

House Bill 2913

Sponsored by Representative MACPHERSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that qualified domestic relations order contained in judgment of tribal court filed in circuit court is qualified domestic relations order made pursuant to domestic relations laws of this state for purposes of antialienation provisions of federal Employee Retirement Income Security Act. Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to tribal courts; creating new provisions; amending ORS 24.115; and declaring an emer-
3 gency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 24.115 is amended to read:

6 24.115. (1) A copy of any foreign judgment authenticated in accordance with the Act of Congress
7 or the statutes of this state may be filed in the office of the clerk of any circuit court of any county
8 of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the
9 circuit court.

10 (2) A certified copy of any foreign judgment authenticated in accordance with the Act of Con-
11 gress or the statutes of this state shall be recorded in the County Clerk Lien Record of any county
12 other than the county in which the judgment is originally filed, in order to become a lien upon the
13 real property of the judgment debtor in that county as provided in ORS 18.152.

14 (3) A judgment so filed has the same effect and is subject to the same procedures, defenses and
15 proceedings for reopening, vacating or staying as a judgment of the circuit court in which the for-
16 eign judgment is filed, and may be enforced or satisfied in like manner.

17 (4) **A foreign judgment of a tribal court of a federally recognized Indian tribe that is filed**
18 **in a circuit court under this section, and that otherwise complies with 26 U.S.C. 414(p) as a**
19 **qualified domestic relations order as defined in 26 U.S.C. 414(p), is a qualified domestic re-**
20 **lations order made pursuant to the domestic relations laws of this state for the purposes of**
21 **26 U.S.C. 414(p).**

22 **SECTION 2.** The amendments to ORS 24.115 by section 1 of this 2007 Act apply to all
23 judgments, decrees and orders of tribal courts of federally recognized Indian tribes, whether
24 filed in a circuit court before, on or after the effective date of this 2007 Act.

25 **SECTION 3.** This 2007 Act being necessary for the immediate preservation of the public
26 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
27 on its passage.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.