

REVENUE: No revenue impact

FISCAL: No fiscal impact

---

Action: Do Pass as Amended, Be Printed Engrossed, and Be Placed on the Consent Calendar

Vote: 9 - 0 - 0

Yeas: Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson

Nays: 0

Exc.: 0

Prepared By: Matt Kalmanson, Counsel

Meeting Dates: 3/22, 4/12

---

**WHAT THE MEASURE DOES:** Establishes that a judgment of a court of a federally-recognized Indian tribe, if filed in circuit court and in compliance with federal law regarding qualified domestic relations orders, is a qualified domestic relations order made pursuant to the domestic relations laws of Oregon. Applies to judgments, decrees and orders of tribal courts that have been filed before or after the effective date of the bill. Declares an emergency, takes effect upon passage.

**ISSUES DISCUSSED:**

- Power of tribal courts to issue domestic relations orders
- Non-alienability provisions of Employee Retirement Income Security Act, and recent amendments for qualified domestic relations orders
- Federal requirements for qualified domestic relations orders

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies that a domestic relations order from a tribal court that is filed in circuit court is considered a domestic relations order made pursuant to the laws of Oregon, for purposes of the exception to non-alienability provisions of the Employee Retirement Income Security Act (ERISA).

**BACKGROUND:** Under federal ERISA law, benefits under a qualified plan may not be assigned or alienated. A limited exception exists for “qualified domestic relation orders,” or QDROs. A domestic relations order is an order issued by a state court that relates to child support, alimony payments, or marital property rights for the benefit of a spouse, former spouse, child, or other dependent. A QDRO is a domestic relations order that either recognizes the existence of an alternate payee’s right to receive, or assigns to an alternate payee the right to receive, benefits payable with respect to a participant under a pension plan. Certain requirements must exist for a domestic relations order to qualify as a QDRO, for example, the order must be made pursuant to state domestic relations law, and the “alternate payee” must be a spouse, former spouse, child or other dependent of the pension plan participant. The former requirement – that an order be made pursuant to a state domestic relations law – prohibits ERISA administrators from allowing domestic relations orders to qualify as QDROs. HB 2913 would solve this problem by providing that domestic relations orders from tribal courts that are filed in a circuit court, and that otherwise qualify as domestic relations orders, are considered domestic relations orders made pursuant to the laws of Oregon for purposes of ERISA.

4/24/2007 2:10:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*