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February 12, 2013

AS AMENDED

SENATE BILL NO. 951

By: Shortey of the Senate

and

Blackwell of the House

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[ civil procedure - declaring certain rulings and
decisions to be in violation of public policy -
codification - effective date ]
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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. As used in this section:

1. "Foreign law, legal code, or system" means any law, legal code, or system of a jurisdiction outside of any state or territory of the United States, including, but not limited to, international organizations and tribunals, and applied by that jurisdiction's courts, administrative bodies, or other formal or informal tribunals. For the purposes of this section, foreign law shall not mean, nor shall it include, any laws of **any federally recognized Native American tribe;**

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

3 3. "Religious organization" means any church, seminary,
4 synagogue, temple, mosque, religious order, religious corporation,
5 association, or society, whose identity is distinctive in terms of
6 common religious creed, beliefs, doctrines, practices, or rituals,
7 of any faith or denomination, including any organization qualifying
8 as a church or religious organization under Section 501(c)(3) or
9 501(d) of the United States Internal Revenue Code.

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

21 C. A contract or contractual provision, if capable of
22 segregation, which provides for the choice of a law, legal code or
23 system to govern some or all of the disputes between the parties
24 adjudicated by a court of law or by an arbitration panel arising

1 from the contract mutually agreed upon shall violate the public
2 policy of this state and be void and unenforceable if the law, legal
3 code or system chosen includes or incorporates any substantive or
4 procedural law, as applied to the dispute at issue, that would not
5 grant the parties the same fundamental liberties, rights, and
6 privileges granted under the U.S. and Oklahoma Constitutions,
7 including but not limited to due process, freedom of religion,
8 speech, or press, and any right of privacy or marriage as
9 specifically defined by the Constitution of this state.

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

23 2. If a resident of this state, subject to personal
24 jurisdiction in this state, seeks to maintain litigation,

1 arbitration, agency or similarly binding proceedings in this state
2 and if the courts of this state find that granting a claim of forum
3 non conveniens or a related claim violates or would likely violate
4 the fundamental liberties, rights, and privileges granted under the
5 U.S. and Oklahoma Constitutions of the nonclaimant in the foreign
6 forum with respect to the matter in dispute, then it is the public
7 policy of this state that the claim shall be denied.

8 E. Without prejudice to any legal right, this section shall not
9 apply to a corporation, partnership, limited liability company,
10 business association, or other legal entity that contracts to
11 subject itself to foreign law in a jurisdiction other than this
12 state or the United States.

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

1 establishment clause of the First Amendment of the United States, or
2 violate the Constitution of this state.

3 G. This section shall not be interpreted by any court to
4 conflict with any federal treaty or other international agreement to
5 which the United States is a party to the extent that such treaty or
6 international agreement preempts or is superior to state law on the
7 matter at issue.

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

9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
10 February 12, 2013 - DO PASS AS AMENDED
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