A BILL

FOR AN ACT ENTITLED

"An Act prohibiting a court, arbitrator, mediator, administrative agency, or enforcement authority from applying a law, rule, or provision of an agreement that violates an individual's right under the Constitution of the State of Alaska or the United States Constitution."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. The uncodified law of the State of Alaska is amended by adding a new section to read:

FINDINGS. The legislature finds that citizens of the state should be protected from the application of a foreign law if application of the foreign law would violate an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution.

* Sec. 2. AS 09.68 is amended by adding a new section to read:

Sec. 09.68.140. Foreign law prohibited. (a) A court, arbitrator, mediator, administrative agency, or enforcement agency may not apply a foreign law if application of the foreign law would violate an individual's right guaranteed by the
Constitution of the State of Alaska or the United States Constitution.

(b) If an agreement includes a choice of law provision requiring foreign law to govern its interpretation or the resolution of a dispute between the parties to the agreement and if the interpretation or enforcement of the agreement would violate an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution, the agreement must be modified or amended as necessary to preserve the constitutional right. An agreement that may not be modified or amended in order to preserve the constitutional right of an individual under this section is void.

(c) If an agreement provides for the choice of venue or a choice of forum outside of the United States or its territories and if the enforcement of the agreement applying the choice of venue or choice of forum provision would result in a violation of an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution, the choice of venue or choice of forum provision in the agreement shall be interpreted to preserve the individual's constitutional right.

(d) If a person subject to personal jurisdiction in the state asserts a claim of forum non conveniens in litigation in the state, and if a court, arbitrator, mediator, agency, or similar enforcement authority of this state finds that granting the claim of forum non conveniens or similar claim would violate an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution, the claim shall be denied.

(e) This section applies only to an actual or foreseeable violation of an individual's constitutional right caused by the application of foreign law.

(f) In this section, "foreign law" means a law, rule, or legal code or system established and used or applied in a jurisdiction outside of the United States and the territories of the United States.