



THE OFFICE OF THE

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REVISOR OF STATUTES

2024 COURT OPINIONS  
REPORT

Submitted to the Legislature of the State of Minnesota

# Acknowledgements



## Office of the Revisor of Statutes Minnesota Legislature

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# Foreword

This is the 33<sup>rd</sup> revisor's Court Opinions Report. The first report was issued on January 7, 1959.<sup>1</sup> Biennially since that date, the revisor's office has researched and summarized cases in which statutory deficiencies are identified or discussed. This work has now continued for over 65 years.<sup>2</sup>

This 2024 report includes features that the authors and editors hope will be useful. Features include expanded prefatory material, useful finding aids, explanatory footnotes to primary and secondary sources, identification of canons of construction used by the court in each case summarized, a glossary of principles of legal interpretation, and a cumulative table that lists all statutes included in any court opinions report.

It is essential to keep in mind that this report can best be understood in the context of how laws are created, implemented, and scrutinized. The process is an interplay of all three branches of government and there is no single origin point for statutory deficiencies. The legislature enacts and revises laws.<sup>3</sup> The executive branch determines how to faithfully execute the laws enacted.<sup>4</sup> The judiciary, upon proper review, says what the law is.<sup>5</sup> This report aims to add to the line of work done by the revisor's office for over six and half decades by providing insight on deficiencies in the body of law resulting from this process in Minnesota, which began over 175 years ago.<sup>6</sup>

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<sup>1</sup> The revisor's Court Opinions Report came into existence in 1957. *See* Laws 1957, chapter 65, section 1. The duty to complete the report is now codified as Minnesota Statutes, section 3C.04, subdivision 3.

<sup>2</sup> Prior to that time, and starting in 1945, the revisor's office was tasked with creating and publishing annotations for the entirety of Minnesota Statutes. *See* Laws 1945, chapter 461, sections 1 and 3. The revisor's office completed three annotations publications, beginning with annotations for the 1945 Statutes, followed by a 1947 publication for the 1945 Statutes, and a final publication for the 1953 Statutes. These volumes are detailed and expansive. They can be found on the revisor's Minnesota Statutes Archive webpage.

<sup>3</sup> *See* Minnesota Constitution, article IV, generally.

<sup>4</sup> *See* Minnesota Constitution, article V, section 3.

<sup>5</sup> *See* Minnesota Constitution, article VI, section 1. Additionally, the genesis of judicial review can be traced to *Marbury v. Madison*, 5 U.S. 137 (1803).

<sup>6</sup> The 1<sup>st</sup> Territorial Legislature of the Minnesota Territory convened on September 3, 1849. *See* Minn. H.J., 1<sup>st</sup> Terr. Leg., Reg. Sess. pg. 4 (1850) and Minn. Sen. J., 1<sup>st</sup> Terr. Leg., Reg. Sess. pg. 4 (1850).

# Court Opinions Report Summary

<b>COURT OPINIONS REPORT SUMMARY</b>	1-2
<b>COURT OPINIONS REPORT TABLE</b>	3-4
<b>CASE COMMENTS BY STATUTE</b>	5
Section 122A.20, subd. 1, para. (a), cl. (1) - [Teachers and Other Educators; Grounds for Revocation, Suspension, or Denial of License] - <i>Matter of Yanez</i> , 983 N.W.2d 89, (Minn. Ct. App. 2022) (A22-0049) (not appealed)	5-6
Section 152.021, subd. 2b, cl. (1) - [Criminal Law; First-Degree Aggravated Controlled Substance Crime] - <i>State v. Moore</i> , 10 N.W.3d 676 (Minn. 2024) (A22-1570)	7-8
Section 171.24, subd. 5 - [Criminal Law; Driving After Cancellation-Inimical to Public Safety] - <i>State v. Velisek</i> , 986 N.W.2d 696 (Minn. 2023) (A21-0275)	9-10
Section 256B.064, subd. 1a, para. (a), cl. (1) - [Medical Assistance; Grounds for Sanctions for Providers] - <i>Matter of Surveillance and Integrity Review</i> , 999 N.W.2d 843 (Minn. 2024) (A21-1477)	11-12
Section 260B.125, subd. 4, cl. (2) - [Juvenile Delinquency; Adult Certification] - <i>In the Matter of the Welfare of H.B.</i> , 986 N.W.2d 158 (Minn. 2022), <i>rehearing denied Dec. 12, 2022</i> (A20-0954)	13-14
Section 282.03 - [Tax-Forfeited Property; County Sales and Limitations in Use of Land] - <i>Ashcel Companies, Inc. v. Dodge County</i> , 10 N.W.3d 877 (2024)	15-16
Section 290.17, subd. 3 - [Taxation; Apportionment of Income; Sale of Goodwill of Business] - <i>Cities Management v. Comm'r of Revenue</i> , 997 N.W.2d 348 (Minn. 2023)	17-19
Section 541.023, subd. 1 - [Minnesota Marketable Title Act; Actions Affecting Title to Real Estate] - <i>Matter of Moratzka</i> , 988 N.W.2d 42, (Minn. 2023) (A21-0829, A21-0832)	20-21
Section 609.341, subd. 11, para. (a), item (i) - [Criminal Law; Criminal Sexual Conduct] - <i>Wocelka v. State</i> , 9 N.W.3d 390 (Minn. 2024) (A22-1239)	22-23

# Court Opinions Report Summary

Section 611A.01, para. (b)	
- [Criminal Law; Restitution]	24-25
- <i>State v. Allison</i> , 999 N.W.2d 835 (Minn. 2024) (A22-0793)	
<hr/>	
Section 617.23, subd. 1	
- [Criminal Law; Indecent Exposure]	26-27
- <i>Fordyce v. State</i> , 994 N.W.2d 893 (Minn. 2023) (A21-1619)	
<hr/>	
<b>ACTIONS TAKEN</b>	28-29
<hr/>	
<b>TAX COURT CASES NOT REVIEWED BY SUPREME COURT</b>	30
<hr/>	
<b>TAX COURT OPINIONS TABLE</b>	31
<hr/>	
<b>TAX COURT CASE COMMENTS BY STATUTE</b>	32
<hr/>	
Section 273.01	
- Property Tax Assessment; Appeals]	
- <i>Endless Summer Farms LLC v. Lake County</i> , 2022 WL 6609923 (2022) (Minn. Tax Ct. 2022) (38-CV-20-151)	32-33
<hr/>	
Section 278.05, subd. 3	
- [Assessment Records; Minnesota Government Data Practices Act]	
- <i>IRC Cliff Lake, L.L.C. v. Dakota County</i> , 2023 WL 3856405 (Minn. Tax Ct. 2023) (19HA-CV-21-1252)	34-35
<hr/>	
<b>APPENDIX I</b>	36
<hr/>	
Overview of Principles of Legal Interpretation	36-37
<hr/>	
Glossary of Principles of Legal Interpretation	37-39
<hr/>	
<b>APPENDIX II</b>	40
<hr/>	
Explanation of Cumulative Court Opinions Report Table	40-41
<hr/>	
Cumulative Court Opinions Report Table	42-119

# Court Opinions Report Summary

Minnesota Statutes, section 3C.04, subdivision 3, states:

“The revisor's office shall report to the legislature any statutory changes recommended or discussed or statutory deficiencies noted in any opinion of the Supreme Court or the Court of Appeals of Minnesota. [...] It must include any comment necessary to outline clearly the legislative problem reported.”

The 2024 Court Opinions Report covers opinions filed after September 30, 2022, and before October 1, 2024, that identify ambiguous, vague, preempted, constitutionally suspect, or otherwise deficient statutes. Historically, and again in this report, the revisor's office included commentary on unappealed Minnesota Tax Court opinions and Supreme Court of the United States opinions.

This report contains 13 cases in which a statutory deficiency was noted: nine from the Minnesota Supreme Court (supreme court), two from the Minnesota Court of Appeals (court of appeals), and two from the Minnesota Tax Court (tax court).

Immediately following this summary there is a table outlining what is included in this report. The table lists the statutes found to be deficient, states the issue in the case, and cites to the court opinion. The Statutory Section and Court Opinion columns provide links to publicly available statutes and court opinions, while the Issue column links internally to the summary in this report. There is a separate table for the two tax court opinions included in the report.

The report includes an Actions Taken section that discusses a subset of appellate court cases that would have merited inclusion in this report because the opinions identified statutory deficiencies. However, in these instances, the legislature subsequently amended the statute at issue to remove, address, or otherwise remedy the deficiency before this report was issued. One of those is a Supreme Court of the United States opinion and the other is a court of appeals opinion. There is also a section devoted to tax court opinions that identified statutory deficiencies but were not appealed to the supreme court.

This report does not include summaries of cases in the reporting period in which the court of appeals or tax court found a deficiency if the case is currently under review by the supreme court. There is only one such case:

- *State v. Letourneau*, 2024 WL 3878881, (Minn. Ct. App. 2024) (A24-0182), \*nonprecedential\*, *petition for review filed September 18, 2024*

If the court of appeals or tax court found a deficiency but the case was denied review or the time for appeal to the supreme court has expired, the case summary notes the denial or lack of appeal. If the supreme court reviewed a court of appeals case or tax court case and found a deficiency, only a summary of the supreme court case is included.

Each case summary includes the text of the deficient statutory provision, a statement of the deficiency, the canons of construction used by the court, a brief outline of the facts and procedure of the case, and a discussion of the court's analysis of the deficiency and any possible legislative remedy. Where possible, the words or phrases identified as deficient have been underlined. Additionally, the statutes discussed and the full text of each court opinion discussing the respective statutory deficiency are linked in the table in this report or can be found in the Court Opinions Report table on the Office of the Revisor of Statutes website.

Previous reports have included a section of summaries of court of appeals opinions that were designated by the court as “nonprecedential.”<sup>7</sup> The court of appeals opinions designated as nonprecedential were

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<sup>7</sup> Minnesota Statutes, section 480A.08, subdivision 3, previously provided that unpublished court of appeals opinions did not hold precedential value. The statute listed five instances in which the court of appeals could designate opinions as unpublished. These aspects of section 480A.08, subdivision 3, were repealed in the 2020 regular session, effective August 1, 2020. *See* Minnesota Statutes 2018, section 480A.08, subdivision 3, and Laws 2020, chapter 82, section 3. However, after this legislative action, the supreme court amended Minnesota Court Rules, Civil Appellate Procedure, Rule 136.01, subdivision 1, to remove the reference to unpublished opinions and section 480A.08, and to further provide a rule that allows the court of appeals to determine (based on similar criteria to Minnesota Statutes 2018, section 480A.08, subdivision 3) whether a written opinion will be precedential,

## Court Opinions Report Summary

included in those reports because they addressed statutory deficiencies. There are no such cases this year. However, *State v. Letourneau* (see page 1) would fit in this category if it were not under review by the supreme court.

Finally, there was one supreme court case in which the court of appeals previously found a statutory deficiency, but the case was under review by the supreme court at the time of publication of the 2022 Court Opinions Report. However, the supreme court opinion, *Findling v. Grp. Health Plan, Inc.*, 998 N.W.2d 1 (Minn. 2023) (A21-1518, A21-1527, A21-1528, A21-1530), is not summarized in this report either. The supreme court disagreed with the finding by the court of appeals that the statutory language at issue was ambiguous. The supreme court determined that the plain language resolved the case.

As a final and important note, the summaries are focused on the statutory deficiency at issue in the case and are not full summaries of the case. The summaries do not include an explanation or even an acknowledgement of every issue in the case, unless necessary to explain the statutory deficiency.

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nonprecedential, or an order opinion. This essentially reinstated the repealed statutory framework for the court of appeals to issue nonprecedential opinions. See order of the Minnesota Supreme Court [ADM09-8006] dated July 22, 2020, effective August 1, 2020, and Minnesota Court Rules, Civil Appellate Procedure, Rule 136.01, subdivision 1. Finally, Minnesota Court Rules, Civil Appellate Procedure, Rule 101.01, provides that the Civil Appellate Procedure rules “govern procedure in the [...] Court of Appeals of Minnesota [...] in criminal appeals insofar as the rules are not inconsistent with the Rules of Criminal Procedure.”

## Court Opinions Report Table

Statutory Section	Issue	Court Opinion
122A.20, subdivision 1, paragraph (a), clause (1)	Is the phrase “immoral character or conduct,” when used as a cause to disqualify a candidate applying for a professional educator license, unconstitutionally vague? (unconstitutional vagueness)	<i>Matter of Yanez</i> 983 N.W.2d 89 (Minn. Ct. App. 2022) (A22-0049)
152.021, subdivision 2b, clause (1)	Is a firearm considered “within immediate reach” if it is inside a locked glove compartment of a vehicle? (ambiguity)	<i>State v. Moore</i> 10 N.W.3d 676 (Minn. 2024) (A22-1570)
171.24, subdivision 5	Is a driver whose license is canceled or denied as inimical to public safety prohibited from operating a motor vehicle on private property? (ambiguity)	<i>State v. Velisek</i> 986 N.W.2d 696 (Minn. 2023) (A21-0275)
256B.064, subdivision 1a, paragraph (a), clause (1)	Does the term “abuse” include failing to maintain adequate health service records without an effort to deceive the state? (ambiguity)	<i>Matter of Surveillance and Integrity Review</i> 999 N.W.2d 843 (Minn. 2024) (A21-1477)
260B.125, subdivision 4 clause (2)	When determining the culpability of a child in committing an alleged offense, is the court restricted to considering only those factors listed in the statute or may it consider additional relevant factors? (ambiguity)	<i>In the Matter of the Welfare of H.B.</i> 986 N.W.2d 158 (Minn. 2022) (A20-0954)
282.03	Does a county have the authority to impose a condition requiring the purchaser to demolish pre-existing structures as part of a sale of tax-forfeited property? (ambiguity)	<i>Ashcel Companies, Inc. v. Dodge County</i> 10 N.W.3d 877 (Minn. Ct. App. 2024) (A24-0056)
290.17 subdivision 3	Is all income that is not “nonbusiness income” required to be apportioned under subdivision 3, or just possible to be apportioned under subdivision 3? (ambiguity)	<i>Cities Management v. Comm’r of Revenue</i> 997 N.W.2d 348 (Minn. 2023) (A23-0222)

\*Table continued on next page\*

## Court Opinions Report Table

<b>Statutory Section</b>	<b>Issue</b>	<b>Court Opinion</b>
541.023, subdivision 1	Is a plat an “instrument” for the purposes of the Minnesota Marketable Title Act? (ambiguity)	<i>Matter of Moratzka</i> 988 N.W.2d 42 (Minn. 2023) (A21-0829), (A21-0832)
609.341, subdivision 11, paragraph (a), item (1)	Does using an object constitute intentional touching by the actor for purposes of establishing sexual contact in support of a charge of second-degree criminal sexual conduct? (ambiguity)	<i>Wocelka v. State</i> 9 N.W.3d 390 (Minn. 2024) (A22-1239)
611A.01, paragraph (b)	Is a child’s parent entitled to restitution for costs stemming from the effects of a crime committed against the child but not suffered directly by the child? (ambiguity)	<i>State v. Allison</i> 999 N.W.2d 835 (Minn. 2024) (A22-0793)
617.23, subdivision 1	Does a privately owned, partially enclosed backyard of a home abutting a public alley satisfy the “place” element of the indecent exposure statute? (ambiguity)	<i>Fordyce v. State</i> 994 N.W.2d 893 (Minn. 2023) (A21-1619)

## Case Comments

### Minnesota Statutes, section 122A.20, subdivision 1, paragraph (a), clause (1)

**Subject:** Teachers and other educators; grounds for revocation, suspension, or denial of license

**Court Opinion:** *Matter of Yanez*, 983 N.W.2d 89, (Minn. Ct. App. 2022) (A22-0049) (not appealed)

#### **Applicable text of section 122A.20, subd. 1, para. (a), clause (1):**

(a) The Professional Educator Licensing and Standards Board or Board of School Administrators, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the school board employing a teacher, a teacher organization, or any other interested person, refuse to issue, refuse to renew, suspend, or revoke a teacher's license to teach for any of the following causes:

(1) immoral character or conduct;

[...]

#### **Statutory Issue:**

Is the phrase “immoral character or conduct,” when used as a cause to disqualify a candidate applying for a professional educator license, unconstitutionally vague?

#### **Canons of Construction Used by the Court:**

Constitutional-doubt canon; constitutional avoidance canon.

#### **Facts and Case Procedure:**

In July 2016, while working as a police officer with the city of St. Anthony, Jeronimo Yanez fatally shot Philando Castile. In February 2020, Yanez applied to the Minnesota Professional Educator Licensing and Standards Board (the board) for a substitute teaching license. In response to the board's questions on the application, Yanez indicated that he had been involved in a deadly use of force situation when he was a police officer. Yanez indicated that he was criminally charged but acquitted. Also, in response to a question, Yanez indicated on the application that he had voluntarily surrendered his peace officer's license.

After a recommended investigation by the board's disciplinary committee, the committee notified Yanez that it would recommend his application be denied. The denial was based on Yanez's disclosures, which the committee considered disqualifying misconduct. Yanez appealed to an administrative law judge. Following a hearing with testimony and other evidence, the administrative law judge determined that Yanez's killing of Castile was immoral and recommended that the board affirm the committee's denial of Yanez's application.

Yanez sent written exceptions to the board. In December 2021, the board adopted the administrative law judge's findings and denied Yanez's application. The board agreed in its decision that Yanez's application should “be denied for immoral conduct pursuant to Minnesota Statutes section 122A.20, subdivision 1(a)(1).” Yanez appealed to the court of appeals.

#### **Discussion:**

Yanez argued that the board should bear the burden of proof, that the phrase “immoral character or conduct” was unconstitutionally vague, and that because of these issues he was entitled to a reversal of the denial and that the court should instruct the board to issue him a teaching license.

First, the court determined that Yanez had the burden of proof to establish that he satisfied the statutory criteria to be granted a license. Both administrative rules specifically and longstanding court precedent

generally supported the determination that the party proposing that a certain action be taken should bear the burden of proof. Yanez was the party proposing that the board approve his application for licensure.

Next, the court considered Yanez's constitutional claim. The phrase "immoral character or conduct" is not defined by statute. No Minnesota court had construed the phrase at issue. The administrative law judge had determined that the phrase meant "conduct which offends the morals of the community in which it occurred." The court noted that statutes are impermissibly vague if they would lead to arbitrary or discriminatory enforcement or are so indefinite that readers must guess the statute's meaning. These statutes are unconstitutional based on due process protections because laws must be clear enough to inform people of what is prohibited, required, or allowed.

The court examined persuasive precedent and determined that the phrase "immoral character or conduct" fails to give fair warning of the conduct meant to be prohibited and would allow for biased or prejudiced enforcement. The court observed that the meaning of the phrase is open to changes in public opinion. The court concluded that the phrase was impermissibly vague.

The court determined, however, that the statute could be saved by a narrow construction. Without citing them explicitly, the court employed the constitutional-doubt canon and constitutional avoidance canon. The court found that, to be constitutional, the denial of a teaching license for "immoral character or conduct" must be based on an unfitness to teach. The court examined a supreme court case that regarded an analogous requirement that lawyers be of good "moral character." In that case, the court found that the professional context was of paramount importance. The court concluded that the statute in this case could be narrowly construed and constitutional if the "immoral character or conduct" relied on by the board to deny a teaching license related to the "professional morals in the occupation of teaching and indicate[d] that the individual is unfit to teach."

The court found that the proper course was to reverse the administrative law judge's decision and remand for reconsideration in light of the narrow construction of the statute.<sup>8</sup>

The legislature could attempt to address the vagueness issue by adding language to the statute that codifies the court's decision by providing that disqualifying immoral character or conduct must be related to a professional unfitness to teach.

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<sup>8</sup> For appeal after remand, see *Matter of Yanez*, Not reported in N.W. Rptr., 2024 WL 1044574, (Minn. Ct. App. 2024).

## **Minnesota Statutes, section 152.021, subdivision 2b, clause (1)**

**Subject:** Criminal law; first-degree aggravated controlled substance crime

**Court Opinion:** *State v. Moore*, 10 N.W.3d 676 (Minn. 2024) (A22-1570)

### ***Applicable text of section 152.021, subdivision 2b:***

A person is guilty of aggravated controlled substance crime in the first degree if the person violates [one of several controlled substance crimes and sells or possesses a certain amount of the controlled substance] and:

(1) the person or an accomplice possesses on their person or within immediate reach,...a firearm; [...]

### ***Statutory Issue:***

Is a firearm considered “within immediate reach” if it is inside a locked glove compartment of a vehicle?

### ***Canons of Construction Used by the Court:***

The mischief to be remedied; the object to be attained; the consequences of a particular interpretation; absurdity doctrine.

### ***Facts and Case Procedure:***

On January 24, 2022, defendant Brandon Stuart Moore was pulled over for having expired registration tabs on his car. Because Moore did not pull over for approximately three miles, the officer called for additional support. After 10 to 15 minutes of Moore ignoring the officers’ demands, responding officers removed him from the vehicle and found more than six grams of methamphetamine in his pockets. The officers then searched the car, finding about \$3,400 in cash in the center console and 110 grams of methamphetamine and a handgun inside a locked glove compartment. Officers used the ignition key, which was “sitting right on the front seat by the armrest” to unlock the compartment.

Moore was charged with two counts of aggravated controlled substance crime and one count of being ineligible to possess a firearm. He was found guilty after a one-day jury trial and sentenced to 98 months in prison. Moore appealed his conviction, arguing there was insufficient evidence to prove the handgun was “within immediate reach” because it was inside the locked glove compartment. The court of appeals affirmed, and the supreme court granted review.

### ***Discussion:***

Moore argued the phrase “within immediate reach” unambiguously requires the firearm to be “instantly” accessible and, since his handgun was in a locked glove compartment, it was not instantly accessible or within immediate reach. The state argued the phrase was ambiguous and interpreting it to require instant accessibility is inconsistent with legislative intent.

In determining whether “within immediate reach” is ambiguous, the court focused only on the meaning of “immediate” because the parties agreed on the definitions for “within” (not exceeding the limits of distance or time) and “reach” (as a verb, the extent or distance something can reach). The court found the full phrase to be ambiguous because various dictionaries provided three reasonable definitions of “immediate”: (1) “done at once: instant;” (2) broadly, “of or near the present time;” and (3) absent temporal constraints, “close at hand.”

The court next looked to canons of construction to resolve the ambiguity. The court first examined the mischief to be remedied, namely possessing or selling large amounts of certain controlled substances while a firearm is on one’s person or within immediate reach. The object to be attained by the statute is to deter this behavior by imposing criminal penalties.

Next, the court reviewed the consequences of each party's interpretation of the phrase. The state argued that Moore's position would lead to absurd results, which would be contrary to legislative intent. If a person was driving with a backpack in the passenger seat, a gun on top of the contents of the backpack would be "within immediate reach" but a gun at the bottom of the backpack would not. The court refused to accept that merely moving a gun to the bottom of a container or into a locked container to avoid criminal liability was the legislature's intent in drafting the phrase.

However, the court also declined to establish any bright-line rules or further define "immediate." Rather, the court left the question of whether a firearm is within immediate reach to juries and factfinders to analyze the specific circumstances of each case.<sup>9</sup> As such, the court also declined to provide the legislature with any potential remedies for the ambiguity.

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<sup>9</sup> The court briefly analyzed the facts of this case and affirmed Moore's conviction, concluding that the jury could reasonably find that the gun was "within immediate reach" because Moore was physically able to reach the gun in the glove compartment, even after removing the key from the ignition, reaching across the passenger seat, and unlocking the compartment.

## **Minnesota Statutes, section 171.24, subdivision 5**

**Subject:** Criminal law; driving after cancellation-inimical to public safety

**Court Opinion:** *State v. Velisek*, 986 N.W.2d 696 (Minn. 2023) (A21-0275)

### ***Applicable text of section 171.24, subdivision 5:***

A person is guilty of a gross misdemeanor if:  
(1) the person's driver's license or driving privilege has been canceled or denied [...];  
(2) the person has been given notice [...]; and  
(3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled or denied.

### ***Statutory Issue:***

Is a driver whose license is canceled or denied as inimical to public safety prohibited from operating a motor vehicle on private property?

### ***Canons of Construction Used by the Court:***

Past versions of the law at issue; legislative history; the object to be obtained.

### ***Facts and Case Procedure:***

In November 2019, a Beltrami County sheriff's deputy observed defendant Joel Clarence Velisek drive down a private driveway toward a public roadway. Before reaching the road, however, Velisek backed up and parked again. When he got out of the car, he appeared intoxicated and the deputy obtained a warrant for a blood sample, which later tested positive for the presence of methamphetamine. Velisek's driver's license had been canceled as inimical to public safety since December 2017.

The state charged Velisek with one count of felony driving while impaired (DWI) and one count of driving after cancellation-inimical to public safety (DAC-IPS). After denying motions to dismiss and suppress evidence, the district court found Velisek guilty of both DWI and DAC-IPS following a stipulated facts trial. The court of appeals reversed, finding the DAC-IPS statute was unenforceable on private property. The supreme court granted review.

### ***Discussion:***

Both parties argued the DAC-IPS statute was unambiguous, but they differed on why. The state argued that because the DAC-IPS statute broadly applies to operating a motor vehicle "in this state," the court should focus on the types of motor vehicles that require a driver's license, not where they're operated. Velisek argued that DAC-IPS applies only when the actual operation of a motor vehicle requires a driver's license: "upon a street or highway," as provided under section 171.02 (license requirement statute), not on a private residential driveway. The court found both arguments to be reasonable and determined the DAC-IPS statute was ambiguous.

The court began its ambiguity analysis by reviewing prior versions of the DAC-IPS statute. First enacted in 1939, section 171.24 made it a misdemeanor to operate a motor vehicle "upon the streets or highways in this state" while the person's driver's license is canceled. In 1943, the legislature added the stipulation that the operation of that motor vehicle must require a driver's license.

In 1984, the legislature broadened the geographic reach of DAC-IPS by changing "upon the streets or highways in this state" to "anywhere in this state."<sup>3</sup> The court found this change significant and determined the legislature had intended for the DAC-IPS statute to apply to drivers on nonpublic roads as well. The court reasoned that by explicitly expanding the geographic scope of the DAC-IPS statute ("in this state"), the legislature clearly intended that the geographic limit in the license requirement statute ("upon a street or highway") not be read into the DAC-IPS statute. To do so would make the addition of

“anywhere in this state” superfluous and therefore void. Thus, the court held, the DAC-IPS statute is not limited to public streets and highways and is enforceable on private property.

The court did not provide a potential remedy for the ambiguity, but the legislature may want to consider clarifying the scope of the DAC-IPS statute.

**Minnesota Statutes, section 256B.064, subdivision 1a, paragraph (a), clause (1)**

**Subject:** Medical assistance; grounds for sanctions for providers

**Court Opinion:** *Matter of Surveillance and Integrity Review*, 999 N.W.2d 843 (Minn. 2024) (A21-1477)

***Applicable text of section 256B.064, subdivision 1a, paragraph (a):***

(a) The commissioner may impose sanctions against any individual or entity that receives payments from medical assistance or provides goods or services for which payment is made from medical assistance for any of the following: (1) fraud, theft, or abuse in connection with the provision of goods and services to recipients of public assistance for which payment is made from medical assistance; [...]

***Statutory Issues:***

Does the term “abuse” include failing to maintain adequate health service records without an effort to deceive the state?

***Canons of construction used by the court:***

Associated words canon; administrative deference.

***Facts and case procedure:***

Nobility Home Health Care, Inc. (Nobility) provided personal care assistance services to recipients of medical assistance, Minnesota’s Medicaid program. As a condition of receiving payments for these services from Minnesota’s Department of Human Services (DHS), Nobility was required to keep records, such as names of who provided the services, the nature of the services, and the dates and times of the services. After several investigations, DHS found that many of Nobility’s records were missing, incomplete, or inaccurate and required Nobility to pay fines and return hundreds of thousands of dollars of payments.

Nobility demanded a hearing on the sanctions, arguing that “paperwork” errors without the intent to deceive or defraud DHS could not be “abuse” under Minnesota Statutes, section 256B.064, subdivision 1a, which grants DHS the power to sanction medical assistance providers for “fraud, theft, or abuse” when providing services. After a hearing, DHS issued an order that Nobility failing to keep statutorily required paperwork did constitute “abuse” and imposed most of the fines and repayment orders. In its order, DHS relied on Minnesota Rules, Part 9505.2165, which defines “abuse” as:

[A] pattern of practices that are inconsistent with sound fiscal, business, or health service practices, and that result in unnecessary costs to the programs or in reimbursements for services that are not medically necessary or that fail to meet professionally recognized standards for health service.

The definition then concludes in a list of practices deemed to be abuse that includes “failing to develop and maintain health service records as required [by administrative rule.]”

Nobility appealed, and the court of appeals affirmed, deferring to DHS’s definition of abuse. Nobility appealed again, and the supreme court granted Nobility’s petition for review.

***Discussion:***

Nobility argued that the inadequate records could not be “abuse” because DHS did not prove or even attempt to prove that Nobility intended to deceive the agency or receive payments for services that weren’t provided. Nobility asked the court to find that DHS’s definition of “abuse” in Minnesota Rules, part

9505.2165, conflicted with Minnesota Statutes, section 256B.064, subdivision 1a, to the extent it included nondeceptive records errors.

The court found that the term “abuse” in Minnesota Statutes, section 256B.064, subdivision 1a, is open to multiple reasonable interpretations by looking at various dictionary definitions of the term and the adjoining words in the statute. The court found definitions of abuse that required deceptive intent (“corrupt practice or custom” and “a deceitful act”) as well as broader definitions of abuse that did not require deceptive intent (“[i]mproper use or handling; misuse” and a “departure from legal or reasonable use; misuse”). Using the associated words canon, the court determined that while “fraud” and “theft” alongside “abuse” can indicate bad intent, they can also more generally indicate unfair or improper conduct. Because neither analysis indicated that interpreting “abuse” could only reasonably include or exclude nondeceptive paperwork errors, the court ruled that the term “abuse” was ambiguous.

After briefly looking at the legislative history, the court upheld DHS’s interpretation of the term “abuse” because agency interpretations of statute are entitled to deference when they are longstanding and reasonable. The current language of Minnesota Rules, part 9505.2165, was adopted in 1991 and broadly mirrors its federal counterpart. The court then determined that Nobility’s conduct constituted abuse under the rule and, therefore, under Minnesota Statutes, section 256B.064, subdivision 1a.

Ultimately, the court remanded the case to determine whether the payments DHS ordered Nobility to return were “improperly paid ... as a result of” Nobility’s inadequate records, which is the standard for repayments in Minnesota Statutes, section 256B.064.

The legislature could attempt to address this ambiguity by adding a definition of “abuse” in Minnesota Statutes, section 256B.064. The definition could mirror Minnesota Rules, Part 9505.2165, or alternatively provide an explicit requirement that “abuse” includes an intent to deceive or receive an improper payment.

## **Minnesota Statutes, section 260B.125, subdivision 4, clause (2)**

**Subject:** Juvenile delinquency; adult certification

**Court Opinion:** *In the Matter of the Welfare of H.B.*, 986 N.W.2d 158 (Minn. 2022), rehearing denied Dec. 12, 2022 (A20-0954)

### ***Applicable text of section 260B.125, subdivision 4, clause (2):***

In determining whether the public safety is served by certifying the matter, the court shall consider the following factors:

[...]

(2) the culpability of the child in committing the alleged offense, **including** the level of the child’s participation in planning and carrying out the offense and the existence of any mitigating factors recognized by the Sentencing Guidelines;

[...]

### ***Statutory Issue:***

When determining the culpability of a child in committing an alleged offense, is the court restricted to considering only those factors listed in the statute or may it consider additional relevant factors?

### ***Canons of Construction Used by the Court:***

Occasion and necessity for the law; legislative history.

### ***Facts and Case Procedure:***

The state filed three motions to certify H.B., a 15-year-old male, as an adult for crimes alleged to have been committed in June of 2019, including two armed robberies and a carjacking in which he and another juvenile were accused of killing the driver.

The certification hearing took place over nine days and featured more than 50 exhibits and testimony from officers in law enforcement, probation, and corrections; a clinical social worker; a psychologist; a doctor qualified as an expert in childhood trauma; and family members. After hearing this evidence, the district court weighed the six public safety factors enumerated in Minnesota Statutes, section 260B.125, subdivision 4, in determining whether to certify H.B. as an adult. The court found two factors weighed in favor of certification: the seriousness of the offense and H.B.’s prior record of delinquency. The court determined the remaining four factors weighed against certification.

In finding the second public safety factor of H.B.’s culpability in committing the offenses weighed against certification, the district court considered mitigating factors not listed in the statute, including scientific and social-scientific research on child brain development, H.B.’s post-traumatic stress disorder diagnosis, and United States Supreme Court precedent discussing child brain development.

The district court found the public safety factors weighed against certifying H.B. as an adult and denied the state’s motions. The court of appeals reversed, determining that, among other errors,<sup>10</sup> the district court’s analysis of the culpability factor should have been limited to the mitigating factors listed in the statute. The supreme court granted review.

### ***Discussion:***

On appeal, H.B. argued the word “including” in the statute is a term of enlargement and those factors listed are merely suggestions for what the court can consider. The state argued that “including” is a

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<sup>10</sup> Although the supreme court addresses each finding of error at length in the majority opinion, only the court’s discussion of the culpability factor’s ambiguity is covered in this summary.

limiting term and that the court is required to focus on offense-specific factors, not general child behavior, scientific and academic studies, or case law.

In first determining whether the statute was ambiguous, the court relied on common usage and case law, acknowledging that its precedent has been split on whether “including” is a term of enlargement or limitation. On one hand, “including” has been interpreted as introducing a nonexhaustive list.<sup>11</sup> On the other hand, it has also been interpreted as a limitation.<sup>12</sup> The court stated that, ultimately, the definition depends on the circumstances of its use and that in this case the context strongly suggests “including” is a limitation because it “is used to specify *precisely* what the court *must* consider” (emphasis by the court). Because both interpretations are reasonable, however, the court found the statute to be ambiguous.

To resolve the ambiguity, the court looked to the occasion and necessity for the law.

The stated purpose of the law is found in section 260B.001, subdivision 2: “to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law...” Following the recommendations of the 1992 Minnesota Supreme Court Advisory Task Force on the Juvenile Justice System, the legislature sought to achieve this purpose by providing an objective, streamlined process for certifying juveniles as adults, which was preferable to the previously used subjective analysis. The court determined that an expansive reading of “including” would allow district courts to “consider an endless array of information, which would dilute and undermine an objective assessment,” and would be “antithetical to the legislative history.”

The court cited additional case law to support a narrow reading of the culpability factor. One case specified that, as used in one of the other certification factors, “including” was a limiting term.<sup>13</sup> Another case found that every public safety factor listed in statute is “an exclusive list of factors.”<sup>14</sup>

Based on this analysis, the court found “including” to be a limiting term as used in section 260B.125, subdivision 4, clause (2). The court concluded that the culpability factor requires an offense-specific analysis assessing how culpable the juvenile is in relation to the specific offense alleged and whether there are any mitigating factors recognized by the Sentencing Guidelines that affect that culpability at the time the juvenile committed the alleged offense. Consideration of any influences outside those enumerated in statute are not allowed.

The court did not offer the legislature a remedy to remove the ambiguity here, but drafters are encouraged to bear in mind the potential nuances created by using the term “including” when constructing lists anywhere in statute. As indicated by the court, context is extremely important, and if the drafter’s intent is to use “including” as an expansive term, the drafter should make that clear to the reader by using the phrase “including but not limited to.” When introducing the list or explaining how it will be used, including terms like “may” or “discretion” can offer additional context clues to inform the reader that the list is not meant to be exhaustive. However, if the intent is to draft an exhaustive list, the drafter should consider using a limiting phrase such as “including only the following.” Establishing limits of how the list may be used with phrasing like “must” and “only” will offer additional context clues to the reader that the list is exhaustive.

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<sup>11</sup> See, e.g., *LaMont v. Indep. Sch. Dist. No. 728*, 814 N.W.2d 14, 19 (Minn. 2012); *G&I IX OIC LLC v. County of Hennepin*, 979 N.W.2d 52, 58 (Minn. 2022).

<sup>12</sup> See, e.g., *Becker v. State Farm Auto Ins. Co.*, 611 N.W.2d 7, 11-12 (Minn. 2000).

<sup>13</sup> *In re Welfare of J.H.*, 844 N.W.2d 28, 38-39 (Minn. 2014).

<sup>14</sup> *In re Welfare of N.J.S.*, 753 N.W.2d 704, 710 (Minn. 2008).

## **Minnesota Statutes, section 282.03**

**Subject:** Tax-forfeited property; county sales and limitations in use of land

**Court Opinion:** *Ashcel Companies, Inc. v. Dodge County*, 10 N.W.3d 877 (Minn. 2024) (A24-0056)

### ***Applicable text of section 282.03:***

There may be attached to the sale of any parcel of forfeited land, if in the judgment of the county board it seems advisable, conditions limiting the use of the parcel so sold or limiting the public expenditures that shall be made for the benefit of the parcel or otherwise safeguarding against the sale and occupancy of these parcels unduly burdening the public treasury.

### ***Statutory Issue:***

Does a county have the authority to impose a condition requiring the purchaser to demolish pre-existing structures as part of a sale of tax-forfeited property?

### ***Canons of Construction Used by the Court:***

Whole-text canon; purpose of the statute.

### ***Facts and Case Procedure:***

In 2017, the county board for Dodge County authorized a public sale of tax-forfeited property. The property included a single-family home that was in poor condition and the board determined that it would be in the public's interest to remove the house. The board placed a condition on the sale of the property that a purchaser must demolish all buildings on the property, including the mobile home and septic system. Ashcel Companies purchased the property and instead of demolishing the structures, requested permission to construct a new septic system and occupy the home. The county refused to allow Ashcel to live in the structure and Ashcel petitioned the district court for a writ of mandamus to require the county to grant permission.

At district court, the county argued that section 282.03 authorizes the county to place conditions on the sale of tax-forfeited property, while Ashcel argued that the statute did not grant the county the authority to require the removal of hazardous structures as a condition of sale. The district court read section 282.04, subdivision 2, paragraph (e)<sup>15</sup> and section 282.03 together. The first section grants the county the authority to demolish dilapidated structures on tax-forfeited lands if certain conditions are met. The district court determined that neither statute permits a county to place the burden of demolition on the purchaser. The district court withheld judgment on the case and the parties certified the question to the court of appeals.

### ***Discussion:***

The court of appeals concluded that section 282.03 was ambiguous because the parties offered two reasonable yet different interpretations of the statute. The county argued that section 282.03 authorizes the county to require a buyer to demolish a building or structure as a condition of sale because this would

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<sup>15</sup> Minnesota Statutes, section 282.04, subdivision 2, paragraph (e), states:

“The county auditor, with the approval of the county board, may provide for the demolition of any structure on tax-forfeited lands, if in the opinion of the county board, the county auditor, and the land commissioner, if there is one, the sale of the land with the structure on it, or the continued existence of the structure by reason of age, dilapidated condition or excessive size as compared with nearby structures, will result in a material lessening of net tax capacities of real estate in the vicinity of the tax-forfeited lands, or if the demolition of the structure or structures will aid in disposing of the tax-forfeited property.”

keep demolition costs on tax-forfeited property from “unduly burdening the public treasury.” Ashcel argued that because section 282.04 speaks to the county’s authority regarding demolition, it limits the county’s authority on that issue to that particular statute. Therefore, Ashcel argued that section 282.03 should be read more narrowly.

The court of appeals recognized that sections 282.03 and 282.04 are a part of a statutory scheme and therefore needed to be read together to avoid coming to a statutory interpretation that would make a word or phrase in either statute insignificant. The court looked to the legislative intent of chapter 282 and noted that the legislature’s main objective was to allow a county to use its discretion to sell tax-forfeited property to get those properties back on the tax rolls. The court agreed that allowing the county to require demolition as a condition of sale would avoid burdening taxpayers with the cost of demolition and would also further the legislative objective of placing tax-forfeited properties back on the tax rolls. The court concluded that section 282.03 authorizes a county to require a buyer to demolish a building or structure on tax-forfeited property as a condition of sale of the property.

The court did not recommend legislative action. The legislature could codify the court’s decision by amending the statute to add language explicitly granting counties authority regarding requirements for buyers of tax-forfeited property, including requiring a buyer to demolish structures on tax-forfeited property as a condition of sale. Alternatively, the legislature could add language prohibiting counties from requiring certain actions from buyers of tax-forfeited property.

## **Minnesota Statutes, section 290.17, subdivision 3**

**Subject:** Taxation; apportionment of income; sale of goodwill of business

**Court Opinion:** *Cities Management v. Comm'r of Revenue*, 997 N.W.2d 348 (Minn. 2023) (A23-0222)

### **Applicable text of section 290.17, subdivision 3:**

All income of a trade or business is subject to apportionment except nonbusiness income.  
[...]

### **Statutory Issue:**

Is all income that is not “nonbusiness income” required to be apportioned under subdivision 3 or just possible to be apportioned under subdivision 3?

### **Canons of Construction Used by the Court:**

Legislative history.

### **Facts and Case Procedure:**

The case regarded the apportionment of income of a nonresident, Kim Carlson, who owned an interest in a Minnesota S-corporation, Cities Management, Inc. (CMI). In 2015, Carlson sold ownership interests in CMI. CMI’s accountants filed corporate Minnesota tax returns characterizing the portion of sale proceeds known as CMI’s goodwill<sup>16</sup> as income “not derived from the conduct of a trade or business,” under section 290.17, subdivision 2, paragraph (c).

Following an audit of CMI in 2018, the commissioner of the Minnesota Department of Revenue (commissioner) determined that CMI wrongly used an allocation rule for income from the sale under section 290.17, subdivision 2, paragraph (c). The commissioner asserted that all the income was business income subject to apportionment under section 290.17, subdivision 3. The commissioner assessed CMI nonresident withholding tax, plus interest and penalties.

CMI appealed the assessment administratively. The commissioner affirmed the assessment. CMI appealed to the tax court. The tax court determined that the gain generated from goodwill was “business income of a unitary business,” and that “Minnesota may tax that income through apportionment,” and affirmed the assessment. CMI appealed to the supreme court.<sup>17</sup>

### **Discussion:**

The disagreement was essentially about whether the gain from the sale of CMI’s goodwill was business income subject to apportionment or whether it was nonbusiness income subject to allocation.<sup>18</sup>

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<sup>16</sup> While the court did not consider the meaning for its opinion, and state law may provide otherwise, generally “goodwill” is understood to mean “[a] business’s reputation, patronage, and other intangible assets that are considered when appraising the business, esp. for purchase.” GOODWILL, Black’s Law Dictionary (12th ed. 2024).

<sup>17</sup> Decisions of the tax court are immediately appealable to the supreme court. See Minnesota Statutes, section 271.10, and Minnesota Rule of Civil Appellate Procedure 116.

<sup>18</sup> The deficiency identified in this case may not have arisen had the commissioner followed an interpretation of the statute at issue in a previous tax court case which the Department of Revenue had not appealed. See *Nadler v. Comm’r of Revenue*, No. 7736 R, 2006 WL 1084260, (Minn. Tax Apr. 21, 2006). The parties significantly disagreed on whether the commissioner was bound by the interpretation. The court was particularly dismayed that the Department of Revenue, instead of appealing the tax court’s decision in *Nadler*, “decided internally—apparently without notice to the public—that the Department would ‘not acquiesce’ to the tax court’s interpretation of the law.” Nevertheless, the supreme court found that tax court opinions are not binding on it, and therefore not relevant to the resolution of the case, so the court did not announce any rule about the binding nature of unappealed tax court decisions on the commissioner. *Cities Mgmt., Inc. v. Comm’r of Revenue*, 997 N.W.2d 348, at 354 (Minn. 2023).

The court began by outlining the statutory framework at issue, starting with section 290.17, subdivision 2, paragraph (c):

[...] Gain on the sale of goodwill [...] is allocated to this state to the extent that the income from the business in the year preceding the year of sale was assignable to Minnesota under subdivision 3.

Then onto section 290.17, subdivision 3:

All income of a trade or business is subject to apportionment except nonbusiness income. Income derived from carrying on a trade or business must be [...] apportioned between this state and other states and countries under this subdivision if conducted partly within and partly without this state. [...]

Next section 290.17, subdivision 4:

[...] [T]he entire income of the unitary business is subject to apportionment pursuant to section 290.191. [...] Notwithstanding subdivision 2, paragraph (c), none of the income of a unitary business is considered to be derived from any particular source and none may be allocated to a particular place except as provided by the applicable apportionment formula. [...]

Finally, section 290.17, subdivision 6:

Nonbusiness income is income of the trade or business that [...] cannot constitutionally be apportioned to this state [...]. Nonbusiness income must be allocated under subdivision 2.

In summary, subdivision 2, paragraph (c), provides that goodwill may be allocated to Minnesota. However, subdivision 3 states that all income of a trade or business must be apportioned. Subdivision 4 pulls all unitary business income into apportionment. Subdivision 6 explains the constitutional limits that a state may not impose an income tax on nonbusiness value earned outside its borders but includes a comment that nonbusiness income must be allocated.

Using this framework, the court confronted the disagreement about which provision of section 290.17 governed the taxation of CMI's income. The parties disagreed particularly on the meaning of the statement in subdivision 3 that “[a]ll income of a trade or business is subject to apportionment except nonbusiness income.”

The commissioner's view was that section 290.17 recognizes only two types of income: (1) “business income,” which is apportioned under subdivision 3; and (2) “nonbusiness income,” which is allocated under subdivision 2 and cannot be apportioned. Alternatively, CMI argued that all income of a trade or business that is not “nonbusiness income” *may* be apportioned under subdivision 3, but because of subdivision 2, and considering the last sentence in subdivision 6, the statute did not *require* apportionment.

The court compared the language at issue to more mandatory language in the section, examined the dictionary definition of the phrase “subject to” and determined it didn't always provide a mandatory rule, and pondered the result of CMI's interpretation of the statute in a way that would exempt goodwill from the unitary business principle clearly provided in the section. The court concluded that the treatment of gain on the sale of goodwill under section 290.17 is ambiguous.

The court used contemporary legislative history to resolve the ambiguity. The court found compelling support for the commissioner's interpretation. In particular, the court cited a 1999 amendment modifying the definition of nonbusiness income in direct response to court decisions that certain

nonbusiness income was not subject to apportionment.<sup>19</sup> Legislative records show that the goal was to expand the ability to tax multistate businesses' income through apportionment.

The court affirmed the tax court and found that the gain from sale of goodwill was not "nonbusiness income", so the allocation rules in section 290.17, subdivision, 2 did not apply.

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<sup>19</sup> See Laws 1999, chapter 243, article 2, sections 21 to 23.

## **Minnesota Statutes, section 541.023, subdivision 1**

**Subject:** Minnesota Marketable Title Act; commencement of actions affecting title to real estate

**Court Opinion:** *Matter of Moratzka*, 988 N.W.2d 42, (Minn. 2023) (A21-0829, A21-0832)

### ***Applicable text of section 541.023, subdivision 1:***

As against a claim of title based upon a source of title, which source has then been of record at least 40 years, no action affecting the possession or title of any real estate shall be commenced by a person, partnership, corporation, other legal entity, state, or any political division thereof, to enforce any right, claim, interest, incumbrance, or lien founded upon any instrument, event or transaction which was executed or occurred more than 40 years prior to the commencement of such action, unless [...]

### ***Statutory Issue:***

Is a plat an “instrument” for the purposes of the Minnesota Marketable Title Act (MTA)?

### ***Canons of Construction Used by the Court:***

Legislative intent; public interest; administrative deference; absurdity doctrine.

### ***Facts and Case Procedure:***

At issue was the recorded platting of a piece of land in Trout Lake Park in Balsam Township in Itasca County that occurred in 1911. A plat is “a delineation of one or more existing parcels of land,” which “depict[s] the location and boundaries of lots, blocks, outlots, parks, and public ways.”<sup>20</sup> The plat “dedicated to the public use forever the public roads [located on the plat].”

Since the platting and dedication, parts of the land were used as a resort. There were various agreements over time between the county and the owners of the resort regarding access to the land, which allowed public access to the lake. No physical road was ever built. In 2013, the resort’s owner died. The trustee of the estate, Timothy D. Moratzka, intended to sell the resort and attempted to assert complete and total ownership of the land.

The DNR, Itasca County, and Balsam Township all objected to Moratzka’s subsequent attempted registration of title. The parties disagreed as to whether the MTA extinguished the public interest. In court, the district court granted summary judgment for Moratzka that the public interest in the road was “abandoned” under the MTA.

The DNR and the Itasca County both appealed. The court of appeals consolidated the cases and affirmed the ruling, finding that “the plain language of the MTA unambiguously encompasses dedications made by recorded plat.” The court determined that further action had been required to record the dedication and therefore the interest was abandoned under the MTA.<sup>21</sup>

The DNR and Itasca County both appealed again to the supreme court.

### ***Discussion:***

While the court considered other issues attendant to the platting issue, the relevant issue the court considered for this report is whether a plat is an “instrument” for the purposes of the MTA.

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<sup>20</sup> See Minnesota Statutes, section 505.01, subdivision 3, paragraph (f).

<sup>21</sup> See Minnesota Statutes, section 541.023, subdivision 5, regarding presumed abandonment under the MTA.

The court began by citing caselaw to explain that the main purpose of the MTA is to make it possible to make a determination of title based on an examination of documents in the chain of title recorded in the 40-year period preceding the title search. The policy goal is to make it so that exceedingly old records do not affect the marketability of real estate. The MTA prohibits actions affecting the title of real estate that are “founded upon any instrument [...] which was executed or occurred more than 40 years prior to the commencement of such action.”<sup>22</sup> The only exception under that statute is if before the action began, and within 40 years of the instrument, a notice was recorded in the office of the county recorder. If there is an interest that falls under the provisions of the MTA and is not recorded within the 40-year period, the interest is considered abandoned.

The parties disagreed about whether the MTA applies to interests dedicated to the public by plat. Moratzka argued that a plat was plainly an instrument while the DNR and Itasca County argued that it was not. If the platting was an “instrument,” the interest had been abandoned.

The court set out to determine the plain meaning of the statute by first turning to a dictionary definition of “instrument.” The court noted that the Black’s Law Dictionary definition of an “instrument” included that it was a “written legal document that defines rights, duties, entitlements, or liabilities.” The court further noted the use of the word “any” in the statute and noted that usage of the word indicated that the term should be broad and all-inclusive. Therefore, it was reasonable to conclude that the term “instrument” extends to any document that would allow a legal right or claim.

However, the court next examined further caselaw that provided that the recording requirements of the MTA indicate which types of instruments are covered by the MTA. So, “instrument” could be understood as something that is recorded in the manner contemplated by the MTA. Plats are not contemplated by the MTA. The court described the significantly different requirements for recording plats as compared to recording interests under the MTA. The court also noted substantial visibility in requirements for plats, covered by Minnesota Statutes, chapter 505, as compared to the “ancient records”<sup>23</sup> that the MTA intended to address. The court decided that it was also reasonable to find that a plat was not an “instrument” under the MTA.

After explaining two reasonable interpretations, the court determined that the word “instrument” in the MTA was ambiguous. The court considered the legislative intent of the MTA, the public interest, and the absurdity doctrine to resolve the ambiguity.

First, the court explained that one main policy thrust in the creation of the MTA was to simplify title searches. Finding interests recorded by platting is easily possible and would not increase the cost of a title search. But requiring re-recording of plats would be opposite to the intention of the MTA to reduce burdens. The court also noted that previous caselaw regarding interests subject to the MTA had focused on notice, and a plat clearly puts a party on notice of an existing interest. Next, the court noted the practical consequences of Moratzka’s interpretation were significant. There are dozens of platted public accesses to lakes in Itasca County alone and removing them would significantly affect the public interest. Finally, the court noted the possible absurd result of Moratzka’s interpretation removing the flexibility that local governments have in developing and using platted roadways.

The court concluded that the MTA did not apply to the plat and the interest was not extinguished. The supreme court reversed the decision of the court of appeals and remanded to the district court.

If the legislature wishes to clarify which interests are subject to the MTA, the legislature could more explicitly provide an exhaustive list in the statute.

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<sup>22</sup> See Minnesota Statutes, section 541.023, subdivision 1.

<sup>23</sup> See Minnesota Statutes, section 541.023, subdivision 5.

**Minnesota Statutes, section 609.341, subdivision 11, paragraph (a), item (i)**

**Subject:** Criminal law; criminal sexual conduct

**Court Opinion:** *Wocelka v. State*, 9 N.W.3d 390 (Minn. 2024) (A22-1239)

**Applicable text of section 609.341, subdivision 11, paragraph (a), item (i):**

“Sexual contact,” [...] includes any of the following acts committed without the complainant’s consent [...] and committed with sexual or aggressive intent:  
(i) the intentional touching by the actor of the complainant’s intimate parts, [...]

**Statutory Issue:**

Does using an object constitute intentional touching by the actor for purposes of establishing sexual contact in support of a charge of second-degree criminal sexual conduct?

**Canons of Construction Used by the Court:**

Dictionary definitions; purpose of the statute; whole-text canon.

**Facts and Case Procedure:**

In late December 2015, defendant Sean Michael Wocelka’s daughter reported to a child protection investigator that her father had touched her “private parts” using a toy giraffe. Following a search of Wocelka’s home that turned up a toy giraffe, Wocelka was charged with three counts of second-degree criminal sexual conduct. Following a jury trial, in which his daughter testified that Wocelka touched her genitals with a toy giraffe while he thought she was sleeping, Wocelka was found guilty of two counts of second-degree criminal sexual conduct.

Wocelka sought postconviction relief, arguing his conduct did not meet the statutory definition of sexual contact. The district court denied the petition, and the court of appeals affirmed. The supreme court granted review.

**Discussion:**

Wocelka highlighted a common dictionary definition of “touching” to argue “sexual contact” would require a part of the perpetrator’s body to come into contact with the complainant’s intimate parts so as to feel the contact. The state used an earlier edition of the same dictionary to argue the broader understanding of “touching”—bringing something into contact with something else—applies to the statute. The court conceded both common and accepted meanings of “touching” may apply and entertained the parties’ arguments for why their opponent’s definition was unreasonable.

Wocelka’s reading that the statute that requires the touching must be done “by the actor,” was rejected by the court as too narrow “as a matter of ordinary English,” because the actor “brought the object into contact with the intimate parts.”

Wocelka’s other argument focused on the definition of “sexual penetration,” which requires intrusion by “any part of the actor’s body or any object used by the actor.” Wocelka argued that because the legislature could make the distinction between body parts and objects for this definition and failed to do so for the “sexual contact” definition, it stands to reason the legislature did not intend for an object to qualify as “touching.” The court again rejected his arguments, finding that no definition of “intrusion” identifies what kinds of things must do the intruding, so it made sense for the legislature to be more specific for the “sexual penetration” definition.

The state argued that in order to accept Wocelka’s definition, the words “with a body part” would need to be included in the statute. The state also argued that because “sexual contact” refers to the complainant’s body parts but not the body part of the actor, the legislature must have made the conscious decision not

to include the actor's body part, thereby intending that touching could be done by an object. The court rejected the state's arguments as not addressing the alternative meaning put forth by Wocelka.

Finally, the court addressed the concurring opinion's approach to determining ambiguity. The concurrence looked to the broad purpose of the statute and determined that Wocelka's definition failed to meet that purpose. The majority opinion ultimately agreed that analysis is important to resolving the ambiguity, but it could not be used to determine whether ambiguity exists because that broad purpose does not appear in the text of the statute.

The court found the statute is subject to more than one reasonable interpretation and is therefore ambiguous.

The court disposed of the ambiguity relatively quickly, looking solely at the purpose of the statute: to prevent the harm suffered by people subjected to unwanted sexual contact by deterring such contact through criminal sanctions. The court noted the harm to a complainant from unwanted touching of their intimate parts is the same whether done by a body part of the perpetrator or an object held by the perpetrator. Therefore, the court stated, Wocelka's narrow definition failed to serve the purpose of the statute and could not have been the legislature's intent.

The court additionally rejected Wocelka's request for invocation of the rule of lenity, finding that the statute was not so ambiguous as to require the court to read it in the light most favorable to the defendant.

The court unanimously<sup>24</sup> held that "an actor's use of an object to make contact with a complainant's intimate parts" falls within the meaning of "touching" under section 609.341, subdivision 11.

The court did not provide a potential remedy for the ambiguity here, but the legislature may want to consider clarifying the definition of "sexual contact" in light of this ruling.

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<sup>24</sup> While agreeing with the final holding, the concurrence relies on the whole-statute canon to argue that the broader definition put forward by the state was the only reasonable interpretation of the statute, and the court should have never found the language ambiguous.

## **Minnesota Statutes, section 611A.01, paragraph (b)**

**Subject:** Criminal law; restitution

**Court Opinion:** *State v. Allison*, 999 N.W.2d 835 (Minn. 2024) (A22-0793)

**Applicable text of section 611A.01, paragraph (b):**

“Victim” means a natural person who incurs loss or harm as a result of a crime.... The term “victim” includes the family members, guardian, conservator, or custodian of a minor, incompetent, incapacitated or deceased person.

**Issue:**

Is a child’s parent entitled to restitution for costs stemming from the effects of a crime committed against the child but not suffered directly by the child?

**Canons of Construction Used by the Court:**

Common and approved usage; context of accompanying words; surplusage; occasion and necessity for the law; circumstances under which the law was enacted; mischief to be remedied; object to be attained; former law, including other laws upon the same or similar subjects; contemporaneous legislative history.

**Facts and Case Procedure:**

On July 10, 2020, Henry Albert Allison, Jr., took pornographic photos of his ex-girlfriend’s six-year-old daughter while she was asleep. A third party discovered the photos and turned them over to police. Allison was charged with and ultimately pleaded guilty to second-degree criminal sexual conduct, use of a minor in a sexual performance, and possession of child pornography.

At the sentencing hearing, the child’s mother requested Allison pay her restitution for therapy costs and lost wages stemming from the crime committed against her daughter. She testified at a contested restitution hearing that she suffered emotional trauma that prevented her from working for four months and resulted in a seven-day inpatient psychiatric stay followed by a six-week outpatient program.

The district court ordered Allison to pay the child’s mother restitution for lost wages and therapy costs. Allison appealed the ruling, and the court of appeals affirmed. The supreme court granted review.

**Discussion:**

Allison appealed the district court’s restitution order, arguing that a child victim’s family members are a secondary class of victims who are only eligible for restitution for losses suffered directly by the child. In parsing section 611A.01, paragraph (b), Allison contended that because those listed individuals have a duty to protect the interests of a dependent individual, they are only eligible to seek restitution by suing on behalf of the dependent individual and not for harms they personally suffered. The state argued that reading was too narrow in that those individuals personally suffer when the dependent individual suffers.

The court determined that none of the canons of grammar, common usage, or the canon against surplusage rendered either party’s argument unreasonable. Because both party’s readings of the statute were reasonable, the court declared the statute ambiguous.

To resolve the ambiguity, the court started with the canons of necessity and the circumstances surrounding the enactment of the ambiguous language. A previous version of the statute in question<sup>25</sup> defined “victim” to include a deceased victim’s surviving spouse or next of kin. A supreme court case interpreting that version of the statute<sup>26</sup> held that the next of kin under the statute are only those

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<sup>25</sup> Minnesota Statutes 2004, section 611A.01, paragraph (b).

<sup>26</sup> *State v. Jones*, 678 N.W.2d 1 (Minn. 2004).

individuals who step into the shoes of the deceased victim of the crime. Immediately following that ruling, the legislature amended the statute to read largely how it remains today,<sup>27</sup> reflecting an intent to expand the definition of “victim” *beyond* family members who step into the shoes of the direct victim. This legislative action undercut Allison’s arguments while supporting the state’s arguments.

Next, the court looked to the mischief to be remedied and the object to be attained by the 2005 amendment to the statute. Allison argued the purpose of the amendment was to allow family members to recover losses associated with caring for a child victim. The court shot down this argument, noting parents already had that right under Minnesota Statutes, section 611A.04, subdivision 1, paragraph (a),<sup>28</sup> and it would have been unreasonable for the legislature to give family members rights they already possessed.

Finally, the court considered the contemporaneous legislative history of the 2005 amendment, which heavily cuts against Allison’s arguments. The author of the bill, Rep. Steve Smith, referenced the *Jones* case in presenting the amendment to the House Committee on Public Safety Policy and Finance, stating, “the goal of restitution is to—is or *should* be—to hold the offender accountable for the *total* cost of the crime, and not just the cost incurred by a closest relation [to the crime].”<sup>29</sup>

Finding all arguments in favor of the state’s broader interpretation of the statute, the court held that the language in question “creates a singular class of victims that includes the direct victims of a crime and, if the direct victim is a minor, those family members of the minor who incur a personal loss or harm as a direct result of the crime.”

Additionally, after analyzing direct-causation standards, the court found the child’s mother’s harm was a direct result of the crime committed against her daughter and affirmed the district court’s restitution order.

The court did not provide a potential remedy for the ambiguity, but the legislature may consider clarifying the definition of “victim” in light of this holding.

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<sup>27</sup> Laws 2005, chapter 136, article 8, section 22.

<sup>28</sup> See also, *In re Welfare of J.A.D.*, 603 N.W.2d 844 (Minn. App. 1999) (upholding restitution awarded under this section for lost wages and travel expenses to parent who had to drive child victim to police station).

<sup>29</sup> Emphasis from the court to show speaker’s inflection.

## **Minnesota Statutes, section 617.23, subdivision 1**

**Subject:** Criminal law; indecent exposure

**Court Opinion:** *Fordyce v. State*, 994 N.W.2d 893 (Minn. 2023) (A21-1619)

### **Applicable text of section 617.23, subdivision 1:**

A person who commits any of the following acts in any public place, or in any place where others are present, is guilty of a misdemeanor: (1) willfully and lewdly exposes the person's body, or the private parts thereof; [...]

### **Statutory Issue:**

Does a privately owned, partially enclosed backyard of a home abutting a public alley satisfy the “place” element of the indecent exposure statute?

### **Canons of Construction Used by the Court:**

The mischief to be remedied; the object to be attained; the consequences of a particular interpretation.

### **Facts and Case Procedure:**

On July 1, 2019, defendant Bradley D. Fordyce was standing naked in his backyard in the city of Crosby. At the same time, his neighbor, who lived across a paved, public alleyway from him, was about to leave her back porch about 80 feet away to tend to her flowers and saw Fordyce. She took pictures of Fordyce and alerted police. Fordyce was cited for indecent exposure and convicted following a jury trial. Evidence at trial revealed that although one side of Fordyce's yard is fenced, there is an unobstructed view from his back door to the woman's backyard, and anyone in the public alley between the two properties—which connects to Highway 210, a major thoroughfare through the city—would have a clear view into Fordyce's backyard.

Fordyce petitioned for postconviction relief, arguing the state failed to prove that he was in a public place at the time of the offense. The district court denied the petition, finding Fordyce's “conduct was so likely to be observed, either by a neighbor or a passerby in the alley, that it must be reasonably presumed that [his] conduct was intended to be witnessed.” The court of appeals affirmed, and the supreme court granted review.

### **Discussion:**

Because another person was present at the time of the offense, the court narrowed the scope of its review to whether the state proved Fordyce was indeed “in any place where others are present” despite being in his backyard.

Fordyce argued the phrase means a shared physical location between himself and his neighbor, which would not include his backyard because his neighbor was in her own home at the time. The state argued for a broader meaning: any place where a person's lewd conduct might be seen. Faced with these arguments and relying on case law<sup>30</sup> examining the definition of “presence” in a different portion of the indecent exposure statute and common dictionary definitions,<sup>31</sup> the court concluded the word “present” was ambiguous. The court found the legislature could have reasonably sought to prohibit lewd exposure (1) in a particular spatial or geographical area, or (2) within sight.

Turning to the canons of construction to resolve the ambiguity, the court began with examining the mischief to be remedied. Relying in part on the *Decker* case, the court found the mischief to be remedied was people lewdly exposing themselves to others. Limiting the term “present” to those who share a

<sup>30</sup> *State v. Decker*, 916 N.W.2d 385 (Minn. 2018).

<sup>31</sup> “[A]t hand” “in attendance; not elsewhere,” “being within reach, sight, or call.”

geographical location with the offender undermines the statute's ability to remedy this mischief because a person may easily be subjected to lewd conduct even if they are in different physical locations. Fordyce's neighbor could attest to that.

Next, the court considered the object to be attained by the statute, namely, to prevent the offense or annoyance of being exposed to the lewd conduct of others. Fordyce argued that the phrase "any place where others are present" necessarily limits prohibited conduct to within certain geographical spaces. The court rejected this argument as too limiting, finding it more reasonable that the legislature intended to reduce the risk that lewd conduct would be *viewed* rather than reducing the risk that the conduct would *occur* in specific places. Using Fordyce's facts as an example, the court refused to believe the legislature would intend to allow lewd conduct in a private backyard fully visible from an abutting, publicly accessible alley just a few steps away from a large thoroughfare.

Finally, the court considered the consequences of the parties' interpretations. Fordyce argued that a broad interpretation would impermissibly expand the scope of the statute to include private spaces like the interiors of homes. The court shrugged off this argument, citing multiple cases and a totality of the circumstances approach to avoid criminalizing accidental exposures. Additionally, the court opined, if the indecent exposure statute was limited to geographic boundaries, openly visible, volitional conduct within one's property lines would be allowed, which would directly contradict clear legislative intent.

The court rejected all of Fordyce's geographic limitations arguments and held that "in criminalizing certain lewd conduct 'in any place where others are present,' the legislature intended to prohibit lewd behavior that is reasonably capable of being viewed by others, in light of the totality of the circumstances."

The court did not provide a potential remedy for the ambiguity here, but the legislature may want to consider adding language to the definition to clarify the scope of the statute.

## Actions Taken

There are three court cases that would have merited inclusion in the 2024 Court Opinions Report because each opinion identified a statutory deficiency. However, the legislature subsequently amended the statute at issue or related statutes to remove, address, or otherwise remedy the deficiency. The cases are summarized very briefly below, organized in order by statute at issue.

### **Minnesota Statutes, section 282.08, clause (4)**

**Subject:** *Tax-forfeited property; apportionment of proceeds*

**Court Opinion:** *Tyler v. Hennepin County, Minnesota*, 598 U.S. 631 (2023) (No. 22-166)

**Issue:** The Supreme Court of the United States considered the constitutionality of the apportionment provisions of the statute where it directed the balance of excess proceeds from a sale of tax-forfeited property to be sent to local jurisdictions.<sup>32</sup> The court held that this arrangement, where the government is allowed to retain proceeds in excess of a former property owner's tax debt, is a violation of the Takings Clause of the Fifth Amendment and the Excessive Fines Clause of the Eighth Amendment of the Constitution.

**Action:** The legislature responded in Laws 2024, chapter 113, and Laws 2024, chapter 127, article 70. The legislature created a \$109 million fund for the use of counties to settle litigation related to the state's retention of tax-forfeited lands, surplus proceeds from the sale of tax-forfeited lands, and mineral rights in those lands. Additionally, the legislature established a housing support account and created new statutes to provide a mechanism for providing notice to interested parties and a claims procedure for interested parties to receive their portion of any excess proceeds from a sale of tax-forfeited property.

### **Minnesota Statutes, sections 299A.41, subdivision 3, and 299A.44**

**Subject:** *Public safety officer and survival benefits; death benefit*

**Court Opinion:** *Matter of Lannon*, 984 N.W.2d 575, (Minn. Ct. App. 2022) (A22-0507) (not appealed)

**Issue:** The court of appeals was confronted with determining the meaning of the death benefit statute<sup>33</sup> for public safety officers killed in the line of duty. The question was whether an officer who sustains posttraumatic stress disorder (PTSD) caused by job-related trauma and then dies by suicide as a result is "killed in the line of duty" for the purposes of the spousal death benefit. The court found the phrase to be ambiguous.

**Action:** The legislature responded in Laws 2023, chapter 52, article 5, section 14. The legislature amended section 299A.41, subdivision 3, to make clear that the phrase "killed in the line of duty" includes officers who die by suicide secondary to a diagnosis of PTSD or within 45 days of the end of exposure, while on duty, to a traumatic event.

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<sup>32</sup> Minnesota Statutes, section 282.08 apportions proceeds exclusively to taxing districts and not to former property owners or other interested parties.

<sup>33</sup> Minnesota Statutes, section 299A.44 provides that the Department of Management and Budget must pay a monetary benefit to certain survivors of public safety officers in certain situations.

**Minnesota Statutes, section 349.12, subdivision 12b, clause (3)**

**Subject:** *Lawful gambling and gambling devices; electronic pull-tabs; regulation*

**Court Opinion:** *In re Shakopee Mdewakanton Sioux Community*, 988 N.W.2d 135 (Minn. Ct. App. 2023) (A22-0946) (not appealed)

**Issue:** The court of appeals considered whether the lawful gambling statute<sup>34</sup> allowed “open-all” electronic pull-tabs in the context of unpromulgated rulemaking by the Gambling Control Board. The court had to determine whether the statutory language required a player to take separate actions on each line, row, or column. The court determined that the language was ambiguous.

**Action:** The legislature responded in Laws 2023, chapter 64, article 13, section 7. The legislature amended the section to add the adverb “individually” in two places: (1) before “activate” and (2) before “open.” This made clear that a player must individually activate or individually open each individual line, row, or column of each electronic pull-tab ticket.

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<sup>34</sup> The language at issue in Minnesota Statutes 2022, section 349.12, subdivision 12b, clause (3), was:  
“Electronic pull-tab device” means a handheld and portable electronic device that:

[...]

(3) requires that a player must activate or open each electronic pull-tab ticket and each individual line, row, or column of each electronic pull-tab ticket;

[...]

(emphasis added)

## Tax Court Cases Not Reviewed by Supreme Court

The Minnesota Tax Court is an independent agency of the executive branch of the state government that, other than appeal allowed to the Minnesota Supreme Court, is the “sole, exclusive, and final authority for the hearing and determination of all questions of law and fact arising under the tax laws of the state.”<sup>35</sup> Taxpayers may petition the tax court to review and redetermine orders or decisions of the commissioner of revenue. However, the tax court’s powers of review are limited.<sup>36</sup> Importantly, though, the tax court’s opinions are precedential for the tax court unless overturned by the supreme court.<sup>37</sup> Review by the supreme court is permitted but may be denied, or may not even be sought.<sup>38</sup> In sum, if a tax court opinion finds a statutory deficiency and the supreme court does not grant review, or if review is not sought, the decision is precedent for future tax court cases until overturned by the supreme court.<sup>39</sup>

This report has been expanded to include summaries of certain tax court opinions to offer a more complete reporting of precedential decisions. Excluding summaries of these opinions from this report could shield from view precedential opinions from the tax court, the only entity that decides cases of tax laws of the state, which identify statutory deficiencies in tax statutes.

There are two additional cases that would have merited inclusion in the 2024 Court Opinions Report because the opinion identified a statutory deficiency; however, the opinion was from the tax court. It was not appealed to the supreme court. The cases are summarized below in order of the statute at issue.

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<sup>35</sup> See Minnesota Statutes, section 271.01. The legislature created the current structure of the tax court in 1977. Prior to that time the state had some form of tax appeal board or court dating back to 1939, when the legislature created a part-time board of tax appeals. See Laws 1939 chapter 431, article 6, section 10. The tax court as we know it today did not exist in 1957 when the legislature first directed the revisor’s office to complete a biennial court opinions report.

<sup>36</sup> E.g., the Minnesota Supreme Court has held that the tax court cannot determine constitutional issues because it does not have the authority. The tax court may only decide constitutional issues if they are raised in the district court before being transferred to the tax court. See *Matter of McCannel*, 301 N.W.2d 910, 919-20 (Minn. 1980).

<sup>37</sup> See Minnesota Statutes, section 271.10.

<sup>38</sup> See Minnesota Court Rules, Appellate Procedure, Rules 105, 116, and 120.

<sup>39</sup> For a more complete discussion of the tax court’s “unique semi-judicial” existence, see Nicholas Cunningham, What Can the Erie Shuffle Do for You?: Original and Acquired Equitable Powers of the Minnesota Tax Court, 10 U. St. Thomas L.J. 844 (2013).

## Tax Court Opinions Report Table

Statutory Section	Issue	Court Opinion
273.01	Is a meeting where the county uses an alternative review process to review assessments equivalent to a meeting of the local board of review or equalization? (ambiguity)	<i>Endless Summer Farms LLC</i> <i>v.</i> <i>Lake County,</i> 2022 WL 6609923 (Minn. Tax Court 2022) (38-CV-20-151)
278.05, subdivision 3	Does the term “assessor’s records” mean every assessment record on a subject property or a certain category of assessment record, including information on third-party properties? (ambiguity)	<i>IRC Cliff Lake, L.L.C. v.</i> <i>Dakota County,</i> 2023 WL 3856405 (Minn. Tax Court 2023) (19HA-CV-21-1252)

## **Minnesota Statutes, section 273.01**

**Subject:** Property Tax Assessment; Appeals

**Court Opinion:** *Endless Summer Farms LLC v. Lake County*, 2022 WL 6609923 (Minn. Tax Ct. 2022) (38-CV-20-151)

### ***Applicable text of section 273.01:***

[...] Except as provided in this section and section 274.01, subdivision 1, all real property assessments shall be completed two weeks prior to the date scheduled for the local board of review or equalization. [...] In the event a valuation and classification is not placed on any real property by the dates scheduled for the local board of review or equalization the valuation and classification determined in the preceding assessment shall be continued in effect [...]

### ***Statutory Issue:***

Is a meeting where the county uses an alternative review process to review assessments equivalent to a meeting of the local board of review or equalization?

### ***Canons of Construction Used by the Court:***

Related statutes.

### ***Facts and Case Procedure:***

In 2018, Endless Summer Farms LLC (ESF) purchased property in Silver Bay, in Lake County, Minnesota, which was previously leased by the University of Minnesota for agricultural purposes. In 2019, Lake County was responsible for conducting the property tax assessment of ESF's property as the city of Silver Bay had transferred its local board of review powers to the county.<sup>40</sup> On May 1, 2019, Lake County and ESF had a meeting to discuss the assessment of the property and days later, on May 6, the assessor mailed a valuation notice to ESF which showed the assessor changed the property's classification from exempt to commercial.<sup>41</sup> ESF appealed the assessment to the Lake County Board of Appeal and Equalization when the county board convened in June 2019, but the county board sustained the classification and valuation set by the assessor. ESF disagreed and filed a petition in tax court to change the property's classification to agricultural (class 2a).

ESF and the county acknowledged that the county board used an alternative review process, as required in section 274.13, subdivision 1c, when they met in May to discuss the property's assessment.<sup>42</sup> The court characterized this meeting as an open book meeting and the parties disagreed about whether this alternative review process was equivalent to a local board of review mentioned in section 273.01, and whether the county was required to complete the assessment two weeks prior to their meeting, as required by the statute. The statute is silent about when a county must complete the assessments of jurisdictions that transfer their local board of review powers to the county. ESF argued that in order to fulfill the purpose of the alternative review process, the county must follow the same timeframe dictated by section 273.01 and complete the property tax assessment before holding a meeting. It further argued that because the county had not assessed the property before their May 1 meeting, the county was barred from changing the assessment from the prior year's classification. The county argued otherwise that the timeframe in the statute relates to when the county board exercises the powers and duties of a local board, which the county exercised when it convened its appeal and equalization board in June.

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<sup>40</sup> Minnesota Statutes, section 274.01, subdivision 3, permits a town or city to transfer its power to the county board.

<sup>41</sup> As the property was previously leased out to the University of Minnesota, Duluth, the property held an exempt-municipal status.

<sup>42</sup> Minnesota Statutes, section 274.13, subdivision 1c, states that under the alternative review process, the county must provide taxpayers with a procedure for reviewing assessments, including but not limited to open book meetings that take place in April and May.

***Discussion:***

Upon appeal to the tax court, the court held that both parties' reading of the statute was reasonable and therefore, held that the statute was ambiguous. The court used the related statutes canon and looked at statutes in chapters 273 and 274 for references to open book meetings and local boards. The court noted that the legislature was silent about the alternative review process in section 273.01 when setting a deadline for assessments, yet very explicit in discussing the alternative review process in other statutes. The court highlighted how the legislature clearly mentions both the alternative review process and the local board when discussing notice requirements.

Continuing to look at related statutes, the court discussed how open book meetings were less formal than meetings of the local board which had several procedural requirements. The court also pointed out that in chapter 274, the rights of the taxpayers and the duties of assessors are different for local boards when compared to those for open book meetings. The court concluded that in the context of related statutes regarding local boards of appeal and equalization and the alternative review process, open book meetings and local boards are not substantially equivalent. The court held that where the local board is transferred to the county board, assessments must be completed no later than two weeks before the date of the county board meeting. Ultimately, the court concluded that ESF had credible evidence to rebut the commercial classification and held that the proper classification of the property as of January 2, 2019, was agricultural (class 2a).

The court did not suggest a statutory amendment, but the legislature may consider adopting the court's reading by adding language to section 273.01 that clarifies that the alternative review process is not the same as a local board of review. Alternatively, the legislature may consider creating a separate deadline to complete assessments for jurisdictions using the alternative review process.

## **Minnesota Statutes, section 278.05, subdivision 3**

**Subject:** Assessment records; Minnesota Government Data Practices Act

**Court Opinion:** *IRC Cliff Lake, L.L.C. v. Dakota County*, 2023 WL 3856405 (Minn. Tax Ct. 2023) (19HA-CV-21-1252)

### ***Applicable text of section 278.05, subdivision 3:***

Assessor's records [...] shall be made available to the petitioner [...] and shall not be excluded from discovery or admissible evidence on the grounds that the documents and the information recorded thereon are confidential<sup>43</sup> or classified as private data on individuals. [...]

### ***Statutory Issue:***

Does the term “assessor’s records” mean every assessment record on a subject property or a certain category of assessment record, including information on third-party properties?

### ***Canons of Construction Used by the Court:***

Absurdity doctrine; whole-text canon; harmony; legislative history.

### ***Facts and Case Procedure:***

IRC Cliff Lake (IRC) sought market value information from Dakota County on an income-producing property located at 1960 Cliff Lake Road, in Eagan, Minnesota. IRC brought a motion before the Minnesota Tax Court to compel Dakota County to disclose two categories of data: (1) 13 assessor commercial exchange (ACE) sheets containing income and expense data from the sale of 13 multitenant retail properties; and (2) income, expense, and lease/rental data of five separate multitenant retail properties. Dakota County produced the public portions of IRC’s request and redacted the information the county categorized as “income property assessment data” under the Minnesota Government Data Practices Act under section 13.51.1 The tax court continued the hearing and ordered both parties to file memoranda addressing the scope of “assessor’s records.”

When the case reconvened, IRC argued that “assessor’s records” includes income property assessment data mentioned in section 13.51, and that this data should be disclosed regardless of its confidentiality, as required under section 278.05. Dakota County argued that assessor’s records are different from income property assessment data. The county argued that assessor’s records are documents created in the course of an assessor’s official duties, whereas the latter is information the county possesses due to mandatory disclosure rules in statute. The county argued that the court must follow the data practices balancing test before requiring disclosure of any third-party information contained in income property assessment data.

### ***Discussion:***

The court found two ambiguities because the term “assessor’s records” was not defined in statute. The first lies within the statute’s enumerated list, which could reasonably mean all of an assessor’s assessment records on a property or just a certain type of assessment record. The second ambiguity is that the word “records” is plural and therefore could either mean an assessor’s records on the subject property or an assessor’s records on every property. The court concluded that the legislature intended “assessor’s records” to refer to all the materials in an assessor’s possession on the subject property. This includes any information on third-party properties, even if it qualifies as income-producing assessment data, if the information is within the assessor’s records for the subject property.

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<sup>43</sup> In *G&I IX OIC LLC v. Hennepin County*, 979 N.W.2d 52 (Minn. 2022), the Minnesota Supreme Court found that the term “confidential” in the statute was ambiguous. See the 2022 Court Opinions Report for discussion.

The court provided six reasons for its conclusion. First, the court referenced the canon of statutory interpretation found in section 645.17, clause (1), which instructs the courts to presume “the legislature does not intend a result that is absurd, impossible of execution, or unreasonable.” The court opined that it would be unreasonable to require a county to provide a petitioner with every assessment record on every property each time there was a property tax case. Instead, it would be more reasonable to require a county to make every assessment record on just the subject property available to a petitioner. Second, the court considered the juxtaposition of allowing an assessor to place sensitive information in a property’s file and mandating an assessor’s materials to be discoverable. In the court’s opinion, it is reasonable to believe the legislature was concerned about fairness, thus making it reasonable to interpret the section as requiring a county make every assessment record on the subject property available, not just a subset.

The court’s third reason is based on the canon of statutory interpretation in section 645.17, clause (2), which states “the legislature intends the entire statute to be effective and certain.” The court pointed out that section 278.05, subdivision 3, differentiates “assessor’s records” in the first sentence from “comparable sales of other property” in the second sentence. According to the court, this indicates the legislature intended to treat the assessor records of third-party properties separately from the records of the subject property, otherwise the second sentence would be redundant and void. Along these lines, in the court’s fourth reason, it looked to other subdivisions in section 278.05 to interpret “assessor’s records.” The court noted that subdivision 6, which mandates a petitioner to provide to the county income data, only requires a petitioner to give information on the subject property. Using this context clue, it is reasonable to believe that in subdivision 2 the legislature similarly restricts access to only the records of the subject property.

The court’s fifth reason sought to harmonize section 278.05 with section 13.51, holding that these sections should be interpreted together because of their common purpose and subject matter. The court noted that the legislature adopted section 13.51 one year after section 278.05, to prevent taxpayers from litigating just to obtain commercially sensitive data on income-producing properties. Reading the statutes together, along with the purpose of section 13.51, the court reasoned that “assessor’s records” and “income property assessment data” are separate things; otherwise, the protection offered in section 13.51 would be illusory.

Lastly, the court held that it was reasonable to distinguish “income property assessment data” from “assessor’s records” because this treatment would be consistent with the court’s interpretation in prior case law. The court concluded that IRC’s request did not fall under the definition of assessor’s records because the request related to information on third-party properties. Therefore, section 278.05, subdivision 3, did not apply, and IRC’s request would need to be analyzed under the balancing test of the data practices act before requiring the county to disclose any third-party information.

The court did not suggest a statutory amendment, but the legislature may consider adopting the court’s reading by amending section 278.05, subdivision 3, to define “assessor’s records” as all the materials in an assessor’s possession that pertain to the property that is the subject of a dispute. The legislature may also consider clarifying whether assessor’s records may include assessment information on third-party properties.

# Appendix I

## OVERVIEW OF PRINCIPLES OF LEGAL INTERPRETATION

The next section in this appendix is a glossary of principles of legal interpretation<sup>44</sup> that were applied by the courts in the 13 opinions fully summarized in this report. The glossary is not exhaustive; rather, it lists various principles used by the courts when engaging in statutory interpretation and resolving statutory deficiencies.

Minnesota Statutes, section 645.16, is cited in *many* of the opinions summarized in this report. It is a legislatively provided gateway to statutory construction. The section provides:

The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature. Every law shall be construed, if possible, to give effect to all its provisions.

When the words of a law in their application to an existing situation are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.

When the words of a law are not explicit, the intention of the legislature may be ascertained by considering, among other matters:

- (1) the occasion and necessity for the law;
- (2) the circumstances under which it was enacted;
- (3) the mischief to be remedied;
- (4) the object to be attained;
- (5) the former law, if any, including other laws upon the same or similar subjects;
- (6) the consequences of a particular interpretation;
- (7) the contemporaneous legislative history; and
- (8) legislative and administrative interpretations of the statute.

This appendix does not indicate the use of the considerations in section 645.15 in the cases summarized in this report. The summaries, however, may reference these considerations in noting the canons of construction used by the court. But in addition to section 645.16, courts often venture further into principles of statutory interpretation. Some of those principles overlap or intersect with what is provided in section 645.16 or correlate with other interpretive provisions in chapter 645.<sup>45</sup>

For each principle beyond section 645.16, if there is summary of an opinion in this report in which the principle was used, the case is cited. Sometimes there is a corollary or separate interpretive provision in chapter 645 that was used by the court, and if so, it is cited as well. The list also includes canons listed in the glossary in previous Court Opinions Reports, but the case cites have been removed for this report.<sup>46</sup> Therefore, some of the canons may not list a case cite. Reference to a principle is not indicative of how the court resolved the issue.

These interpretive tools and canons, regardless of whether they are textualist, purposivist, pragmatist, or something else, are susceptible to dueling use. This may be most evident in cases where there are dissenting opinions.<sup>47</sup> Additional considerations for the interpretation of statutes can be found in

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<sup>44</sup> Black's Law Dictionary calls them canons of construction and explains that they are "rule[s] used in construing legal instruments, esp. contracts and statutes; a principle that guides the interpreter of a text. • Although a few states have codified the canons of construction — examples of which are *contra proferentem* and *eiusdem generis* — most jurisdictions treat the canons as mere customs not having the force of law. — Often shortened to canon. — Also termed rule of construction; rule of interpretation; principle of interpretation; interpretive canon." CANON, Black's Law Dictionary (12th ed. 2024)

<sup>45</sup> See *Id* for one description of different ways of categorizing overlapping canons.

<sup>46</sup> The 2014 Court Opinions Report was the first report to include an appendix with a glossary of principles of legal interpretation. The next report to include a similar glossary was the 2020 Court Opinions Report, followed by the 2022 Court Opinions Report. The glossary in this report is meant to be a cumulative listing of principles of legal interpretation cited in opinions summarized in all Court Opinions Reports that have included these glossaries.

<sup>47</sup> For one (perhaps somewhat archaic, but informative) discussion and list of competing canons of statutory interpretation, see Karl N. Llewellyn, Remarks on the Theory of Appellate Decision and the Rules or Canons about How Statutes Are to Be Construed, 3 Vanderbilt Law Review 395 (1950).

Minnesota Statutes, chapter 645. Also, Chapter 7 of the Minnesota Revisor’s Manual contains a brief discussion of statutory construction. Finally, the Congressional Research Service has also published material on statutory interpretation, one of which includes an appendix that combines two preeminent anthologies of the canons of construction.<sup>48</sup>

## GLOSSARY OF PRINCIPLES OF LEGAL INTERPRETATION

### **Absurdity Doctrine**

Judges will disregard interpretations of language that provide a result no reasonable person could approve.

- Section 645.17, clause (1): “In ascertaining the intention of the legislature the courts may be guided by the following presumptions: (1) the legislature does not intend a result that is absurd, impossible of execution, or unreasonable; ...”
- Cases in this report:
  - *State v. Moore*, 10 N.W.3d 676 (Minn. 2024)
  - *Matter of Moratzka*, 988 N.W.2d 42, (Minn. 2023)
  - *IRC Cliff Lake, L.L.C. v. Dakota County*, 2023 WL 3856405 (Minn. Tax Ct. 2023)

### **Administrative Deference**

If words and phrases in a statute have been interpreted authoritatively by a responsible administrative agency, the words and phrases are to be understood according to that construction.

- Cases in this report:
  - *Matter of Moratzka*, 988 N.W.2d 42, (Minn. 2023)
  - *Matter of Surveillance and Integrity Review*, 999 N.W.2d 843 (Minn. 2024)

### **Constitutional-Doubt Canon**

Statutes should be interpreted in a way that avoids placing their constitutionality in doubt.

- Section 645.17, clause (3): “In ascertaining the intention of the legislature the courts may be guided by the following presumptions: ... (3) the legislature does not intend to violate the Constitution of the United States or of this state; ...”
- Cases in this report:
  - *Matter of Yanez*, 983 N.W.2d 89, (Minn. Ct. App. 2022) (not appealed)

### **Noscitur a Sociis (Associated Words Canon)**

Associated words bear on one another’s meaning. The context of a division of statute are those parts of the text which immediately precede and follow it. Context aids in statutory interpretation, particularly textual clues supporting each reasonable interpretation of an ambiguous statute which help decide which is the better interpretation.

- Cases in this report:
  - *Matter of Surveillance and Integrity Review*, 999 N.W.2d 843 (Minn. 2024)
  - *State v. Allison*, 999 N.W.2d 835 (Minn. 2024)
  - *Endless Summer Farms LLC v. Lake County*, 2022 WL 6609923 (Minn. Tax Ct. 2022)

### **Expressio unius est exclusio alterius (Expression of one thing is the exclusion of the other)**

When one or more things of a class are expressly mentioned others of the same class are excluded.

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<sup>48</sup> See, e.g. Congressional Research Service, *Statutory Interpretation: Theories, Tools, and Trends* (updated April 5, 2018).

Section 645.19: “Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer. Exceptions expressed in a law shall be construed to exclude all others.”

### **Harmony**

One goal of statutory interpretation is to harmonize statutes, if possible.

- Section 645.26, subdivision 1:  
“When a general provision in a law is in conflict with a special provision in the same or another law, the two shall be construed, if possible, so that effect may be given to both.”
- Cases in this report:
  - *IRC Cliff Lake, L.L.C. v. Dakota County*, 2023 WL 3856405 (Minn. Tax Ct. 2023)

### **In pari materia; Related-Statutes Canon**

Statutes *in pari materia* (upon the same subject matter) are to be construed together.

- Cases in this report:
  - *Endless Summer Farms LLC v. Lake County*, 2022 WL 6609923 (Minn. Tax Ct. 2022)

### **Interpretive-Direction Canon**

Definition sections and interpretation clauses in statutory language are to be carefully followed.

### **Last-Antecedent Canon**

A relative or qualifying word or phrase generally modifies only the word or phrase which it immediately follows (i.e. the nearest reasonable antecedent). This presumption can be overcome if the intent and meaning of the context, or an examination of the entire act, clearly requires extending the qualifying word or phrase to additional antecedents.

### **Mandatory/Permissive Canon**

Mandatory words, such as “shall” or “must,” typically indicate “that the act to be performed is mandatory.” Permissive words, such as “may,” allow for discretion.

### **Ordinary-Meaning Canon/Ejusdem Generis (Latin for “of the same kind of class”)**

Words and phrases in statutes are to be understood in their ordinary, everyday meaning, unless the context indicates that they bear a technical sense. Courts often turn to the dictionary definition to determine the ordinary meaning of a disputed word or phrase.

- Section 645.08, clause (1): “In construing the statutes of this state, the following canons of interpretation are to govern, unless their observance would involve a construction inconsistent with the manifest intent of the legislature, or repugnant to the context of the statute: (1) words and phrases are construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning, or are defined in this chapter, are construed according to such special meaning or their definition; [...]”
- Cases in this report:
  - *State v. Allison*, 999 N.W.2d 835 (Minn. 2024)
  - *Wocelka v. State*, 9 N.W.3d 390 (Minn. 2024)

### **Presumption Against Preemption Canon**

In all preemption cases, the court begins with the assumption that the historic police powers of the states were not superseded by the federal act unless that was the clear and manifest purpose of Congress.

### **Prior-Construction Canon**

If the court has interpreted the meaning of statutory language, even if the legislature later amends the statute (but leaves the interpreted language unchanged), the court’s prior interpretation is determinative.

- Section 645.17, clause (4): “When a court of last resort has construed the language of a law, the legislature in subsequent laws on the same subject matter intends the same construction to be placed upon such language.”

### **Reenactment Canon**

If the legislature amends or reenacts a provision, other than as a technical consolidation or recodification, a significant change in language is presumed to entail a change in meaning.

### **Rule of Lenity**

When a criminal law is unclear or ambiguous, the court should apply it in the way that is most favorable to the defendant, or construe the statute against the state.

### **Series-Qualifier Canon**

When there is a straightforward, parallel construction that involves all nouns or verbs in a series, the court assumes that a prepositive or postpositive modifier applies to the entire series. This canon supports the argument that phrases can constitute one integrated list of closely related, parallel, and overlapping terms.

### **Severability Canon**

If any provision of a statute is found to be unconstitutional, the rest of the statute survives if the court can effectively sever the unconstitutional provision.

- Section 645.20: “Unless there is a provision in the law that the provisions shall not be severable, the provisions of all laws shall be severable. If any provision of a law is found to be unconstitutional and void, the remaining provisions of the law shall remain valid, unless the court finds the valid provisions of the law are so essentially and inseparably connected with, and so dependent upon, the void provisions that the court cannot presume the legislature would have enacted the remaining valid provisions without the void one; or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.”

### **Surplusage Canon**

No provision of a law should be rendered superfluous. If possible, every word and every provision is to be given effect. No interpretation should result in a provision having duplicate meaning with another provision or having no consequence.

- Cases in this report:
  - *State v. Allison*, 999 N.W.2d 835 (Minn. 2024)

### **Whole-Text Canon**

Courts do not interpret statutory phrases in isolation; rather, they read statutes as a whole.

- Section 645.17, clause (2): “In ascertaining the intention of the legislature the courts may be guided by the following presumptions: ... (2) the legislature intends the entire statute to be effective and certain; ...
- Case:
  - *Ashcel Companies, Inc. v. County of Dodge*, 10 N.W.3d 877 (2024)
  - *IRC Cliff Lake, L.L.C. v. County of Dakota*, 2023 WL 3856405 (Minn. Tax Ct. 2023)
  - *Wocelka v. State*, 9 N.W.3d 390 (Minn. 2024)

## Appendix II

### EXPLANATION OF CUMULATIVE COURT OPINIONS REPORT TABLE

The following table in this appendix is a cumulative listing of all statutes included in all revisor's court opinions reports, beginning with the first report in January 1959 and ending with this year's report. The table includes statutes that were summarized in a report even if an action on the statute was taken by the legislature before the case was summarized in a report. For ease of finding whether a particular statute has been included in any court opinions report, the list is in statutory order and not in order of the report year.

To determine which historical version of a Minnesota Statutes section was at issue in a case, it is best to review the court opinion directly. The conduct or facts at issue in a case, and the statute in force at the time of the conduct or facts at issue, often occurred in or relate to a different year than the year in which the opinion was released. The table does not indicate whether a deficiency still exists or has been remedied. Rather, it is a tool to locate and review statutory deficiencies found in statutes as they existed at the time of the court opinion.

The table is divided into columns: the statutory citation at the time of the report<sup>49</sup>; the report year; the general statutory subject; the issue type<sup>50</sup>; the statement of the statutory issue; and the citation to the case in which the deficiency was found.

If a statute was identified as deficient in more than one court opinion over time, it is listed separately for each instance in order by year of the report. Cases addressing numerous discrete statutory sections are listed separately for each statute, with reference to the other relevant statutes in the table addressed in the same case. Cases addressing deficiencies in entire chapters or ranges of statutes are listed in single rows as a whole chapter or range of statutes. Some reports included summaries of opinions in which the court found a deficiency in the Minnesota Constitution, an uncodified law, or both. These instances are included in the table after the last statutory inclusion, with citation to the constitutional provision and the uncodified law.

In reports prior to 1980, there were several cases where there was no statute at issue, but the court identified a constitutional or other deficiency by the lack of statutory law. Those instances are included at the end of the table, in order of the year of the report, with the citations listed as "No Statute" and in order by year. Lastly, the 2012 report was the first report to include separate statements explaining the statutory deficiency. Consequently, beginning with 2012 entries in the table, the statement of statutory issue column is often more detailed and explanatory.

In addition, a handful of statutes identified in historical reports were not included in this table because the statutory deficiency was too tenuous or nebulous.<sup>51</sup> These types of cases would not be summarized in the current report and were not normally summarized in reports over time. They were out of the ordinary and have therefore been excluded for uniformity and to avoid confusion. Furthermore, the 2010 report included a table of "sections, subdivisions, paragraphs, and clauses [...] declared unconstitutional by Minnesota or federal courts." This 2010 table overlaps, at least partially, with statutes summarized in past reports. But the table in this appendix does not necessarily include all statutes from that 2010 table.

In 1974 the legislature first provided the reporting date for the report as November 15 of each even-numbered year.<sup>52</sup> Before that time, the law had simply required the revisor's office to report to the

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<sup>49</sup> The statutory citation where a particular law or certain legal subject matter is found can be changed legislatively by an amendment, an enactment directing to the revisor to renumber a statute, or a repeal and reenactment of a statute in substantially the same form but with a different statutory citation. Editorial changes by the revisor may also affect the statutory citation of a particular provision due to the authority granted by Minnesota Statutes, section 3C.10, subdivision 1, which allows the revisor to editorially renumber, combine, rearrange, and generally reorganize sections, subdivisions, or parts of sections and subdivisions.

<sup>50</sup> More recent revisor's court opinions reports have identified, almost exclusively, three types of statutory deficiencies: ambiguity, vagueness, and other constitutional issues (often preemption). However, early reports identified constitutional deficiencies more broadly and noted other deficiencies in addition to ambiguity and vagueness, including lack of remedy, lack of statute of limitations, lack of legislation, or general impracticability.

<sup>51</sup> For instance, summaries of certain federal district court cases, Minnesota Court of Appeals cases overturned by the Minnesota Supreme Court within the reporting period, and other similar cases where it was not clear that there was a statutory deficiency that merited inclusion, are excluded.

<sup>52</sup> See Laws 1974, chapter 406, section 73.

legislature prior to each regular biennial session<sup>53</sup>, and the report was submitted each January of the odd-numbered year following the reporting period. Accordingly, the report year listed in the table changes from odd-numbered years to even-numbered years beginning in 1974. The reporting period has never changed and has always covered the two-year period immediately preceding September 30 of the year preceding the year in which the regular biennial session begins. However, some court opinions near the cutoff dates for the reporting period were summarized in the report covering either the prior two-year period or subsequent two-year period, or both.

Prior to 1984, the law required the report to summarize only opinions of the Minnesota Supreme Court.<sup>54</sup> The Minnesota Court of Appeals did not exist until 1982.<sup>55</sup> The 1984 revisor's court opinions report was the first report to include summaries of opinions of the court of appeals that found statutory deficiencies. However, the statutory duty to include summaries of opinions of the court of appeals that found statutory deficiencies was not added until 1991 in a revisor's technical bill.<sup>56</sup>

The current report does not include summaries of cases in which the court of appeals found a deficiency if the case is currently under review by the supreme court. Also, if the supreme court reviewed a court of appeals case and found a deficiency, only a summary of the supreme court case is included. But these guidelines may not have been followed for all reports since 1984. As a result, this table may include statutes identified as deficient in a court of appeals opinion where a later supreme court opinion affirmed the opinion, or fully or partially negated the lower court's finding in some manner.

Finally, over the years the report has included summaries of federal cases, particularly opinions of the Supreme Court of the United States. The report has also summarized cases where only the dissenting opinion found a statutory deficiency, but the differing opinions and statement of the deficiency merited raising the issue to the legislature. And since 2022, the report has included summaries of Minnesota Tax Court cases not reviewed by the supreme court.<sup>57</sup> Statutes identified in all those types of opinions are included in the table. The 2022 report included a section of other notable cases. Statutes identified in those opinions are not included in the table, except for two instances: one where there was a deficiency found in the Minnesota Constitution and one where there was a deficiency found in an uncodified but generally applicable law.<sup>58</sup>

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<sup>53</sup> See Laws 1957, chapter 65, section 1, last codified as Minnesota Statutes 1972, section 482.09, clause (9).

<sup>54</sup> In two instances, the report summarized opinions of the Supreme Court of the United States. See *Allied Structural Steel Co. v. Spannaus*, 438 U.S. 234 (1978), *rehearing denied Oct. 2, 1978 (77-747)*, summarized in the 1980 report; and *Larson v. Valente*, 456 U.S. 228 (1982), summarized in the 1982 report.

<sup>55</sup> See Laws 1982, chapter 501, proposing an amendment to the Minnesota Constitution providing for a court of appeals as established by the legislature and proposing a new chapter in Minnesota Statutes, chapter 480A, providing for election of judges and jurisdiction of the court of appeals and conferring certain powers and duties on the court of appeals. The amendment to the Minnesota Constitution was approved by the voters at the 1982 general election, and the statutory provisions of chapter 480A became effective upon the ratification of the amendment.

<sup>56</sup> See Laws 1991, chapter 199, article 1, section 1.

<sup>57</sup> For a deeper explanation, review the introductory material to the summaries of Minnesota Tax Court cases included in this report.

<sup>58</sup> See *Sheridan v. Commissioner of Revenue*, 963 N.W.2d 712 (Minn. 2021) regarding Minnesota Constitution, article X, section 5; and *Fairmont Housing and Redevelopment Authority v. Winter*, 969 N.W.2d 839 (Minn. Ct. App. 2021) regarding Laws 2021, First Special Session chapter 8, article 5, section 1.

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
3.732, subdivision 1, clause (2)	2022	Legislature; State Tort Claims Act	Ambiguity	Are county officers and employees “persons acting on behalf of the state in an official capacity”?	<i>Walsh v. State</i> , 975 N.W.2d 118 (2022)
3.736, subdivision 3, clause (h)	1984	Legislature; State Tort Claims Act	Ambiguity; lack of remedy	Extent of application of state tort immunity for losses arising from construction, operation, or maintenance of the outdoor recreation system	<i>Green-Glo Turf Farms v. State</i> , 347 N.W.2d 491 (Minn. 1984)  *Dissenting Opinion*
8.01	1996	Attorney General; appearance	Ambiguity	Meaning of “in all such cases” for governor’s request in writing for attorney general to prosecute cases	<i>State ex reI. Graham v. Klumpp</i> , 536 N.W.2d 613 (Minn. 1995)
10A.01, subdivisions 27 and 28	2006	Campaign finance; public disclosure	Constitutionality; First Amendment	Can definitions of “political committee” and “political fund” be narrowly construed?	<i>Minnesota Citizens Concerned for Life, Inc. v. Kelley</i> , 698 N.W.2d 424 (Minn. 2005)
13.02, subdivision 17	2014	Data Practices Act; state agencies	Ambiguity	Is the Minnesota Joint Underwriting Association — an entity created by statute — an “agency of the state” for the purposes of the Minnesota Data Practices Act?	<i>Minnesota Joint Underwriting Association v. Star Tribune Media Company, LLC</i> , 849 N.W.2d 421 (Minn. Ct. App. 2014)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
13.03, subdivision 1 *see 13.43	1990	Data Practices Act; Open Meeting Law	Ambiguity	Conflicting classification of data	<i>Annandale Advocate v. City of Annandale</i> , 435 N.W.2d 24 (Minn. 1989)
13.43 *see 13.46	2016	Data Practices Act; Open Meeting Law	Ambiguity	If data can be classified as both personnel data and welfare data, is that data public or private?	<i>S.F. v. Clay Co.</i> , 2014 WL 6863230 (Minn. Ct. App. 2014)
13.43 * see 13.03, subdivision 1	1990	Data Practices Act; Open Meeting Law	Ambiguity	Conflicting classification of data	<i>Annandale Advocate v. City of Annandale</i> , 435 N.W.2d 24 (Minn. 1989)
13.43, subdivision 1	2016	Data Practices Act; Open Meeting Law	Ambiguity	Does the personnel data exception apply when the data is used for multiple purposes, one of which is personnel purposes?	<i>KSTP-TV v. Metropolitan Council</i> , 884 N.W.2d 342 (Minn. 2016)
13.43, subdivision 3	1998	Data Practices Act; Open Meeting Law	Ambiguity	Meaning of “selected to be”	<i>Mankato Free Press v. City of N. Mankato</i> , 563 N.W.2d 291 (Minn. Ct. App. 1997)
13.43 * see 13.46	2016	Data Practices Act; Open Meeting Law	Ambiguity	If data can be classified as both personnel data and welfare data, is that data public or private?	<i>S.F. v. Clay Co.</i> , 2014 WL 6863230 (Minn. Ct. App. 2014)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
13D.06, subdivision 3	2008	Open Meeting Law	Ambiguity	Must removal from office be based on three violations or three separate adjudications of violations?	<i>Brown v. Cannon Falls Township</i> , 723 N.W.2d 31 (Minn. Ct. App. 2006)
15.0413, subdivision 1	1980	Administrative Procedure Act	Impracticability	Properly adopted rules found to be “interpretive” according to theories in other jurisdictions and so do not to have the force and effect of law	<i>Minnesota-Dakotas Retail Hardware Association v. State</i> , 279 N.W.2d 360 (Minn. 1979)
15.99	2014	State agencies; deadline for action	Ambiguity	Is a text amendment to a county zoning ordinance a “governmental approval of an action” subject to certain procedural requirements?	<i>Motokazie! Inc., et al., v. Rice County, Minnesota</i> , 824 N.W.2d 341 (Minn. Ct. App. 2012)
16A.152, subdivision 4	2010	Department of Management and Budget; governor’s unallotment authority	Ambiguity	To exercise unallotment authority, is it required that unforeseen fiscal conditions arise after the beginning of a biennium or is there no specific timing element?	<i>Brayton v. Pawlenty</i> , 781 N.W.2d 357 (Minn. 2010)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
45.07	1967	Commerce; charters	Ambiguity	Judicial review of orders granting applications	<i>Gustafson v. Richfield Bank &amp; Trust Co.</i> , 133 N.W. 2d 843 (Minn. 1965)
45.07	1974	Commerce; charters	Ambiguity	Judicial review of orders granting applications	<i>In re application of Shipka</i> , 217 N.W.2d 511 (Minn. 1974)
48.30	1971	Banking; joint deposits	Ambiguity	Decedent estate claim to joint account money	<i>Erickson v. Kalman</i> , 189 N.W.2d 384 (Minn. 1971)  *Dissenting opinion*
60A.41, paragraph (a)	2020	Insurance; subrogation actions	Ambiguity	Does the term “insured” mean any party covered by some part of the insurance policy or any party who is covered by the specific section of the policy that applies to the particular loss at issue?	<i>Depositors Insurance Company v. Dollansky</i> , 919 N.W.2d 684 (Minn. 2018)
60C.11, subdivision 3 and 7	2006	Minnesota Insurance Guaranty Association Act	Ambiguity	Right to recover from insured	<i>Minnesota Ins. Guar. Ass'n v. Integra Telecom, Inc.</i> , 697 N.W.2d 223 (Minn. Ct. App. 2005)
62E.11, subdivision 5	2006	Minnesota Comprehensive Health Insurance Act	Ambiguity	Assessment calculations for insurers	<i>BCBSM, Inc. v. Minnesota Comprehensive Health Association</i> , 713 N.W.2d 41 (Minn. Ct. App. 2006)
65A.12, subdivision 1	2016	Fire and related insurance	Ambiguity	Which party to an insurance policy is required to appoint the qualified appraiser?	<i>Bjorklund Companies, LLC v. Auto-Owners Insurance</i> , 2015 WL 303717 (Minn. Ct. App. 2015)

<b>STATUTORY SECTION</b>	<b>REPORT YEAR</b>	<b>STATUTORY SUBJECT</b>	<b>ISSUE TYPE</b>	<b>STATUTORY ISSUE</b>	<b>CASE CITATION</b>
65B.43, subdivision 3	2018	Automobile insurance	Ambiguity	Meaning of the phrase “business premises” for injury arising out of maintenance or use of a motor vehicle”	<i>Castillo, v. American Standard Insurance Company of Wisconsin</i> 889 N.W.2d 591 (Minn. Ct. App. 2017)
65B.43, subdivision 18	2004	Automobile insurance	Ambiguity	Meaning of “legally entitled to recover damages” for statute of limitations	<i>Miklas v. Parrot</i> , 684 N.W.2d (Minn. 2004)
65B.43, subdivision 19	2016	Automobile insurance	Ambiguity	Does the No-Fault Automobile Insurance Act only provide underinsured motorist coverage for an individual physically injured in a car accident, or does it extend to trustees of estates of those injured?	<i>Hanbury v. American Family Mutual Insurance Company</i> , 865 N.W.2d 83 (Minn. Ct. App. 2015)
65B.44, subdivision 2	1994	Automobile insurance	Ambiguity	Meaning of the term “reimburse” for basic economic loss benefits	<i>Great West Casualty Company v. Kroning</i> , 511 N.W.3d 32 (Minn. Ct. App. 1994)
65B.44, subdivision 3	1982	Automobile insurance	Ambiguity	Whether a person already collecting temporary total disability benefits may also collect no-fault income loss benefits for second injury	<i>Griebel v. Tri-State Insurance Co. Of Minn.</i> , 311 N.W.2d 156 (Minn. 1981)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
65B.44, subdivision 6	1984	Automobile insurance	Ambiguity	Meaning of “surviving dependent” in relation to ex-spouses	<i>Peevy v. Mutual Services Casualty Insurance Co.</i> , 346 N.W.2d 120 (Minn. 1984)
65B.49, subdivision 3	1998	Automobile insurance	Impracticability	Contract conflicting with statute	<i>Hertz Corporation v. State Farm Mutual Insurance Company</i> , 573 N.W.2d 686 (Minn. 1998)
65B.49, subdivision 3a, clause (5)	2016	Automobile insurance	Ambiguity	Meaning of the phrase “coverage available”	<i>Sleiter v. American Family Mutual Insurance Company</i> , 868 N.W.2d 21 (Minn. 2015)
65B.49, subdivision 4a	2010	Automobile insurance	Ambiguity	Does the Minnesota No-Fault insurance Act require a motorcycle policy to provide full underinsured motorist coverage using a damages-less-paid structure?	<i>Johnson v. Cummiskey</i> , 765 N.W.2d 652 (Minn. Ct. App. 2009)
65B.49, subdivision 5a *see 169.09, subdivision 5a	2010	Automobile insurance	Constitutionality; Preemption	Is a state law imposing vicarious liability on rental-vehicle owners preempted?	<i>Meyer v. Nwokedi</i> , 777 N.W.2d 218 (Minn. 2010)
65B.51	1980	Automobile insurance	Constitutionality; Minnesota Constitution, Article I, section 8	Deduction of future medical expenses from judgment in negligence action	<i>Haugen v. Town of Waltham</i> , 292 N.W.2d 737 (Minn. 1980)
65B.51, subdivision 1	1982	Automobile insurance	Constitutionality; Minnesota Constitution, Article I, section 8	Deduction of future economic benefits from tort recovery	<i>Conat v. Provost</i> , 301 N.W.2d 313 (Minn. 1981)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
80A.15, subdivision 2	2008	Regulation of securities	Ambiguity	Must an offer of securities result in a sale to be “integrated” and therefore subject to state registration requirements?	<i>Risdall v. Brown-Wilbert, Inc.</i> , 759 N.W.2d 67 (Minn. Ct. App. 2009)
80C.01, subdivision 4, paragraph (f)	1996	Minnesota Franchise Act	Ambiguity	Whether an exception to the franchise agreement law includes certain direct sales	<i>Current Tech. Concepts, Inc. v. Irie Enter., Inc.</i> , 530 N.W.2d 539 (Minn. 1995)
97A.015, subdivision 36 *see 97A.401, subdivision 3, paragraph (a)	2016	Game and fish; wild animal possession	Ambiguity; Vagueness	Boundaries of the terms “possession” and “possess”	<i>In the Matter of Minnesota Department of Natural Resources Special Permit No. 16868</i> , 867 N.W.2d 522 (Minn. Ct. App. 2015)
97A.401, subdivision 3, paragraph (a) * see 97A.015, subdivision 36	2016	Game and fish; wild animal possession	Ambiguity; Vagueness	Boundaries of the terms “possession” and “possess”	<i>In the Matter of Minnesota Department of Natural Resources Special Permit No. 16868</i> , 867 N.W.2d 522 (Minn. Ct. App. 2015)
97B.328, subdivision 1	2012	Hunting; baiting prohibited	Ambiguity	Meaning of the terms “vicinity” and “placed,” and the phrases “food [...] placed by a person” and “food [...] resulting from normal or accepted farming [...] activities”	<i>State of Minnesota v. Hansen</i> , 805 N.W.2d 915 (Minn. Ct. App. 2011)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
100.27, subdivision 6	1965	Game and fish; seasons	Ambiguity	Meaning of “requirements” in reference to other chapters of law containing authority granted to commissioner of natural resources	<i>State Ex Rel. Duck Hunters Association of Minnesota v. Olson</i> , 123 N.W.2d 679 (Minn. 1963)
100.273, subdivision 7	1984	Game and fish; trespass	Impracticability	Statute allowing entry on certain land to retrieve wounded game even after notice not to enter conflicted with general provision disallowing entry on any land after notice not to enter	<i>State v. Corbin</i> , 343 N.W.2d 874 (Minn. Ct. App. 1984)
103D.311, subdivision 3	2022	Local government municipalities; watershed districts	Ambiguity	Must a county appoint a metropolitan area watershed district manager from nominees on an aggregate list of nominees submitted by cities, or may the county disregard city-submitted nominees and appoint another fairly representative watershed district manager?	<i>City of Circle Pines v. County of Anoka</i> , 977 N.W.2d 816 (Minn. 2022)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
103D.545, subdivision 3	2022	Watershed district rule; award of attorney fees	Ambiguity	When does a civil action arise from or relate to a violation of a watershed district rule?	<i>Roach v. County of Becker</i> , 962 N.W.2d 313 (Minn. 2021)
116B.01 *see 116B.02, subdivisions 4 and 5*	2002	Minnesota Environmental Rights Act	Ambiguity	Meaning of the term “historical resources” for application of environmental protections	<i>Stansell v. City of Northfield</i> , 618 N.W.2d 814 (Minn. Ct. App. 2000)
116B.02, subdivisions 4 and 5 *see 116B.01	2002	Minnesota Environmental Rights Act	Ambiguity	Meaning of the term “historical resources” for application of environmental protections	<i>Stansell v. City of Northfield</i> , 618 N.W.2d 814 (Minn. Ct. App. 2000)
116C.63, subdivision 4	1980	Environmental Quality Board; eminent domain and condemnation	Constitutionality	Recommendation to legislature to address right of property owners to unreasonably compel condemnation of land by utilities	<i>Cooperative Power Association v. Aasand</i> , 288 N.W.2d 697 (Minn. 1980)
Chapters 116 to 116H	1978	Environmental protection	Impracticability	Recommendation to legislature to examine drainage law scheme	<i>Hyllen v. Owens</i> , 251 N.W.2d 858 (Minn. 1977)  *Concurring opinion*
Chapters 116A to 117	1978	Environmental protection	Impracticability	Location of power lines	<i>No Power Line, Inc. v. Minnesota Environmental Quality Council</i> , 262 N.W.2D 312 (Minn. 1977)
116F.21 and 116F.22	1980	Recycling of solid waste	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Classification and banning of plastic containers compared to paper containers	<i>Clover Leaf Creamery Co. v. State</i> , 289 N.W.2d 79 (Minn. 1979)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
117.187	2012	Eminent domain	Ambiguity	Meaning of the terms “comparable property” and “community,” as well as the method of calculating “the amount of damages”	<i>County of Dakota v. Cameron</i> , 812 N.W.2d 851 (Minn. Ct. App. 2012)
117.195	1980	Eminent domain	Constitutionality	Recommendation to legislature to review statute allowing costs and attorney fees in only certain situations	<i>County of Freeborn v. Bryson</i> , 294 N.W.2d 651 (Minn. 1980)
117.195, subdivision 1	1992	Eminent domain	Constitutionality; 5 <sup>th</sup> Amendment	Computation of interest on judgment for highway right-of-way condemnation must provide just compensation	<i>State By Humphrey v. Baillon Co.</i> , 480 N.W.2d 673 (Minn. Ct App. 1992)
122A.20, subdivision 1, paragraph (a), clause (1)	2024	Teachers and other educators; grounds for revocation, suspension, or denial of license	Constitutionality; 14 <sup>th</sup> Amendment Due Process	Is the phrase “immoral character or conduct,” when used as a cause to disqualify a candidate applying for a professional educator license, unconstitutionally vague?	<i>Matter of Yanez</i> , 983 N.W.2d 89 (Minn. Ct. App. 2022)
122A.40, subdivision 1	2012	Education; teachers and other educators	Ambiguity	Meaning of the phrase “required to hold a license from the state department”?	<i>Emerson v. School Board of Independent School District 199</i> , 809 N.W.2d 679 (Minn. 2012)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
123B.71, subdivision 2	2000	Education; prevailing wage on educational facilities projects	Constitutionality; Minnesota Constitution, Article IV, section 17	Did the legislature's amendment incorporating a prevailing wage provision by reference to another statute violate the single subject and title clause?	<i>Associated Builders and Contractors, et al., v. Ventura, et al</i> , 610 N.W.2d 293 (Minn. 2000)
125.12, subdivision 3	1969	Education; teachers' employment contracts	Impracticability	Fair hearings for terminated teachers	<i>Morey v. School Board</i> , 148 N.W.2d 370 (Minn. 1967)
125.12, subdivision 4	1974	Education; teachers' employment contracts	Impracticability	Timing of fair hearings for terminated teachers	<i>Fisher v. Independent School District No. 118</i> , 215 N.W.2d 65 (Minn. 1974)
125.12, subdivisions 6 and 6b	1974	Education; teachers' employment contracts	Ambiguity	Termination of a continuing contract based on discontinuance of position	<i>Foesch v. Independent School Dist. 646</i> , 223 N.W.2d 371 (Minn. 1974)
145.64, subdivision 2	2000	Public health; confidentiality of records of review organization	Ambiguity	Meaning of the phases "requesting or seeking through discovery" and "in such proceedings"	<i>Amaral, et al., v. Saint Cloud Hospital</i> , 598 N.W.2d 379 (Minn. 1999)
145.682, subdivision 2	2018	Medical malpractice actions; expert review	Ambiguity	When does discovery commence under the medical malpractice expert-review statute?	<i>Firkus v. Harms</i> , 914 N.W.2d 414 (Minn. Ct. App. 2018)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
151.26	1963	Pharmacy	Ambiguity; obsolescence	Scope of drug exemption from application of criminal provisions of the Pharmacy Act	<i>State v. Red Owl Stores, Inc.</i> , 115 N.W. 2d 643 (Minn. 1962)
152.01, Subdivision 12a	2006	Drugs; controlled substances	Ambiguity	Meaning of the phrase “city block”	<i>State v. Estrella</i> , 700 N.W.2d 496 (Minn. Ct. App. 2005)
152.021, subdivision 2b, clause (1)	2024	Drugs; controlled substances	Ambiguity	Is a firearm considered “within immediate reach” if it is inside a locked glove compartment of a vehicle?	<i>State v. Moore</i> , 10 N.W.3d 676 (Minn. 2024)
152.023, subdivision 2	1992	Prohibited drugs	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Variable punishment for possession of crack cocaine compared to possession of cocaine powder	<i>State v. Russel</i> , 477 N.W.2d 886 (Minn. 1991)
154.03	1982	Barbers	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Limit on apprentices, closing hours regulations, and establishment of trade areas	<i>Grassman v. Minnesota Board of Barber Examiners</i> , 304 N.W.2d 909 (Minn. 1981)
155.02, subdivision 2	1974	Barbers; Cosmetology	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Prohibition on cosmetologists cutting mens hair	<i>Minnesota Board of Barber Examiners v. Laurance</i> , 218 N.W.2d 692 (Minn. 1974)
160.05, subdivision 1	1976	Roads; dedication	Constitutionality; 14 <sup>th</sup> Amendment Due Process	No notice of dedication to the public of land adjacent to land used for public highway	<i>Barfnecht v. Town Bd. of Hollywood Tp.</i> , 232 N.W.2d 420 (Minn. 1975)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
160.09, subdivision 3	1998	Roads; easements	Ambiguity	Meaning of “other means of access”	<i>Christopherson v. Fillmore Township</i> , 583 N.W.2d 307 (Minn. Ct. App. 1998)
161.03, subdivision 2 *see 169.06, subdivision 2	1971	Highway traffic regulation	Lack of remedy	Sovereign immunity and state liability for signs, signals, and markings	<i>Johnson v. Callisto</i> , 176 N.W.2d 754 (Minn. 1970)
168.0422	2004	Motor vehicle registration	Constitutionality; 4 <sup>th</sup> Amendment	Illegal stop of vehicle with required special DWI license plates	<i>State v. Henning</i> , 666 N.W.2d 379 (Minn. 2003)
168.10, subdivision 1e	2016	Motor vehicle registration; outside storage	Ambiguity; vagueness	Does the term “screened” mean that a vehicle needs to be hidden from public view or covered in a way so that the vehicle’s condition cannot be seen?	<i>In re Krenik</i> , 884 N.W.2d 913 (Minn. Ct. App. 2016)
169.01, subdivision 2	1996	Highway traffic regulation	Impracticability	Whether the bounds of the defined term “vehicle” include inline skates	<i>Boschee v. Duevel</i> , 530 N.W.2d 834 (Minn. Ct. App. 1995)
169.06, subdivision 2 *see 169.03, subdivision 2	1971	Highway traffic regulation	Lack of remedy	Sovereign immunity and state liability for signs, signals, and markings	<i>Johnson v. Callisto</i> , 176 N.W.2d 754 (Minn. 1970)
169.09, subdivision 5a *see 65B.49, subdivision 5a	2010	Highway traffic regulation	Constitutionality; Preemption	Is a state law imposing vicarious liability on rental-vehicle owners preempted?	<i>Meyer v. Nwokedi</i> , 777 N.W.2d 218 (Minn. 2010)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
169.09, subdivision 5a	2010	Highway traffic regulation	Effect of renumbering a statute	Does relocating a vicarious liability statute in a chapter make it subject to definitions in that chapter despite an alternative definition applicable via direct judicial precedent?	<i>Vee v. Ibrahim</i> , 769 N.W.2d 770 (Minn. Ct. App. 2009)
169.121, subdivision 4	1986	Highway traffic regulation; driving while intoxicated	Ambiguity	Inclusion of conviction under city ordinance for determining penalties	<i>Phillippe v. Commissioner of Public Safety</i> , 374 N.W.2d 293 (Minn. Ct. App. 1985)
169.121, subdivision 1a	1994	Highway traffic regulation; driving while intoxicated	Ambiguity	Whether a list of referenced provisions for driver's license restrictions was exclusive or non-exclusive	<i>State v. Hulst</i> , 510 N.W.2d 262 (Minn. Ct. App. 1994)
169.123, subdivision 1	1971 and 1973	Highway traffic regulation; implied-consent law	Ambiguity	Meaning of "peace officer"	<i>State v. Halvorson</i> , 181 N.W.2d 473 (Minn. 1970)
169.30, paragraph (b)	2016	Highway traffic regulation	Ambiguity; vagueness	What is required for a driver to stop "at" a stop sign?	<i>State v. Marliem</i> , 2015 WL 2467421 (Minn. Ct. App. 2015)
169.522	1990	Highway traffic regulation; slow moving vehicles	Constitutionality; 1 <sup>st</sup> Amendment	Compliance with statute violating sincerely held religious beliefs	<i>State v. Hershberger</i> , 462 N.W.2d 393 (Minn. 1990)

<b>STATUTORY SECTION</b>	<b>REPORT YEAR</b>	<b>STATUTORY SUBJECT</b>	<b>ISSUE TYPE</b>	<b>STATUTORY ISSUE</b>	<b>CASE CITATION</b>
169.61, paragraph (b)	2012	Highway traffic regulation; motor vehicles; composite beams	Ambiguity	Meaning of the phrase “glaring rays” in prohibiting lights used when there are oncoming drivers	<i>Sarber v. Commissioner of Public Safety</i> , 819 N.W.2d 465 (Minn. Ct. App. 2012)
169.685, subdivision 5	1998	Highway traffic regulation; seat belts	Ambiguity	Officer discretion to stop vehicle	<i>State v. Lucas</i> , 578 N.W.2d 775 (Minn. Ct. App. 1998)
169.79, subdivision 7	2010	Highway traffic regulation; vehicle registration	Ambiguity	Is covering of a license plate with any material prohibited or is covering prohibited only if the covering affects visibility or reflectivity?	<i>State v. White</i> , 759 N.W.2d 667 (Minn. Ct. App. 2009)
Chapter 169 *see 484.471	1961	Highway traffic regulation; district courts	Lack of remedy	No provision for immediate trial by jury for municipal offenses that relate to traffic regulations	<i>State v. Mullaly</i> , 99 N.W. 2d 892 (Minn. 1959)
169A.20, subdivision 1, clause (5)	2006	Driving while impaired; implied consent	Ambiguity	Meaning of the term “measured” in the context of measuring a person’s alcohol concentration within two hours	<i>State v. Banken</i> , 690 N.W.2d 367 (Minn. Ct. App. 2004)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
169A.20, subdivision 2	2016	Driving while impaired; implied consent	Constitutionality; 4 <sup>th</sup> Amendment	Can a state prosecute an individual for refusing to submit to a warrantless blood or urine test absent exigent circumstances?	<i>State v. Thompson</i> , 886 N.W.2d 224 (Minn. 2016) and <i>State v. Trahan</i> , 886 N.W.2d 216 (Minn. 2016)  *See also: <i>State v. Huffman</i> , 2015 WL 1757966 (Minn. Ct. App. 2016)  <i>State v. Bresnahan</i> , 2011 WL 500063 (Minn. Ct. App. 2016)
169A.24, subdivision 1	2012	Driving while impaired	Ambiguity; plain language loophole	Enhancement statute referred to renumbered criminal vehicular operation statute but not previous statutory versions	<i>State v. Retzlaff</i> , 807 N.W.2d 437 (Minn. Ct. App. 2011)
169A.53	2006	Driving while impaired	Constitutionality; Due Process	Does eliminating speedy judicial review of a prehearing suspension of a driver's license violate procedural due process?	<i>Fedziuk v. Commissioner of Public Safety</i> , 696 N.W.2d 340 (Minn. 2005)
169A.63, subdivision 2	2010	Driving while impaired	Ambiguity	Meaning of the phrase "incident to lawful arrest" for seizure of vehicle	<i>Mycka v. 2003 GMC Envoy, MN Plate RPG535, VIN 1GKDT13S432414651</i> , 783 N.W.2d 234 (Minn. Ct. App. 2010)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
169A.63, subdivision 9, paragraph (d)	2020	Driving while impaired	Constitutionality; 14 <sup>th</sup> Amendment Due Process	Do statutory procedural requirements for judicial hearings related to vehicle forfeiture for a driving-while-impaired offenses violate the constitution?	<i>Olson v. One 1999 Lexus MN License Plate No. 851LDV VIN: JT6HF10U6X0079461</i> , 924 N.W.2d 594 (Minn. 2019)
171.24, subdivision 5	2024	Drivers' licenses	Ambiguity	Is a driver whose license is canceled or denied as inimical to public safety prohibited from operating a motor vehicle on private property?	<i>State v. Velisek</i> , 986 N.W.2d 696 (Minn. 2023)
171.3215, subdivision 2	1998	Drivers' licenses	Grammatical error	Procedure for revocation of school bus license after Open Bottle Law violation	<i>Thompson v. Commissioner of Public Safety</i> , 567 N.W.2d 280 (Minn. Ct. App. 1997)
176.011, subdivision 2	1986	Workers' compensation	Ambiguity	Meaning of the term "child" for dependent survival benefits	<i>Houser by Houser v. Dan Dugan Transport Co.</i> , 361 N.W.2d 62 (Minn. 1985)
176.011, subdivision 16 *see 176.021, subdivision 1	1982	Workers' compensation	Ambiguity	Is compensation allowed for mental injury or disability absent physical trauma?	<i>Lockwood v. Independent School District No. 877</i> , 312 N.W.2d 924 (Minn. 1981)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
176.011, subdivision 16	1984	Workers' compensation	Ambiguity	Is compensation allowed for mental injury or disability absent physical trauma?	<i>Egeland v. City of Minneapolis</i> , 344 N.W.2d 597 (Minn. 1984)
176.021, subdivision 1 *see 176.011, subdivision 16	1982	Workers' compensation	Ambiguity	Is compensation allowed for mental injury or disability absent physical trauma?	<i>Lockwood v. Independent School District No. 877</i> , 312 N.W.2d 924 (Minn. 1981)
176.06, subdivision 2	1959	Workers' compensation	Ambiguity	Special compensation fund and subrogation to third part settlement	<i>Orth v. Shiely Petter Crushed Stone Company</i> , 91 N.W. 2d 463 (Minn. 1958)
176.061	1978	Workers' compensation	Lack of remedy; lack of legislation	Injury compensation and third-party claims	<i>Lambertson v. Cincinnati Corporation</i> , 257 N.W.2d 679 (Minn. 1977)
176.061, subdivision 5	2006	Workers' compensation	Ambiguity	Measurement of damages against which an employer may assert a right of recovery	<i>Zurich American Ins. Co. v. Bjelland</i> , 710 N.W.2d 64 (Minn. 2006)
176.061, subdivision 8	1982	Workers' compensation	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Unreasonable classification that only for employees of the state is notice to the state required for injury settlements of third-party liability	<i>Nelson v. State Dept. of Natural Resources</i> , 305 N.W.2d 317 (Minn. 1981)
176.061, subdivision 10	1974	Workers' compensation	Constitutionality	Third party indemnity or contribution from employer	<i>Carlson v. Smogard</i> , 215 N.W.2d 615 (Minn. 1974)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
176.061, subdivision 5	1959	Worker's compensation	Ambiguity	Meaning of legislative amendment changing "and" to "or" for cumulative remedies calculations	<i>Lang v. William Bros. Boiler &amp; Mfg. Co.</i> , 85 N.W. 2d 412 (Minn. 1957)
176.061, subdivisions 1 to 4	1959 and 1961	Workers' compensation; common activities of employees	Ambiguity	Meaning of the terms "common enterprise" and "the same or related purposes"	<i>McCourtie v. United States Steel Corporation</i> , 93 N.W. 2d 552 (Minn. 1958)
176.081	2000	Workers' compensation; attorneys fees	Constitutionality; Minnesota Constitution, Article III, Section 1	Does legislative delegation of attorney fee regulation to the executive branch violate the doctrine of separation of powers?	<i>Irwin v. Surdyk's Liquor</i> , 599 N.W.2d 132 (Minn. 1999)
176.101, subdivision 1	1984	Workers' compensation	Ambiguity	Whether temporary total disability benefits are subject to a set-off based on social security disability benefits paid	<i>McClish v. Pan-O-Gold Baking Company</i> , 336 N.W.2d 538 (Minn. 1983)
176.101, subdivision 6	1978	Workers' compensation	Lack of remedy	Accrued compensation prior to death not payable to dependents	<i>Lakics v. Lane Bryant Department Store</i> , 263 N.W.2d 608 (Minn. 1978)
176.102, subdivision 6	1988	Workers' compensation	Impracticability	Proper notice of appeal of decision of a rehabilitation review panel	<i>Bjerga v. Maislin Transport and Carriers Ins. Co.</i> , 400 N.W.2d 99 (Minn. 1987)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
176.131, subdivisions 1, 3, and 8	1976	Workers' compensation	Impracticability	Coverage of nonoccupational injuries for handicapped persons	<i>Wallace v. Hanson Silo Co.</i> , 235 N.W. 2d 363 (Minn. 1975)
176.135	1959	Worker's compensation	Lack of statute of limitations	Lack of provision limiting the time for appeal and grant a rehearing	<i>Schmillen v. Dave Schroeder Grocery</i> , 85 N.W. 2d 740 (Minn. 1957)
176.135, subdivision 1	2022	Worker's compensation	Constitutionality; Preemption	Does the requirement for an employer to "furnish any medical [...] treatment" reasonably necessary to treat a work-related injury conflict with federal law cannabis prohibitions?	<i>Musta v. Mendota Heights Dental Center</i> , 965 N.W.2d 312 (Minn. 2021)
176.151	1959	Worker's compensation	Lack of remedy; statute of limitations	Statute of limitations required filing actions six years from accident and not six years from discovery of disability	<i>Bergstrom v. O'Brien Sheet Metal Co.</i> , 86 N.W. 2d 82 (Minn. 1957)
176.183	1973	Workers' compensation	Lack of remedy	Liability of uninsured employer	<i>Johnson v. Bialik</i> , 200 N.W.2d 172 (Minn. 1972)
176.191	1974	Workers' compensation	Lack of remedy	Employer payments to employee in anticipation of reimbursement	<i>Patnode v. Osier Construction Co.</i> , 206 N.W. 2d 350 (Minn. 1974)

<b>STATUTORY SECTION</b>	<b>REPORT YEAR</b>	<b>STATUTORY SUBJECT</b>	<b>ISSUE TYPE</b>	<b>STATUTORY ISSUE</b>	<b>CASE CITATION</b>
176.262	1982	Workers' compensation	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Restricted classifications in appointment of compensation judges	<i>Nelson v. Peterson</i> , 313 N.W.2d 580 (Minn. 1981)
176.41, subdivision 1	1978	Workers' compensation	Ambiguity	Statutory application based on rate of pay per quarter or actual earnings per quarter	<i>Arens v. Hanecy</i> , 269 N.W.2d 924 (1978)
176.66, subdivision 3	1961	Workers' compensation	Lack of remedy	Statute of limitations for claims for certain diseases contracted	<i>Graber v. Peter Lametti Construction Co.</i> , 197 N.W.2d 443 (Minn. 1972)
176.66, subdivision 3	1973	Workers' compensation	Ambiguity	Meaning of the term "contracted" in reference to disablement by disease	<i>Anderson v. City of Minneapolis</i> , 103 N.W.2d 397 (Minn. 1960)
176.664	1961	Workers' compensation	Lack of remedy	Partial disability for certain reasons excluded from qualification for compensation	<i>Denio v. Western Alloyed Steel Castings Cp.</i> , 103 N.W.2d 384 (Minn. 1960)
Chapter 176	1980	Workers' compensation	Lack of remedy	No allowance for apportionment of disability benefits among former employers of worker	<i>Robin v. Royal Improvement Company</i> , 289 N.W.2d 76 (Minn. 1979)
177.23, subdivision 10	2022	Employment law; Fair Labor Standards Act	Ambiguity	Is on-call time for live-in apartment caretakers compensable as work time, or noncompensable as time merely available to work?	<i>Hagen v. Steven Scott Mgmt., Inc.</i> , 963 N.W.2d 164 (Minn. 2021)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
179.12, clause (9)	1992	Labor relations; employers' unfair labor practices	Constitutionality; Preemption	Interference with bargaining process in conflict with federal law	<i>Employers Association, Inc. v. United Steelworkers of America</i> , 803 F. Supp. 1558 (D. Minn. 1992)
179.12, clause (9)	1994	Labor relations; employers' unfair labor practices	Constitutionality; Preemption	Interference with bargaining process in conflict with federal law	<i>Midwest Motor Express, Inc. v. IBT Local 120</i> , 512 N.W.2d 881 (Minn. 1994)
179.52	1963	Labor relations	Ambiguity	Scope of state labor conciliator authority	<i>In Re Richfield Federation of Teachers</i> , 115 N.W. 2d 682 (Minn. 1962)
179.572	1967 and 1969	Public Employees Labor Relations Act (PELRA)	Constitutionality	Excepting teachers from Public Employees Labor Relations Act	<i>Minneapolis Fed. of Teachers Local 59 v. Obermeyer</i> , 147 N.W. 2d 358 (Minn. 1966)
179.63, subdivision 7, clause (f), and subdivision 13	1978	Public Employees Labor Relations Act (PELRA)	Ambiguity	Definitions of "public employee" and "teacher"	<i>Independent School District No. 621 v. Public Employment Relations Board</i> , 268 N.W.2d 410 (1978)
179.65, subdivision 2	1976	Public Employees Labor Relations Act (PELRA)	Ambiguity; impracticability	Meaning of "fair share" of representation; designating appropriate officer to consider challenges	<i>Robbinsdale Ed. Ass'n v. Robbinsdale Federation of Teachers Local 872</i> , 239 N.W.2d 437 (Minn. 1976)
179.66, subdivision 5	1976	Public Employees Labor Relations Act (PELRA)	Impracticability	Incoherent statutory language on prohibited contract provisions	<i>International Brotherhood of Teamsters v. City of Minneapolis</i> , 225 N.W.2d 254 (Minn. 1975)  <i>International Union of Operating Engineers v. City of Minneapolis</i> , 233 N.W.2d 748 (Minn. 1975)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
179A.20, subdivision 4  *see 197.46	1986	Public Employee Labor Relations Act (PELRA)	Impracticability	Separate statutory hearing and statutory arbitration for a discharged employee was duplicative	<i>AFSCME Council 96 v. Arrowhead Reg. Corr. Bd.</i> , 356 N.W.2d 295 (Minn. 1984)  *Concurring opinion*
181.13	1984	Employment; wages, conditions, hours, restrictions	Impracticability	Provision requiring payment of wages due a discharged employee within 24 hours conflicted with provision requiring school district to have school board approval for payment	<i>Robertson v. Special School District No.1</i> , 347 N.W.2d 265 (Minn. 1984)
181.940, subdivision 2	2012	Employment; wrongful termination	Ambiguity	Meaning of the phrase "requests leave" under the Minnesota Parenting Leave Act	<i>Hansen v. Robert Half Intern., Inc.</i> , 813 N.W.2d 906 (Minn. 2012)
181B.01 to 181B.17	1980	Minnesota Private Pension Benefits Protection Act	Constitutionality; Contract Clause	Plan too narrow and substantial and severe impairment of contract	<i>Allied Structural Steel Co. v. Spannaus</i> , 438 U.S. 234 (1978)
197.46  *see 491.12	1959	Veterans' preference law	Constitutionality; Minnesota Constitution, Article III, section 1	Method of review by the district court	<i>State ex. rel. McGinnis v. Police C.S. Comm. etc.</i> , 91 N.W. 2d 154 (Minn. 1958)
197.46  *see chapter 179A	1986	Veterans' preference law	Impracticability	Separate statutory hearing and statutory arbitration for a discharged employee was duplicative	<i>AFSCME Council 96 v. Arrowhead Reg. Corr. Bd.</i> , 356 N.W.2d 295 (Minn. 1984)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
202.04, subdivision 1, clause (i)	1974	Elections; affidavit of candidacy	Ambiguity	Meaning of "learned in the law" for candidacy for judicial office	<i>In re Scarrella</i> , 221 N.W. 2d 562 (Minn. 1974)
202.11, subdivision 2  *see 202.13, subdivision 1	1961 and 1963	Elections	Constitutionality; impracticability	Time for submitting nominating petitions	<i>Eastwood v. Donovan</i> , 105 N.W. 2d 686 (Minn. 1960)
202.13, subdivision 1  *see 202.11, subdivision 2	1961 and 1963	Elections	Constitutionality; impracticability	Time for submitting nominating petitions	<i>Eastwood v. Donovan</i> , 105 N.W. 2d 686 (Minn. 1960)
202A.22, subdivision 1, paragraph (m)	1980	Elections	Constitutionality; 1 <sup>st</sup> Amendment	Affidavits of candidacy requiring statements of independent candidates disavowing party support	<i>Fifth Congressional District I.R. Party v. Spannaus</i> , 295 N.W.2d 650 (Minn. 1980)
203.38, subdivision 1	1973	Elections; residence of candidates	Impracticability	Provisions governing judicial jurisdiction for "state" and "county" elections	<i>Parsons. v. Hickey</i> , 201 N.W.2d 739 (Minn. 1972)
204B.12  *see 204B.13	2014	Elections; vacancy in nomination	Ambiguity	Meaning of the phrase "vacancy in nomination" in reference to filling a vacancy in nomination caused by a withdrawal after the primary	<i>Martin v. Dicklich</i> , 823 N.W.2d 336 (Minn. 2012)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
204B.13 *see 204B.12	2014	Elections; vacancy in nomination	Ambiguity	Meaning of the phrase “vacancy in nomination” in reference to filling a vacancy in nomination caused by a withdrawal after the primary	<i>Martin v. Dicklich</i> , 823 N.W.2d 336 (Minn. 2012)
204B.41	2002	Elections; absentee ballots	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Vacancy occurring after absentee ballots have been mailed	<i>Erlandson v. Kiffmeyer</i> , 659 N.W.2d 724 (Minn. 2003)
204C.20, subdivision 1 *see 206.86, subdivision 1	2012	Elections; counting the number of ballots	Impracticability	Law cannot be implemented due to reference to election documents no longer used at the polling place	<i>In re Petition regarding 2010 Gubernatorial Election</i> , 793 N.W.2d 256 (Minn. 2010)
204D.10, subdivision 2	2006	Elections; primary threshold law	Constitutionality; 1 <sup>st</sup> and 14 <sup>th</sup> Amendments	Primary threshold law and the constitutional rights to vote and to associate politically	<i>In re Candidacy of Independence Party Candidates v. Kiffmeyer</i> , 688 N.W.2d 854 (Minn. 2004)
206.86, subdivision 1 *see 204C.20, subdivision 1	2012	Elections; counting the number of ballots	Impracticability	Law cannot be implemented due to reference to election documents no longer used at the polling place	<i>In re Petition regarding 2010 Gubernatorial Election</i> , 793 N.W.2d 256 (Minn. 2010)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
Chapter 208 *see 211.35	1959	Election violations; Corrupt Practices Act	Ambiguity	Conflicting statutory provisions regarding whether the legislature conferred upon the courts authority to determine alleged violations for election contests	<i>Phillips v. Ericson</i> , 88 N.W. 2d 513 (Minn. 1957)
210A.39	1980	Elections; fair campaign practices	Constitutionality' Minnesota Constitution, Article VII, section 6	Impermissible additional statutory qualification to hold elected office	<i>Pavlak v. Grove</i> , 284 N.W.2d 174 (Minn. 1979)
211.35 *see chapter 208	1959	Election violations; Corrupt Practices Act	Ambiguity	Conflicting statutory provisions regarding whether the legislature conferred upon the courts authority to determine alleged violations for election contests	<i>Phillips v. Ericson</i> , 88 N.W. 2d 513 (Minn. 1957)
211B.04, paragraph (a)	2006	Fair campaign practices	Constitutionality; 1 <sup>st</sup> Amendment	Does the election campaign material disclaimer requirement violate the constitution?	<i>Riley v. Jankowski</i> , 713 N.W.2d 379 (Minn. Ct. App. 2006)
216A.036	1988	Public Utilities Commission	Lack of remedy	Restriction on commission members' employment opportunities with entities subject to rate regulation by the commission	<i>Petition of Northern States Power Co.</i> , 414 N.W.2d 383 (Minn. 1987)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
216B.1691, subdivision 2, paragraphs (a) and (b)	2006	Public Utilities Commission; renewable energy	Ambiguity	Is the biomass requirement a percentage of a total electric sales or a percentage of all eligible energy sources?	<i>In re Detailing Criteria and Standards for Measuring an Electric Utility's Good Faith Efforts in Meeting the Renewable Energy Objectives Under Minn. Stat. § 216B.1691</i> , 700 N.W.2d 533 (Minn. Ct. App. 2005)
216B.44	1992	Public Utilities Commission	Ambiguity	Required municipal compensation to upon annexation of service area electric utility already serving the area	<i>Matter of People's Co-op Power Ass'n</i> , 470 N.W.2d 525 (Minn. Ct. App. 1991)  <i>*Dissenting Opinion*</i>
221.011, subdivision 23 <i>*see 221.171</i>	2000	Motor carriers; pipeline carriers	Constitutionality; Preemption	Does the federal law definition of "household goods" preempt state-approved rate schedules?	<i>A. A. Metcalf Moving &amp; Storage v. North St. Paul Schools, et al.</i> , 587 N.W.2d 311 (Minn. Ct. App. 1998)
221.171 <i>*see 221.011, subdivision 23</i>	2000	Motor carriers; pipeline carriers	Constitutionality; Preemption	Does the federal law definition of "household goods" preempt state-approved rate schedules?	<i>A. A. Metcalf Moving &amp; Storage v. North St. Paul Schools, et al.</i> 587 N.W.2d 311 (Minn. Ct. App. 1998)
237.12 <i>*see 237.16, subdivision 1</i>	1978	Telecommunications	Impracticability	Recommendation to legislature to update statute providing for discontinuing connections between systems only with the approval of the public service commission upon a showing of public convenience	<i>Arvig Telephone Company v. Northwestern Bell Telephone Company</i> , 270 N.W.2d 111 (Minn. 1978)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
237.16, subdivision 1  *see 237.12	1978	Telecommunications	Impracticability	Recommendation to legislature to update statute providing for discontinuing connections between systems only with the approval of the public service commission upon a showing of public convenience	<i>Arvig Telephone Company v. Northwestern Bell Telephone Company</i> , 270 N.W.2d 111 (Minn. 1978)
238.07	1980	Telecommunications	Constitutionality; Minnesota Constitution, Article X, section 1	Lack of uniformity in offset of municipal fee for state levy of a fee against cable communications companies	<i>Minnesota Cable Communications Association Inc. v. Minnesota Cable Communications Board</i> , 288 N.W.2d 721 (Minn. 1930)
Chapter 240	1992	Pari-mutuel horse racing	Constitutionality; Minnesota Constitution, Article X, section 8	Constitutional provision narrowly empowered the legislature to enact legislation governing betting only on or at racetrack premises	<i>Rice v. Connolly</i> , 488 N.W.2d 241 (Minn. 1992)
243.166, subdivision 1, paragraph (a), clause (1)  *see 244.052, subdivision 1, clause (3)	1998	Corrections; registration of predatory offenders	Ambiguity	Exclusive or illustrative list of crimes requiring registration	<i>In the Matter of Risk Level Determination of C.M.</i> , 578 N.W.2d 391 (Minn. Ct. App. 1998)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
243.166, subdivision 1b	2010	Corrections; registration of predatory offenders	Ambiguity	Meaning of “enters this state and remains for 14 days or longer” for the requirement for predatory offenders to register	<i>In the Matter of the Risk Level Determination of G.G.</i> , 771 N.W.2d 64 (Minn. Ct. App. 2009)
243.18	1967	Corrections; diminution of sentence	Ambiguity	Determination of credit served based on time on probation	<i>State ex. rel. Ahern v. Young</i> , 141 N.W. 2d 15 (Minn. 1966)
244.05, subdivision 4 and 5,  *see 609.106 subdivision 2	2016	Corrections; supervised release	Constitutionality; 8 <sup>th</sup> Amendment	Is it unconstitutional to impose a sentence of life imprisonment without the possibility of release on a juvenile?	<i>Jackson v. State</i> , 883 N.W.2d 272 (Minn. 2016)  *See also: <i>Miller v. Alabama</i> , 567 U.S. 460 (2012)
244.052, subdivision 1, clause (3)  *see 243.166, subdivision 1, paragraph (a), clause (1)	1998	Corrections; registration of predatory offenders	Ambiguity	Exclusive or illustrative list of crimes requiring registration	<i>In the Matter of Risk Level Determination of C.M.</i> , 578 N.W.2d 391 (Minn. Ct. App. 1998)
244.052, subdivision 3	2010	Corrections; registration of predatory offenders	Ambiguity	Meaning of “about to be released from confinement” for requirement to assess offender’s risk level	<i>In the Matter of the Risk Level Determination of D.W.</i> , 766 N.W.2d 365 (Minn. Ct. App. 2009)
244.11, subdivision 3	2006	Criminal sentences, conditions, duration, appeals	Constitutionality; separation of powers	Does the 90-day deadline to appeal a sentence violate separation of powers?	<i>State v. Losh</i> , 721 N.W.2d 886 (Minn. 2006)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
245A.03, subdivision 7, paragraph (a)	2022	Human services licensing	Ambiguity	Must the commissioner of human services consider certain listed factors when mandatorily revoking an adult foster care license?	<i>In the Matter of Casterton</i> , Not Reported in N.W. Rptr., 2022 WL 2912152 (Minn. Ct. App. 2022)
245A.04, subdivisions 3b and 3d  *see 256.045, subdivision 3	2000	Human services licensing	Constitutionality; Due Process Clause	Does designating the commissioner's decision on reconsideration of a disqualification as final deny due process?	<i>Fosselman, et al. v. Comm'r of Hum. Servs.</i> , 612 N.W.2d 456 (Minn. Ct. App. 2000)
245C.15, subdivision 3, paragraphs (a) and (e)	2016	Human Services	Ambiguity	When does the ten-year disqualification period begin under the Minnesota Background Studies Act?	<i>Gustafson v. Commissioner of Human Services</i> , 2016 WL 3961945 (Minn. Ct. App. 2016)
256.045, subdivision 3  *see 245.04, subdivisions 3b and 3d	2000	Human services	Constitutionality; Due Process Clause	Does designating the commissioner's decision on reconsideration of a disqualification as final deny due process?	<i>Fosselman et al. v. Comm'r of Hum. Servs.</i> , 612 N.W.2d 456 (Minn. Ct. App. 2000)
256.045, subdivision 10	1998	Human services	Ambiguity	Meaning of “monthly assistance or aid or services” for authorization to use medical assistance funds	<i>Johnson v. Minn. Dept. of Human Services</i> , 565 N.W.2d 453 (Minn. Ct. App. 1997)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
256.87, subdivision 1a	1988	Human services	Ambiguity	Whether continuing support obligation must be based on ability to pay or are required to be based on guidelines	<i>Nicollet County v. Larson</i> , 421 N.W.2d 717 (Minn. 1988)
256.98, subdivision 1	2020	Human services	Ambiguity	For the crime of wrongfully obtaining public assistance, must the defendant intend to defeat the purpose of every assistance program listed in statute or just the programs in which the defendant participated?	<i>State v. Malik</i> , 2020 WL 1845964 (Minn. Ct. App. 2020)
256B.042, subdivision 1  *see 256B.056, subdivision 6, and 256B.37, subdivision 1	2002	Medical Assistance; liens, assignment, and subrogation	Constitutionality; Preemption	Conflict with federal anti-lien law	<i>Martin ex rel. Hoff, and State v. City of Rochester et al.</i> , 642 N.W.2d 1 (Minn. 2002)
256B.056, subdivision 6  *see 256B.042, subdivision 6, and 256B.37, subdivision 1	2002	Medical Assistance; liens, assignment, and subrogation	Constitutionality; Preemption	Conflict with federal anti-lien law	<i>Martin ex rel. Hoff, and State v. City of Rochester et al.</i> , 642 N.W.2d 1 (Minn. 2002)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
256B.064, subdivision 1a, paragraph (a), clause (1)	2024	Medical assistance; grounds for sanctions for providers	Ambiguity	Does the term “abuse” include failing to maintain adequate health service records without an effort to deceive the state?	<i>Matter of Surveillance and Integrity Review</i> , 999 N.W.2d 843 (Minn. 2024)
256B.0659, subdivision 4, paragraph (b)	2014	Medical Assistance; personal care assistance services	Ambiguity	What is the meaning of the term “hands-on assistance to complete the task” in regard to eligibility for personal care assistance services due to dependence in mobility?	<i>A.A.A. v Minnesota Department of Human Services</i> , 832 N.W.2d 816 (Minn. 2013)
256B.0659, subdivision 11, paragraph (c)	2014	Medical Assistance; personal care assistance services	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Reduction in pay of a personal care attendant who is related to the recipient of the personal care services to 80% of the pay of a nonrelative personal care attendant is unconstitutional	<i>Healthstar Home Health, Inc. v. Jesson</i> , 827 N.W.2d 444 (Minn Ct. App. 2012)
256B.15, subdivision 2	2004	Medical assistance for needy persons	Constitutionality; Preemption	County's recovery from estate for Medicaid costs	<i>In re Estate of Gullberg</i> , 652 N.W.2d 709 (Minn. Ct. App. 2002)
256B.15, subdivision 2	2008	Medical assistance for needy persons	Constitutionality; Preemption	County's recovery from estate for Medicaid costs	<i>In re Estate of Barg</i> , 752 N.W.2d 52 (Minn. Ct. App. 2008)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
256B.37, subdivision 1  *see 256B.042, subdivision 6, and 256B.056, subdivision 6	2002	Medical Assistance; liens, assignment, and subrogation	Constitutionality; Preemption	Conflict with federal anti-lien law	<i>Martin ex rel. Hoff, and State v. City of Rochester et al.</i> , 642 N.W.2d 1 (Minn. 2002)
256B.431, subdivision 15	1998	Medical assistance for needy persons	Ambiguity	Meaning of “costs ... as the result of ... or in connection with” in determining qualifying construction projects	<i>In the Matter of the Rate Appeals of Lyngblomsten Care Center and Camilia Rose</i> , 578 N.W.2d 1 (Minn. Ct. App. 1998)
256D.065	1994	General assistance	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Durational residency requirement for full general assistance	<i>Mitchell v. Steffen</i> , 504 N.W.2d 198 (Minn. 1993)
256D.065	1992	General assistance	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Durational residency requirement for full general assistance	<i>Mitchell v. Steffen</i> , 487 N.W.2d 896 (Minn. Ct. App. 1992)
257.66, subdivision 1	1996	Children, paternity	Impracticability	Whether a child not represented in a determinative adjudication of the child’s paternity may bring a subsequent paternity action	<i>R.B. v. C.S.</i> , 536 N.W.2d 634 (Minn. Ct. App. 1995)
257C.08, subdivision 7	2008	Custodians; rights of visitation for unmarried persons	Constitutionality; 14 <sup>th</sup> Amendment Due Process	Does the statute impermissibly place the burden on the custodial parent to prove that visitation would interfere with the parent child relationship?	<i>Soofoo v. Johnson</i> , 731 N.W.2d 815 (Minn. 2007)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
259.10, subdivision 1	2018	Change of name; minors	Ambiguity	What does “parent” mean for purposes of the minor name change notification requirement?	<i>Matter of J.M.M.</i> , 890 N.W.2d 750 (Minn. Ct. App. 2017)
259.10, subdivision 1	2020	Change of name; minors	Ambiguity	Does the phrase “both parents” refer to biological parents or legal parents?	<i>Matter of J. M. M. o/b/o Minors for a Change of Name</i> , 937 N.W.2d 743 (Minn. 2020)
259.29	1974	Adoption	Lack of remedy	Visitation rights of grandparents	<i>In Re Niskanen</i> , 223 N.W.2d 754 (Minn. 1974)
259.51, subdivision 1	1996	Adoption; retention of parental rights	Impracticability	Applicability of time period to file an affidavit to retain parental rights	<i>Matter of Paternity of J.A.V.</i> , 547 N.W.2d 374 (Minn. 1996)
260.125, subdivision 2	1988	Juveniles	Ambiguity	Whether a juvenile can file a petition to refer the juvenile’s own delinquency matter for adult prosecution	<i>Matter of Welfare of K.A.A.</i> , 410 N.W.2d 836 (Minn. 1987)
260.125	1990	Juveniles	Impracticability	Findings required for prosecution of juveniles as an adult	<i>Matter of Welfare of J.D.P.</i> , 439 N.W.2d 725 (Minn. Ct. App. 1989) *Dissenting opinion*

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
260.031, subdivision 4	1980	Juveniles	Impracticability	Recommendation to legislature to review provision disallowing state appeal to juvenile court of the findings and recommendations of a referee	<i>In Re Welfare of H.A.P.</i> , 281 N.W.2d 334 (Minn. 1979)
260B.007, subdivision 16	2022	Delinquency	Ambiguity	Is a juvenile defendant “found to have committed” a misdemeanor when the defendant pleaded guilty, the case was continued, and the case was eventually dismissed?	<i>Matter of Welfare of A.J.S.</i> , 975 N.W.2d 134 (Minn. Ct. App. 2022)
260B.125, subdivision 4, clause (2)	2024	Delinquency; adult certification	Ambiguity	When determining the culpability of a child in committing an alleged offense, is the court restricted to considering only those factors listed in the statute or may it consider additional relevant factors?	<i>In the Matter of the Welfare of H.B.</i> , 986 N.W.2d 158 (Minn. 2022)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
260B.130, subdivision 4, paragraph (b)	2006	Delinquency; extended jurisdiction juvenile prosecutions	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Does the statute result in a disparately more severe sentence for every extended juvenile jurisdiction conviction that results from the juvenile court's rejection of adult certification?	<i>In re Welfare of T.C.J.</i> , 689 N.W.2d 787 (Minn. Ct. App. 2004)
260B.130, subdivision 5	2004	Delinquency; juvenile prosecutions	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Denying juvenile offender credit for time served when executing adult sentence	<i>State v. Garcia</i> , 683 N.W.2d 294 (Minn. 2004)
260C.007, subdivision 6, clause (2), item (i)	2008	Child protection	Ambiguity	Meaning of the phrase "physical abuse" in defining "child in need of protection or services"	<i>In re Welfare of Children of N.F.</i> , 749 N.W.2d 802 (Minn. 2008)
260C.007, subdivision 6	2010	Child protection	Ambiguity	Meaning of "child in need of protection or services"	<i>Welfare of Child of S.S.W.</i> , 767 N.W.2d 723 (Minn. Ct. App. 2009)
260C.301, subdivision 1	2008	Child protection	Ambiguity	Meaning of the phrase "in the parent's care" for determining harm regarding termination of parental rights	<i>In re Welfare of Child of T.P. and P.P.</i> , 747 N.W.2d 356 (Minn. 2008)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
260C.301, subdivision 1, clause (b), item (6)	2020	Child protection	Ambiguity	Meaning of the phrase “in the parent’s care” for determining harm regarding termination of parental rights	<i>In the Matter of the Welfare of K. L. W.</i> , 924 N.W.2d 649 (Minn. Ct. App. 2019)
260C.415, subdivision 1	2012	Child protection	Conflict with Court Rules	The timing requirement to file an appeal conflicted with the timing requirement in the Minnesota Rules of Juvenile Protection Procedure	<i>In the Matter of the Welfare of the Child of T.L.M. and M.J.S.</i> , 804 N.W.2d 374 (Minn. Ct. App. 2011)
261.21	1969	County and local social services	Lack of remedy	Payment prohibited to out-of-state entities for hospitalization of indigent persons	<i>Dakota Hospital v. County of Clay</i> , 160 N.W.2d 246 (Minn. 1968)
268.035, subdivision 20, clause (20)	2014	Unemployment insurance	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Making personal care assistants who provide direct care to an immediate family member ineligible for unemployment benefits is unconstitutional	<i>Weir v. ACCRA Care, Inc.</i> , 828 N.W.2d 470 (Minn. Ct. App. 2013)
268.035, subdivision 29, paragraph (a), clause (12)	2014	Unemployment insurance	Constitutionality; Preemption	Is an exception to “wages” as defined in state law for unemployment benefits preempted by the federal Employee Retirement Income Security Act?	<i>Engfer v. General Dynamics</i> , 844 N.W.2d 236 (Minn. Ct. App. 2014)

<b>STATUTORY SECTION</b>	<b>REPORT YEAR</b>	<b>STATUTORY SUBJECT</b>	<b>ISSUE TYPE</b>	<b>STATUTORY ISSUE</b>	<b>CASE CITATION</b>
268.04, subdivision 26	1986	Unemployment insurance	Ambiguity	Definition of “wage credits” for extended unemployment eligibility	<i>Tuma v. Commissioner of Economic Sec.</i> , 386 N.W.2d 702 (Minn. 1986)
268.06, subdivision 5	1986	Unemployment insurance	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Different unemployment treatment for employing part-time workers on a weekly basis vs. employing part-time workers regularly, but not weekly	<i>New London Nursing Home, Inc. v. Lindeman</i> , 382 N.W.2d 868 (Minn. Ct. App. 1986)
268.06, subdivision 5	1984	Unemployment insurance	Impracticability	Employer provision of sporadic part-time employment and employer liability for unemployment compensation benefits	<i>Public Health Nursing Service of Dakota County v. Freeman</i> , 340 N.W.2d 344 (Minn. 1983)
268.08, subdivision 1, clause (3)	1976	Unemployment insurance	Impracticability	Eligibility for compensation while in commissioner-approved training	<i>Johnsrud v. State, Dept. of Employment Services</i> , 237 N.W.2d 362 (Minn. 1975)
268.085, subdivision 1, clause (7)	2016	Unemployment insurance	Ambiguity	What constitutes “good cause” for not participating in reemployment assistance services?	<i>Fay v. Department of Employment and Economic Development</i> , 860 N.W.2d 385 (Minn. Ct. App. 2015)
268.085, subdivision 2	2008	Unemployment insurance	Ambiguity	Meaning of the term “incarcerated” for eligibility for unemployment compensation benefits	<i>Carlson v. Minnesota Department of Employment and Economic Development</i> , 747 N.W.2d 367 (Minn. Ct. App. 2008)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
268.085, subdivision 15, paragraph (e)	2008	Unemployment insurance	Ambiguity	Meaning of the phrase "throughout the labor market area" in reference to transportation requirements to be eligible for unemployment compensation benefits	<i>Work Connection, Inc. v. Bui</i> , 749 N.W.2d 63 (Minn. Ct. App. 2008)
268.09, subdivision 1, clause (5)	1973	Unemployment insurance	Impracticability	Labor disputes and entitlement to unemployment compensation for non-striking employees	<i>Lehman v. Western Airlines, Inc.</i> 188 N.W.2d 883 (Minn. 1971)
268.09, subdivision 1	1980	Unemployment insurance	Impracticability	Recommendation to the legislature to consider statutory changes in the definition of voluntary discontinuance of employment	<i>Stawikowski v. Collins Elec. Const. Co.</i> , 289 N.H.2d 390 (Minn. 1979)  *See generally: <i>Loftis v. Legionville Sch. Safety Patrol</i> , 297 N.W.2d 237 (Minn. 1980) (chronology of continuing pattern of alternating judicial and legislative expansion of the "constructive voluntary quit rule")
268.09, subdivision 1	1982	Unemployment insurance	Ambiguity	Is a constructive voluntary quit a "quit" that disqualifies a worker from unemployment benefits?	<i>Jansen v. Peoples Electric, Company, Inc.</i> , 317 N.W.2d 879 (Minn. 1982)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
268.095, subdivision 1, clause (3)	2014	Unemployment insurance	Ambiguity	When does a “quit” occur for the purposes of the unsuitable employment exception for receiving unemployment benefits?	<i>Wiley v. Dolphin Staffing- Dolphin Clerical Group</i> , 825 N.W.2d 121 (Minn. Ct. App. 2012)
268.095, subdivision 3, paragraph (c)	2014	Unemployment insurance	Ambiguity	Is a unilateral reduction of hours by an employer an “adverse working condition” requiring an adversely-affected employee to complain prior to quitting?	<i>Thao v. Department of Employment and Economic Development</i> , 824 N.W.2d 1 (Minn. Ct. App. 2012)
270.11, subdivision 1  *see 270.12	1967	Taxation; Board of Equalization	Lack of remedy	Ability to appeal order of the Board of Equalization to the Tax Court	<i>Commissioner of Taxation v. Crow Wing County</i> , 144 N.W. 2d 717 (Minn. 1966)
270.12  *see 270.11, subdivision 1	1967	Taxation; Board of Equalization	Lack of remedy	Ability to appeal order of the Board of Equalization to the Tax Court	<i>Commissioner of Taxation v. Crow Wing County</i> , 144 N.W. 2d 717 (Minn. 1966)
272.02, subdivision 1, clause (6)	1976	Taxation; exempt property	Ambiguity	Meaning of “purely public charity”	<i>North Star Research Inst. v. County of Hennepin</i> , 236 N.W.2d 754 (Minn. 1976)
272.01, subdivision 2  * see 273.19, subdivision 1	1973	Taxation; exempt property	Ambiguity	Meaning of “purely public charity”	<i>State v. North Star Research and Development Institute</i> , 200 N.W.2d 410 (Minn. 1972)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
273.01	2024	Taxation; property; listing and assessment	Ambiguity	Is a meeting where the county uses an alternative review process to review assessments equivalent to a meeting of the local board of review or equalization?	<i>Endless Summer Farms LLC v. Lake County</i> , 2022 WL 6609923 (Minn. Tax Oct. 10, 2022)
273.11, subdivision 1a	2004	Taxation; property	Ambiguity	Application of limited market value relief and equalization relief	<i>Harris v. County of Hennepin</i> , 679 N.W.2d 728 (Minn. 2004)
273.13	1965 and 1967	Taxation; listing and assessment	Ambiguity; lack of legislation	Equalization of property	<i>Dulton Realty Inc. v. State</i> , 132 N.W. 2d 394 (Minn. 1964)
273.19, subdivision 1 *see 272.01, subdivision 2	1973	Taxation; exempt property	Ambiguity	Meaning of “purely public charity”	<i>State v. North Star Research and Development Institute</i> , 200 N.W.2d 410 (Minn. 1972)
278.05, subdivision 3	2022	Taxation; property; assessor’s data	Ambiguity	Does allowed disclosure of assessor’s records with confidential data include disclosure of nonpublic income-producing property assessment data?	<i>G&amp;I IX OIC LLC v. County of Hennepin</i> , 979 N.W.2d 52 (Minn. 2022)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
278.05, subdivision 3	2024	Taxation; property; assessor's data	Ambiguity	Does the term "assessor's records" mean every assessment record on a subject property or a certain category of assessment record, including information on third-party properties?	<i>IRC Cliff Lake, L.L.C. v. Dakota County</i> , 2023 WL 3856405 (Minn. Tax June 6, 2023)
278.05, subdivision 4	2004	Taxation; property	Ambiguity	Application of limited market value relief and equalization relief	<i>Harris v. County of Hennepin</i> , 679 N.W.2d 728 (Minn. 2004)
279.15	1959	Taxation; delinquent property taxes	Lack of remedy	Defendant's ability to claim unfair or unequal assessment in delinquent tax proceedings	<i>State v. Elam</i> , 84 N.W. 2d 227 (Minn. 1957)
282.03	2024	Taxation; tax forfeited property	Ambiguity	Does a county have the authority to impose a condition requiring the purchaser to demolish pre-existing structures as part of a sale of tax-forfeited property?	<i>Ashcel Companies, Inc. v. Dodge County</i> , 10 N.W.3d 877 (Minn. 2024)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
282.08, clause (4)	2024	Taxation; tax forfeited property	Constitutionality; 5 <sup>th</sup> Amendment Takings Clause	Is it an unconstitutional taking to direct the balance of excess proceeds from a sale of tax-forfeited property to be sent to local jurisdictions and not to the former property owner?	<i>Tyler v. Hennepin County, Minnesota</i> , 598 U.S. 631 (2023)
290.01, subdivision 7	2016	Taxation; income; residents and nonresidents	Ambiguity	Meaning of the term “resident” when an individual is domiciled both in Minnesota and outside Minnesota during a given tax year	<i>Marks v. Commissioner of Revenue</i> , 875 N.W.2d 321 (Minn. 2015)
290.01, subdivision 7b, paragraph (a), clause (2)	2018	Taxation; income; resident trusts	Constitutionality; 14 <sup>th</sup> Amendment Due Process	Is it constitutional to tax an irrevocable trust as a resident trust based only on the fact that the grantor of the trust was domiciled in Minnesota at the time the trust became irrevocable?	<i>Fielding v. Commissioner of Revenue</i> , 916 N.W.2d 323 (Minn. 2018)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
290.068, subdivision 2, paragraph (c)	2020	Taxation; corporate research and development credit	Ambiguity	Does the reference to a definition in “section 41(c) of the Internal Revenue Code” incorporate only the explicit definition in paragraph (1) of that statute, or does it also incorporate other related paragraphs of that statute	<i>General Mills, Inc. v. Commissioner of Revenue</i> , 931 N.W.2d 791 (Minn. 2019)
290.0922, subdivision 1, paragraph (a)	2022	Taxation; corporate franchise minimum fee	Constitutionality; Preemption	Is the inclusion of Minnesota sales or receipts when calculating Minnesota’s minimum fee tax for an air carrier preempted by the federal Anti-Head Tax Act?	<i>Alaska Airlines, Inc. v. Comm’r of Revenue</i> , Not Reported in N.W. Rptr, 2022 WL 829686 (Minn. Tax Mar. 16, 2022)
290.17, subdivision 3	2024	Taxation; apportionment of income	Ambiguity	For apportionment for trade or business income, is all income that is not “nonbusiness income,” such as gain on the sale of goodwill, required to be apportioned or just possible to be apportioned?	<i>Cities Management v. Comm’r of Revenue</i> , 997 N.W.2d 348 (Minn. 2023)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
296.02, subdivision 7	1982	Taxation; fuels	Constitutionality; Commerce Clause	Reduction in tax for fuel blended with agricultural products produced in the state discriminates against interstate commerce	<i>Archer Daniels Midland Co. v. State</i> , 315 N.W.2d 579 (Minn. 1982)
297A.01, subdivision 7	1996	Taxation; sales and use	Ambiguity	Whether tangible personal property	<i>Dahlberg Hearing Systems, Inc. v. Commissioner of Revenue</i> , 546 N.W.2d 739 (Minn. 1996)
297A.25, subdivision 4	1971	Taxation; sales and use taxes	Constitutionality; Minnesota Constitution, Article XVI, Section 6	Exempt state purchase of material for use in construction of state trunk highways and state trunk highway fund	<i>Hoene v. Jamieson</i> , 182 N.W.2d 834 (Minn. 1970)
298.045 to 298.048	1980	Taxation; minerals	Constitutionality; Minnesota Constitution, Article X, section 3	Statutory dates to pay occupation tax conflict with constitutional dates to pay occupation tax	<i>Butler Taconite v. Roemer</i> , 282 N.W.2d 867 (Minn. 1979)
299A.41, subdivision 3, *see 299A.44	2024	Public safety officer and survival benefits; death benefit	Ambiguity	Is an officer who sustains posttraumatic stress disorder caused by job-related trauma and then dies by suicide as a result is “killed in the line of duty” for the purposes of the spousal death benefit?	<i>Matter of Lannon</i> , 984 N.W.2d 575 (Minn. Ct. App. 2022)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
299A.44 *see 299A.41, subdivision 3	2024	Public safety officer and survival benefits; death benefit	Ambiguity	Is an officer who sustains posttraumatic stress disorder caused by job-related trauma and then dies by suicide as a result is “killed in the line of duty” for the purposes of the spousal death benefit?	<i>Matter of Lannon</i> , 984 N.W.2d 575 (Minn. Ct. App. 2022)
299A.465, subdivision 1, paragraph (c)	2006	Department of Public Safety; family health coverage after officer death	Ambiguity	Does the city payment of health coverage until age 65 rely on an officer continuing to live until age 65?	<i>Schmidt v. City of Columbia Heights</i> , 696 N.W.2d 413 (Minn. Ct. App.)
299C.105 subdivision 1	2008	Public safety; Bureau of Criminal Apprehension	Constitutionality; 4 <sup>th</sup> Amendment	Does the requirement to take biological specimens from juveniles and adults who have been charged with an offense, but not convicted, violate the constitution?	<i>In re Welfare of C.T.L.</i> , 722 N.W.2d 484 (Minn. Ct. App. 2006)
299C.11, paragraph (b), clause (1)	1998	Public safety; Bureau of Criminal Apprehension	Ambiguity	Meaning of “a determination of probable cause” for return of evidence	<i>State v. Bragg</i> , 577 N.W.2d 516 (Minn. Ct. App. 1998)
302A.751, subdivision 1	2012	Business organizations; dissolution	Ambiguity	Meaning of the phrase “unfairly prejudicial” for actions by directors or those in control of the corporation	<i>U.S. Bank N.A. v. Cold Spring Granite Co.</i> , 802 N.W.2d 363 (Minn. 2011)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
308.071, subdivision 2	1959	Corporations; elections of directors	Ambiguity	Allowance of voting by mail for corporate directors	<i>Bosch v. Meeker Coop. L&amp;P. Assn.</i> , 91 N.W. 2d 148 (Minn. 1958)
309.515, subdivision 1, paragraph (b)	1982	Social and charitable organizations	Constitutionality; 1st Amendment, Free Exercise of Religion	Disallowed provision that only religious organizations that receive more than 50 percent of total contributions from members or affiliated organizations are exempt	<i>Larson v. Valente</i> , 456 U.S. 228 (1982)
317A.241, subdivision 1	2004	Nonprofit corporations	Ambiguity	Nonprofit corporation authority to appoint special litigation committee	<i>Janssen v. Best &amp; Flanagan</i> , 662 N.W.2d 876 (Minn. 2003)
325.08 to 325.14	1961	Trade regulations; Fair Trade Act	Constitutionality	Delegation of legislative power to private persons	<i>Remington Arms Company v. G.E.M.</i> , 102 N.W.2d 528 (Minn. 1960)
325.64 to 325.76	1969	Trade regulations; Unfair Cigarette Sales Act	Constitutionality; 14 <sup>th</sup> Amendment Due Process	Strict criminal and civil liability with no provision for defendant to disprove intent or unfair effect	<i>Twin City Candy and Tobacco Co., Inc. v. A. Weisman Co.</i> , 149 N.W.2d 698 (Minn. 1967)
325.91 to 325.915	1969	Trade regulations; Sunday and holiday sales	Constitutionality; Vagueness; 14 <sup>th</sup> Amendment Due Process	Uncertain scheme of prohibition of sales of certain products on Sundays and holidays	<i>State v. Target Stores</i> , 156 N.W.2d 908 (Minn. 1968)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
325B.15	1986	Beer brewers and wholesalers	Constitutionality	Minnesota Beer Brewers and Wholesalers Act provision unconstitutionally impaired contracts because it applied to contracts already in existence at time of adoption	<i>Jacobsen v. Anheuser-Busch, Inc.</i> , 392 N.W.2d 869 (Minn. 1986)
325E.37, subdivision 5, paragraph (c)	1994	Trade regulations; sales representatives	Constitutionality; 14 <sup>th</sup> Amendment Due Process	Compulsory binding arbitration of termination disputes must allow minimal judicial review	<i>New Creative Enterprises, Inc. v. Dick Hume &amp; Associates</i> , 494 N.W.2d 508 (Minn. Ct. App. 1993)
325F.665, subdivisions 7 and 10	1994	Consumer protection; Minnesota Lemon Law	Ambiguity	Statute provided two limitations on filing civil actions to appeal informal dispute mechanism	<i>Pfeiffer v. Ford Motor Co.</i> , 517 N.W.2d 76 (Minn. Ct. App. 1994)
327A.01, subdivision 8	2020	Housing; statutory warranties	Ambiguity	What is the meaning of the term “warranty date” for condominiums — does the warranty attach when the building is completed or when each individual unit is sold or occupied?	<i>Village Lofts at St. Anthony Falls Association v. Housing Partners III-Lofts, LLC</i> , 937 N.W.2d 430 (Minn. 2020)
327C.02, subdivision 2	2010	Manufactured home park lot rentals	Ambiguity	Meaning of the phrase “reasonable rent increase”	<i>Skyline Village Park Association v. Skyline Village L.P.</i> , 786 N.W.2d 304 (Minn. Ct. App.)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
336.2-318	1998	Uniform Commercial Code	Certification of question of Minnesota law	Liability for breach of warranty	<i>Minnesota Mining and Mfg. v. Nishika Ltd.</i> , 565 N.W.2d 16 (Minn. 1997)  Question certified in: <i>Minnesota Mining Mfg. Co. v. Nishika Ltd.</i> , 955 S.W.2d 853 (Tex. 1996)
336.3-419, clause (3)	1982	Uniform Commercial Code; conversion of instruments and innocent representatives	Ambiguity	Meaning of “depository or collecting bank” when bank is acting as both	<i>Denn v. First State Bank of Spring Lake Park</i> , 316 N.W.2d 532 (Minn. 1982)
340.941	1986	Liquor	Constitutionality; Due Process	Employer liability for illegal employee sales	<i>State v. Guminga</i> , 395 N.W.2d 344 (Minn. 1986)
340.95	1961	Liquor; dram shop	Lack of remedy	No cause of action for injured person who is intoxicated	<i>Randall v. Village of Excelsior</i> , 103 N.W.2d 131 (Minn. 1960)
340.95	1973	Liquor; dram shop	Impracticability	Equal application to commercial vendors and social hosts	<i>Ross v. Ross</i> , 200 N.W.2d 149 (Minn. 1972)
340A.503	1988	Liquor; retail sale regulations	Ambiguity	Whether proof of age defense remained as a defense after repeal and recodification	<i>State v. Neisen</i> , 415 N.W.2d 326 (Minn. 1987)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
340A.702, clause (6)	2006	Liquor; gross misdemeanors	Vagueness	Meaning of the phrase “state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the commissioner of human services or the commissioner of corrections”	<i>Block 25 Committee v. City of Walker</i> , 690 N.W.2d 403 (Minn. 2005)
340A.801, subdivision 1	1998	Liquor; civil actions	Ambiguity	Scope of the term “other person” as used in the Civil Damage Act	<i>Lefto v. Hoggsbreath, Enterprises, Inc.</i> , 581 N.W.2d 855 (Minn. 1998)
340A.802	1986	Liquor; dram shop	Improper recodification	Merger of substantive amendments by revisor instruction	<i>Kuiawinski v. Palm Garden Bar</i> , 392 N.W.2d 899 (Minn. Ct. App. 1986)
Chapter 344	1976	Partition fences	Impracticability; ambiguity	Application of fence viewers to ascertain value	<i>Brom v. Kalmes</i> , 230 N.W. 2d 69 (Minn. 1975)
349.12, subdivision 12b, clause (3)	2024	Lawful gambling and gambling devices; electronic pull-tabs	Ambiguity	Does the lawful gambling statute allow “open-all” electronic pull-tabs?	<i>In re Shakopee Mdewakanton Sioux Community</i> , 988 N.W.2d 135 (Minn. Ct. App. 2023)
351.02, clause (4)	2014	Vacancy in public office	Ambiguity	Is the office of a district court judgeship a statewide office or a local office?	<i>State v. Irby</i> , 848 N.W.2d 515 (Minn. 2014)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
352E.04, paragraph (e)	1980	Peace officers killed in line of duty	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Arbitrary classification of peace officers dying of heart attacks while working as not “killed in the line of duty”	<i>Ondler’s Dependents v. Peace Officers Benefit Fund</i> , 289 N.W.2d 486 (Minn. 1980)
353.01, subdivision 10	2012	Public Employees Retirement Association; determining salary	Ambiguity	Meaning of “salary” as applied to “salary- supplement payments”	<i>In the Matter of the PERA Salary Determinations Affecting Retired and Active Employees of the City of Duluth</i> , 820 N.W.2d 563 (Minn. Ct. App. 2012)
353.656, subdivision 4	2008	Public Employees Retirement Association	Ambiguity	Meaning of the term “reemployment” for disability benefit	<i>In re Masson</i> , 753 N.W.2d 755 (Minn. Ct. App. 2008)
360.0216	1980	Airports and aeronautics	Ambiguity	Meaning of “operated within this state” for airplane operator vicarious liability	<i>Ewers v. Thunderbird Aviation, Inc.</i> , 289 N.W.2d 94 (Minn. 1979)
363.01, subdivision 41  *see 363.03, subdivision 1	1998	Minnesota Human Rights Act	Superfluous language	Prohibition of male- on-male sexual harassment	<i>Cummings v. Koehnen</i> , 568 N.W.2d 418 (Minn. 1997)
363.03, subdivision 1  *see 363.01, subdivision 41	1998	Minnesota Human Rights Act	Superfluous language	Prohibition of male- on-male sexual harassment	<i>Cummings v. Koehnen</i> , 568 N.W.2d 418 (Minn. 1997)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
363A.11, subdivision 1	2022	Minnesota Human Rights Act	Constitutionality; Preemption	Is the Minnesota Human Rights Act preempted in cases where an airline refuses to serve passengers due to safety concerns?	<i>Williams v. Sun Country, Inc.</i> , Not Reported in N.W. Rptr., WL 855890 (Minn. Ct. App. 2021)
375.02	1967	County boards; commissioner districts	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Redistricting limits on the number of commissioners from certain cities	<i>Hanlon v. Towey</i> , 142 N.W. 2d 741 (Minn. 1966)
394.27, subdivision 7	2008	Planning, development, zoning	Ambiguity	Whether county zoning authority's decision should be based on the "practical difficulties" or the "particular hardship" standard in a given case	<i>In re Stadsvold</i> , 754 N.W.2d 323 (Minn. 2008)
413.12 to 413.26	1961	City organization; annexation	Impracticability	Deficient statutory annexation procedures for separation of proposed annexed territory	<i>State Ex. Rel. Town of White Bear Lake v. City of White Bear Lake</i> , 95 N.W. 2d 294 (Minn. 1959)
414.0325, subdivision 6	2018	Municipal boundary adjustments; annexation	Ambiguity	Does an annexation agreement bind only parties to the annexation agreement, or does it also restrict the rights of nonparties?	<i>In re Annexation of Certain Real Property to the City of Proctor from Midway Township</i> , 910 N.W.2d 460 (Minn. Ct. App. 2018)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
422A.09	1984	Pensions; City of Minneapolis	Constitutionality; Contract Clause	Alteration of pension eligibility for already retired employees is an impairment of contract	<i>Christensen v. Minneapolis Municipal Employees Retirement Board</i> , 331 N.W.2d 740 (Minn. 1983)
429.061, subdivision 1	1961	Local improvements; special assessments	Constitutionality	City compliance with statutory notice provisions did not meet Due Process	<i>Meadowbrook Manor, Inc. v. City of St. Louis Park and County of Hennepin</i> , 104 N.W.2d 540 (Minn. 1960)
429.061, subdivision 1	1984	Local improvements; special assessments	Constitutionality	Statutory notice requirements insufficient in laying out amount of assessment	<i>Peterson v. City of Inver Grove Heights</i> , 345 N.W.2d 274 (Minn. 1984)
462.18	1961	Zoning ordinances	Constitutionality	Unlawful delegation of police power to impose restrictions on property	<i>State Ex. Rel. Foster v. City of Minneapolis</i> , 97 N.W. 2d 273 (Minn. 1959)
462.357, subdivision 1e, paragraph (a), clause (2)	2012	Municipal planning	Ambiguity	When is a property owner able to rebuild a nonconformity and under what circumstances may a municipality impose reasonable conditions?	<i>Ortell v. City of Nowthen</i> , 814 N.W.2d 40 (Minn. Ct. App. 2012)
463.15 to 463.261	2022	Minnesota Hazardous or Substandard Buildings Act (MHSBA)	Ambiguity	Does the 45-day limit to apply for recovery of costs under the Minnesota Rule of Civil Procedure 48 apply to recovery of expenses under the MHSBA?	<i>City of Hutchinson v. Shahidullah</i> , Not Reported in N.W. Rptr., 2021 WL 4428917 (Minn. Ct. App. 2021)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
466.03, subdivision 2	1986	Tort liability, political subdivisions	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Municipal tort immunity statute discriminated between victims covered by workers' compensation and those who are not	<i>Bernthal v. City of St. Paul</i> , 376 N.W.2d 422 (Minn. 1985)
					<i>Jensen v. Downtown Auto Park</i> , 184 N.W. 2d 777 (Minn. 1971)
					<i>Wibstad v. City of Hopkins</i> , 190 N.W. 2d 125 (Minn. 1971)
466.05, subdivision 1	1973	Tort liability, political subdivisions	Lack of remedy; impracticability; constitutionality	30-day period to notify municipality of claim after injury	<i>Almich v. Independent School District No. 393</i> , 190 N.W. 2d 668 (Minn. 1971)
					<i>McGuire v. Hennessy</i> , 193 N.W. 2d 313 (Minn. 1971)
					<i>Hansen v. D.M. &amp; I.R Ry. Co.</i> , 195 N.W. 2d 814 (Minn. 1972)
					<i>Olander v Sperry and Hutchinson Co.</i> , 197 N.W. 2d 438 (Minn. 1972)
					<i>Altendorfer v. Jandric, Inc.</i> , 199 N.W. 2d 812 (Minn. 1972)
466.05	1980	Tort liability, political subdivisions	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Limit on commencement of suit draws an irrational distinction between public and private tortfeasors	<i>Kossak v. Stalling</i> , 277 N.W.2d 30 (Minn. 1979)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
466.12	2008	Tort liability, political subdivisions	Effectiveness of statute	Did a repeal of a portion of a statute after the expiration of the section revive the remainder of the statute?	<i>Granville v. Minneapolis Public Schools, Special Dist. No. 1</i> , 732 N.W.2d 201 (Minn. 2007)
471.705, subdivision 2	1984	Open Meeting Law	Constitutionality; Minnesota Constitution Article IV, section 6	Impermissible additional qualification on a candidate for office	<i>Merz v. Leitch</i> , 342 N.W.2d 141 (Minn. 1984) * <i>Concurring Opinion</i> *
473.675, subdivision 1 *see 606.01	1998	Metropolitan government; writs of certiorari	Irreconcilable conflict of laws	Jurisdiction to review action of the metropolitan airports commission	<i>Heideman v. Metropolitan Airports Commission</i> , 555 N.W.2d 322 (Minn. Ct. App. 1996)
473.848, subdivisions 1 and 2	2020	Metropolitan Landfill Abatement Act	Ambiguity	Meaning of the phrase "the waste has been certified" for unprocessed mixed municipal solid waste	<i>BFI Waste Systems of North America, LLC, d/b/a Pine Bend Landfill v. Laura Bishop, in her capacity as the Commissioner of the Minnesota Pollution Control Agency</i> , 927 N.W.2d 314 (Minn. Ct. App. 2019)
484.471 *see chapter 169	1961	District courts; highway traffic regulation	Lack of remedy	No provision for immediate trial by jury for municipal offenses that relate to traffic regulations	<i>State v. Mullaly</i> , 99 N.W. 2d 892 (Minn. 1959)
487.08, subdivision 5	2004	County courts	Constitutionality; Minnesota Constitution, Article VI, Section 1	Appointment of judicial officer to preside over felony jury trial	<i>State v. Harris</i> , 667 N.W.2d 911 (Minn. 2003)
487.39	1986	County courts; appeals	Impracticability; conflict with Court Rules	Manner of filing notice of appeal	<i>State v. Pilla</i> , 380 N.W.2d 207 (Minn. Ct. App. 1986)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
488.06, subdivision 1	1961	Municipal courts; appointment of judges	Constitutionality	Conflict with Appointments Clause of the Minnesota Constitution	<i>State v. Meisinger</i> , 103 N.W.2d 864 (Minn 1960)
488.10, subdivisions 3 and 7	1969	Municipal courts	Constitutionality; Fourth Amendment	Ability of court clerks to take complaints and issue warrants	<i>State v. Paulick</i> , 151 N.W.2d 591 (Minn. 1967)
488.25 *see 633.22	1959	Criminal law; offenses	Ambiguity	Meaning of “criminal offense” for constitutional guarantee of jury trial	<i>State v. Ketterer</i> , 79 N.W. 2d 136 (Minn. 1956)
490.16	1978	Judicial standards	Impracticability	Judicial suspension without pay	<i>In re Anderson</i> , 252 N.W.2d 592 (Minn. 1977)
491.12 *see 197.46	1959	Police Civil Servants Commission Act	Constitutionality; Minnesota Constitution, Article III, section 1	Method of review by the district court	<i>State ex. rel. McGinnis v. Police C.S. Comm. etc.</i> , 91 N.W. 2d 154 (Minn. 1958)
500.24, subdivision 2, paragraph (g)	2020	Estates in real property	Ambiguity	Meaning of the phrase “capable of being used for farming” for right of first refusal for agricultural land	<i>Rabbe v. Farmers State Bank of Trimont</i> , 2019 WL 2416036 (Minn. Ct. App. 2019)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
501C.1206, paragraph (b)	2022	Trusts; Medicaid eligibility	Constitutionality; Preemption	Is the requirement that certain irrevocable trusts “become revocable” for the narrow purpose of determining eligibility for Medical Assistance for long-term care purposes preempted?	<i>Geyen v. Commissioner of Minnesota Department of Human Services</i> , 964 N.W.2d 639 (Minn. Ct. App. 2021)
504.14	1980	Landlords and tenants	Constitutionality; 14 <sup>th</sup> Amendment Due Process	Insufficient notice to vacate or alter plat	<i>Batinich v. Harvey</i> , 277 N.W.2d 355 (Minn. 1979)
504B.441	2020	Landlords and tenants	Ambiguity	Meaning of the phrase “complaint of a violation” for prohibition of retaliatory eviction	<i>Central Housing Associates, LP v. Olson</i> , 929 N.W.2d 398 (Minn. 2019)
505.14	1965	Platting	Constitutionality; 14 <sup>th</sup> Amendment Due Process	Adequate service and publication of notice for vacation of platted area	<i>Etzler v. Mondale</i> , 123 N.W.2d 603 (Minn. 1963)
507.02	2002	Recording and filing conveyances	Ambiguity	Meaning of “mortgage for purchase money” for exception to the signature requirement for conveyance	<i>Wells Fargo Home Mortgage, Inc. v. Newton</i> , 646 N.W.2d 888 (Minn. Ct. App. 2002)
Chapter 508 *see 541.023, subdivision 1	2000	Registration; Torrens	Ambiguity	Is the definition of “source of title” so broad that it is ambiguous?	<i>Hersh Properties, L.L.C. v. McDonald's Corporation, et al.</i> , 588 N.W.2d 728 (Minn. 1999)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
508.64 *see 514.08	1994	Real estate registration; liens	Ambiguity	Conflicting filing requirements for mechanics' liens	<i>David Thomas Companies, Inc. v. Voss</i> , 517 N.W.2d 341 (Minn. Ct. App. 1994)
510.02	2002	Homestead exemptions	Ambiguity	Meaning of "value of the homestead exemption"	<i>Baumann, et al. v. Chaska Building Center, Inc.</i> , 621 N.W.2d 795 (Minn. Ct. App. 2001)
510.07, subdivision 1	1967 and 1969 and 1973	Real property	Impracticability; lack of remedy	Shielding homestead property from judgment debt	<i>O'Brien v. Johnson</i> , 148 N.W.2d 357 (Minn. 1967) *opinion filed on November 18, 1966; withdrawn and replaced*  <i>O'Brien v. Johnson</i> , 200 N.W.2d 32 (Minn. 1972)
511.18 *see 511.19	1959	Property; conditional sales contracts	Lack of remedy	Seller's repossession without notice bound seller to exclusive remedy	<i>Yellow Mfg. Acceptance Corp. v. Handler</i> , 83 N.W.2d 103 (Minn. 1957)
511.19 *see 511.18	1959	Property; conditional sales contracts	Lack of remedy	Seller's repossession without notice bound seller exclusive remedy	<i>Yellow Mfg. Acceptance Corp. v. Handler</i> , 83 N.W.2d 103 (Minn. 1957)
513.33	2016	Credit agreements; promises to forgive debts	Ambiguity	Is a promise to forgive a debt a "credit agreement" that requires the promise to be in writing to be enforceable?	<i>NJK Holding Corporation v. The Araz Group, Inc.</i> , 878 N.W.2d 515 (Minn. Ct. App. 2016)
514.05	1986	Liens	Impracticability	Lien claimant priority based on beginning of visible work	<i>R.B. Thompson, Jr. Lumber v. Windsor Dev.</i> , 383 N.W.2d 362 (Minn. Ct. App. 1986)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
514.08 *see 508.64	1994	Liens	Ambiguity	Conflicting filing requirements for mechanics' liens	<i>David Thomas Companies, Inc. v. Voss</i> , 517 N.W.2d 341 (Minn. Ct. App. 1994)
514.011, subdivision 4c	2010	Liens	Ambiguity	Does a pre-lien notice exception apply based on the square footage of the landlord's entire property or only the square footage leased by a tenant?	<i>Wallboard, Inc. v. St. Cloud Mall, LLC</i> , 758 N.W.2d 356 (Minn. Ct. App. 2008)
515B.4-113, paragraph (b), clause (2) *see 515B.4-116, paragraph (b)	2016	Minnesota Common Interest Ownership Act; costs of litigation	Ambiguity	Does the phrase "engineering standards" include "architectural standards?"	<i>650 North Main Association v. Frauenshuh, Inc.</i> , 885 N.W.2d 478 (Minn. Ct. App. 2016)
515B.4-116, paragraph (b) *see 515B.4-113, paragraph (b), clause (2)	2016	Minnesota Common Interest Ownership Act; costs of litigation	Ambiguity	Are "costs of litigation" discretionary?	<i>650 North Main Association v. Frauenshuh, Inc.</i> , 885 N.W.2d 478 (Minn. Ct. App. 2016)
518.14, subdivision 1	2014	Marriage dissolution	Ambiguity	Provision authorizing the court to award attorney fees did not state what fees may be awarded or to whom the fees may be awarded	<i>Rooney v. Sanvik</i> , 850 N.W.2d 732 (Minn. Ct. App. 2014)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
518.5511	1998	Marriage dissolution	Constitutionality; separation of powers	Administrative process for child and medical support orders	<i>Holmberg v. Holmberg</i> 578 N.W.2d 817 (Minn. Ct. App. 1998)
518.551, subdivision 5, paragraph (f)	2002	Marriage dissolution	Ambiguity	Meaning of “further departure” for determining child support obligation	<i>Svenningsen v. Svenningsen</i> , 641 N.W.2d 614 (Minn. Ct. App. 2002)
518.58, subdivision 2	2010	Marriage dissolution	Constitutionality; Preemption	Does the federal anti-attachment statute protecting military death benefits preempt state law allocating the benefits?	<i>Angell v. Angell</i> , 777 N.W.2d 32 (Minn. Ct. App. 2009)
518.58, subdivision 2	2012	Marriage dissolution	Constitutionality; Preemption	Does the federal anti-attachment statute protecting military death benefits preempt state law allocating the benefits?	<i>Angell v. Angell</i> , 791 N.W.2d 530 (Minn. 2010)
518B.01	1990	Domestic Abuse Act	Ambiguity	Meaning of “family or household members” for jurisdiction to issue a protective order	<i>Woodin v. Rasmussen</i> , 455 N.W.2d 535 (Minn. Ct. App. 1990)
519.05	1978	Married women; rights and privileges	Impracticability; Constitutionality	Ability of married women to bring action for personal injury and future medical expenses	<i>Busch v. Busch Construction, Inc.</i> , 262 N.W.2d 377 (Minn. 1977)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
524.1-201, clause (32)	2014	Probate; descent determination	Ambiguity	Does the qualifying phrase “having a property right in or claim against the estate of a decedent” modify only “any others” listed as “interested persons” or all listed “interested persons”?	<i>In the Matter of the Estate of Pawlik</i> , 845 N.W.2d 249 (Minn. Ct. App. 2014)
525.011 *see 525.014	1967	Probate court; jurisdiction	Redundancy in statute	Jurisdiction based on general appearance in lower court and appeal for new trial in district court	<i>State v. McKinnon</i> , 140 N.W. 2d 608 (Minn. 1966)
525.014 *see 525.011	1967	Probate court; jurisdiction	Redundancy in statute	Jurisdiction based on general appearance in lower court and appeal for new trial in district court	<i>State v. McKinnon</i> , 140 N.W. 2d 608 (Minn. 1966)
525.331	1973	Probate; appraisal	Impracticability	Disbarment for payment of excessive fees to appraisers	<i>In re Bartholet</i> , 198 N.W. 2d 152 (Minn. 1972)  *concurring opinion*
541.023, subdivision 1	1994	Civil actions; Marketable Title Act	Impracticability	Limitation on filing notice of claim to title	<i>Weber v. Eisentrager</i> , 420 N.W.2d 131 (Minn. Ct. App. 1992)  *Special Concurrence*

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
541.023, subdivisions 1 and 7 <i>*see chapter 508</i>	2000	Civil actions; Marketable Title Act	Ambiguity	Is the definition of “source of title” so broad that it is ambiguous?	<i>Hersh Properties, L.L.C. v. McDonald’s Corporation, et al.</i> , 588 N.W.2d 728 (Minn. 1999)
541.023, subdivision 1	2024	Civil actions; Marketable Title Act	Ambiguity	Is a plat an “instrument” for the purposes of the Minnesota Marketable Title Act?	<i>Matter of Moratzka</i> , 988 N.W.2d 42 (Minn. 2023)
541.051	1978	Civil actions; statute of limitations	Constitutionality	Limit of time on actions against persons who provide improvements to real property	<i>Pacific Indemnity Company v. Thompson-Yaeger, Inc.</i> , 260 N.W.2d 548 (Minn. 1977)
541.051	1992	Civil actions; statute of limitations	Ambiguity	Meaning of “defective and unsafe” in negligence action	<i>Griebel v. Anderson Corporation</i> , 489 N.W.2d 521 (Minn. 1992) <i>*Dissenting Opinion*</i>
541.051, subdivision 1, paragraph (a)	2006	Civil actions; statute of limitations	Constitutionality; Due Process	If a party cannot assert third-party claims for contribution due to the statute of repose, does the statute violate due process?	<i>Brink v. Smith Companies Construction, Inc.</i> , 703 N.W.2d 871 (Minn. Ct. App. 2005)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
541.051, subdivision 1, paragraph (a)	2022	Civil actions; statute of limitations	Ambiguity	What does “construction of the improvement to real property” include for the limitation on actions for damages based on construction of improvements?	<i>Moore v. Robinson Environmental, et al.</i> , 954 N.W.2d 277 (Minn. 2021)
541.07, clause (8)	1990	Civil actions; statute of limitations	Ambiguity	Scope of parties covered by statute of limitations	<i>Radloff v. First American National Bank</i> , 455 N.W.2d 490 (Minn. Ct. App. 1990)
Chapter 548	1974	Replevin procedure	Constitutionality	Replevin proceedings with no pre-seizure hearing	<i>Automotive Merchandise, Inc. v. Smith</i> , 212 N.W.2d 678 (Minn. 1973)
548.36, subdivision 1, clause (2)	1990	Judgments	Ambiguity	Meaning of “collateral sources” for reduction of jury verdict in dram shop action	<i>Imlay, et al. v. City of Lake Crystal</i> , 453 N.W.2d 326 (Minn. 1990)
554.02, subdivision 2, clauses (2) and (3)	2018	Free speech; participation in government	Constitutionality; Minnesota Constitution, Article I, section 4	Does Minnesota’s anti-SLAPP law violate the right to a jury trial by requiring the trial judge to find facts?	<i>Leiendecker v. Asian Women United of Minnesota</i> , 895 N.W.2d 623 (Minn. 2017)
571.41 and 571.42  *see 571.60	1971	Garnishment	Constitutionality; due process	Authorized garnishment and impounding of accounts receivable without notice	<i>Jones Press, Inc. v. Motor Travel Services, Inc.</i> , 176 N. W. 2d 87 (Minn. 1970)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
571.60 *see 571.41 and 571.42	1971	Garnishment	Constitutionality; due process	Authorized garnishment and impounding of accounts receivable without notice	<i>Jones Press, Inc. v. Motor Travel Services, Inc.</i> , 176 N. W. 2d 87 (Minn. 1970)
573.01	1969	Personal representatives; survival statute	Impracticability	Personal injury causes of action after death of defendant	<i>Witthuhn v. Durbahn</i> , 157 N.W.2d 360 (Minn. 1968)
573.01	1982	Personal representatives; survival statute	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Irrational classification that only causes of action for negligence, strict liability, statutory liability, or breach of warranty survive death of defendant	<i>Thompson v. Estate of Petroff</i> , 319 N.W.2d 400 (Minn. 1982)
573.02	1963	Wrongful Death Act	Ambiguity	Marital immunity and recovery in tort actions between spouses	<i>Shumway v. Nelson</i> , 107 N.W. 2d 531 (Minn. 1961)
573.02	1971	Wrongful death actions	Ambiguity	Comparative negligence and reduction of recovery; meaning of “damages” and “recovery”	<i>Olson v. Hartwig et al.</i> , 180 N.W.2d 870 (Minn. 1970)
580.23, subdivision 2	2010	Mortgages; redemption	Ambiguity	Meaning of the phrase “original principal amount secured by the mortgage”	<i>Riverview Muir Doran, LLC v. Jadt Development Group, LLC</i> , 790 N.W.2d 167 (Minn. 2010)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
580.24	2008	Mortgages; redemption	Ambiguity	Meaning of requirement to record “all documents necessary to create the lien” for right to redemption	<i>Northern Realty Ventures, LLC v. Minnesota Housing Finance Agency</i> , 748 N.W.2d 296 (Minn. Ct. App. 2008)
588.20, subdivision 2, clause (4)	2016	Contempt of court	Ambiguity	Is a violation of an individual’s term of probation a violation of a mandate of a court that subjects the individual to criminal contempt?	<i>State v. Jones</i> , 869 N.W.2d 24 (Minn. 2015)
590.01	1980	Postconviction relief	Constitutionality; Article I, Section 9, Clause 2, habeus corpus	No clear statutory provision to challenge fairness of procedures used in denying parole	<i>Kelsey v. State</i> , 283 N.W.2d 892 (Minn. 1979)
590.01, subdivision 4	2018	Postconviction relief	Conflict with Court Rules	Is the statutory provision regarding correction of a sentence procedural or substantive, and if procedural, is there a separation of powers issue?	<i>Reynolds v. State</i> , 888 N.W.2d 125 (Minn. 2016)
590.05	2006	Postconviction relief	Constitutionality; Minnesota Constitution, Article I, section 6	Allowing public defenders to decline to represent persons in certain postconviction remedy cases	<i>Deegan v. State</i> , 711 N.W.2d 89 (Minn. 2006)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
590.11, subdivision 1, clause (1), item (i)	2018	Postconviction relief	Constitutionality; 14 <sup>th</sup> Amendment Equal Protection	Is it constitutional to have a prosecutorial-dismissal requirement for exoneration in addition to a requirement of vacation or reversal of judgment consistent with innocence?	<i>Back v. State</i> , 902 N.W.2d 23 (Minn. 2017)
590.11, subdivision 1, paragraph (b), clause (1), item (ii)	2020	Postconviction relief	Ambiguity	Meaning of the phrase "consistent with innocence" regarding eligibility for exoneree compensation	<i>Buhl v. State</i> , 922 N.W.2d 435 (Minn. Ct. App. 2019)
595.02, clause (4)	1973	Witnesses	Ambiguity	Disclosure of licensed physician without consent of patient	<i>State v. Staat</i> , 232 N.W.2d 872 (Minn. 1975)
595.02, clause (4)	1976	Witnesses	Constitutionality; 6 <sup>th</sup> Amendment	Prohibition of disclosure of medical records without consent of patient	<i>State v. Hembd</i> , 192 N.W.2d 192 (Minn. 1971)
595.02, subdivision 1, paragraph (a)	2012	Witnesses	Ambiguity	Meaning of the phrase "a crime committed by one against the other" as applied to a prosecution of the crime of disorderly conduct	<i>State v. Zais</i> , 790 N.W.2d 853 (Minn. Ct. App. 2010)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
595.02, subdivision 3	1990	Witnesses	Conflict with Court Rules; Constitutionality; Separation of Powers	Admissibility of out-of-court statements by children	<i>State v. Larson</i> , 453 N.W.2d 42 (Minn. 1989)
595.04	1974	Witnesses	Impracticability	Exclusion of testimony about conversations with deceased persons	<i>In Re Estate of Lea</i> , 222 N.W.2d 92 (Minn. 1974)
595.04	1986	Witnesses	Impracticability; Conflict with Court Rules	Exclusion of testimony about conversations with deceased persons	<i>Matter of Estate of Arend</i> , 373 N.W.2d 338 (Minn. Ct. App. 1985)
595.07	1971	Witnesses; convict as witness	Constitutionality	Cross examination of defendant witness regarding prior criminal convictions	<i>State v. West</i> , 173 N.W. 2d 468 (Minn. 1969)
602.04	1965 and 1967	Evidence	Lack of remedy; impracticability	Statutory presumption of due care and estoppel by verdict	<i>Lustik v. Rankila</i> , 131 N.W. 2d 741 (Minn. 1964)
602.04	1973	Evidence	Impracticability	Rebuttable presumption of decedent's due care in negligence actions	<i>Steinhaus v. Adamson</i> , 201 N.W.2d 264 (Minn. 1972)
602.04	1978	Evidence	Impracticability	Rebuttable presumption of decedent's due care in negligence actions	<i>Price v. Amdal</i> , 256 N.W.2d 461 (Minn. 1977)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
604.01	1974	Civil liability; negligence	Lack of remedy	Effect of contributory negligence when negligence of plaintiff and one or more defendants is identical	<i>Marier v. Memorial Rescue Service, Inc.</i> , 207 N.W.2d 706 (Minn. 1973)
604.02, subdivision 1	1998	Civil liability; negligence	Impracticability	Application of liability limitation and the workers' compensation third-party rule	<i>Decker v. Brunkow</i> , 557 N.W.2d 360 (Minn. Ct. App. 1996)
604.02, subdivision 1	2012	Civil liability; negligence	Ambiguity	Meaning of the phrase "when two or more persons are severally liable" and interaction with the common law doctrines of several liability and joint and several liability in cases involving multiple tortfeasors	<i>Staab v. Diocese of St. Cloud</i> 813 N.W.2d 68 (Minn. 2012)
604.02, subdivision 2	2014	Civil liability; negligence	Ambiguity	Does the statute reallocating uncollectible amounts apply to parties that are only severally but not jointly liable?	<i>Staab v. Diocese of St. Cloud</i> , 853 N.W.2d 713 (Minn. 2014)
604.03	1988	Civil liability; negligence	Ambiguity	Whether useful life of product is a complete defense	<i>Hodder v. Goodyear Tire &amp; Rubber Co.</i> , 426 N.W.2d 826 (Minn. 1988)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
605.08	1967	Civil actions; appeals	Ambiguity	Appeals from post-judgment and pre-judgment orders after the time to appeal has expired	<i>Honeymead Products Co. v. Aetna Casualty &amp; Sur. Co., et al</i> , 132 N.W. 2d 741 (Minn. 1965)
605.09	1967	Civil actions; appeals	Lack of remedy	Elimination of permitted appeals from orders involving the merits	<i>Ginsberg v. Williams</i> , 135 N.W. 2d 213 (Minn. 1965)
606.01 *see 473.675, subdivision 1	1998	Metropolitan government; writs of certiorari	Irreconcilable conflict of laws	Jurisdiction to review action of the metropolitan airports commission	<i>Heideman v. Metropolitan Airports Commission</i> , 555 N.W.2d 322 (Minn. Ct. App. 1996)
609.035, subdivision 2, paragraph (f)	2004	Criminal law; sentencing	Constitutionality; Minnesota Constitution, Article I, Section 6	Mandated consecutive sentences without jury trial	<i>State v. Blooflat</i> , 671 N.W.2d 591 (Minn. Ct. App. 2003)
609.106, subdivision 2, *see 244.05, subdivisions 4 and 5	2016	Criminal law; heinous crimes	Constitutionality; 8 <sup>th</sup> Amendment	Is it unconstitutional to impose a sentence of life imprisonment without the possibility of release on a juvenile?	<i>Jackson v. State</i> , 883 N.W.2d 272 (Minn. 2016)  *See also: <i>Miller v. Alabama</i> , 567 U.S. 460 (2012)
609.108, subdivision 2	2002	Criminal law; sex offenders	Constitutionality; Due Process	Mandatory increased sentence greater than sentence authorized by jury	<i>State v. Grossman</i> , 636 N.W.2d 545 (Minn. 2001)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
609.109, subdivision 3, paragraph (a), clause (2), and clause (3), item (iii)	2000	Criminal law	Ambiguity	Is a conviction for an attempted crime a conviction of offense for purposes of the sentencing enhancement statute?	<i>State v. Ronquist</i> , 600 N.W.2d 444 (Minn. 1999)
609.109, subdivision 4	2006	Criminal law; sentencing	Constitutionality; Sixth Amendment	Facts (other than a prior conviction) necessary to support an upward departure must be admitted by defendant or proved to a jury beyond a reasonable doubt	<i>State v. Shattuck</i> , 704 N.W.2d 131 (Minn. 2005)
609.11, subdivision 5, paragraph (a)	2000	Criminal law; sentencing	Ambiguity	Meaning of the phrase "at the time of the offense"	<i>State v. Herbert</i> , 601 N.W.2d 210 (Minn. Ct. App. 1999)
609.11, subdivision 8	1984	Criminal law; sentencing	Impracticability; Constitutionality	Departure from mandatory minimum must be allowed upon statutory motion by prosecutor or by court's own motion	<i>State v. Olson</i> , 325 N.W.2d 13 (Minn. 1982)
609.19 *see 609.20	1990	Criminal law; murder; manslaughter	Ambiguity	Definition of "death"	<i>State v. Olson</i> , 435 N.W.2d 530 (Minn. 1989)
609.20 *see 609.19	1990	Criminal law; murder; manslaughter	Ambiguity	Definition of "death"	<i>State v. Olson</i> , 435 N.W.2d 530 (Minn. 1989)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
609.205, clause (1)  *see 609.378	1992	Criminal law; manslaughter	Constitutionality	Whether conduct which complies with the requirements of one statute complies with other statutes absent notification to the contrary	<i>State v. McKown</i> , 475 N.W.2d 63 (Minn. 1991)  *Dissenting opinion*
609.21, subdivision 1	2008	Criminal law; criminal vehicular homicide and injury	Ambiguity	What is the mens rea requirement to support a charge of criminal vehicular homicide for leaving the scene of an accident?	<i>State v. Al-Naseer</i> , 734 N.W.2d 679 (Minn. 2007)
609.215, subdivision 1	2014	Criminal law; suicide	Constitutionality; 1 <sup>st</sup> Amendment	Do the words “advises” and “encourages” in the criminal assisted suicide statute prohibit constitutionally protected speech?	<i>State v. Melchert-Dinkel</i> , 844 N.W.2d 13 (Minn. 2014)
609.221, subdivision 2, paragraph (b)	2012	Criminal law; assault	Ambiguity	Meaning of the phrase “full term of imprisonment” in relation to eligibility for supervised release	<i>State v. Leathers</i> , 799 N.W.2d 606 (Minn. 2011)
609.2232	2012	Criminal law; inmates of state correctional facility	Ambiguity	Meaning of the phrase “an inmate of a state correctional facility” when applied to a person serving a sentence in a private correctional facility	<i>Johnson v. State</i> , 820 N.W.2d 24 (Minn. Ct. App. 2012)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
609.2241, subdivision 2, clause (2)	2012	Criminal law; knowing transfer of communicable disease	Ambiguity	Does the statute criminalizing the knowing transfer of communicable disease apply to informed sexual penetration between consenting adults?	<i>State v. Rick</i> , Not Reported in N.W. Rptr, 2012 WL 5752 (Minn. Ct. App. 2012)
609.2241, subdivision 2, clause (2)	2014	Criminal law; knowing transfer of communicable disease	Ambiguity	Does the word “transfer” in the criminal transfer of communicable disease statute include sexual contact?	<i>State v. Rick</i> , 835 N.W.2d 478 (Minn. 2013)
609.24	2018	Criminal law; robbery	Ambiguity	Meaning of the term “personal property”	<i>State v. Bowen</i> , 910 N.W.2d 39 (Minn. Ct. App. 2018)
609.27, subdivision 1, clause (4)	2020	Criminal law; coercion	Constitutionality; 1 <sup>st</sup> Amendment	Is the criminal coercion statute facially overbroad?	<i>State v. Jorgenson</i> , 946 N.W.2d 596 (Minn. 2020)
609.32, subdivision 1, clause (1)	1971	Criminal law; prostitution	Constitutionality; Preemption	Possible conflict between state statutes and municipal ordinances	<i>State v. Dailey, et. al.</i> , 69 N.W. 2d 746 (Minn. 1969)
609.321, subdivision 12 *see 609.324, subdivision 2	2006	Criminal law; prostitution and solicitation	Ambiguity	Does the phrase “public place” include the inside of a motor vehicle parked on a public street?	<i>State v. White</i> , 692 N.W.2d 749 (Minn. Ct. App. 2005)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
609.324, subdivision 2  *see 609.321, subdivision 12	2006	Criminal law; prostitution and solicitation	Ambiguity	Does the phrase “public place” include the inside of a motor vehicle parked on a public street?	<i>State v. White</i> , 692 N.W.2d 749 (Minn. Ct. App. 2005)
609.341, subdivision 11	1980	Criminal law; sex crimes	Constitutionality; 14 <sup>th</sup> Amendment Due Process	Criminal punishment for acts that “can reasonably be construed as being” criminal	<i>State v. Tibbetts</i> , 281 N.W.2d 499 (Minn. 1979)  *Also see:  <i>State v. Bicknese</i> , 285 N.W.2d 684 (Minn. 1979)
609.341, subdivision 11, paragraph (a), item (i)	2024	Criminal law; sex crimes	Ambiguity	Does using an object constitute intentional touching by the actor for purposes of establishing sexual contact in support of a charge of second- degree criminal sexual conduct?	<i>Wocelka v. State</i> , 9 N.W.3d 390 (Minn. 2024)
609.341, subdivision 15	2010	Criminal law; sex crimes	Ambiguity	Does a half-sibling meet the definition of “brother” for criminal sexual conduct involving a “significant relationship”?	<i>State v. Williams</i> , 762 N.W.2d 583 (Minn. Ct. App. 2009)
609.341, subdivision 15	2018	Criminal law; sex crimes	Ambiguity	Does a relationship between a step- grandfather and a step-granddaughter constitutes a “significant relationship”?	<i>State v. Reyes</i> , 890 N.W.2d 406 (Minn. App. 2017)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
609.344, subdivision 1, paragraph (k)	1992	Criminal law; criminal sexual conduct	Vagueness; ambiguity	Definition of “false representation”	<i>State v. Poole</i> , 489 N.W.2d 537 (Minn. Ct. App. 1992) <i>*Dissenting Opinion*</i>
609.345, subdivision 1, paragraph (k)	1992	Criminal law; criminal sexual conduct	Vagueness; ambiguity	Definition of “false representation”	<i>State v. Poole</i> , 489 N.W.2d 537 (Minn. Ct. App. 1992) <i>*Dissenting Opinion*</i>
609.346, subdivision 5, paragraph (a)	2014	Criminal law; supervised release	Ambiguity	Meaning of the phrase “served on supervised release”	<i>State v. Ward</i> , 847 N.W.2d 29 (Minn. Ct. App. 2014)
609.349	2020	Criminal law	Ambiguity	Does a voluntary relationship defense to criminal sexual conduct between an actor and a vulnerable adult exist if the actor and vulnerable adult marry after the sexual conduct and before the actor’s trial?	<i>State v. Gosewisch</i> , 921 N.W.2d 796 (Minn. Ct. App. 2018)
609.352, subdivision 2, and subdivision 3, paragraph (a)	2016	Criminal law; solicitation of children to engage in sexual conduct	Constitutionality; 14 <sup>th</sup> Amendment Due Process	Does the prohibition on using the mistake-of-age defense as applied to soliciting a minor over the internet to engage in sexual conduct violate substantive due process?	<i>State v. Moser</i> , 884 N.W.2d 890 (Minn. Ct. App. 2016)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
609.375, subdivision 1	2014	Criminal law	Ambiguity	Meaning of the phrase “care and support” for the purposes of the criminal nonsupport of spouse or child statute	<i>State v. Nelson</i> , 842 N.W.2d 433 (Minn. 2014)
609.375, subdivision 2b	2004	Criminal law	Ambiguity	Timing of contempt-of-court order	<i>State v. Nelson</i> , 671 N.W.2d 586 (Minn. Ct. App. 2003)
609.378 * see 609.205	1992	Criminal law; child neglect	Constitutionality	Whether conduct which complies with the requirements of one statute complies with other statutes absent notification to the contrary	<i>State v. McKown</i> , 475 N.W.2d 63 (Minn. 1991)  *Dissenting Opinion*
609.495, subdivision 1	2008	Criminal law; aiding an offender	Ambiguity	Must the predicate crime for an aiding-an offender conviction be a felony?	<i>State v. Hager</i> , 727 N.W.2d 668 (Minn. Ct. App. 2007)
609.505, subdivision 2	2012	Criminal law; falsely reporting a crime	Constitutionality; 1 <sup>st</sup> Amendment	Is the false reporting of a crime statute overly broad and punish both a substantial amount of protected speech as well as unprotected speech?	<i>State v. Crawley</i> , 819 N.W.2d 94 (Minn. 2012)
609.52, subdivision 2, paragraph (a), clause (17)	2018	Criminal law; theft	Ambiguity	Meaning of “takes” for determining if an individual commits a motor vehicle theft without moving the vehicle	<i>State v. Thonesavanh</i> , 904 N.W.2d 432 (Minn. 2017)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
609.531, subdivision 6a	2000	Criminal law; forfeitures	Ambiguity	Is the innocent owner defense available in judicial determinations of forfeitures initiated as administrative forfeitures?	<i>Blanche v. 1995 Pontiac Grand Prix</i> , 599 N.W.2d 161 (Minn. 1999)
609.66, subdivision 1a, paragraph (a), clause (3)	2008	Criminal law; dangerous weapons	Ambiguity	Is proof of an intentional discharge of a firearm required for the crime of reckless discharge?	<i>State v. Engle</i> , 743 N.W.2d 592 (Minn. 2008)
609.66, subdivision 1d	2000	Criminal law; dangerous weapons	Impracticability	Clear evidence of legislative intent is required to make certain offenses strict liability crimes	<i>In re the Welfare of C.R.M.</i> , 611 N.W.2d 802 (Minn. 2000)
609.66, subdivision 1e, paragraph (b)	2014	Criminal law; dangerous weapons	Ambiguity	Is the phrase “violates this subdivision” a sentencing enhancement provision or a separate offense provision?	<i>State v. Hayes</i> , 826 N.W.2d 799 (Minn. 2013)
609.72, subdivision 1	1978	Criminal law; disorderly conduct	Constitutionality; overbreadth and vagueness	Criminalization of constitutionally protected speech	<i>Matter of Welfare of S. L. J.</i> , 263 N.W.2d 412 (Minn. 1978)
609.72, subdivision 1, clause (2)	2018	Criminal law; disorderly conduct	Constitutionality; 1 <sup>st</sup> Amendment	Is it constitutional for the disorderly conduct statute to prohibit disturbing an assembly or meeting?	<i>State v. Hensel</i> , 901 N.W.2d 166 (Minn. 2017)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
609.746, subdivision 1, paragraph (a)	2020	Criminal law; interference with privacy	Ambiguity	Does the intent element of the crime of interference with privacy apply to all elements of the crime?	<i>State v. Pakhnyuk</i> , 926 N.W.2d 914 (Minn. 2019)
609.749, subdivision 2, clause (4)	2020	Criminal law; stalking-by-telephone	Constitutionality; 1 <sup>st</sup> Amendment	Is the criminal stalking-by-telephone statute facially overbroad?	<i>State v. Peterson</i> , 936 N.W.2d 912 (Minn. Ct. App. 2019)
609.749, subdivision 2, *see 609.795, subdivision 1	2020	Criminal law; stalking-by-mail	Constitutionality; 1 <sup>st</sup> Amendment	Is the criminal stalking-by-mail statute facially overbroad?	<i>In the Matter of the Welfare of A. J. B.</i> 929 N.W.2d 840 (Minn. 2019)
609.749, subdivision 5	2002	Criminal law; harassment, stalking	Ambiguity	Meaning of the phrase “two or more acts” for determining a pattern of harassing conduct	<i>State v. Richardson</i> , 622 N.W.2d 823 (Minn. 2001)
609.765	2016	Criminal law; defamation	Constitutionality; 1 <sup>st</sup> Amendment	Does the statute criminalize constitutionally protected speech?	<i>State v. Turner</i> , 864 N.W.2d 204 (Minn. App. 2015)
609.795, subdivision 1, *see 609.749, subdivision 2	2020	Criminal law; mail harassment	Constitutionality; 1 <sup>st</sup> Amendment	Is the criminal mail harassment statute facially overbroad?	<i>In the Matter of the Welfare of A. J. B.</i> 929 N.W.2d 840 (Minn. 2019)
611.026	1969	Criminal law	Impracticability	M'Naghten Rule	<i>State v. Dhaemers</i> , 150 N.W.2d 61 (Minn. 1967)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
611.026	1969	Criminal law	Constitutionality; Due Process Clause of 14 <sup>th</sup> Amendment	M'Naghten Rule	<i>State v. Eubanks</i> , 152 N.W.2d 453 (Minn. 1967)
611.026	1973	Criminal law	Impracticability	M'Naghten Rule	<i>State v. Mytych</i> , 194 N.W.2d 276 (Minn. 1972)  *Also see:  <i>State v. Rawland</i> , 199 N.W.2d 774 (1972)
611.07, subdivision 2	1963	Criminal law; appointed counsel	Ambiguity	Payment of counsel appointed for indigent defendants only to appeal to supreme court	<i>State v. Dahlgren</i> , 107 N.W. 2d 299 (Minn. 1961)
611.14 to 611.29	1969	Criminal law; right to counsel	Constitutionality; 6 <sup>th</sup> Amendment	Provision of public defenders for all crimes	<i>State v. Borst</i> , 154 N.W.2d 888 (Minn. 1967)
611.17, subdivision 1, paragraph (c)	2004	Criminal law	Constitutionality; 6 <sup>th</sup> Amendment	Mandated co- payment for public defender services	<i>State v. Tennin</i> , 674 N.W.2d 403 (Minn. 2004)
611A.01, paragraph (b)	2024	Criminal law; orders for restitution	Ambiguity	Is a child's parent entitled to restitution for costs stemming from the effects of a crime committed against the child but not suffered directly by the child?	<i>State v. Allison</i> , 999 N.W.2d 835 (Minn. 2024)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
611A.045, subdivision 1, paragraph (a)	2014	Criminal law; orders for restitution	Ambiguity	Must a court consider only the listed factors in the statute or must a court consider at least those listed factors but may consider other factors as well?	<i>State v. Riggs</i> , 845 N.W.2d 236 (Minn. Ct. App. 2014)
617.23, subdivision 1	2024	Criminal law; indecent exposure	Ambiguity	Does a privately owned, partially enclosed backyard of a home abutting a public alley satisfy the “place” element of the indecent exposure statute?	<i>Fordyce v. State</i> , 994 N.W.2d 893 (Minn. 2023)
617.241	1974	Criminal law; obscenity	Constitutionality	Limitations on prohibiting obscenity	<i>State v. Welke</i> , 216 N.W.2d 641 (Minn. 1974)
617.247, subdivision 4, paragraph (a)	2008	Criminal law; child pornography	Constitutionality; 1 <sup>st</sup> Amendment	Are the words “reason to know,” in relation to possessing prohibited pornographic content, ambiguous when viewed in the context of the 1 <sup>st</sup> Amendment?	<i>State v. Mauer</i> , 741 N.W.2d 107 (Minn. 2007)
617.247, subdivision 8	2008	Criminal law; child pornography	Constitutionality; 14 <sup>th</sup> Amendment Due Process	For an affirmative defense, can the state place the burden of disproving an element of the crime on the defendant?	<i>State v. Cannady</i> , 727 N.W.2d 403 (Minn. 2007)

<b>STATUTORY SECTION</b>	<b>REPORT YEAR</b>	<b>STATUTORY SUBJECT</b>	<b>ISSUE TYPE</b>	<b>STATUTORY ISSUE</b>	<b>CASE CITATION</b>
617.247, subdivision 9	2016	Criminal law; child pornography	Ambiguity	Meaning of the phrase “has previously been convicted”	<i>State v. Noggle</i> , 2015 WL 5825102 (Minn. Ct. App. 2015)
617.247, subdivision 9	2018	Criminal law; child pornography	Ambiguity	Does the phrase “has previously been convicted” require that the conviction occur before the commission of the present offense, or does it only require the conviction occur before the sentencing of the present offense?	<i>State v. Overweg</i> , 914 N.W.2d 410 (Minn. App. 2018)
617.55	1963	Criminal law; desertion of children	Ambiguity	Desertion of and failure to support child as presumptive evidence of intention to abandon	<i>State v. Townsend</i> , 108 N.W.2d 608 (Minn. 1962)
622.06	1965	Criminal law; larceny	Impracticability	Anomalous result of amendment to stolen property value amounts	<i>State v. Dietz</i> , 119 N.W.2d 833 (Minn. 1963)
624.7142, subdivision 1	2010	Criminal law; firearms	Ambiguity	Meaning of “public place” for the prohibition of carrying a pistol when under the influence	<i>State v. Gradishar</i> , 765 N.W.2d 901 (Minn. Ct. App. 2009)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
624.7142, subdivision 1	2022	Criminal law; firearms	Ambiguity	Does the meaning of “public place” apply to a person’s motor vehicle or the highway upon which the motor vehicle is driven?	<i>State v. Serbus</i> , 957 N.W.2d 84 (Minn. 2021)
624.714	2006	Criminal law; carrying of weapons without permit	Constitutionality; Minnesota Constitution, Article IV, section 17	Does legislation relating to handgun permitting and firearm regulation and also natural resources violate the single subject and title clause?	<i>Unity Church of St. Paul v. State</i> , 694 N.W.2d 585 (Minn. Ct. App. 2005)
626.5572, subdivision 2	2008	Criminal procedure; mistreatment of vulnerable adults	Ambiguity	Which standard applies when a statute includes a reasonable person standard when defining abusive conduct but not when defining abuse as maltreatment?	<i>In re Kleven</i> , 736 N.W.2d 707 (Minn. Ct. App. 2007)
626.63, subdivision 2	1971	Criminal procedure; sales without permit	Constitutionality	Overbroad statute criminalizes constitutionally protected conduct	<i>State v. Peterfeso</i> , 169 N.W. 2d 18 (Minn. 1969)
626.846	1976	Criminal procedure	Ambiguity	Assignment of responsibility to properly train police officers	<i>Evenrud v. Park and Rec. Bd. of City of Minneapolis</i> , 245 N.W.2d 609 (Minn. 1976)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
626A.35, subdivision 2a	2012	Criminal procedure	Ambiguity	Meaning of the term "owner" in reference consent to attach a mobile tracking device to an object	<i>State v. Hormann</i> , 805 N.W.2d 883 (Minn. Ct. App. 2011)
Chapter 628	1973	Criminal procedure	Impracticability	Strict denial of discovery of grand jury minutes after indictment	<i>State v. Falcone</i> , 195 N.W.2d 572 (1972)
629.292, subdivision 1, paragraph (a); and subdivision 3	2022	Criminal procedure; Uniform Mandatory Disposition of Detainers Act	Constitutionality; Minnesota Constitution, Article I, section 6	Does a speedy trial request remain effective when the state dismisses the pending charges before the end of the six-month disposition period and later reinstates the charges?	<i>State v. Mikell</i> , 960 N.W.2d 230 (Minn. 2021)
629.292, subdivision 2	2014	Criminal procedure; Uniform Mandatory Disposition of Detainers Act	Lack of remedy	Uniform Mandatory Disposition of Detainers Act does not provide a remedy for a prison official's failure to send a speedy-disposition request to the correct prosecuting authority	<i>Resendiz v. State</i> , 832 N.W.2d 860 (Minn. Ct. App. 2013)
629.52 and Minnesota Constitution, Article I, section 7	1959	Criminal procedure; bail	Ambiguity	Allowance of bail for persons charged with offenses previously punishable by death	<i>State v. Pett</i> , 92 N.W. 2d 205 (Minn. 1958)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
631.09	1984	Criminal procedure; juries	Impracticability	Provision that jurors be kept together without food or drink except water unless otherwise ordered by the court was noted as inhumane	<i>State v. Holly</i> , 350 N.W.2d 387 (Minn. Ct. App. 1984)
633.22 *see 488.25	1959	Criminal procedure; offenses; trials	Ambiguity	Meaning of “criminal offense” for constitutional guarantee of jury trial	<i>State v. Ketterer</i> , 79 N.W. 2d 136 (Minn. 1956)
633.23	1976	Criminal procedure; appeals	Impracticability	Disallowance of defendant collecting costs from the state upon conviction on appeal	<i>State v. Harris</i> , 244 N.W.2d 733 (Minn. 1976)
634.15	2008	Criminal procedure; evidence	Constitutionality; 6 <sup>th</sup> Amendment	Is a BCA laboratory report testimonial evidence?	<i>State v. Caulfield</i> , 722 N.W.2d 304 (Minn. 2006)
634.20	2010	Criminal procedure; evidence	Ambiguity	Does allowance of evidence of similar conduct for domestic abuse include non-domestic-abuse charges?	<i>State v. McCurry</i> , 770 N.W.2d 553 (Minn. Ct. App. 2009)
645.44, subdivision 5	1976	Interpretation of statutes	Impracticability	Prohibition of service of civil process on holidays	<i>Lebens v. Harbeck</i> , 243 N.W.2d 128 (Minn. 1976)
645.44, subdivision 8	1969	Interpretation of statutes	Ambiguity	Meaning of “last preceding census” in reference to determining population	<i>In re Jury Panel Selected for Dakota County</i> 150 N.W.2d 863 (Minn. 1967)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
Laws 1959, chapter 90; and Minnesota Constitution, Article IX, sections 5, 6, and 7	1959	State debt issuance	Constitutionality	Issuance of tax anticipation building certificates and state constitutional debt limitations	<i>Naftalin v. King</i> , 90 N.W. 2d 185 (Minn. 1958)
Laws 1955, chapter 855, as amended by Laws 1957, chapter 729; and Minnesota Constitution, Article IX, sections 5, 6, and 7	1961	State debt issuance	Constitutionality	Issuance of tax anticipation building certificates and state constitutional debt limitations	<i>Naftalin v. King</i> , 102 N.W. 2d 301 (Minn. 1960)
Laws 1978, chapter 557	1980	Sale of public property	Constitutionality; Minnesota Constitution, Article I, section 13	Purported grant of authority to city to sell public square previously dedicated to public use	<i>City of Zumbrota v. Strafford Co.</i> , 290 N.W.2d 621 (Minn. 1980)
Laws 2021, First Special Session chapter 8, article 5, section 1	2022	Housing; legislative repeal of executive order eviction moratorium	Ambiguity	Meaning of “null and void” in the legislative repeal of an executive order eviction moratorium	<i>Fairmont Housing and Redevelopment Authority v. Winter</i> , 969 N.W.2d 839 (Minn. Ct. App. 2021)
Minnesota Constitution, Article IV, section 1	1971	Legislature; length of session	Ambiguity; lack of legislation	Meaning of “legislative day”	<i>Knapp v. O'Brien</i> , 179 N.W.2d 88 (Minn. 1970)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
Minnesota Constitution, article X, section 5	2022	Property taxation; aircraft amendment to constitution	Ambiguity	Does the in-lieu aircraft tax restrict taxing authority to just one tax on aircraft or does it prohibit only the application of duplicative personal property taxes on aircraft?	<i>Sheridan v. Commissioner of Revenue</i> , 963 N.W.2d 712 (Minn. 2021)
No statute	1963 and 1965	Personal injury	Constitutionality	Sovereign immunity for actions of school districts	<i>Spanel v. Mounds View School District No. 621, et al.</i> , 118 N.W. 2d 795 (Minn. 1962)
No Statute	1965	Trusts	Lack of legislation	Inclusion of Totten trust in decedent's estate in absence of controlling statute	<i>In re Estate of Joseph J. Jeruzal, et al. v. Gertude M. Jeruzal</i> , 130 N.W.2d 473 (Minn. 1964)
No statute	1967	Criminal law; postconviction procedure	Constitutionality, lack of remedy	Availability of habeas corpus actions and need of post-conviction procedure statute	<i>State ex rel. Holm v. Tahash</i> , 139 N.W. 2d 161 (Minn. 1965)
No statute	1967	Criminal law; court orders	Constitutionality; lack of legislation	Powers of district court to order a psychiatric examination	<i>State v. Anton Olson</i> , 143 N.W. 2d 69 (Minn. 1966)
No statute	1967	City ordinances; prohibition of business activities	Constitutionality; Preemption; lack of legislation	Ordinances prohibiting business activity and conflict with state law	<i>G.E.M. of St. Louis, Inc. v. City of Bloomington</i> , 144 N.W. 2d 552 (Minn. 1966)
No statute	1969	Negligent torts	Lack of legislation	Applicability of common law interspousal immunity	<i>Hovanetz v. Anderson</i> , 148 N.W.2d 564 (Minn. 1967)

STATUTORY SECTION	REPORT YEAR	STATUTORY SUBJECT	ISSUE TYPE	STATUTORY ISSUE	CASE CITATION
No statute	1969	Civil actions; indigent litigants	Lack of remedy	No provision for furnishing of free court transcripts in civil actions	<i>In re Welfare of Arlene Karren et al. v. Hennepin County Welfare Department</i> , 150 N.W.2d 24 (Minn. 1967)
No statute	1971	Personal injury	Lack of remedy	State sovereign immunity, political subdivision liability, and state trunk highways	<i>Johnson v. City of Thief River Falls</i> , 164 N.W.2d 71 (Minn. 1969)
No statute	1971	Criminal procedure; sentences	Lack of remedy; lack of legislation	Appellate review of disparate sentences	<i>State v. Gamelard</i> , 177 N.W.2d 404 (Minn. 1970)
No statute	1973	Criminal procedure; sentences	Lack of remedy; lack of legislation	No provision for review on appeal of sentences for serious crimes	<i>McLaughlin v. State</i> , 190 N.W.2d 867 (Minn. 1971)
No statute	1974	Elections; ballots	Lack of remedy	Correction of errors in placing names of candidates on ballots	<i>Mattson v. McKenna</i> , 222 N.W.2d 273 (Minn. 1974)
No statute	1974	Condemnation proceedings; attorney's fees	Lack of remedy	Attorney fees allowed only when authorized by contract or by statute	<i>State, by Spannaus v. Carter</i> , 221 N.W.2d 106 (Minn. 1974)
No statute	1976	Negligence	Lack of legislation	Strict liability for "abnormally dangerous activities"	<i>Ferguson v. Northern States Power Co.</i> , 239 N.W.2d 190 (Minn. 1976)
No statute	1976	Uniform Child Custody Jurisdiction Act (UCCJA)	Lack of legislation	UCCJA adopted by court for instant case; recommendation to legislature to adopt UCCJA	<i>Petition of Giblin</i> , 232 N.W.2d 214 (Minn. 1975)

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No statute	1976	Juvenile offenders	Lack of legislation	Recommendation to legislature to adopt program for treatment of dangerous youthful offenders	<i>In Re Welfare of R.L.W.</i> , 245 N.W.2d 204 (Minn. 1976)
No statute	1976	Sovereign immunity	Impracticability	Abolishment of state common law immunity from tort liability	<i>Nieting v. Blondell</i> , 235 N.W.2d 597 (Minn. 1975)
No statute	1976	Trusts; testamentary dispositions	Lack of legislation	Recommendation to legislature to adopt definitions of terms "issue" and "children" for testamentary dispositions	<i>Northwestern Nat. Bank of Minneapolis v. Simons</i> , 242 N.W.2d 78 (Minn. 1976)
No statute	1976	Criminal law; police officers	Lack of legislation	Recommendation to legislature to adopt statutory rule for use of deadly force	<i>Schumann v. McGinn</i> , 240 N.W.2d 525 (Minn. 1976)
No statute	1978	Real property; tax titles	Lack of legislation	Marketability and validity of tax titles	<i>Izaak Walton League of America Endowment, Inc. v. State</i> , 252 N.W.2d 852 (Minn. 1977)