

PART VI

Construction and Publication of Statutes, Curative Acts, Express Repeals

CHAPTER 645

INTERPRETATION OF STATUTES

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GENERAL PROVISIONS

645.01 WORDS AND PHRASES. When used in this chapter the following words and phrases have the meanings ascribed to them in this section:

(1) "Final enactment" or "enacted finally" means the time when the procedure required by the constitution for the enactment of a bill into a law has been completed with;

(2) "Legislature" means the senate and the house of representatives of the state of Minnesota.

[1941 c. 492 s. 1]

645.02 EFFECTIVE DATE AND TIME OF LAWS. Each act, except one making appropriations, enacted finally at any session of the legislature takes effect at the beginning of the day next following its final enactment, unless a different date is specified in the act.

An appropriation act or an act having appropriation items enacted finally at any session of the legislature takes effect at the beginning of the first day of July next following its final enactment, unless a different date is specified in the act.

Each act takes effect at 12:01 a.m. on the day it becomes effective, unless a different time is specified in the act.

[1941 c. 492 s. 2]

645.03 SESSION LAWS NOT AFFECTED. Revised Laws 1905 shall not be construed as abrogating any act passed at the 1905 session, all of which, so far as they differ from the Revised Laws, shall be construed as amendatory thereof or supplementary thereto.

[1941 c. 492 s. 3]

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645.04 FORMER LAWS NOT REVIVED. The repeal by Revised Laws 1905 of any act, or any part of any act, whether the same be revised or reenacted therein or not, shall not revive any law theretofore or thereby repealed or any office abolished.

[1941 c. 492 s. 4]

645.05 CONTINUATION OF FORMER LAWS. The provisions of Revised Laws 1905, so far as they are the same as those existing on March 1, 1906, shall be construed as continuations thereof, and not as new enactments; and references in statutes not repealed to provisions of law which are revised and reenacted therein shall be construed as applying to such provisions as so incorporated in the Revised Laws.

[1941 c. 492 s. 5]

645.06 PUBLISHED LAWS AS EVIDENCE. Subdivision 1. Revised Laws 1905, as published, are competent evidence of the laws therein contained, in all the courts of this state, without further proof or authentication.

Subdivision 2. General Statutes 1913 are prima facie evidence of the statutes therein contained, in all the courts of this state, without further proof or authentication.

Subdivision 3. General Statutes 1923 are prima facie evidence of the statutes therein contained, in all the courts of this state, without further proof or authentication.

Subdivision 4. Mason's Minnesota Statutes of 1927, together with the Supplements of 1931, 1934, 1936, 1938, and 1940, are prima facie evidence of the statutes therein contained, in all the courts of this state, without further proof or authentication.

Subdivision 5. The Minnesota Statutes 1941, when published shall be prima facie evidence of the statutes therein contained, in all the courts of this state, without further proof or authentication; but shall not preclude reference to, nor control, in case of any discrepancy, any original act of the legislature.

[1941 c. 492 s. 6]

645.07 UNIFORM STANDARD TIME. Every mention of, or reference to, any hour or time in any law is to be construed with reference to and in accordance with the mean solar time of the ninetieth meridian of longitude west of Greenwich, commonly known as central standard time. The standard of time in this state is such solar time, and no department of the state government and no county, city, town, village, or borough shall employ any other time or adopt any ordinance or order providing for the use of any other time than the standard time. When the standard time shall be advanced for any portion of a year, by any act of congress, the time so fixed is the standard time of this state for such portion of the year.

[1941 c. 492 s. 7]

CONSTRUCTION OF WORDS AND PHRASES

645.08 CANONS OF CONSTRUCTION. 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;

(2) The singular includes the plural; and the plural, the singular; words in the masculine gender include the feminine and neuter; words used in the past or present tense include the future;

(3) General words are construed to be restricted in their meaning by preceding particular words;

(4) Words in a law conferring a joint authority upon three or more public officers or other persons are construed to confer authority upon a majority of such officers or persons; and

(5) A majority of the qualified members of any board or commission constitutes a quorum.

[1941 c. 492 s. 8]

645.09 NUMERALS. Roman and Arabic numerals are parts of the English language.

[1941 c. 492 s. 9]

645.10 BONDS. A law requiring a bond or undertaking with sureties to be given by any person is construed to permit in lieu thereof a bond of indemnity or surety bond for the amount of such bond or undertaking, given by an indemnity or surety company authorized to do business in this state, and approved by the proper authority.

[1941 c. 492 s. 10]

645.11 PUBLISHED NOTICE. Unless otherwise specifically provided, the words "published notice," when used in reference to the giving of notice in any proceeding or the service of any summons, order, or process in judicial proceedings, mean the publication in full of the notice, or other paper referred to, in the regular issue of a qualified newspaper, once each week for the number of weeks specified. When the publication day of any newspaper falls upon Thanksgiving Day, or upon any legal holiday, the publication of notice in any proceeding or the publication of any summons, order, or process in judicial proceedings, may be made either the day before or the day after Thanksgiving Day, or such legal holiday. When the published notice contains a description of real estate which is located within the legal limits of any city or village, which city or village is situated in more than one county, such published notice may be published in any legal newspaper within such city or village.

[1941 c. 492 s. 11; 1941 c. 103]

645.12 POSTED NOTICE. Subdivision 1. The term "posted notice," when used in reference to the giving of notice in any proceeding or the service of any summons, order, or process in judicial proceedings, means the posting, at the beginning of the prescribed period of notice, of a copy of the notice or document referred to, in a manner likely to attract attention, in each of three of the most public places in the town, city, district, or county to which the subject matter of the notice relates, or in which the thing of which notice is given is to occur or to be performed.

Subdivision 2. Posting, posting in a conspicuous place, or conspicuously posting shall, when the number of notices of like nature in the same proceeding is so large that it would be impractical to affix the notices separately to a wall, post, or bulletin board, include placing the notices in a loose leaf binder or binders with a statement of the contents on the outside thereof, which shall be kept on a table or counter in the designated place of posting, provided that such notices shall be accessible and subject to inspection by the public at all times.

Subdivision 3. Posting, posting in a conspicuous place, or conspicuously posting shall, when the number of licenses issued to the same person, persons, copartnership, or corporation is so large that it would be impractical to affix the licenses separately to a wall, post, or fixture, include placing such licenses in a series of open face envelopes with a statement of the contents on the outside thereof, which shall be prominently displayed, provided that such licenses shall be accessible and subject to inspection at all times.

[1941 c. 492 s. 12]

645.13 TIME; PUBLICATION FOR SUCCESSIVE WEEKS. When the term "successive weeks" is used in any law providing for the publishing of notices, the word "weeks" shall be construed as calendar weeks. The publication upon any day of such weeks shall be sufficient publication for that week, but at least five days shall elapse between each publication. At least the number of weeks specified in "successive weeks" shall elapse between the first publication and the day for the happening of the event for which the publication is made.

[1941 c. 492 s. 13]

645.14 TIME; COMPUTATION OF MONTHS. When, in any law, the lapse of a number of months before or after a certain day is required, such number of months shall be computed by counting the months from such day, excluding the calendar month in which such day occurs, and including the day of the month in the last months so counted having the same numerical order as the day of the month from which the computation is made, unless there be not so many days in the last month so counted, in which case the period computed shall expire with the last day of the month so counted.

[1941 c. 492 s. 14]

645.15 COMPUTATION OF TIME. Where the performance or doing of any act, duty, matter, payment, or thing is ordered or directed, and the period of time or duration for the performance or doing thereof is prescribed and fixed by law, such time, except as otherwise provided in sections 13 and 14, shall be computed so as to exclude the first and include the last day of any such prescribed or fixed period or duration of time. When the last day of such period falls on Sunday or on any day made a legal holiday, by the laws of this state or of the United States, such day shall be omitted from the computation.

[1941 c. 492 s. 15]

CONSTRUCTION OF LAWS

645.16 LEGISLATIVE INTENT CONTROLS. 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.

[1941 c. 492 s. 16]

645.17 PRESUMPTIONS IN ASCERTAINING LEGISLATIVE INTENT. 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;
- (2) The legislature intends the entire statute to be effective and certain;
- (3) The legislature does not intend to violate the constitution of the United States or of this state;
- (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; and
- (5) The legislature intends to favor the public interest as against any private interest.

[1941 c. 492 s. 17]

645.18 GRAMMAR AND PUNCTUATION OF LAWS. Grammatical errors shall not vitiate a law. A transposition of words and clauses may be resorted to when a sentence is without meaning as it stands. In no case shall the punctuation of a law control the intention of the legislature in the enactment thereof. Words and phrases which may be necessary to the proper interpretation of a law and which do not conflict with its obvious purpose and intent nor in any way affect its scope and operation may be added in the construction thereof.

[1941 c. 492 s. 18]

645.19 CONSTRUCTION OF PROVISOS AND EXCEPTIONS. 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.

[1941 c. 492 s. 19]

645.20 CONSTRUCTION OF SEVERABLE PROVISIONS. 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.

[1941 c. 492 s. 20]

645.21 PRESUMPTION AGAINST RETROACTIVE EFFECT. No law shall be construed to be retroactive unless clearly and manifestly so intended by the legislature.

[1941 c. 492 s. 21]

645.22 UNIFORM LAWS. Laws uniform with those of other states shall be interpreted and construed to effect their general purpose to make uniform the laws of those states which enact them.

[1941 c. 492 s. 22]

645.23 PENALTIES NO BAR TO CIVIL REMEDIES. The provision in any law for a penalty or forfeiture for its violation shall not be construed to deprive an injured person of the right to recover from the offender damages sustained by reason of the violation of such law.

[1941 c. 492 s. 23]

645.24 PENALTIES FOR EACH OFFENSE. When a penalty or forfeiture is provided for the violation of a law, such penalty or forfeiture shall be construed to be for each such violation.

[1941 c. 492 s. 24]

645.25 INTENT TO DEFRAUD. When an intent to defraud is required in any law in order to constitute an offense, the law shall be construed to require only an intent to defraud any person or body politic.

[1941 c. 492 s. 25]

645.26 IRRECONCILABLE PROVISIONS. Subdivision 1. **Particular controls general.** 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. If the conflict between the two provisions be irreconcilable, the special provision shall prevail and shall be construed as an exception to the general provision, unless the general provision shall be enacted at a later session and it shall be the manifest intention of the legislature that such general provision shall prevail.

Subdivision 2. **Clauses in the same law.** When, in the same law, several clauses are irreconcilable, the clause last in order of date or position shall prevail.

Subdivision 3. **Laws passed at same session.** When the provisions of two or more laws passed during the same session of the legislature are irreconcilable, the law latest in date of final enactment, irrespective of its effective date, shall prevail from the time it becomes effective, except as otherwise provided in section 30.

Subdivision 4. **Laws passed at different sessions.** When the provisions of two or more laws passed at different sessions of the legislature are irreconcilable, the law latest in date of final enactment shall prevail.

[1941 c. 492 s. 26]

645.27 STATE BOUND BY STATUTE, WHEN. The state is not bound by the passage of a law unless named therein, or unless the words of the act are so plain, clear, and unmistakable as to leave no doubt as to the intention of the legislature.

[1941 c. 492 s. 27]

645.28 LOCAL LAWS, REPEAL. Except as provided in section 39, laws in force at the time of the adoption of any revision or code are not repealed by the revision or code unless expressly repealed therein.

[1941 c. 492 s. 28]

645.29 MANNER OF AMENDMENT. Bills introduced at any legislative session purporting to amend or repeal any part of the laws of this state by reference in the title and body of such bills to any of the recognized published statutes of Minnesota shall be taken and construed to mean and shall have the same force and validity as if the bills referred to the original enactment.

[1941 c. 492 s. 29]

645.30 EFFECT OF SEPARATE AMENDMENTS ON CODE PROVISIONS ENACTED AT SAME SESSION. When any existing law incorporated into and repealed by a code or revision is also amended by other legislation enacted at the same session of the legislature, such separate amendment shall be construed to be in force, notwithstanding the repeal by the code of the act it amends, and such

amendment shall be construed to prevail over the corresponding provisions of the code.

[1941 c. 492 s. 30]

645.31 CONSTRUCTION OF AMENDATORY LAWS. When a section or part of a law is amended, the amendment shall be construed as merging into the original law, becoming a part thereof, and replacing the part amended, and the remainder of the original enactment and the amendment shall be read together and viewed as one act passed at one time; but the portions of the law which were not altered by the amendment shall be construed as effective from the time of their first enactment, and the new provisions shall be construed as effective only from the date when the amendment became effective. When an act has been amended "so as to read as follows," or otherwise, a later reference to that act either by its original title or as it exists in any compilation of the laws of this state includes the act as amended.

[1941 c. 492 s. 31]

645.32 MERGER OF SUBSEQUENT AMENDMENTS. When a law has been more than once amended, the latest amendment shall be read into the original law as previously amended and not into such law as originally enacted.

[1941 c. 492 s. 32]

645.33 TWO OR MORE AMENDMENTS TO SAME SECTION, ONE OVERLOOKING THE OTHER. When two or more amendments to the same provision of law are enacted at the same or different sessions, one amendment overlooking and making no reference to the other or others, the amendments shall be construed together, if possible, and effect be given to each. If the amendments be irreconcilable, the latest in date of final enactment shall prevail.

[1941 c. 492 s. 33]

645.34 REPEAL OF AMENDATORY AND ORIGINAL LAWS SUBSEQUENTLY AMENDED. The repeal of an amendatory law does not revive the corresponding provision or section of the original law or of any prior amendment. Except as otherwise provided in section 26, subdivision 3, the repeal of the original law, or section or provision of the original law, repeals all subsequent amendments to the original law, or to the original section or provision, as the case may be.

[1941 c. 492 s. 34]

645.35 EFFECT OF REPEAL. The repeal of any law shall not affect any right accrued, any duty imposed, any penalty incurred, or any proceeding commenced, under or by virtue of the law repealed. Any civil suit, action, or proceeding pending to enforce any right under the authority of the law repealed shall and may be proceeded with and concluded under the laws in existence when the suit, action, or proceeding was instituted, notwithstanding the repeal of such laws; or the same may be proceeded with and concluded under the provisions of the new law, if any, enacted.

[1941 c. 492 s. 35]

645.36 EFFECT OF REPEAL OF A REPEALER. When a law is repealed which repealed a former law, the former law shall not thereby be revived, unless it is so specifically provided.

[1941 c. 492 s. 36]

645.37 REPEAL AND REENACTMENT. When a law is repealed and its provisions are at the same time reenacted in the same or substantially the same terms by the repealing law, the earlier law shall be construed as continued in active operation. All rights and liabilities incurred under such earlier law are preserved and may be enforced.

[1941 c. 492 s. 37]

645.38 EFFECT OF REENACTMENT ON INTERVENING LAW. A law which reenacts the provisions of an earlier law shall not be construed to repeal an intermediate law which modified such earlier law. Such intermediate law shall be construed to remain in force and to modify the reenactment in the same manner as it modified the earlier law.

[1941 c. 492 s. 38]

645.39 IMPLIED REPEAL BY LATER LAW. When a law purports to be a revision of all laws upon a particular subject, or sets up a general or exclusive system covering the entire subject matter of a former law and is intended as a substitute for such former law, such law shall be construed to repeal all former laws upon the same subject. When a general law purports to establish a uniform

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and mandatory system covering a class of subjects, such law shall be construed to repeal preexisting local or special laws on the same class of subjects. In all other cases, a later law shall not be construed to repeal an earlier law unless the two laws are irreconcilable.

[1941 c. 492 s. 39]

645.40 NON-EXISTENCE OF REASON FOR LAW DOES NOT REPEAL IT.

A law shall not be deemed repealed because the reason for its passage no longer exists.

[1941 c. 492 s. 40]

645.41 NO IMPLIED REPEAL BY NON-USER. A law shall not be deemed repealed by the failure to use such law.

[1941 c. 492 s. 41]

645.42 EFFECT OF SEPARATE REPEALS ON CODE PROVISIONS ENACTED AT THE SAME SESSION. When a law repeals any provision of a law incorporated into a code adopted at the same session of the legislature, the law repealing the provisions so incorporated into the code shall be construed to effect a repeal of the corresponding provision of the code.

[1941 c. 492 s. 42]

645.43 EFFECT OF REPEAL ON LIMITATIONS. When a limitation or period of time, prescribed in any law for acquiring a right or barring a remedy, or for any other purpose, has begun to run before a law repealing such law takes effect, and the same or any other limitation is prescribed by any other law passed at the same session of the legislature, the time which has already run shall be deemed a part of the time prescribed as such limitation in such law passed at the same session of the legislature.

[1941 c. 492 s. 43]

DEFINITIONS OF WORDS AND PHRASES

645.44 PARTICULAR WORDS AND PHRASES. The following words and phrases used in Minnesota Statutes 1941, or any subsequent Minnesota statutes or legislative acts, shall have the meanings herein given, unless another intention clearly appears.

Subdivision 1. **Clerk.** The word "clerk," when used in reference to court procedure, means the clerk of the court in which the action or proceeding is pending, and the words "clerk's office" means his office.

Subdivision 2. **County, town, city, borough, or village.** When a county, town, city, borough, or village is mentioned, without any particular description, it imports the particular county, town, city, borough, or village appropriate to the matter.

Subdivision 3. **Folio.** The word "folio" means 100 words, counting as a word each number necessarily used; if there be fewer than 100 words in all, the paper shall be computed as one folio; likewise any excess over the last full folio.

Subdivision 4. **Holidays.** The word "holiday" includes New Year's Day, January 1; Lincoln's Birthday, February 12; Washington's Birthday, February 22; Memorial Day, May 30; Independence Day, July 4; Labor Day, the first Monday in September; Election Day, the first Tuesday after the first Monday in November of the even-numbered years; Christmas Day, December 25; the Friday next preceding Easter Sunday, commonly known as Good Friday; Thanksgiving Day; and Armistice Day, November 11; no public business shall be transacted on those days, except in cases of necessity, nor shall any civil process be served thereon.

Subdivision 5. **Oath; sworn.** The word "oath" includes "affirmation" in all cases where by law an affirmation may be substituted for an oath; and in like cases the word "sworn" includes "affirm," and "sworn," "affirmed."

Subdivision 6. **Person.** The word "person" may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

Subdivision 7. **Population.** The word "population" and the word "inhabitants," when used in reference to population, mean that shown by the last preceding census, state or United States, unless otherwise expressly provided.

Subdivision 8. **Recorded; filed for record.** When an instrument in writing is required or permitted to be filed for record with, or recorded by, any officer, the same imports that it must be recorded by such officer in a suitable book kept for that purpose, unless otherwise expressly directed.

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Subdivision 9. **Seal.** When the seal of a court, public office, or corporation is required by law to be affixed to any paper, the word "seal" includes an impression thereof upon the paper alone, as well as an impression on a wafer, wax, or other substance thereto attached.

Subdivision 10. **State; United States.** The word "state," when applied to a part of the United States, extends to and includes the District of Columbia and the several territories; and the words "United States" embrace the district and territories.

Subdivision 11. **Sheriff.** The word "sheriff" may be extended to any person officially performing the duties of a sheriff, either generally or in special cases.

Subdivision 12. **Time; month, year.** The words "month" and "year" mean a calendar month or year, unless otherwise expressed; and the word "year" shall be equivalent to the expression "year of our Lord."

Subdivision 13. **Writing.** The words "written" and "in writing" may include any mode of representing words and letters, except the signature, when required by law, and must be in the handwriting of the person, or, if he be unable to write, his mark or his name written by some person at his request and in his presence.

[1941 c. 492 s. 44]

645.45 DEFINITIONS, CONTINUED. The following words and phrases, when used in any law hereafter enacted, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

- (1) "Abode," means domicile;
- (2) "Action," any proceeding in any court of this state;
- (3) "Adult," an individual 21 years of age or over;
- (4) "As now provided by law," a reference to the laws in force at the time the law containing the phrase was finally enacted;
- (5) "As provided by law," a reference to the laws in force at the particular time the law containing the phrase is applied;
- (6) "Attorney at law," an individual admitted to practice law by a court of record of this state;
- (7) "Attorney of record," an attorney at law who is entered on the docket or record of a court as appearing for or representing a party in a legal proceeding;
- (8) "Child" or "children" includes children by birth or adoption;
- (9) "Day" comprises the time from midnight to the next midnight;
- (10) "Fiscal year," the year by or for which accounts are reckoned;
- (11) "Hereafter," a reference to the time after the time when the law containing such word takes effect;
- (12) "Heretofore," a reference to the time previous to the time when the law containing such word takes effect;
- (13) "Judicial sale," a sale conducted by an officer or person authorized for the purpose by some competent tribunal;
- (14) "Minor," an individual under the age of 21 years;
- (15) "Money," lawful money of the United States;
- (16) "Night time," the time from sunset to sunrise;
- (17) "Non compos mentis," refers to an individual of unsound mind;
- (18) "Notary," a notary public;
- (19) "Now," in any provision of a law referring to other laws in force, or to persons in office, or to any facts or circumstances as existing, relates to the laws in force, or to the persons in office, or to the facts or circumstances existing, respectively, on the effective date of such provision;
- (20) "Verified," when used in reference to writings, means supported by oath or affirmation.

[1941 c. 492 s. 45]