

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Minnesota Gun Owners Caucus,

Case Type: Civil Other/Misc.

Plaintiff,

The Honorable Leonardo Castro
Court File No. 62-CV-25-1083

vs.

Tim Walz, Governor of Minnesota, in his official capacity; Keith Ellison, Attorney General of Minnesota, in his official capacity; Mary Moriarty, Hennepin County Attorney, in her official capacity; Drew Evans, Superintendent of the Minnesota Bureau of Criminal Apprehension, in his official capacity,

Defendants.

**STATE DEFENDANTS'
SUPPLEMENTAL MEMORANDUM
IN OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

INTRODUCTION¹

The Minnesota Gun Owners Caucus's ("MGOC") motion for summary judgment should be denied. First, to the extent MGOC pleaded a title claim, that claim fails because the 2024 Omnibus's title includes a specific reference to amending the definition of trigger activators. Second, MGOC's single-subject claims are barred by either the political question doctrine or the codification rule. Third, even if its claims were meritorious, MGOC's request to invalidate the entire 2024 Omnibus is foreclosed by Minnesota Supreme Court precedent.

¹ State Defendants file this Supplemental Memorandum in accordance with the Court's Order dated June 4, 2025. (Index No. 46.)

STATEMENT IN RESPONSE TO UNDISPUTED FACTS

States Defendants² incorporate by reference the legislative history set forth in their memorandum in support of their motion to dismiss. (Index No. 18 at 2-6.) State Defendants provide additional facts here only as necessary to correct MGOC’s misstatements that the subject of the 2024 Omnibus was “relating to taxation” and that the Revisor improperly changed the title after the Legislature passed the bill. (*E.g.*, Index Nos. 22 at 22 & 37 at 5-6.) MGOC’s position misreads the legislative history.

On May 19, 2025, the Tax Omnibus Conference Committee made recommendations to the full Legislature regarding the Third Engrossment of H.F. 5247—the bill that started as the Tax Omnibus. H.F. 5247, 93d Leg., Reg. Sess. 18590-91 (Minn. 2024) (hereinafter “House Journal”); S.F. 5234, 93d Leg., Reg. Sess. 18844-45 (Minn. 2024) (hereinafter “Senate Journal”). The Conference Committee proposed a “delete-all” amendment, which would replace the entirety of the former H.F. 5247 (the Tax Omnibus) with the language of the eventual 2024 Omnibus. House Journal p. 18591 (“H.F. No. 5247 be further amended as follows: Delete everything after the enacting clause and insert: [language of the 2024 Omnibus, beginning with Article I: Transportation Appropriations]”); Senate Journal p. 18845 (same). The Committee specifically proposed deleting the Tax Omnibus’s title and replacing it with the 2024 Omnibus’s title: “A bill for an act relating to the operation and financing of state government...” House Journal pp. 19600-04; Senate Journal pp. 20014-19.

Both the House and the Senate took up and adopted the Conference Committee’s report, which included that title change. House Journal p. 19605; Senate Journal p. 20019-21. And both houses passed the bill with the amended title “operation and financing of state government.” House

² State Defendants use the same special definitions and abbreviations they have used throughout briefing on this case.

Journal pp. 19605-06 (“The bill was repassed, as amended by Conference, and its title agreed to.”); Senate Journal pp. 20020-21 (“So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.”). Incorporating those amendments, the Revisor of Statutes then drafted and posted the 4th Engrossment of H.F. 5247.³ The 4th Engrossment reflected the deletion of the Tax Omnibus, the insertion of the 2024 Omnibus’s provisions, and new title adopted by both houses on May 19, 2024.⁴

The 4th Engrossment of H.F. 5247—with the language and title that the parties call the 2024 Omnibus—was presented to and signed into law by Governor Walz containing the title beginning with the “operation and financing of state government.”⁵ Minn. Laws ch. 127, art. 36, § 2.

SUMMARY JUDGMENT STANDARD

Summary judgment may be granted if the pleadings, depositions, records submitted to the Court, and any affidavits submitted show that there is no “genuine issue as to any material fact” and the moving party is entitled to judgment under applicable law. Minn. R. Civ. P. 56.03. Material facts are those that affect the outcome of the case. *Westfield Ins. Co. v. Wensmann, Inc.*, 840 N.W.2d 438, 450 (Minn. Ct. App. 2013). A party moving for summary judgment must prove material facts by pointing to facts in the record or presented by affidavit that would be admissible in evidence. Minn. R. Civ. P. 45.03(b), (d).

To successfully oppose summary judgment (if the moving party has met its burden of production), the non-moving party must present specific facts showing that there is a genuine issue

³https://www.revisor.mn.gov/bills/text.php?number=HF5247&type=bill&version=4&session=ls93&session_year=2024&session_number=0.

⁴ <https://perma.cc/DFL6-BQC8>.

⁵ <https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF5247&y=2024&ssn=0>.

for trial. Minn. R. Civ. P. 56.06; *see also Bebo v. Delander*, 632 N.W.2d 732, 737 (Minn. Ct. App. 2001).

ARGUMENT

The Court should deny MGOC’s motion for summary judgment in part for the following reasons. First, MGOC has not asserted a Title Clause challenge, and even if it had, any such challenge fails. Second, MGOC’s Single-Subject Clause challenge is a nonjusticiable political question or, alternatively, barred by codification. Third, even if the Binary Trigger Amendment violates the single-subject provision, the Court should reject MGOC’s request to invalidate the entire 2024 Omnibus. Finally, MGOC’s Remedies Clause claim fails as a matter of law.

I. MGOC HAS NOT ASSERTED A TITLE CLAUSE CHALLENGE, BUT THE BILL’S TITLE SPECIFICALLY ENCOMPASSES THE BINARY TRIGGER AMENDMENT.

Article IV, section 17 of the Minnesota Constitution imposes a separate, independent requirement for the titles of legislation. *Wass v. Anderson*, 252 N.W.2d 131, 134-35 (Minn. 1977). “The function of the title requirement is to provide notice of the interests likely to be affected by the law and to prevent surprise and fraud upon the people and the legislature by including provisions in a bill whose title gives no intimation of the proposed legislation.” *Id.* (cleaned up). MGOC did not assert a Title Clause challenge—just a Single-Subject Clause challenge. But even if it had, such a challenge fails.

A. MGOC Did Not Bring a Title Clause Challenge.

At the hearing on State Defendant’s Motion to Dismiss and MGOC’s Summary Judgment Motion, MGOC claimed to have brought both a Single-Subject and Title Clause challenge, noting the number of times it mentioned the word “title” in its complaint.⁶ This is plainly untrue. MGOC

⁶ The vast majority of MGOC’s mentions of the word “title” are completely unrelated to a supposed Title Claim. *See* Index No. 1 at ¶¶ 3, 6, 9, 10, 39, 40, 46, 48, 51, 60, 78.

asserted two claims, one for “Violation of the Minnesota Constitution’s Single Subject Provision” and a parallel claim that focuses on the Remedies Clause (Index No. 1 at ¶¶ 77-95.) MGOC alleges, in support of its first claim, that the Binary Trigger Amendment is not “germane” to the 2024 Omnibus’s subject, and that the Court should declare that “the Jumbo Omnibus Bill violates the Single Subject Provision in Article IV, Section 17 of the Minnesota Constitution.” (Index No. 1 at ¶¶ 77-83.)

For its second claim, MGOC specifically alleges that the “Legislature has a ‘single subject mandate,’” that the 2024 Omnibus “violates that mandate,” and that, pursuant to the Remedies Clause (Art. I, section 8), it is entitled to declaratory and injunctive relief for the violation of the “Single Subject Provision in Article IV, Section 17 of the Minnesota Constitution.” (*Id.* at ¶¶ 84-95.)

Nowhere in either claim does MGOC make any allegations related to the Title Clause beyond generally referring to Minn. Const. art. IV, sec. 17, which contains both the Title and Single-Subject clauses. Neither of these claims provide notice of a Title Clause challenge—even under Minnesota’s liberal pleading standards. Accordingly, any Title Clause claim should be dismissed.

Moreover, even if MGOC believes it made a Title Clause claim in its complaint, it did not move for summary judgment on that claim. MGOC made no argument about the Title Clause in its 34-page opening summary judgment brief. It only mentioned its (incorrect) theory about a post-hoc title change when it argued germaneness—which is not the standard for a Title Clause claim, but the standard for a Single-Subject claim. (*E.g.*, Index No. 22 at 22, 33; *see Wass*, 252 N.W.2d at 137 (discussing the Title Clause claim’s standard)). More tellingly, MGOC only requested an

order that “H.F. 5247 violates the Single Subject Provision in Article IV, Section 17 of the Minnesota Constitution.” (Index No. 26 at ¶ 2.)

The Court cannot grant summary judgment on a claim that MGOC neither pleaded nor moved upon. For that reason alone, any newly asserted Title Clause claim must be dismissed.

B. MGOC Is Not Entitled to Summary Judgment on a Title Clause Claim.

Even if MGOC had asserted a Title Clause claim (it did not), it would not be entitled to summary judgment on such a claim. Like the Single-Subject Clause, the title requirement is liberally construed. *See Wallace v. State*, 820 N.W.2d 843, 852 (Minn. 2012). Indeed, “[i]t is not essential that the best or even an accurate title be employed, if it be suggestive in any sense of the legislative purpose.” *Wass*, 252 N.W.2d at 137 (quoting *State ex rel. Olsen v. Bd. of Control*, 88 N.W. 533, 537 (Minn. 1902)). A bill’s title need not provide a complete index of a bill’s provisions, or list each specific thing a bill is intended to change, to satisfy the clause. *State ex rel. Pearson v. Probate Court of Ramsey Cnty.*, 287 N.W. 297, 301 (Minn. 1939). Its purpose is to give notice of the general topics covered in the bill and the interests likely to be affected. *Id.* Here, the 2024 Omnibus’s title clearly meets that standard with respect to the Binary Trigger Amendment.

First, as set forth above, MGOC’s assertion that the Legislature did not pass the title beginning with “[a] bill for an act relating to the operation and financing of state government” misreads the legislative history. On May 19, both houses considered the Conference Committee’s recommendation, which deleted all the prior contents of H.F. 5247, including its title, and replaced it with the content of the 2024 Omnibus. That delete-all and replacement also included, expressly, the new title. Both houses adopted the recommendation and passed the Conference Committee’s recommended version of H.F. 5247 – the 2024 Omnibus – along with its title. House Journal pp. 19605-06 (“The bill was repassed, as amended by Conference, and its title agreed to.”); Senate Journal pp. 20020-21 (“So the bill, as amended by the Conference Committee, was repassed and

its title was agreed to.”). The title of the bill that the Legislature passed as the 2024 Omnibus begins “[a] bill for an act relating to the operation of financing and state government.”

Second, the Binary Trigger Amendment is specifically referenced in the 2024 Omnibus’s title. The bill opens with a statement of its overarching subject—the operation and financing of state government—and immediately follows that statement with a specific, article-by-article description of the topics covered in the bill. The article-by-article description contains multiple references to the Binary Trigger Amendment. It specifically states that the bill “modif[ies] the definition of trigger activator,” and further notes that the bill is amending “609.67, subdivision 1.” H.F. 5247, 4th Engrossment at 1.16, 5.20-.21; *see also* Index No. 1 at ¶ 3. That incredibly specific reference satisfies the very liberal requirements of the Title Clause. *See State ex rel. Pearson v. Probate Court of Ramsey Cnty.*, 287 N.W. 297, 301 (Minn. 1939); *see also Kruger v. Pawlenty*, No. A04-1041, 2005 WL 221929, at *3 (Minn. Ct. App. Feb. 1, 2005) (rejecting Title Clause challenge to tobacco prohibition in certain state buildings because bill’s title “concern[ed] state government, and in particular, public benefits, health care, and human services”).

Because the title of the 2024 Omnibus allows legislators and the public to understand that it contains provisions that modify the definition of trigger activator and 609.67, subdivision 1 the title is “sufficiently suggestive . . . of the legislative purpose.” *Wass*, 252 N.W.2d at 137. Summary judgment on any purported Title Clause challenge should be denied.

II. MGOC’S SINGLE-SUBJECT CLAIM IS A NONJUSTICIABLE POLITICAL QUESTION OR BARRED BY THE CODIFICATION RULE.

As for MGOC’s single-subject claim, it remains barred by threshold doctrines. Specifically, as State Defendants argued in support of their motion to dismiss, after nearly a century of wrestling with the application of the Single-Subject Clause, Minnesota courts should

determine that it presents a nonjusticiable political question. Alternatively, the Court should hold that the codification rule—a species of laches—bars MGOC’s claim because it came too late.

A. Single-Subject Claims Are Nonjusticiable Political Questions.

State Defendants maintain that, in the modern era, single-subject claims present nonjusticiable political questions. State Defendants will not rehash their prior briefing on this subject, but note three points for emphasis.

First, the Single-Subject Clause applies to the legislature’s main power—enacting laws. Minn. Const. art. IV, §§ 22-23; *Snell v. Walz*, 6 N.W.3d 458, 469 (Minn. 2024) (defining “legislative power” as the authority to pass laws and determine when and how those laws take effect). The judicial branch should be circumspect before it intrudes on that core legislative function—especially because the Single-Subject Clause is a process limitation that does not implicate individual rights. *See In re McConaughy*, 119 N.W. 408, 415 (Minn. 1909) (“The courts have no judicial control over such matters ... which the people have by the Constitution delegated to the Legislature.”); Jeffrey S. Sutton, *Who Decides? States as Laboratories of Constitutional Experimentation* 257 (2022) (noting that historically judicial review first focused on court enforcement of individual right guarantees, “not process-driven limits on the passage of legislation”). Early courts found single-subject clauses “directory” only (*i.e.*, unenforceable by courts) for that very reason. *E.g.*, *Curry v. Elvins*, 32 N.J.L. 362, 363-64 (N.J. 1867); *Washington v. Page*, 4 Cal. 388, 389 (Cal. 1854). So too for the earliest Minnesota court decisions, which found “technical” single-subject violations but refused to find the underlying laws unconstitutional absent fraud in the legislative process.⁷ *E.g.*, *State v. Gut*, 13 Minn. 341, 349-50 (1868); *Tuttle v.*

⁷ In fact, as the author of a seminal historical survey on single-subject cases observed, the earliest Minnesota Supreme Court cases “may say that the provision is not mandatory.” Millard H. Ruud, *No Law Shall Embrace More Than One Subject*, 42 Minn. L. Rev. 389, 393 n.17 (1958). *Board of* (Footnote Continued on Next Page)

Strout, 7 Minn. 465, 468-69 (Minn. 1862); *Bd. of Supervisors of Ramsey Cnty. v. Heenan*, 2 Minn. 330, 339 (Minn. 1858). Here, while MGOC (and indeed some legislators) were displeased with the way the 2024 Omnibus and the Binary Trigger Amendment were passed, there is no indication that the Binary Trigger Amendment was snuck into the bill or did not receive extensive debate. Quite the contrary, as outlined in State Defendants’ motion to dismiss briefing.

Second, and relatedly, separation-of-powers principles reinforce that courts should reconsider whether it is wise for the judiciary to adjudicate single-subject claims. The Minnesota Constitution divides power between the legislative, executive, and judicial branches of governments, and it prohibits the different branches from exercising “any of the powers properly belonging to either of the others.” Minn. Const. art. III. The Minnesota Constitution assigns responsibility for the Single-Subject Clause to the legislature. Minn. Const. art. IV, § 17. All legislators swear an independent oath to uphold the Minnesota Constitution. Minn. Const. art. IV, § 8; Minn. Stat. § 3.05. If legislators do not abide by their oath, they may face political consequences (or an executive veto). *See* Minn. Const. art. IV, § 23 (establishing veto power). Those checks on legislative power are real and consequential. *See* Sutton, *supra* p.8, at 257 (noting that “governors retain a veto power, and an unconstitutional bill offers a legally and politically sound reason for exercising it”). And they allow the judiciary to avoid getting mired in political

Supervisors of Ramsey County v. Heenan, the earliest case to deal with the Single-Subject Clause, is ambiguous. On the one hand, the supreme court says that the Single-Subject Clause is an “advancement in the science of government,” and that it would be “senseless” to treat the clause as directory. 2 Minn. at 336. But the court uses conditional language in doing so, and then proceeds to find a “technical” violation that warrants no remedy. *Id.* at 340. Four years later, in *Tuttle v. Strout*, Chief Justice James Gilfillan’s influential, revised edition of the first twenty Minnesota Reports describes *Heenan*’s holding as follows: “we there held . . . that this provision of the constitution was merely directory.” 7 Gil. 374, 376 (Minn. 1862). Then, six years later, in *State v. Gut*, the Gilfillan report inserts a “not” before “merely directory” when it quotes *Tuttle*. 13 Minn. at 349 (Gil. 323). At minimum, the historical record in the era closest to Minnesota’s founding is mixed.

process disputes. *See Ninetieth Minn. State Senate v. Dayton*, 903 N.W.2d 609, 623-24 (Minn. 2017) (observing that judiciary should refrain from reviewing legislative or executive action when those branches are “engaged in a quintessentially political process”).

Third, MGOC seems oblivious to the consequences of the strong form of judicial review that they favor given modern legislative practices. They repeatedly emphasize the length of the 2024 Omnibus. But the 2024 Omnibus does not stand entirely alone in its breadth. Much legislative work in Minnesota is accomplished through large omnibus bills in the modern era. *See, e.g.*, 2023 Minn. Laws ch. 70 (620-page omnibus bill); 2019 Minn. Laws, 1st Sp. Sess. ch. 9 (478-page omnibus bill); 2016 Minn. Laws ch. 189 (480-page omnibus bill); 2013 Minn. Laws ch. 108 (512-page omnibus bill). The judiciary should be wary about continuing to inject itself into single-subject disputes when doing so may “obliterate” much of the modern legislature’s work from the statute books. *See Washington*, 4 Cal. at 389.

Courts have employed the political question doctrine—even when they have previously enforced a constitutional limit—when there are principled reasons to conclude that the judiciary is not best-situated to resolve a class of constitutional claims. *See Rucho v. Common Cause*, 588 U.S. 684, 707 (2019) (concluding that partisan gerrymandering claims were nonjusticiable political questions after struggling for “several decades to discern judicially manageable standards for deciding such claims”). In the modern era, single-subject claims should fall into that rare class of cases.

B. The Court Should Apply the Codification Rule Because MGOC’s Challenge Was Unreasonably Delayed.

The State Defendants also maintain that the Court should apply the codification rule, as argued in their motion to dismiss briefing.

The codification rule, explained most clearly in *State v. Mabry*, 460 N.W.2d 472, 475 (Iowa 1990) but adopted by state courts across the country, is a common-law rule that any defects in the title or subject of a bill are cured when the bill is codified. Under that rule, MGOC’s challenge to the Binary Trigger Amendment comes too late. The Binary Trigger Amendment, along with the rest of the 2024 Omnibus, was codified on November 1, 2024. *See* Chapter 609 Versions, Minnesota Statutes, <https://www.revisor.mn.gov/statutes/cite/609/versions> (noting that the current version of chapter 609 was codified and published on November 1, 2024). MGOC did not bring its claim until February 2025.

The codification rule functions much like laches, another common-law timeliness rule, which Courts apply as a matter of judicial administration and equity. *See, e.g., Harr v. City of Edina*, 541 N.W.2d 603, 606 (Minn. Ct. App. 1996). Laches bars suits where there has been an unreasonable delay in asserting a known right that results in prejudice to others, such that granting the relief in question would be inequitable. *Id.* Likewise, the codification rule applies to bar suits over very public legislative actions that are brought after an unreasonable delay and would upset the reliance interests that attend legislation. *Mabry*, 460 N.W.2d at 475. This Court can apply the codification rule just as it may apply laches.⁸

Here, MGOC knew about the 2024 Omnibus, and the Binary Trigger Amendment’s inclusion in that bill, on May 19, 2024—the day it was passed. (Index No. 23 at ¶¶ 5-7.) Indeed, MGOC “opposed” the inclusion of the Binary Trigger Amendment in the legislation. (*Id.*) Despite

⁸ Indeed, for the same reason the Court should apply the codification rule to bar MGOC’s single-subject claim, it can also simply apply laches to bar MGOC from obtaining the relief it seeks. MGOC averred it was well aware of its claim the day the 2024 Omnibus was passed. It provides no explanation for its nearly year-long delay in suing—until after the law was codified, after it went into effect, and after an entirely new legislature was in session. And the people of Minnesota—who elected the Legislature that passed the Binary Trigger Amendment—would be prejudiced by their preferred legislation being repealed by litigation, without regard to the political process.

that knowledge, MGOC waited 8 months to file its suit—until the law had already gone into effect—before bringing this challenge. It has provided no explanation for this unreasonable delay.

The codification rule “strikes a balance between the salutary purposes of the single-subject rule and the importance of upholding the constitutionality of the new legislation.” *Mabry*, 460 N.W.2d at 475. It places an important guardrail on single-subject claims to prevent delayed efforts, such as this, to legislate through litigation after a party’s lobbying efforts proved unsuccessful. Of course, nothing stops MGOC from lobbying subsequent legislatures to repeal the Binary Trigger Amendment if it believes the Amendment (or anything else in the 2024 Omnibus) is bad policy. But attempting to strike down laws based on a belated process objection in litigation absolves the political branches from their political responsibility: to debate, pass, and repeal laws based on their merits.

The codification rule provides certainty for parties that have rights and obligations under new legislation, instead of allowing challenges—based on process not substance—long after the laws have gone into effect.⁹ Because MGOC waited until after the Binary Trigger Amendment was codified, its challenge should be dismissed as untimely.

III. MGOC’S REQUEST TO INVALIDATE THE ENTIRE 2024 OMNIBUS CONTRADICTS CLEAR MINNESOTA SUPREME COURT PRECEDENT.

In any case, MGOC’s requested remedy for the Binary Trigger Amendment’s alleged violation of the Single-Subject Clause far exceeds what the Minnesota Supreme Court has set out as the proper one.¹⁰

⁹ Without the codification rule, attempts to invalidate disfavored laws through single-subject claims brought as declaratory judgment actions would be subject to Minnesota’s default six-year statute of limitations.

¹⁰ State Defendants incorporate by reference the arguments they have previously made on this issue. Index No. 18 at 14-15; Index No. 30 at 17-19; Index No. 38 at 6-9.

Otto is crystal clear: if a challenged provision of a bill violates the Single-Subject Clause, the “proper remedy” is to sever that provision from the remainder of the bill and invalidate only that provision. *Otto v. Wright County*, 910 N.W.2d 446, 456 (Minn. 2018). *Associated Builders* held that same remedy was the proper one. *Associated Builders & Contractors v. Ventura*, 610 N.W.2d 293, 307 (Minn. 2000); *see also Otto*, 910 N.W.2d at 456 (citing *Associated Builders* for the proper remedy).

The two-step process MGOC proposes runs contrary to the explicit holding of *Associated Builders* and *Otto*’s recitation of the law. But more than that, MGOC does not actually engage with that two-step process (or even ask the Court to fully engage in it). If it was the Court’s responsibility to independently determine the “core” of the 2024 Omnibus, it would have to read the entire 2024 Omnibus and determine which, if any, provisions hold together in a common theme. While MGOC throws up its hands based solely on the fact that the 2024 Omnibus combined 9 different bills, it ignores that several of those bills shared the same subject with the 2024 Omnibus: state government operations. *See* H.F. 4242 (Transportation, Housing, and Labor Omnibus, with a title beginning: “[a] bill for an act relating to state government”);¹¹ S.F. 4942 (Energy and Agriculture Omnibus, with a title beginning “[a] bill for an act relating to state government”);¹² S.F. 4699 (Health and Human Services Omnibus, with a title beginning “[a] bill for an act relating to state government”)¹³; *see also* Index No. 22 at 4-5 (citing those bills as evidence of a single-subject violation).

¹¹https://www.revisor.mn.gov/bills/text.php?number=HF5242&type=ccr&version=A&session=ls93&session_year=2024&session_number=0.

¹²https://www.revisor.mn.gov/bills/text.php?number=SF4942&version=latest&session=ls93&session_year=2024&session_number=0.

¹³https://www.revisor.mn.gov/bills/text.php?number=SF4699&version=latest&session=ls93&session_year=2024&session_number=0.

Those bills, and the others combined into the 2024 Omnibus, have many provisions that hold together under the subject “operation and financing of state government.” But MGOC does not even ask the Court to do the work to determine that (much less do that work itself). Instead, it asks the Court to presume a constitutional defect with every provision of the 2024 Omnibus without so much as reading it. That flips the law on its head. *Otto*, 910 N.W.2d at 458 (“[W]e will not strike down a germane provision of law simply because other provisions in the law are not germane. To do so would undermine the presumption of constitutionality that we afford to legislation and risk ‘overstepping our judicial bounds.’” (quoting *Associated Builders*, 610 N.W.2d at 305)).

The Court should decline MGOC’s extraordinary invitation to ignore the presumption of constitutionality, *Otto*, and *Associated Builders*. At minimum, MGOC’s remedy is limited to severance of the Binary Trigger Amendment: the only provision that MGOC has standing to challenge and brought before the Court.

IV. MGOC’S REMEDIES CLAUSE CLAIM IS PRECLUDED BY BLACK-LETTER LAW.

Finally, MGOC does not provide any argument that its single-subject claim vested at common law. That is the only situation in which the Remedies Clause provides a remedy. *Olson v. Ford Motor Co.*, 558 N.W.2d 491, 497 (Minn. 1997) (original emphasis removed); *see also State v. Lindquist*, 869 N.W.2d 863, 873–74 (Minn. 2015) (“We normally interpret the Remedies Clause as preventing the Legislature from abrogating recognized common-law causes of action.”). As the Court of Appeals put succinctly, the Remedies Clause “is not a separate and independent source of legal rights on which to base a declaratory judgment action.” *Hoefl v. Hennepin Cnty.*, 754 N.W.2d 717, 726 (Minn. Ct. App. 2008).

To the extent that MGOC has not implicitly forfeited this claim at the hearing on this matter, it should be denied for this and the reasons the State Defendants have previously argued. (Index No. 18 at 15-16; Index No. 30 at 19-20.)

CONCLUSION

For those reasons and those provided herein, the Court should deny partially MGOC's motion for summary judgment.

Dated: June 18, 2025

Respectfully submitted,

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