SS SCS SBs 977 & 1011 -- APPLICATION OF FOREIGN LAW

SPONSOR: Schroer

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Government Efficiency by a vote of 11 to 6. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 10 to 0.

This bill provides that certain international organizations or bodies, such as the World Health Organization, the United Nations, and the World Economic Forum, must have no jurisdiction or power within the State. No rule, regulation, policy, or mandate of any kind from such organizations will be enforced or implemented by any state or local public body. However, international organizations or bodies must not include the Hauge Conference on Private International Law (HCCH) and nothing in this bill will prohibit the Department of Social Services from enforcing or implementing any provision of any convention, protocol, or instrument issued by the HCCH.

The bill establishes the "No Foreign Laws Act" which prohibits the application and enforceability of any foreign law that denies the parties the fundamental liberties, rights, and privileges guaranteed under the Constitution of the United States or the Constitution of Missouri. Additionally, the Act provides that no court will enforce or apply:

(1) A judgment, decree, or arbitration decision if it relies on any foreign law that violates the fundamental rights of any party;

(2) A contract or contractual provision choosing foreign law which would result in a violation of fundamental rights; or

(3) In certain family law matters, foreign law if inconsistent with fundamental rights or public policy.

This Act will not be construed to disapprove or abrogate existing precedent of the Supreme Court of Missouri, to limit adjudication of ecclesiastical matters of a religious organization, to apply to those corporations, partnerships, or associations that voluntarily subject themselves to foreign law or foreign courts, and apply where Federal law preempts state law.

Additionally, this bill provides that no state court, arbitration panel, tribunal, or administrative agency will transfer any civil

action if the transfer would result in the application of foreign law prohibited by this bill.

PROPONENTS: Supporters say that other than voluntarily entered into treaties negotiated by the Federal government, no foreign-based law should ever supercede the U.S. or Missouri Constitutions. Supporters further state that the specific set of rights that Americans enjoy, specifically in regard to the establishment of religious doctrine, should never be imposed upon by entities whose goal is to subvert those rights.

Testifying in person for the bill were Senator Schroer; and Liberty Link Missouri.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.