minnesota Constitution.

1.13 (b) The legislature fully recognizes the right to contract freely under the laws of this  
 1.14 state and also recognizes that this right may be reasonably and rationally circumscribed  
 1.15 pursuant to the state's interest to protect and promote rights and privileges granted under  
 1.16 the United States Constitution or Minnesota Constitution, including due process; freedom  
 1.17 of religion, speech, or press; and any right of privacy or marriage as specifically defined  
 1.18 by the Minnesota Constitution.

1.19 Subd. 2. **Definition.** (a) As used in this section, "foreign law, legal code, or system"  
 1.20 means a law, legal code, or system of a jurisprudence outside of a state or territory of the  
 1.21 United States, including international organizations and tribunals, and applied by that  
 1.22 jurisdiction's courts, administrative bodies, or other formal or informal tribunals. Foreign  
 1.23 law does not include laws of the Native American tribes in this state.

2.1 (b) As used in this section, "court" means a court, board, administrative agency, or  
2.2 other adjudicative or enforcement authority of this state.

2.3 (c) As used in this section, "religious organization" means a church, seminary,  
2.4 synagogue, temple, mosque, religious order, religious corporation, association, or society,  
2.5 whose identity is distinctive in terms of common religious creed, beliefs, doctrines,  
2.6 practices, or rituals, of any faith or denomination, including an organization qualifying as  
2.7 a church or religious organization under section 501(c)(3) or 501(d) of the United States  
2.8 Internal Revenue Code.

2.9 Subd. 3. **Application of foreign law prohibited.** (a) A court, arbitration, tribunal,  
2.10 or administrative agency ruling or decision violates the public policy of this state and is  
2.11 void and unenforceable if the ruling or decision in the matter at issue in whole or in part is  
2.12 based on a law, legal code, or system of jurisprudence that would not grant the parties  
2.13 affected by the ruling or decision the same fundamental liberties, rights, and privileges  
2.14 granted under the United States Constitution or Minnesota Constitution, including due  
2.15 process; freedom of religion, speech, or press; and any right of privacy or marriage as  
2.16 specifically defined by the Minnesota Constitution.

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

2.25 Subd. 4. **Choice of jurisdiction.** (a) A contract or severable contractual provision  
2.26 that provides for a jurisdiction for purposes of granting the courts or arbitration panels  
2.27 personal jurisdiction over the parties to adjudicate disputes arising from the contract  
2.28 mutually agreed upon violates the public policy of this state and is void and unenforceable  
2.29 if the jurisdiction chosen includes any law, legal code, or system of jurisprudence, as  
2.30 applied to the dispute at issue, that would not grant the parties the same fundamental  
2.31 liberties, rights, and privileges granted under the United States Constitution or Minnesota  
2.32 Constitution, including due process; freedom of religion, speech, or press; and any right of  
2.33 privacy or marriage as specifically defined by the Minnesota Constitution.

2.34 (b) If a resident of this state, subject to personal jurisdiction in this state, seeks to  
2.35 maintain litigation, arbitration, or similarly binding proceedings in this state and if a  
2.36 court in this state finds that granting a claim of forum non conveniens or a related claim

3.1 violates or would likely violate the fundamental liberties, rights, and privileges granted  
3.2 under the United States Constitution or Minnesota Constitution of the nonclaimant in the  
3.3 foreign forum with respect to the matter in dispute, it is the public policy of this state  
3.4 that the claim be denied.

3.5 Subd. 5. **Exception.** Without prejudice to any legal right, this section does not apply  
3.6 to a corporation, partnership, limited liability company, business association, or other  
3.7 legal entity that contracts to subject itself to foreign law in a jurisdiction other than this  
3.8 state or the United States.

3.9 Subd. 6. **Interpretation.** (a) A court or arbitrator must not interpret this section  
3.10 to limit the right of any person to the free exercise of religion as guaranteed by the First  
3.11 Amendment to the United States Constitution and by the Minnesota Constitution. A court  
3.12 must not interpret this section to require or authorize any court to adjudicate, or prohibit  
3.13 any religious organization from adjudicating, ecclesiastical matters, including the election,  
3.14 appointment, calling, discipline, dismissal, removal, or excommunication of a member,  
3.15 officer, official, priest, nun, monk, pastor, rabbi, imam, or other member of the clergy  
3.16 of the religious organization, or the determination or interpretation of the doctrine of  
3.17 the religious organization, where adjudication by a court would violate the prohibition  
3.18 of the establishment clause of the First Amendment of the United States Constitution or  
3.19 violate the Minnesota Constitution.

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