

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1486 _____
Of the printed Bill

Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Ritze

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1486

By: Ritze and Reynolds

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to civil procedure; stating legislative findings; recognizing right to contract; defining terms; declaring certain rulings and decisions to be in violation of public policy and making such rulings and decisions void and unenforceable; declaring certain contracts and contractual provisions to be in violation of public policy and making such contracts and contractual provisions void and unenforceable; requiring denial of certain motions relating to venue; excluding certain legal entities from scope of law; providing for interpretation of law; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. The Legislature finds that it shall be the public policy of this state to protect its citizens from the application of foreign laws when the application of a foreign law will result in the violation of a right guaranteed by the Constitution of this state or

1 of the United States, including but not limited to due process,
2 freedom of religion, speech, or press, and any right of privacy or
3 marriage as specifically defined by the Constitution of this state.

4 B. The Legislature fully recognizes the right to contract
5 freely under the laws of this state, and also recognizes that this
6 right may be reasonably and rationally circumscribed pursuant to the
7 state's interest to protect and promote rights and privileges
8 granted under the United States or Oklahoma Constitution, including
9 but not limited to due process, freedom of religion, speech, or
10 press, and any right of privacy or marriage as specifically defined
11 by the Constitution of this state.

12 C. As used in this section:

13 1. "Foreign law, legal code, or system" means any law, legal
14 code, or system of a jurisdiction outside of any state or territory
15 of the United States, including, but not limited to, international
16 organizations and tribunals, and applied by that jurisdiction's
17 courts, administrative bodies, or other formal or informal
18 tribunals. For the purposes of this section, foreign law shall not
19 mean, nor shall it include, any laws of the Native American tribes
20 in this state;

21 2. "Court" means any court, board, administrative agency, or
22 other adjudicative or enforcement authority of this state; and

23 3. "Religious organization" means any church, seminary,
24 synagogue, temple, mosque, religious order, religious corporation,

1 association, or society, whose identity is distinctive in terms of
2 common religious creed, beliefs, doctrines, practices, or rituals,
3 of any faith or denomination, including any organization qualifying
4 as a church or religious organization under Section 501(c)(3) or
5 501(d) of the United States Internal Revenue Code.

6 D. Any court, arbitration, tribunal, or administrative agency
7 ruling or decision shall violate the public policy of this state and
8 be void and unenforceable if the court, arbitration, tribunal, or
9 administrative agency bases its rulings or decisions in the matter
10 at issue in whole or in part on any law, legal code or system that
11 would not grant the parties affected by the ruling or decision the
12 same fundamental liberties, rights, and privileges granted under the
13 U.S. and Oklahoma Constitutions, including but not limited to due
14 process, freedom of religion, speech, or press, and any right of
15 privacy or marriage as specifically defined by the Constitution of
16 this state.

17 E. A contract or contractual provision, if capable of
18 segregation, which provides for the choice of a law, legal code or
19 system to govern some or all of the disputes between the parties
20 adjudicated by a court of law or by an arbitration panel arising
21 from the contract mutually agreed upon shall violate the public
22 policy of this state and be void and unenforceable if the law, legal
23 code or system chosen includes or incorporates any substantive or
24 procedural law, as applied to the dispute at issue, that would not

1 grant the parties the same fundamental liberties, rights, and
2 privileges granted under the U.S. and Oklahoma Constitutions,
3 including but not limited to due process, freedom of religion,
4 speech, or press, and any right of privacy or marriage as
5 specifically defined by the Constitution of this state.

6 F. 1. A contract or contractual provision, if capable of
7 segregation, which provides for a jurisdiction for purposes of
8 granting the courts or arbitration panels in personam jurisdiction
9 over the parties to adjudicate any disputes between parties arising
10 from the contract mutually agreed upon shall violate the public
11 policy of this state and be void and unenforceable if the
12 jurisdiction chosen includes any law, legal code or system, as
13 applied to the dispute at issue, that would not grant the parties
14 the same fundamental liberties, rights, and privileges granted under
15 the U.S. and Oklahoma Constitutions, including but not limited to
16 due process, freedom of religion, speech, or press, and any right of
17 privacy or marriage as specifically defined by the Constitution of
18 this state.

19 2. If a resident of this state, subject to personal
20 jurisdiction in this state, seeks to maintain litigation,
21 arbitration, agency or similarly binding proceedings in this state
22 and if the courts of this state find that granting a claim of forum
23 non conveniens or a related claim violates or would likely violate
24 the fundamental liberties, rights, and privileges granted under the

1 U.S. and Oklahoma Constitutions of the nonclaimant in the foreign
2 forum with respect to the matter in dispute, then it is the public
3 policy of this state that the claim shall be denied.

4 G. Without prejudice to any legal right, this section shall not
5 apply to a corporation, partnership, limited liability company,
6 business association, or other legal entity that contracts to
7 subject itself to foreign law in a jurisdiction other than this
8 state or the United States.

9 H. No court or arbitrator shall interpret this section to limit
10 the right of any person to the free exercise of religion as
11 guaranteed by the First Amendment to the U.S. Constitution and by
12 the Constitution of this state. No court shall interpret this
13 section to require or authorize any court to adjudicate, or prohibit
14 any religious organization from adjudicating, ecclesiastical
15 matters, including, but not limited to, the election, appointment,
16 calling, discipline, dismissal, removal or excommunication of a
17 member, officer, official, priest, nun, monk, pastor, rabbi, imam or
18 member of the clergy, of the religious organization, or
19 determination or interpretation of the doctrine of the religious
20 organization, where adjudication by a court would violate the
21 prohibition of the establishment clause of the First Amendment of
22 the United States, or violate the Constitution of this state.

23 I. This section shall not be interpreted by any court to
24 conflict with any federal treaty, including but not limited to any

1 tribal treaty, or other international agreement to which the United
2 States is a party to the extent that such treaty or international
3 agreement preempts or is superior to state law on the matter at
4 issue.

5 SECTION 2. This act shall become effective November 1, 2013.

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7 54-1-6762 SD 02/04/13

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