

## Statutes, Construction

## CHAPTER 645

## INTERPRETATION OF STATUTES AND RULES

645.001	APPLICABILITY TO RULES. GENERAL PROVISIONS	645.29	MANNER OF AMENDMENT.
645.01	WORDS AND PHRASES.	645.30	EFFECT OF SEPARATE AMENDMENTS ON CODE PROVISIONS ENACTED AT SAME SESSION.
645.02	EFFECTIVE DATE AND TIME OF LAWS.	645.31	CONSTRUCTION OF AMENDATORY AND REFERENCE LAWS.
645.021	SPECIAL LAWS.	645.32	MERGER OF SUBSEQUENT AMENDMENTS.
645.023	SPECIAL LAWS; ENACTMENT WITHOUT LOCAL APPROVAL.	645.33	TWO OR MORE AMENDMENTS TO SAME SECTION, ONE OVERLOOKING THE OTHER.
645.024	SPECIAL LAWS; LOCAL APPROVAL AS A REQUIREMENT OF THE ACT.	645.34	REPEAL OF AMENDATORY AND ORIGINAL LAWS SUBSEQUENTLY AMENDED.
645.071	STANDARD OF TIME.	645.35	EFFECT OF REPEAL.
	CONSTRUCTION OF WORDS AND PHRASES	645.36	EFFECT OF REPEAL OF A REPEALER.
645.08	CANONS OF CONSTRUCTION.	645.37	REPEAL AND REENACTMENT.
645.09	NUMERALS.	645.38	EFFECT OF REENACTMENT ON INTERVENING LAW.
645.10	BONDS.	645.39	IMPLIED REPEAL BY LATER LAW.
645.11	PUBLISHED NOTICE.	645.40	NONEXISTENCE OF REASON FOR LAW DOES NOT REPEAL IT.
645.12	POSTED NOTICE.	645.41	NO IMPLIED REPEAL BY NONUSER.
645.13	TIME; PUBLICATION FOR SUCCESSIVE WEEKS.	645.42	EFFECT OF SEPARATE REPEALS ON CODE PROVISIONS ENACTED AT THE SAME SESSION.
645.14	TIME; COMPUTATION OF MONTHS.	645.43	EFFECT OF REPEAL ON LIMITATIONS.
645.15	COMPUTATION OF TIME.		DEFINITIONS OF WORDS AND PHRASES
645.151	TIMELY DELIVERY OR FILING.	645.44	PARTICULAR WORDS AND PHRASES.
	CONSTRUCTION OF LAWS	645.445	SMALL BUSINESS; DEFINITIONS.
645.16	LEGISLATIVE INTENT CONTROLS.	645.45	DEFINITIONS, CONTINUED.
645.17	PRESUMPTIONS IN ASCERTAINING LEGISLATIVE INTENT.	645.451	DEFINITIONS, CONTINUED.
645.18	GRAMMAR; SYNTAX; ELLIPSIS.		OTHER PROVISIONS
645.19	CONSTRUCTION OF PROVISOS AND EXCEPTIONS.	645.452	DISABILITIES OF MINORITY, TERMINATION AT AGE 18.
645.20	CONSTRUCTION OF SEVERABLE PROVISIONS.	645.46	REFERENCE TO SUBDIVISION.
645.21	PRESUMPTION AGAINST RETROACTIVE EFFECT.	645.47	REFERENCE TO PARAGRAPH.
645.22	UNIFORM LAWS.	645.48	USE OF THE WORD "TO" WHEN REFERRING TO SEVERAL SECTIONS.
645.24	PENALTIES FOR EACH OFFENSE.	645.49	HEADNOTES.
645.241	PUNISHMENT FOR PROHIBITED ACTS.	645.51	GENDER REVISION OF 1986.
645.25	INTENT TO DEFRAUD.		
645.26	IRRECONCILABLE PROVISIONS.		
645.27	STATE BOUND BY STATUTE, WHEN.		
645.28	EXISTING LAWS, EFFECT OF REVISION OR CODE.		

**645.001 APPLICABILITY TO RULES.**

The provisions of this chapter, unless specifically provided to the contrary by law or rule, govern all rules becoming effective after June 30, 1981.

*History: 1981 c 253 s 35*

**GENERAL PROVISIONS****645.01 WORDS AND PHRASES.**

Subdivision 1. **Scope.** When used in this chapter the following words and phrases have the meanings ascribed to them in this section.

Subd. 2. **Final enactment or enacted finally.** "Final enactment" or "enacted finally" for a bill passed by the legislature and signed by the governor means the date and time of day the governor signed the bill. For a bill passed by the legislature and allowed to become law without signature by the governor, it means the end of the last day on which the governor could have returned the bill with a veto to the legislature. For a bill passed by the legislature but vetoed and reconsidered and approved by the legislature after the veto, it means the date and time of day of the final legislative vote approving the vetoed bill.

Subd. 3. **Legislature.** "Legislature" means the senate and the house of representatives of the state of Minnesota.

**History:** 1941 c 492 s 1; 1988 c 479 s 5

#### 645.02 EFFECTIVE DATE AND TIME OF LAWS.

Each act, except one making appropriations, enacted finally at any session of the legislature takes effect on August 1 next following its final enactment, unless a different date is specified in the act. A special law required to be approved by the local government unit affected before it goes into effect becomes effective as to the approving unit the day following the day on which the certificate of approval prescribed by section 645.021 is filed with the secretary of state, unless a later date is specified in the act. When approval of such a special law is required by two or more local government units before it may become effective, the day after the day when the last of the required certificates is filed is the effective date, unless a later 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.

**History:** 1941 c 492 s 2; 1959 c 368 s 4; 1971 c 196 s 1; 1987 c 384 art 1 s 48

#### 645.021 SPECIAL LAWS.

Subdivision 1. **Name required.** A special law as defined in the Minnesota Constitution, article XII, section 2, shall name the local government unit to which it applies. If a special law applies to a group of local government units in a single county or in a number of contiguous counties, it shall be sufficient if the law names the county or counties where the affected units are situated.

Subd. 2. **Local approval required.** A special law shall not be effective without approval of the local government unit or units affected, except as provided in section 645.023. Approval shall be by resolution adopted by a majority vote of all members of the governing body of the unit unless another method of approval is specified by the particular special law.

Subd. 3. **Filing required.** The chief clerical officer of a local government unit shall, as soon as the unit has approved a special law, file with the secretary of state a certificate stating the essential facts necessary to valid approval, including a copy of the resolution of approval or, if submitted to the voters, the number of votes cast for and against approval at the election. The form of the certificate shall be prescribed by the attorney general and copies shall be furnished by the secretary of state. If a local government unit fails to file a certificate of approval before the first day of the next regular session of the legislature, the law is deemed to be disapproved by such unit unless otherwise provided in the special law.

Subd. 4. **Previously enacted law.** Laws 1959, chapter 368, does not apply to any special law heretofore enacted, whether or not it has been approved by the local government unit affected, but such unit shall file with the secretary of state a certificate of approval for such law as required in subdivision 3.

**History:** 1959 c 368 s 1,2; 1979 c 176 s 1

#### 645.023 SPECIAL LAWS; ENACTMENT WITHOUT LOCAL APPROVAL.

Subdivision 1. **Classes of law covered.** A special law enacted pursuant to the provisions of the Constitution, article XII, section 2, shall become effective without the approval of any affected local government unit or group of such units in a single county or a number of contiguous counties if the law is in any of the following classes:

(a) A law which enables one or more local government units to exercise authority not granted by general law.

(b) A law which brings a local government unit within the general law by repealing a special law, by removing an exception to the applicability of a general statutory provision, by extending the applicability of a general statutory provision, or by reclassifying local government units.

(c) A law which applies to a single unit or a group of units with a population of more than 1,000,000 people.

Subd. 2. **Effective date.** A special law as to which local approval is not required shall become effective on August 1 next following its final enactment, unless a different date is specified in the special law.

Subd. 3. **Application.** Subdivisions 1 and 2 are applicable to all special laws enacted and to be enacted at the 1967 and all subsequent sessions of the legislature.

**History:** 1967 c 595 s 1; 1973 c 494 s 16; 1976 c 2 s 172; 1979 c 176 s 2

#### 645.024 SPECIAL LAWS; LOCAL APPROVAL AS A REQUIREMENT OF THE ACT.

Section 645.023 does not apply to a special law which by its own terms becomes effective upon the approval of one or more affected local government units, expressed through the voters or the governing body and by such majority as the special law may direct.

**History:** 1967 c 595 s 2

645.03 [Repealed, 1984 c 480 s 22]

645.04 [Repealed, 1984 c 480 s 22]

645.05 [Repealed, 1984 c 480 s 22]

645.06 [Repealed, 1984 c 480 s 22]

645.07 [Repealed, Ex1959 c 46 s 3]

#### 645.071 STANDARD OF 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 standard time or advanced standard time provided by federal law. No department of the state government and no county, city or town shall employ any other time or adopt any ordinance or order providing for the use of any other time than the federal standard time or advanced standard time.

**History:** Ex1959 c 46 s 1,2; 1973 c 123 art 5 s 7; 1982 c 384 s 1

### 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 of one gender include the other genders; 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.

**History:** 1941 c 492 s 8; 1986 c 444

**645.09 NUMERALS.**

Roman and Arabic numerals are parts of the English language.

**History:** 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.

**History:** 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, which city is situated in more than one county, such published notice may be published in any legal newspaper within such city.

**History:** 1941 c 103; 1941 c 492 s 11; 1973 c 123 art 5 s 7

**645.12 POSTED NOTICE.**

**Subdivision 1. Definition.** 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.

**Subd. 2. Posting; large number of similar notices in same proceeding.** 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.

**Subd. 3. Posting; large number of licenses issued to same person.** 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.

**History:** 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.

**History:** 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.

**History:** 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, the time, except as otherwise provided in sections 645.13 and 645.14, shall be computed so as to exclude the first and include the last day of the prescribed or fixed period or duration of time. When the last day of the period falls on Saturday, Sunday or a legal holiday, that day shall be omitted from the computation.

**History:** 1941 c 492 s 15; 1981 c 117 s 1

#### **645.151 TIMELY DELIVERY OR FILING.**

When an application, payment, return, claim, statement or other document is to be delivered to or filed with a department, agency or instrumentality of this state or of a political subdivision on or before a prescribed date and the prescribed date falls on a Saturday, Sunday or legal holiday, it is timely delivered or filed if it is delivered or filed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

**History:** 1981 c 117 s 2

### **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.

**History:** 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.

**History:** 1941 c 492 s 17

**645.18 GRAMMAR; SYNTAX; ELLIPSIS.**

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. 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.

**History:** 1941 c 492 s 18; 1979 c 8 s 1

**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.

**History:** 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.

**History:** 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.

**History:** 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.

**History:** 1941 c 492 s 22

**645.23 [Renumbered 611A.05]****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.

**History:** 1941 c 492 s 24

**645.241 PUNISHMENT FOR PROHIBITED ACTS.**

When the performance of any act is prohibited by a statute, and no penalty for the violation of the same shall be imposed in any statute, the doing of such act shall be a misdemeanor.

**History:** (10047) RL s 4859

**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.

**History:** 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.

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

Subd. 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 645.30.

Subd. 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.

**History:** 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.

**History:** 1941 c 492 s 27

**645.28 EXISTING LAWS, EFFECT OF REVISION OR CODE.**

Except as provided in section 645.39, 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.

**History:** 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.

**History:** 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.

**History:** 1941 c 492 s 30

#### **645.31 CONSTRUCTION OF AMENDATORY AND REFERENCE LAWS.**

Subdivision 1. **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.

Subd. 2. **Adoption of law by reference.** When an act adopts the provisions of another law by reference it also adopts by reference any subsequent amendments of such other law, except where there is clear legislative intention to the contrary.

**History:** 1941 c 492 s 31; 1965 c 83 s 1

#### **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.

**History:** 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.

**History:** 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 645.26, 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.

**History:** 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.

**History:** 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.

**History:** 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.

*History: 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.

*History: 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 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.

*History: 1941 c 492 s 39*

**645.40 NONEXISTENCE OF REASON FOR LAW DOES NOT REPEAL IT.**

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

*History: 1941 c 492 s 40*

**645.41 NO IMPLIED REPEAL BY NONUSER.**

A law shall not be deemed repealed by the failure to use such law.

*History: 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.

*History: 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.

*History: 1941 c 492 s 43*

**DEFINITIONS OF WORDS AND PHRASES****645.44 PARTICULAR WORDS AND PHRASES.**

Subdivision 1. **Meanings ascribed.** The following words, terms, and phrases used in Minnesota Statutes or any legislative act shall have the meanings given them in this section, unless another intention clearly appears.

Subd. 1a. **Appellate courts.** "Appellate courts" means the Supreme Court and the Court of Appeals.

Subd. 1b. **Chair.** "Chair" includes chairman, chairwoman, and chairperson.

Subd. 2. **Court administrator.** When used in reference to court procedure, "court administrator" means the court administrator of the court in which the action or proceeding is pending, and "court administrator's office" means that court administrator's office.

Subd. 3. **County, town, city.** When a county, town or city is mentioned, without any particular description, it imports the particular county, town or city appropriate to the matter.

Subd. 3a. [Repealed, 1976 c 44 s 70]

Subd. 4. **Folio.** "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.

Subd. 5. **Holiday.** "Holiday" includes New Year's Day, January 1; Martin Luther King's Birthday, the third Monday in January; Washington's and Lincoln's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Christopher Columbus Day, the second Monday in October; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25; provided, when New Year's Day, January 1; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Sunday, the following day shall be a holiday and, provided, when New Year's Day, January 1; or Independence Day, July 4; or Veterans Day, November 11; or Christmas Day, December 25; falls on Saturday, the preceding day shall be a holiday. No public business shall be transacted on any holiday, except in cases of necessity and except in cases of public business transacted by the legislature, nor shall any civil process be served thereon. However, for the executive branch of the state of Minnesota, "holiday" also includes the Friday after Thanksgiving but does not include Christopher Columbus Day. Other branches of state government and political subdivisions shall have the option of determining whether Christopher Columbus Day and the Friday after Thanksgiving shall be holidays. Where it is determined that Columbus Day or the Friday after Thanksgiving is not a holiday, public business may be conducted thereon.

Any agreement between a public employer and an employee organization citing Veterans Day as the fourth Monday in October shall be amended to cite Veterans Day as November 11.

Subd. 5a. **Public member.** "Public member" means a person who is not, or never was, a member of the profession or occupation being licensed or regulated or the spouse of any such person, or a person who does not have or has never had, a material financial interest in either the providing of the professional service being licensed or regulated, or an activity directly related to the profession or occupation being licensed or regulated.

Subd. 6. **Oath; affirmation; affirm; sworn.** "Oath" includes "affirmation" in all cases where by law an affirmation may be substituted for an oath; and in like cases "swear" includes "affirm" and "sworn" "affirmed."

Subd. 7. **Person.** "Person" may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

Subd. 8. **Population; inhabitants.** When used in reference to population, "population" and "inhabitants" mean that shown by the last preceding federal decennial census unless otherwise expressly provided.

Subd. 8a. **Public waters.** "Public waters" means public waters as defined in section 103G.005, subdivision 15, and includes "public waters wetlands" as defined in section 103G.005, subdivision 15a.

Subd. 9. **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.

# MINNESOTA STATUTES 2006

Subd. 10. **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.

Subd. 11. **State; United States.** When applied to a part of the United States, “state” extends to and includes the District of Columbia and the several territories. “United States” embraces the District of Columbia and territories.

Subd. 12. **Sheriff.** “Sheriff” may be extended to any person officially performing the duties of a sheriff, either generally or in special cases.

Subd. 13. **Time; month; year.** “Month” means a calendar month and “year” means a calendar year, unless otherwise expressed; and “year” is equivalent to the expression “year of our Lord.”

Subd. 13a. **Wetlands.** “Wetlands” means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) have a predominance of hydric soils;
- (2) are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) under normal circumstances, support a prevalence of such vegetation.

Subd. 14. **Written; in writing.** “Written” and “in writing” may include any mode of representing words and letters. The signature of a person, when required by law, (a) must be in the handwriting of the person or, (b) if the person is unable to write, (i) the person’s mark or name written by another at the request and in the presence of the person or, (ii) by a rubber stamp facsimile of the person’s actual signature, mark, or a signature of the person’s name or a mark made by another and adopted for all purposes of signature by the person with a motor disability and affixed in the person’s presence.

Subd. 15. **May.** “May” is permissive.

Subd. 15a. **Must.** “Must” is mandatory.

Subd. 16. **Shall.** “Shall” is mandatory.

Subd. 17. **Violate.** “Violate” includes failure to comply with.

Subd. 18. **Pledge; mortgage; conditional sale; lien; assignment.** “Pledge,” “mortgage,” “conditional sale,” “lien,” “assignment,” and similar terms used in referring to a security interest in goods include corresponding types of security interests under article 9 of the Uniform Commercial Code.

Subd. 19. **Fee and tax.** (a) “Tax” means any fee, charge, exaction, or assessment imposed by a governmental entity on an individual, person, entity, transaction, good, service, or other thing. It excludes a price that an individual or entity chooses voluntarily to pay in return for receipt of goods or services provided by the governmental entity. A government good or service does not include access to or the authority to engage in private market transactions with a nongovernmental party, such as licenses to engage in a trade, profession, or business or to improve private property.

(b) For purposes of applying the laws of this state, a “fee,” “charge,” or other similar term that satisfies the functional requirements of paragraph (a) must be treated as a tax for all purposes, regardless of whether the statute or law names or describes it as a tax. The provisions of this subdivision do not preempt or supersede limitations under law that apply to fees, charges, or assessments.

(c) This subdivision is not intended to extend or limit article 4, section 18, of the Minnesota Constitution.

**History:** 1941 c 492 s 44; 1945 c 337 s 1; 1947 c 201 s 4; 1955 c 495 s 1; 1955 c 783 s 1; 1959 c 52 s 2; 1965 c 812 s 25; 1969 c 69 s 1; 1973 c 123 art 5 s 2,7; 1973 c 228 s 1; 1973 c 343 s 1; 1974 c 88 s 1; 1977 c 347 s 64; 1979 c 332 art 1 s 92; 1980 c

487 s 21; 1983 c 247 s 216; 1984 c 656 s 4; 1986 c 444 s 5; 1Sp1986 c 3 art 1 s 82; 1990 c 391 art 8 s 57; 1991 c 354 art 6 s 19; 1996 c 462 s 43; 2000 c 382 s 18; 1Sp2001 c 10 art 2 s 84; 2006 c 259 art 13 s 15

#### 645.445 SMALL BUSINESS; DEFINITIONS.

Subdivision 1. **Scope.** Wherever the term “small business” is used in Minnesota Statutes or in any rule or program established thereunder, the definitions contained in this section shall apply unless the context clearly indicates that a different meaning is intended or required.

Subd. 2. **Small business.** “Small business” means a business entity organized for profit, including but not limited to any individual, partnership, corporation, joint venture, association or cooperative, which entity:

- (a) Is not an affiliate or subsidiary of a business dominant in its field of operation; and
- (b) Has 20 or fewer full-time employees; or
- (c) In the preceding fiscal year has not had more than the equivalent of \$1,000,000 in annual gross revenues; or
- (d) If the business is a technical or professional service, shall not have had more than the equivalent of \$2,500,000 in annual gross revenues in the preceding fiscal year.

Subd. 3. **Dominant in field of operation.** “Dominant in its field of operation” means having more than 20 full-time employees and more than \$1,000,000 in annual gross revenues or \$2,500,000 in annual gross revenues if a technical or professional service.

Subd. 4. **Affiliate or subsidiary of business dominant in field of operation.** “Affiliate or subsidiary of a business dominant in its field of operation” means a business which is at least 20 percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in that field of operation.

Subd. 5. [Repealed, 1990 c 541 s 31]

**History:** 1980 c 361 s 3; 1984 c 544 s 87; 1985 c 296 s 8; 1987 c 365 s 21,22; 1987 c 401 s 31; 1988 c 644 s 2; 1988 c 689 art 2 s 268; 1989 c 352 s 21,25; 1990 c 541 s 29

#### 645.45 DEFINITIONS, CONTINUED.

The following words and phrases, when used in any law enacted after the effective date of Laws 1941, chapter 492, section 45, 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 18 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 18 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.

**History:** 1941 c 492 s 45; 1973 c 725 s 83

#### 645.451 DEFINITIONS, CONTINUED.

Subdivision 1. **Application and scope.** The terms defined in the following subdivisions shall have the meanings given them for the purpose of any statute or law of this state now in force, for the purposes of any statute or law hereinafter enacted unless a different meaning is specifically attached to the terms or the context clearly requires different meaning.

Subd. 2. **Minor.** “Minor” means an individual under the age of 18.

Subd. 3. **Adult.** “Adult” means an individual 18 years of age or older.

Subd. 4. **Minority.** “Minority” means with respect to an individual the period of time during which the individual is a minor.

Subd. 5. **Majority.** “Majority” means with respect to an individual the period of time after the individual reaches the age of 18.

Subd. 6. **Legal age or full age.** “Legal age” or “full age” means 18 years of age or older.

**History:** 1973 c 725 s 84

### OTHER PROVISIONS

#### 645.452 DISABILITIES OF MINORITY, TERMINATION AT AGE 18.

Except as otherwise provided by statutes, every disability of minority at common law shall cease when a person reaches 18 years of age.

**History:** 1973 c 725 s 85

#### 645.46 REFERENCE TO SUBDIVISION.

Wherever in the Minnesota Statutes or any legislative act a reference is made to a subdivision without stating the section of which the subdivision referred to is a part, the reference is to the subdivision of the section in which the reference is made.

**History:** 1947 c 201 s 1

#### 645.47 REFERENCE TO PARAGRAPH.

Wherever in the Minnesota Statutes or any legislative act a reference is made to a paragraph without stating the section and subdivision of which the paragraph referred to is a part, the reference is to the paragraph of the subdivision in which the reference is made.

**History:** 1947 c 201 s 2

#### 645.48 USE OF THE WORD “TO” WHEN REFERRING TO SEVERAL SECTIONS.

Wherever in the Minnesota Statutes or any legislative act a reference is made to several sections and the section numbers given in the reference are connected by the word “to,” the reference includes both the sections whose numbers are given and all intervening sections.

**History:** 1947 c 201 s 3

# MINNESOTA STATUTES 2006

16163

INTERPRETATION OF STATUTES AND RULES

645.51

## **645.49 HEADNOTES.**

The headnotes printed in boldface type before sections and subdivisions in editions of Minnesota Statutes are mere catchwords to indicate the contents of the section or subdivision and are not part of the statute.

**History:** *1984 c 480 s 20*

## **645.51 GENDER REVISION OF 1986.**

The amendments adopted by Laws 1986, chapter 444, section 1, do not change the substance of the statutes amended.

**History:** *1986 c 444 s 3*