

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass the A-Engrossed Measure
Vote: 5 - 0 - 0
Yeas: Beyer, Kruse, Prozanski, Walker, Burdick
Nays: 0
Exc.: 0
Prepared By: Matt Kalmanson, Counsel
Meeting Dates: 5/21

WHAT THE MEASURE DOES: Establishes that a domestic relations order issued by a federally-recognized tribal court, if filed in circuit court and in compliance with federal law, is considered a domestic relations order made pursuant to Oregon law for purposes of Employee Retirement Income Security Act (ERISA). 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 ERISA, and amendments for qualified domestic relations orders
- Federal requirements for qualified domestic relations orders and domestic relations orders

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under ERISA, benefits of a qualified plan may not be assigned or alienated. An exception exists for “qualified domestic relation orders,” or QDROs. 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, a person’s pension plan benefits. A “domestic relations order,” under federal law, is defined as 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. The requirement that a domestic relations order be made pursuant to a state domestic relations law prohibits ERISA administrators from allowing tribal government orders to qualify as QDROs. HB 2913 A attempts to 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 under federal law, are considered domestic relations orders made pursuant to the laws of Oregon for purposes of ERISA.