

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1060

By: Kern, Fisher, Hulbert,
Blackwell, Ritze and Moore
of the House

4
5 and

6 Stanislawski of the Senate
7

8 An Act relating to civil procedure; defining terms;
9 declaring certain rulings and decisions to be in
10 violation of public policy and making such rulings
11 and decisions void and unenforceable; declaring
12 certain contracts and contractual provisions to be in
13 violation of public policy and making such contracts
14 and contractual provisions void and unenforceable;
15 requiring denial of certain motions relating to
16 venue; excluding certain legal entities from scope of
17 law; providing for interpretation of law; providing
18 for codification; and providing an effective date.

15 AUTHOR: Add the following Senate Coauthor: Newberry

16 AUTHOR: Add the following House Coauthor: Walker

17 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
18 entire bill and insert

19 "An Act relating to civil procedure; defining terms;
20 declaring certain rulings and decisions to be in
21 violation of public policy and making such rulings
22 and decisions void and unenforceable; declaring
23 certain contracts and contractual provisions to be in
24 violation of public policy and making such contracts
and contractual provisions void and unenforceable;
requiring denial of certain motions relating to
venue; excluding certain contracts or agreements from
scope of law; providing for interpretation of law;
providing for codification; and providing an
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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" 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 the federally recognized American Indian tribes or nations in this state or territory of the United States;

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

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

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

11 C. A contract or contractual provision, if capable of
12 segregation, which provides for the choice of a foreign law to
13 govern some or all of the disputes between the parties shall violate
14 the public policy of this state and be void and unenforceable if the
15 foreign law chosen includes or incorporates any substantive or
16 procedural law, as applied to the dispute at issue, that would not
17 grant the parties at least the same fundamental liberties, rights,
18 and privileges granted under the U.S. and Oklahoma Constitutions,
19 including but not limited to due process, freedom of religion,
20 speech, or press, and any right of privacy or marriage as
21 specifically defined by the Constitution of this state.

22 D. 1. A contract or contractual provision, if capable of
23 segregation, which provides for a jurisdiction for purposes of
24 granting the courts or arbitration panels in personam jurisdiction

1 over the parties to adjudicate any disputes between parties arising
2 from the contract shall violate the public policy of this state and
3 be void and unenforceable if the jurisdiction chosen includes any
4 foreign law as applied to the dispute at issue, that would not grant
5 the parties at least 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 2. If a resident of this state, subject to personal
11 jurisdiction in this state, seeks to maintain litigation,
12 arbitration, agency or similarly binding proceedings in this state
13 and if the courts of this state find that granting a claim of forum
14 non conveniens or a related claim violates or would likely lead to
15 the application of foreign law that would not grant a nonclaimant at
16 least the same fundamental liberties, rights, and privileges granted
17 under the U.S. and Oklahoma Constitutions, then it is the public
18 policy of this state that the claim shall be denied.

19 E. This section shall not apply to any contract or agreement to
20 which a corporation, partnership, limited liability company,
21 business association, or other legal entity binds itself.

22 F. No court or arbitrator shall interpret this section to limit
23 the right of any person to the free exercise of religion as
24 guaranteed by the First Amendment to the U.S. Constitution and by

1 the Constitution of this state. No court shall interpret this
2 section to require or authorize any court to adjudicate, or prohibit
3 any religious organization from adjudicating, ecclesiastical
4 matters, including, but not limited to, the election, appointment,
5 calling, discipline, dismissal, removal or excommunication of a
6 member, officer, official, priest, nun, monk, pastor, rabbi, imam or
7 member of the clergy, of the religious organization, or
8 determination or interpretation of the doctrine of the religious
9 organization, where adjudication by a court would violate the
10 prohibition of the establishment clause of the First Amendment of
11 the United States, or violate the Constitution of this state.

12 G. This section shall not be interpreted by any court to
13 conflict with any federal treaty including, but not limited to, any
14 treaty with any federally recognized American Indian tribe or
15 nation, or other international agreement to which the United States
16 is a party to the extent that such treaty or international agreement
17 preempts or is superior to state law on the matter at issue.

18 SECTION 2. This act shall become effective November 1, 2013."
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16 venue; excluding certain legal entities from scope of
17 law; providing for interpretation of law; providing
18 for codification; and providing an effective date.

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

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 20 of Title 12, unless there is
24 created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Foreign law" 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

1 bodies, or other formal or informal tribunals. For the purposes of
2 this section, foreign law shall not mean, nor shall it include, any
3 laws of the federally recognized American Indian tribes or nations
4 in this state or territory of the United States;

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

7 3. "Religious organization" means any church, seminary,
8 synagogue, temple, mosque, religious order, religious corporation,
9 association, or society, whose identity is distinctive in terms of
10 common religious creed, beliefs, doctrines, practices, or rituals,
11 of any faith or denomination, including any organization qualifying
12 as a church or religious organization under Section 501(c)(3) or
13 501(d) of the United States Internal Revenue Code.

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

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1 C. A contract or contractual provision, if capable of
2 segregation, which provides for the choice of a foreign law to
3 govern some or all of the disputes between the parties shall violate
4 the public policy of this state and be void and unenforceable if the
5 foreign law chosen includes or incorporates any substantive or
6 procedural law, as applied to the dispute at issue, that would not
7 grant the parties at least the same fundamental liberties, rights,
8 and privileges granted under the U.S. and Oklahoma Constitutions,
9 including but not limited to due process, freedom of religion,
10 speech, or press, and any right of privacy or marriage as
11 specifically defined by the Constitution of this state.

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

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1 2. If a resident of this state, subject to personal
2 jurisdiction in this state, seeks to maintain litigation,
3 arbitration, agency or similarly binding proceedings in this state
4 and if the courts of this state find that granting a claim of forum
5 non conveniens or a related claim violates or would likely lead to
6 the application of foreign law that would not grant a nonclaimant at
7 least the same fundamental liberties, rights, and privileges granted
8 under the U.S. and Oklahoma Constitutions, then it is the public
9 policy of this state that the claim shall be denied.

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

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

