

2.1 (c) "Foreign law, legal code, or system" means a law, legal code, or system of a
2.2 jurisdiction outside of a state or territory of the United States, including but not limited
2.3 to international organizations and tribunals, and applied by that jurisdiction's courts,
2.4 administrative bodies, or other formal or informal tribunals. The term does not mean, nor
2.5 does it include, any laws of the Native American tribes in this state.

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

2.11 **Sec. 3. [1.012] VOID RULINGS.**

2.12 A court, arbitration, tribunal, or administrative agency ruling or decision violates the
2.13 public policy of this state and is void and unenforceable if the court, arbitration, tribunal,
2.14 or administrative agency bases its rulings or decisions in the matter at issue in whole or
2.15 in part on a law, legal code, or system that would not grant the parties affected by the
2.16 ruling or decision the same fundamental liberties, rights, and privileges granted under the
2.17 Minnesota Constitution and the United States Constitution, including but not limited to
2.18 due 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 **Sec. 4. [1.013] VOID CONTRACTS.**

2.21 A contract or contractual provision, if capable of segregation, that provides for the
2.22 choice of a law, legal code, or system to govern some or all of the disputes between the
2.23 parties adjudicated by a court of law or by an arbitration panel arising from the contract
2.24 mutually agreed upon violates the public policy of this state and is void and unenforceable
2.25 if the law, legal code, or system chosen includes or incorporates a substantive or
2.26 procedural law, as applied to the dispute at issue, that would not grant the parties the same
2.27 fundamental liberties, rights, and privileges granted under the Minnesota Constitution
2.28 and the United States Constitution, including but not limited to due process, freedom of
2.29 religion, speech, or press, and any right of privacy or marriage as specifically defined
2.30 by the Minnesota Constitution.

2.31 **Sec. 5. [1.014] VOID JURISDICTIONAL AUTHORITY AND CLAIMS.**

2.32 (a) A contract or contractual provision, if capable of segregation, that provides
2.33 for a jurisdiction for purposes of granting the courts or arbitration panels in personam

3.1 jurisdiction over the parties to adjudicate any disputes between parties arising from the
3.2 contract mutually agreed upon violates the public policy of this state and is void and
3.3 unenforceable if the jurisdiction chosen includes a law, legal code, or system, as applied
3.4 to the dispute at issue, that would not grant the parties the same fundamental liberties,
3.5 rights, and privileges granted under the Minnesota Constitution and the United States
3.6 Constitution, including but not limited to due process, freedom of religion, speech, or
3.7 press, and any right of privacy or marriage as specifically defined by the Minnesota
3.8 Constitution.

3.9 (b) If a resident of this state, subject to personal jurisdiction in this state, seeks to
3.10 maintain litigation, arbitration, or agency or similarly binding proceedings in this state and
3.11 if the courts of this state find that granting a claim of forum non conveniens or a related
3.12 claim violates or would likely violate the fundamental liberties, rights, and privileges
3.13 granted under the Minnesota Constitution and the United States Constitution of the
3.14 nonclaimant in the foreign forum with respect to the matter in dispute, then it is the public
3.15 policy of this state that the claim must be denied.

3.16 Sec. 6. **[1.015] APPLICATION.**

3.17 Without prejudice to any legal right, sections 1.011 to 1.016 do not apply to a
3.18 corporation, partnership, limited liability company, business association, or other legal
3.19 entity that contracts to subject itself to foreign law in a jurisdiction other than this state or
3.20 the United States.

3.21 Sec. 7. **[1.016] INTERPRETATION.**

3.22 (a) No court or arbitrator shall interpret sections 1.011 to 1.016 to limit the right of
3.23 a person to the free exercise of religion as guaranteed by the First Amendment to the
3.24 United States Constitution and by the Minnesota Constitution. No court shall interpret
3.25 sections 1.011 to 1.016 to require or authorize a court to adjudicate, or prohibit a religious
3.26 organization from adjudicating, ecclesiastical matters, including but not limited to the
3.27 election, appointment, calling, discipline, dismissal, removal, or excommunication of a
3.28 member, officer, official, priest, nun, monk, pastor, rabbi, imam, or member of the clergy,
3.29 of the religious organization, or determination or interpretation of the doctrine of the
3.30 religious organization, where adjudication by a court would violate the prohibition of the
3.31 establishment clause of the First Amendment of the United States Constitution, or violate
3.32 the Minnesota Constitution.

3.33 (b) Sections 1.011 to 1.016 shall not be interpreted by a court to conflict with a
3.34 federal treaty or other international agreement to which the United States is a party to the

S.F. No. 2281, as introduced - 87th Legislative Session (2011-2012) [12-5089]

- 4.1 extent that the treaty or international agreement preempts or is superior to state law on
- 4.2 the matter at issue.