

HOW AN OREGON COURT INTERPRETS A STATUTE

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Oregon appellate courts have consistently recognized that a court's first task in interpreting a statute is always to discern the intent of the legislature. The court is required to apply legislation as the legislature intended, not what the court might believe to be better policy. *Portland General Electric Company v. Bureau of Labor and Industries*, 317 Or 606, 610, 859 P2d 1143 (1993). Thus, the first level of statutory analysis by a court is an examination of the text and context of the statute itself including an analysis of the statutory text in the context of any other relevant statutory provisions, prior versions of the same statute (if any), and Oregon Supreme Court interpretations of the same statutory language.

In a series of cases the Oregon appellate courts have developed the following general rules of statutory construction that must be used in the interpretation of any Oregon statute:

- a. do not insert what was omitted or omit what has been inserted ;
- b. words of common usage should be given their plain, natural and ordinary meaning;
- c. the statute must be evaluated in the context of other provisions of the same statute and other related statutes;
- d. the statute must be evaluated in the context of any prior Supreme Court interpretations of the statute;
- e. where there are several provisions the statute should be construed to give meaning to them all;
- f. a particular intent shall control a general one that is inconsistent with it;
- g. the use of a particular term throughout a statute indicates that the term has the same meaning throughout the statute.