

HOUSE BILL NO. 1425
with Senate Amendments
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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 1. "Foreign law" means any law, legal code, or system of a jurisdiction outside any state
7 or territory of the United States, including international organizations and tribunals
8 applied by that jurisdiction's courts, administrative bodies, or other formal or informal
9 tribunals. For the purposes of this section, foreign law does not mean any laws of the
10 native American tribes in this state.
- 11 2. Any court, arbitration, tribunal, or administrative agency ruling or decision violates the
12 public policy of the state and is void and unenforceable if the court, arbitration,
13 tribunal, or administrative agency bases its rulings or decisions in the matter at issue
14 on any law, legal code, or system that would not grant the parties affected by the ruling
15 or decision one or more of the fundamental liberties, rights, and privileges granted
16 under the United States Constitution or the Constitution of North Dakota.
- 17 3. A contract or contractual provision that provides for the choice of a law, legal code, or
18 system to govern some or all of the disputes between the parties adjudicated by a
19 court of law or by an arbitration panel arising from the contract mutually agreed upon
20 violates the public policy of this state and is void and unenforceable if the law, legal
21 code, or system chosen includes or incorporates any substantive or procedural law, as
22 applied to the dispute at issue, which would not grant the parties one or more of the
23 fundamental liberties, rights, and privileges granted under the United States
24 Constitution or the Constitution of North Dakota.

- 1 4. If a resident of this state, subject to personal jurisdiction in this state, seeks to maintain
2 litigation, arbitration, agency, or similarly binding proceedings in this state and if the
3 courts of this state find that granting a claim violates or would likely violate the
4 fundamental liberties, rights, and privileges granted under the United States
5 Constitution or the Constitution of North Dakota, the claim must be denied.
- 6 5. Without prejudice to any legal right, this section does not apply to a corporation,
7 partnership, limited liability company, business association, or other legal entity that
8 contracts to subject itself to foreign law in a jurisdiction other than this state or the
9 United States.
- 10 6. No court or arbitrator may interpret this section to limit the right of any person to the
11 free exercise of religion as guaranteed by the first amendment to the United States
12 Constitution and by the Constitution of North Dakota. No court may interpret this
13 section to require or authorize any court to adjudicate or prohibit any religious
14 organization from adjudicating, ecclesiastical matters, including the election,
15 appointment, calling, discipline, dismissal, removal, or excommunication of a member,
16 officer, official, priest, nun, monk, pastor, rabbi, imam, or member of the clergy of the
17 religious organization, or determination or interpretation of the doctrine of the religious
18 organization, where adjudication by a court would violate the prohibition of the
19 establishment clause of the first amendment of the United States Constitution, or
20 violate the Constitution of North Dakota.
- 21 7. This section may not be interpreted by any court to conflict with any federal treaty or
22 other international agreement to which the United States is a party to the extent the
23 treaty or international agreement preempts state law.