

LAW SCHOOL FOR LEGISLATORS
Rules of Statutory Interpretation

I. Role of the Court.

1. The proper interpretation of a statute is a judicial function.
In re Complaint of Rovas Against SBC Michigan, 482 Mich 90, 99 (2008)
2. When interpreting a statute, the court attempts to ascertain and give effect to the intent of the Legislature.
People v Gardner, 482 Mich 41, 84 (2008)
3. Court may not speculate about the probable intent of the legislature beyond the language expressed in the statute.
Griswold Properties LLC v Lexington Ins. Co., 276 Mich App 551, 556 (2007)
4. In determining legislative intent, the courts look first into the specific language of the statute.
People v Underwood, 278 Mich App 334, 338 (2008)

II. Clear vs. Ambiguous Language

1. Statutory language is ambiguous when it is equally susceptible to more than one meaning, not when reasonable minds can disagree regarding its meaning.
Toll Northville LTD v Twp. of Northville, 480 Mich 6, 15 (2008)
2. Clear and unambiguous language in given its plain and ordinary meaning.
In re LE, 278 Mich App 1, 22 (2008)
3. An undefined term is given its plain and ordinary meaning.
 - (a) A "legal term of art" is given its peculiar legal meaning.
 - (b) Terms that have a unique legal meaning are given the definition found in a lay dictionary, such as *Random House Webster's College Dictionary*.
Brackett v Focus Hope, Inc., 482 Mich 269, 275 (2008); MCL 8.3(a)
4. Clear and unambiguous language should be enforced as written.
In re McLeod USA Telecommunications Services, Inc. 277 Mich App 602, 609 (2008)
5. If the language is clear and unambiguous, the courts must apply it as written even if it leads to absurd results.
Kimmelman v Heather Downs Management Ltd., 278 Mich App 569 (2008)
6. "Absurd" means utterly and obviously senseless, illogical or untrue; contrary to all reason and common sense. It does not mean that reasonable people would think that the Legislature acted improvidently.
McGhee v Helsel, 262 Mich App 221, 226 (2004)

7. The court may depart from a literal interpretation of unambiguous statutory language that produces an absurd and unjust result that is inconsistent with the purpose and policies of the statute.
People v Bewersdorf, 438 Mich 55,68 (1991)

III General Principles of Interpretation

1. Every word of a statute should be read to give it meaning, and so the court must avoid interpretations that render words unnecessary or meaningless.
In re MCI Communications, 460 Mich 396,415 (1999)
2. Unclear statutory language will be construed so as to avoid absurd results, injustice and prejudice to the public interest.
Hill v City of Warren, 276 Mich App 299, 305 (2007)
3. Statutes are to be read as a whole to ascertain the intent of the Legislature, and any provisions that are apparently inconsistent are interpreted to produce a harmonious whole, if reasonably possible.
Macomb County Prosecutor v Murphy, 464 Mich 149, 160 (2001)
Bailey v Oakwood Hosp. and Medical Center, 472 Mich 685, 693 (2005)
Nowell v Titan Ins. Co., 466 Mich 478, 482 (2002)
4. Statutes that relate to the same subject ("in pari materia") are to be read and construed together.
In re MCI Telecommunications Complaint, 460 Mich 396, 417 (1999)
5. In interpreting a statute, the court presumes that the legislature is aware of:
 - (a) judicial interpretations of existing law
Ford Motor Co. v City of Woodhaven, 475 Mich 425, 439 (2006)
 - (b) the existence of the common law, so that (i) statutes are interpreted consistent with their terms even if those terms conflict with the common law and (ii) common law rules are not abolished by implication.
Spires v Bergman, 276 Mich App 432, 438 (2007)
Houghton Lake Area Tourism and Conservation Bureau v Wood, 255 Mich App 127, 149 (2003)
 - (c) the laws on the same subject and the effect of new enactments on existing laws.
Wayne County v Wayne County Retirement Comm'n., 267 Mich App 230, 244 (2005)
 - (d) the rules of statutory interpretation.
People v Clark, 274 Mich App 248, 252 (2007)

IV Rules for Interpreting Specific Language

1. A word or phrase is given meaning by its context or setting
Crowe v City of Detroit, 465 Mich 1, 6 (2001)

2. Where a general term follows a series of specific terms, the general term is interpreted to include only things of the same kind, class, character or nature of those specifically enumerated
Neal v Wilkes, 470 Mich 661 (2004)
3. Where a statute contains a specific provision and a more general related provision, the specific one controls.
In re Haley, 476 Mich 180,199 (2006)
4. The expression of one thing in a statute means the exclusion of other similar things:
Alan v Wayne County, 388 Mich 210,253 (1970)
5. "Last antecedent rule": a modifying or restrictive word or clause contained in a statute refers solely to the immediately preceding clause or last antecedent, unless something in the statute requires a different interpretation.
Stanton v City of Battle Creek, 466 Mich 611, 616 (2002)
6. "And" and "or" are not interchangeable, and the court will give them their strict meaning when that does not render the sense dubious and there is no clear contrary legislative intent.
Niles Twp v Berrien County Bd of Commissioners, 261 Mich App 308, 318 (2004)
7. "All" in a statute leaves no room for exceptions.
People v Monaco, 474 Mich 48, 55 (2006)
8. The word "shall" refers to a mandatory duty or requirement.
Wayne County v State Treasurer, 105 Mich App 249, 252 (1981)
9. "May" is permissive and indicates discretion.
In re Forfeiture of Bail Bond, 276 Mich App 482, 492 (2007)

V External Aids to Interpretation

1. Preamble to statute is not binding authority for interpreting a statute, but it may be considered.
Malcolm v City of East Detroit, 437 Mich 132, 143 (1991)
2. Statutory headings are not conclusive proof of legislative purpose, but they may be considered.
Camaj v SS Kresge co., 426 Mich 281, 290 (1986)
Bankhead v McEwan, 387 Mich 610 (1972)
3. Official comments to a uniform act may be considered, although they lack the force of law.
In re Estate of Seymour, 258 Mich App 249,254 (2003)
4. A statute is considered in light of circumstances that existed at the time of enactment, not with reference to later developments.
Cain v Waste Management, Inc., 472 Mich 236, 258 (2005)

5. Statements of individual legislators during the debate on a bill or statements made later are not considered since they cannot be attributed to the entire legislature.
In re Complaint of MCTA, 241 Mich App 344, 374 (2000)
6. Courts may look at legislative history, including the journals chronicling legislative history and changes to the bill.
In re MCI Telecommunications Complaint, 460 Mich 396, 415 (1999)
Jenks v Brown, 219 Mich App 415, 419 (1996)
7. Legislative analysis is generally not a persuasive indicator of legislative intent. Analysis are not an official record of the Legislature, they represent the views of staff, rather than legislators and are not part of the legislative process.
People v Davis, 468 Mich 77, 79 (2003)
Morales v Michigan Parole Bd., 260 Mich App 29, 44 (2003)
8. Interpretations of statutes by the agency that administers it are given great deference. But agency interpretations are not given deference if they are contrary to the plain meaning of the statutory language.
Adrian School Dist v Michigan Public School Employees Retirement System, 458 Mich 326, 337 (1998)
Ludington Service Corp. v Acting Commissioner of Insurance, 444 Mich 481, 498 (1994)