

HOUSE BILL NO. 1425

Introduced by

Representatives K. Koppelman, Brabandt, Carlson, Jones, Karls, Maragos, Olson

Senators Burckhard, Clemens, Luick

1 A BILL for an Act to protect the rights and privileges granted under the United States
2 Constitution.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.**

5 **Protection from foreign laws.**

6 The legislative assembly finds that it is the public policy of this state to protect its citizens
7 from the application of foreign laws when the application of a foreign law will result in the
8 violation of one of the following fundamental rights guaranteed by the Constitution of North
9 Dakota or the United States Constitution: due process, equal protection, freedom of religion,
10 speech, or press, the right to keep and bear arms, and any right of privacy or marriage as
11 specifically defined by the Constitution of North Dakota.

12 1. As used in this section:

13 a. "Foreign law, legal code, or system" means any law, legal code, or system of a
14 jurisdiction outside any state or territory of the United States, including
15 international organizations and tribunals applied by that jurisdiction's courts,
16 administrative bodies, or other formal or informal tribunals. For the purposes of
17 this act, foreign law does not mean any laws of the native American tribes in this
18 state.

19 b. "Court" means any court, board, administrative agency, or other adjudicative or
20 enforcement authority of this state.

21 c. "Religious organization" means any church, seminary, synagogue, temple,
22 mosque, religious order, religious corporation, association, or society, which
23 identity is distinctive in terms of common religious creed, beliefs, doctrines,
24 practices, or rituals, of any faith or denomination, including any organization

1 qualifying as a church or religious organization under section 501(c)(3) or 501(d)
2 of the United States Internal Revenue Code.

3 2. Any court, arbitration, tribunal, or administrative agency ruling or decision violates the
4 public policy of the state and is void and unenforceable if the court, arbitration,
5 tribunal, or administrative agency bases its rulings or decisions in the matter at issue
6 on any law, legal code, or system that would not grant the parties affected by the ruling
7 or decision one or more of the following fundamental liberties, rights, and privileges
8 granted under the United States Constitution or the Constitution of North Dakota: due
9 process, equal protection, freedom of religion, speech, or press, the right to keep and
10 bear arms, and any right of privacy or marriage as specifically defined by the
11 Constitution of North Dakota.

12 3. A contract or contractual provision that provides for the choice of a law, legal code, or
13 system to govern some or all of the disputes between the parties adjudicated by a
14 court of law or by an arbitration panel arising from the contract mutually agreed upon
15 violates the public policy of this state and is void and unenforceable if the law, legal
16 code, or system chosen includes or incorporates any substantive or procedural law, as
17 applied to the dispute at issue, which would not grant the parties one or more of the
18 following fundamental liberties, rights, and privileges granted under the United States
19 Constitution or the Constitution of North Dakota: due process, equal protection,
20 freedom of religion, speech, or press, the right to keep and bear arms, and any right of
21 privacy or marriage as specifically defined by the Constitution of North Dakota.

22 4. If a resident of this state, subject to personal jurisdiction in this state, seeks to maintain
23 litigation, arbitration, agency, or similarly binding proceedings in this state and if the
24 courts of this state find that granting a claim violates or would likely violate the
25 fundamental liberties, rights, and privileges granted under the United States
26 Constitution or the Constitution of North Dakota of the nonclaimant in the foreign forum
27 with respect to the matter in dispute, then it is the public policy of this state that the
28 claim must be denied.

29 5. Without prejudice to any legal right, this section does not apply to a corporation,
30 partnership, limited liability company, business association, or other legal entity that

- 1 contracts to subject itself to foreign law in a jurisdiction other than this state or the
2 United States.
- 3 6. No court or arbitrator may interpret this section to limit the right of any person to the
4 free exercise of religion as guaranteed by the first amendment to the United States
5 Constitution and by the Constitution of North Dakota. No court may interpret this
6 section to require or authorize any court to adjudicate or prohibit any religious
7 organization from adjudicating, ecclesiastical matters, including the election,
8 appointment, calling, discipline, dismissal, removal, or excommunication of a member,
9 officer, official, priest, nun, monk, pastor, rabbi, imam, or member of the clergy of the
10 religious organization, or determination or interpretation of the doctrine of the religious
11 organization, where adjudication by a court would violate the prohibition of the
12 establishment clause of the first amendment of the United States Constitution, or
13 violate the Constitution of North Dakota.
- 14 7. This statute may not be interpreted by any court to conflict with any federal treaty or
15 other international agreement to which the United States is a party to the extent the
16 treaty or international agreement preempts state law.