

# House Bill 2317

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Judicial Department)

## 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**.

Requires Oregon State Lottery Commission to hold lottery prize in excess of \$600 and notify State Court Administrator if lottery prize winner is listed in database of persons having liquidated and delinquent court accounts. Specifies that proceeds of lottery prize be applied first to delinquent child support obligations.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to collection of state judicial branch delinquent accounts; amending ORS 461.715; and de-  
3 claring an emergency.

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

5 **SECTION 1.** ORS 461.715 is amended to read:

6 461.715. (1) The Oregon State Lottery Commission, by rule, shall develop procedures whereby:

7 (a) Before paying any portion of a lottery prize in excess of \$600, the lottery commission shall  
8 check the name and Social Security number of the person entitled to payment **of the lottery prize**  
9 against a computer database containing the names and Social Security numbers of obligors who are  
10 delinquent in paying child support obligations **and a computer database containing the names**  
11 **and identifying information of debtors who are delinquent in paying liquidated accounts ow-**  
12 **ing to a state court or owing to a commission, department or division in the judicial branch**  
13 **of state government.**

14 *[(b) When the person is listed in the database, the lottery commission shall:]*

15 *[(A) Place a 30-day hold on any payment to the person;]*

16 *[(B) Inform the person of the hold; and]*

17 *[(C) Notify the Division of Child Support of the Department of Justice that a delinquent obligor*  
18 *has won a lottery prize or is entitled to payment on a lottery prize.]*

19 **(b) If the lottery commission finds that a person entitled to payment of the lottery prize**  
20 **is listed in a computer database described in paragraph (a) of this subsection, the lottery**  
21 **commission shall place a 30-day hold on any payment to the person and shall inform the**  
22 **person of the hold.**

23 **(c) If the person entitled to payment of the lottery prize is delinquent in paying child**  
24 **support obligations, the lottery commission shall notify the Division of Child Support of the**  
25 **Department of Justice that a delinquent obligor is entitled to payment of a lottery prize.**

26 **(d) If the person entitled to payment of the lottery prize is delinquent in paying liquidated**  
27 **accounts owing to a state court or owing to a commission, department or division in the**  
28 **judicial branch of state government, the lottery commission shall notify the State Court**  
29 **Administrator that a delinquent debtor is entitled to payment of a lottery prize.**

**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.

1 [(c)] (e) If a garnishment proceeding is initiated within the 30-day hold period **required under**  
 2 **paragraph (b) of this subsection**, the lottery commission shall continue to hold any payment to the  
 3 person pending disposition of the proceeding.

4 [(d)] (f) If a garnishment proceeding is not initiated within the 30-day hold period **required**  
 5 **under paragraph (b) of this subsection**, the lottery commission shall make payment on the prize  
 6 to the person at **the earlier of** the end of the 30-day hold period or when [*the Division notifies the*  
 7 *lottery commission that a garnishment proceeding will not be initiated, whichever is sooner*] **the lot-**  
 8 **tery commission receives notice that a garnishment proceeding will not be initiated from:**

9 (A) **The Division of Child Support of the Department of Justice, if the person entitled to**  
 10 **payment of the lottery prize is delinquent in paying child support obligations;**

11 (B) **The State Court Administrator, if the person entitled to payment of the lottery prize**  
 12 **is delinquent in paying liquidated accounts owing to a state court or owing to a commission,**  
 13 **department or division in the judicial branch of state government; or**

14 (C) **The Division of Child Support of the Department of Justice and the State Court Ad-**  
 15 **ministrator if the person entitled to payment of the lottery prize is delinquent in paying child**  
 16 **support obligations and in paying liquidated accounts owing to a state court or owing to a**  
 17 **commission, department or division in the judicial branch of state government.**

18 (2) The lottery commission shall establish and operate [*a data match system*] **separate data**  
 19 **match systems** using automated data exchanges with the Division [*that identifies*] **of Child Support**  
 20 **of the Department of Justice and with the State Court Administrator to identify** delinquent  
 21 child support obligors **and debtors who are delinquent in paying liquidated accounts owing to**  
 22 **a state court or owing to a commission, department or division in the judicial branch of state**  
 23 **government.** Any information necessary to identify [*delinquent obligors*] **such obligors or debtors**  
 24 **and to hold a payment on a prize shall be made** available to the lottery commission through the  
 25 data match system.

26 (3) The Department of Justice, **the State Court Administrator** and the Oregon State Lottery  
 27 Commission shall enter into an agreement regarding the procedures required by subsections (1) and  
 28 (2) of this section.

29 (4) **If the person entitled to payment of the lottery prize is delinquent in paying child**  
 30 **support obligations and in paying liquidated accounts owing to a state court or owing to a**  
 31 **commission, department or division in the judicial branch of state government, and**  
 32 **garnishment proceedings are initiated by both the Division of Child Support of the Depart-**  
 33 **ment of Justice and the State Court Administrator within the 30-day hold period established**  
 34 **under subsection (1)(b) of this section, the proceeds of the lottery prize shall be applied first**  
 35 **against the garnishment of the Division of Child Support of the Department of Justice.**

36 **SECTION 2. This 2009 Act being necessary for the immediate preservation of the public**  
 37 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**  
 38 **on its passage.**