

From: DALE Alan
Sent: Tuesday, May 16, 2017 11:45 AM
To: Warner Paul D <Paul.D.Warner@oregonlegislature.gov>
Subject: RE: SB 148 Question

Hey Paul,

The answer depends on context and varies considerably.

The definition of “resident” of greatest interest to the committee is probably the one in ORS 316.027, which is elaborate and depends on the meaning of “domiciled,” which generally has the meaning given the term in ORS 15.420, though it’s undefined in chapter 316.

In ORS 109.309, by contrast, it means a person who has resided in this state continuously for a period of six months prior to the date of the petition for adoption. ORS 497.002 is similar for purposes of wildlife licensing, with expanded definitions under 497.006, for members of the uniformed services. ORS 508.285 (2) it means a person who has resided in this state at least 12 consecutive months immediately prior to the date of making application for a commercial fishing license.

In ORS 428.210, “resident” means a person who resides in this state and who has not acquired legal residence in any other state, which is as good as leaving it undefined.

“Resident” is also used in definitions of other terms without itself being defined: ORS 414.510 (1) “Eligible individual” means a resident of the State of Oregon over the age of 20 years; ORS 646A.602 (2) “Consumer” means an individual resident of this state; ORS 735.605 (3) “Insured” means any individual resident of this state who is eligible to receive benefits from any insurer.

The more elaborate definition is used where the stakes are highest—personal income tax. Otherwise, the definition boils down to a term of continuous residence and in many places it isn’t defined at all.

Turning to the bill, SB 148:

In sections 3 and 5, there is no definition of “resident,” which mirrors the lack of definition of the term “citizen” in the current statute that is being replaced.

In sections 8, 10, 26, 28 and 30, “resident” is used in policy statements that have no legal effect, so no definition is necessary.

Let me know if you need anything else on this.

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