

HOUSE RESEARCH

Bill Summary

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Overview

This bill proposed the Uniform Statute and Rule Construction Act. It would replace current Minnesota Statutes provisions on statutory interpretation with generally similar rules. One major change is that when law of another jurisdiction (such as federal law) is adopted by reference, future amendments are not also adopted (section 13). The bill would also supersede legislative rules that prohibit the use of legislative history to determine legislative intent (section 19, paragraphs (c) and (d)).

Section

Article 1

Uniform Act

- 1 Applicability of laws on definitions and interpretation.** Adds a cross reference to section 3 in the current statute on definitions and statutory construction.
- 2 Canons of construction.** Clauses struck here are relocated as follows. Clause (1) moves to section 4. Clause (2) is in section 6. Clause 3 is in section 19, paragraph (a), clause (2).
- 3 Applicability.** Makes the provisions on statutory construction apply to laws enacted before their adoption unless (1) a statute or rule provides otherwise, (2) the context of language requires otherwise, or (3) application of the provisions would be infeasible. Does not authorize an administrative agency to exempt rules from the statutory construction provisions.
- 4 Common and technical usage.** Comes from current section 2, clause 1.
- 5 Construction of shall, must, may.** Provides for "must" and "shall" to be mandatory. Provides that "may" is discretionary. Makes may not, must not, and shall not prohibitions.
- 6 Number, gender, tense.** Same as current section 2, clause 2.
- 7 Reference to series.** Same as current rule.
- 8 Computation of time.** Clause (1) is the same as current section 645.15, which is repealed.

Clause (2) provides for counting periods of weeks so that the last day of the period is the same week day as the day when the period began. Clause (3) is the same as current section 645.14, which is repealed. Clause (4) deals with periods of years and is parallel to clause (3) in its approach. Clause (5) provides that if a time period of less than seven days is specified, weekends and legal holidays are excluded from the time computation. Clause (6) is the same as current sections 645.15 and 645.151, which are repealed by the bill. Clause (8) provides for using the foregoing rules "backwards" if the computation of time is determined by the occurrence of a future event.

- 9 **Prospective operation.** Provides for a statute or rule to operate only prospectively unless it expressly provides otherwise or its context requires retrospective operation. Same as section 645.21, which is repealed.
- 10 **Severability.** Same as the current presumption of severability in section 645.20, which is repealed.
- 11 **Irreconcilable statutes or rules** Paragraph (a) is the same as section 645.25, subd. 1, which is repealed by the bill and probably incorporates section 645.25, subdivisions 2 and 3. Paragraph (b) takes a parallel approach to administrative rules. Paragraphs (c) and (d) provide for a comprehensive revision of law or rule to prevail over previous statutes and rules on the same subject., whether or not the revision and previous statutes or rules conflict irreconcilably with each other.
- 12 **Enrolled act controls over subsequent publication.** Provides for an enrolled act to control over a later publication, if there are differences.
- 13 **Incorporation by reference.** A statute or rule that incorporates a statute by reference also incorporates later amendments of the statute. The same does not apply to incorporation of (1) a rule of this state or another jurisdiction by reference, or (2) a statute or rule of another jurisdiction. This changes current section 645.31, subdivision 2 and state case law on subjects other than incorporation of federal tax laws.
- 14 **Continuation of previous statute or rule.** A statute or rule that is amended or repealed and re-enacted continues the same law or rule if it contains substantially the same language as the prior version. similar to current section 645.37, except current law covers only repeal, not amendments.
- 15 **Repeal of repealing statute or rule.** Repealing a repealer does not bring back the repealed law or impair the effect of a savings clause. Same as section 645.35 and 645.36, except that under current law the repeal of a repealer could specifically provide that it revives the repealed law.
- 16 **Effect of amendment or repeal.** Except for procedural provisions, (1) amendment or repeal of a civil statute or rule does not affect a pending action or a right accrued before the amendment or repeal took effect, and (2) a pending civil proceeding may be completed and a right may be enforced.

If a penalty is reduced, the penalty, if not already imposed, must be imposed under the statute as amended.
- 17 **Principles of construction.** Paragraph (a), clause (2) is similar to section 645.17, clause 2, which is repealed by the bill. Clause (3) is similar to clauses (1) and (3) of current section 645.17. Paragraph (b) is the same as section 645.22, which is repealed by the bill. Paragraph (c) provides that this state does not follow the rule that a statute in derogation of the common law is to be construed narrowly.
- 18 **Primacy of text.** The text of a statute or rule is the primary source of its meaning.
- 19 **Other aids to construction.** Paragraph (a), clauses (1) and (2) are similar to the stricken provision in section 2, clause (3). Paragraph (b) lists seven aids to construction. Paragraph (c)

lists six further aids to rely on if the prior set do not answer the question, including legislative history. These are somewhat similar to section 645. 16, which is repealed by the bill. Paragraph (d) specifies which materials in paragraph (c) are to be given greater weight.

20 Short title. This article can be cited as the Uniform Statute and Rule Construction Act.

21 Repealer. Repeals current provisions of Minnesota Statutes chapter 645 on statutory Construction. Many of the provisions repealed are similar or identical to provisions of the Uniform Act.

Article 2

Conforming Changes

-616 Conforming changes. Inserts cross references consistent with the proposed changes in article 1.