Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

STATE OF MINNESOTA **DISTRICT COURT**

COUNTY OF RAMSEY **SECOND JUDICIAL DISTRICT**

Minnesota Gun Owners Caucus, Plaintiff, v. 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.	Case Type: Civil Other/Misc. The Honorable Leonardo Castro Court File No. 62-CV-25-1083 **PLAINTIFF'S SUPPLEMENTAL REPLY BRIEF IN SUPPORT OF SUMMARY JUDGMENT**

INTRODUCTION

Much of Defendants' supplemental briefing is a rehash of their previous arguments. MGOC has already responded to those arguments, and so will limit this brief to four principal points. First, Defendants' invocation of the legislative history of the Jumbo Omnibus Bill's title only highlights that it was enacted in an atmosphere of utter chaos and confusion—exactly the dangers that the Single Subject and Title Clauses are meant to protect against. Second, Defendant Moriarty's standing argument is utterly meritless, as the Court has already held. Third, Defendants' codification-rule arguments are not only legally wrong but, if taken to their logical conclusion, would pose a serious threat to our State's democracy. And fourth, on the merits, Defendants articulate the wrong legal test, but the Jumbo Omnibus Bill fails even under their misconceived standard.

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

ARGUMENT

I. The Jumbo Bill's Contorted History Emphasizes Why the Single Subject and Title Clauses Are Important.

Defendants contend that the title of the Jumbo Omnibus Bill is a lengthy compilation of subjects beginning with "the operation and financing of state government." The legislative history shows that this is debatable at best.

As the minutes ticked toward literal midnight on the 2024 legislative session, both the House and the Senate passed the Jumbo Omnibus Bill amidst scenes of utter chaos and confusion. Because of this, the legislative records for the night of May 19, 2024 are difficult to decipher. However, according to the House's and Senate's written and video records, what happened appears to have been this.

Earlier in the legislative session, both the House and Senate had passed different versions of a bill entitled "relating to taxation," which had been referred to a conference committee. As evening turned to night on May 19, the conference committee still had not issued any report or recommendations on the "taxation" bill. At about 9:54 PM on May 19, the committee approved a 1400-plus page report. The beginning of the report recommended deleting everything after the enacting clause and replacing it with the contents of the Jumbo Omnibus Bill. This would not have changed the bill's "taxation" title, which came ***before*** the enacting clause (as every bill title does). Instead, at the very end—following section one thousand, three hundred and forty-two—the conference committee report also recommended deleting the bill's title, and replacing it with the novella-length title that begins with "operation and financing of state government."

The 1400-page report was passed by the conference committee at 9:54 PM on May 19, and posted to the Revisor's website at 10:49 PM. (Dickey Aff. Ex. 2 (Conf. Comm. Reports for 93rd Legislature).) In the next few minutes, amidst a growing din as Representatives unsuccessfully

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

sought the Speaker's recognition for points of order or points of parliamentary procedure, the full House took up the report. At about 11:10 PM—74 minutes after the conference committee passed the report and 21 minutes after it the Revisor posted it, and before anyone could have read more than a small portion of the report, let alone all the way to the end—the House voted to adopt the report and amend the "taxation" bill as recommended by the conference committee. Then, in a grand total of about one minute, the House purported to progress through a "reading" of the amended bill and a vote passing it at about 11:11 PM.

It does not appear that, during that one minute, anyone attempted to prepare a new document that reflected the bill's purportedly amended title. Indeed, as the noise of Representatives seeking recognition grew to near-complete cacophony, Rep. Lisa Demuth (who is now the current Speaker of the House) expressly "request[ed] a copy of this bill of one thousand, four hundred, and thirty pages, not available on the website, not available in this chamber." (*Id.* ¶8 (at 1:36:58–1:37:13). As she did so, another Representative held up a tablet computer displaying a blank webpage from the Revisor's website. (*Id.* at 1:37:10 – 1:37:13). There is no indication that Rep. Demuth received any response.

Similar events then re-played in the Senate on an even faster timeframe. There, the eventual Jumbo Omnibus Bill's title was still "taxation" at 11:34 PM, when the Senate took up the conference committee report with less than 26 minutes left to pass any legislation. Senators evidently had heard about the controversial events that had just occurred in the House, as the Senate's entire proceedings unfolded in an unintelligible uproar of Senators shouting for recognition.[1] The Senate

[1] Senate Floor Session, Sunday, May 19, 2024, https://mnsenate.granicus.com/player/clip/12609?view_id=5&redirect=true (beginning at 2:27:55).

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

Journal reports that, amidst this ruckus, the Senate adopted the report at 11:38 PM.[2] Again, it does not appear that any attempt was made to actually revise the text of the bill, let alone its title, to reflect the amendments the Senate had just agreed to. Instead, the Senate too passed the Jumbo Omnibus Bill one minute after amendment, at 11:39 PM. (Dickey Aff. Ex. 5.)

II. The Court Has Jurisdiction.

Defendants offer no real new arguments regarding the political-question doctrine. The Supreme Court has a very long and consistent history of deciding the merits of single-subject claims,[3] and this Court is bound to do the same. We do not understand Defendants to argue otherwise, and indeed it would be frivolous to do so.

Surprisingly, Defendant Moriarty tries to question MGOC's standing to sue insofar as it is predicated on Member C's standing. This flies in the face of the Court's holding that all three of "Plaintiff's members" who submitted affidavits, including Member C, "have standing to sue in their own right." (Order at 10.) It also contradicts well-settled law that "a party need not expose himself to arrest or prosecution under a criminal statute in order to challenge [that] statute in federal court." *Monson v. DEA*, 589 F.3d 952, 958 (8th Cir. 2009) (cleaned up). There is nothing more Member C could do to establish standing short of intentionally violating the binary trigger ban,

---

[2] *Compare* Dickey Aff. ¶29 (Minn. S., 93rd Minn. Leg., Journal of the Senate, 119th Day, Sunday, May 19, 2024, pp. 20,019-21) *with* Senate Floor Session, Sunday, May 19, 2024, https://mnsenate.granicus.com/player/clip/12609?view_id=5&redirect=true (beginning at 2:27:55).

[3] That thoroughly distinguishes Defendants' reference to partisan gerrymandering claims under the federal Constitution. (*See* Br. at 10.) Contrary to Defendants' assertion, the U.S. Supreme Court had *not "*previously enforced a constitutional limit" on partisan gerrymandering—it simply reserved the question for decades before finally determining that the matter was nonjusticiable. *Rucho v. Common Cause*, 588 U.S. 684, 696, 139 S. Ct. 2484, 2494 (2019) (stating that "our partisan gerrymandering cases … leave unresolved whether such claims may be brought" before concluding that they may not) (cleaned up).

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

which the law does not require. Matters might be different were Moriarty to disclaim any intent to enforce the binary trigger ban against anyone—but she has not remotely done that. In other words: if anyone can ever challenge a criminal law's constitutionality without violating it first, Member C can do so here, and MGOC can do so on his or her behalf.

III. Defendants' Distorted Version of the Codification Rule is Wrong—and Dangerous.

Defendants' only new point regarding their purported "codification rule" is that it supposedly "functions much like laches." (Br. at 11.) To the extent that is true, Defendants do not explain why the ***real*** laches analysis should not apply, rather than a new and irrational quasi-laches test.[4]

Defendants' continued scorn for "process objection[s]" to statutes (*id.* at 12), however, emphasize the frighteningly anti-constitutional nature of their version of the 'codification rule.' The constitutionally prescribed process for enacting laws is what makes our State a democracy—rather than a monarchy, a dictatorship, or any other form of government. So when Defendants argue that codification requires the courts to enforce laws that were never properly enacted, they raise extraordinarily disturbing questions. What if the Governor signed a bill that had been passed by only one House—or that had not been passed by *either* House—and then the Revisor immediately codified it? For that matter, what if the Revisor himself simply made up his own "laws" and published them in the Revised Statutes? Would the courts be required to ignore mere "process objections" and enforce ***those*** provisions? If Defendants are serious about this argument, their answer must be yes—or else they must invent *ad hoc* exceptions to their rule. The fact that these questions even arise demonstrates that their proposed rule presents a profound constitutional danger.

---

[4] In a four-sentence footnote lacking any legal authority, Defendants state for the first time that regular laches bars MGOC's claim. (Br. at 11 n.8.) This argument is waived. Defendants never raised laches previously, and may not do so for the first time in a passing footnote in a supplemental brief. The argument is also deeply unserious: MGOC brought this case barely a month after the law's effective date. Defendants likely would be arguing ripeness issues had MGOC sued earlier.

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

In short: Defendants have failed to explain why their nearly unprecedented version of the codification rule presents ***any*** advantage over ordinary laches and limitations principles, let alone an advantage commensurate to the acute constitutional danger it would create. Their proposed innovation in the law therefore has nothing to recommend it.

IV. Defendants' Merits Arguments Fail and the Entire Jumbo Bill Should Be Struck.

Although this Court has given Defendants every chance to take a position on the merits of MGOC's claims, they remain extraordinarily reluctant to do so. As best we can tell, Defendants' position is that (1) provisions of a law violate the Single Subject Clause only if they are not germane to a single subject identified in the law's title, (2) the "single subject" of the Jumbo Omnibus Bill is the "operation and financing of state government," and (3) the binary-trigger amendment is not germane to that subject and so should be struck down.

On that third point, the parties agree. On the other two points, Defendants are mistaken. The only legal standard consistent with the Minnesota Supreme Court's single-subject precedents requires ascertaining whether a statute's ***provisions***, not just its title, predominantly address a single subject. But regardless whether the Court applies that standard or Defendants' "just-look-at-the-title" standard, the Jumbo Omnibus Bill completely lacks the constitutionally required single subject, and so must be struck down in full.

A. The Single-Subject analysis requires first determining a single subject, and only then reviewing for germaneness.

The Minnesota Supreme Court's single-subject jurisprudence poses two basic questions: (1) Does the challenged statute predominantly address a single subject? And (2) if it does, is the provision that affects the plaintiff germane to that single subject? Defendants ask the Court to change this settled law. They are mistaken.

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

1. The Supreme Court determines a single subject from a statute's provisions.

The Minnesota Supreme Court has most recently articulated its single-subject jurisprudence in its *Associated Builders* and *Otto* decisions. Both of these cases plainly state that the first requirement of the single-subject clause is that all provisions of a statute must be related to each other.

In *Associated Builders*, where the plaintiff was affected by a statutory provision governing wages for school construction workers and brought a single-subject challenge to the broader statute containing it, the Supreme Court first surveyed "**[t]he other sections of**" the challenged law, and determined that they "concerned subjects such as property tax reform, income taxes and property tax refunds, sales and special taxes, tax increment financing and mineral taxes—all subjects related to tax reform." *Associated Builders & Contractors v. Ventura*, 610 N.W.2d 293, 302 (Minn. 2000) (emphasis added). The Court proceeded to hold that "that the … wage amendment violates the single subject provision" because of its "lack of germaneness to the general subject of taxes and tax reform." *Id.* at 304.

The *Associated Builders* Court then considered whether it was required to strike down the entire statute, or instead could sever only the wage provision. The Court concluded that severing the wage provision was appropriate *"*when ***the great weight of the other provisions*** are so singularly related to the common theme of tax relief and reform." *Id.* at 305 (emphasis added). The Court recognized that, in previous single-subject cases, it had sometimes "invalidat[ed] the entire law." *Id.* at 305-06. That, said the Court, is appropriate where "the law contain[s] two distinct subjects and if either provision was to survive, the court would be required to engage in a balancing of importance between the two," which is "clearly a legislative process." *Id.* at 306. The Supreme Court summarized its holding in the final sentence of its opinion: "Where the common theme of

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

the law is clearly defined **by its other provisions**, a provision that does not have any relation to that common theme is not germane, is void, and may be severed." *Id.* at 307 (emphasis added).

The Supreme Court's *Otto* decision repeated a similar rule: To pass muster under the Single Subject Clause, the Court stated, "all provisions [in a statute] need to be 'so connected or **related to each other**' that they are all 'parts of, or germane to, one general subject.'" *Otto v. Wright Cty.*, 910 N.W.2d 446, 456 (Minn. 2018) (quoting *Townsend v. State*, 767 N.W.2d 11, 13 (Minn. 2009)) (emphasis added). The *Otto* plaintiff, however, did not argue that the statute as a whole lacked a common theme; she contended only that the particular provision in question was not germane to the common theme and so should be severed. *See id.* Thus, the Court was able to decide the case simply by holding that the statute's title identified a valid single subject, and that the challenged provision was germane to that subject. *Id.* at 456-57.

2. Defendants' alternative approach is erroneous.

Defendants therefore are manifestly wrong to insist (Br. at 13) that the single-subject analysis is now a one-step process, and the courts must always skip straight to the germaneness analysis. The *Otto* court started with germaneness because that was all that the plaintiff there argued. But both *Otto* and *Associated Builders* are clear that the first doctrinal step in the single-subject analysis is an examination of the entire challenged statute to see if the "great weight of [its] provisions" are "related to [a] common theme." *Associated Builders*, 610 N.W.2d at 305.

And indeed, a one-step germaneness test is a logical impossibility. As MGOC's previous briefing explained, it is impossible to assess whether something is "germane" without first deciding "germane *to what*?" Thus, the first step of the analysis necessarily must be determining the existence and identity of a statute's single subject. Defendants themselves have suggested that the inquiry should be whether a statutory provision is germane to the subject identified in the statute's

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

title. But that is not the inquiry required by the Minnesota Supreme Court's precedents. The *Otto* Court accepted the subject identified in the bill's title because the plaintiff in that case made no argument that it was not the predominating subject. But the Court has made very clear that whether a bill has a single subject, for constitutional purposes, does depend on whether its ***provisions*** address a single subject—not on whether its title does.

Ultimately, Defendants simply disagree with how the Minnesota Supreme Court has applied the constitutional value of deference to the Legislature. In Defendants' minds, judicial respect for the Legislature requires that the courts make extraordinary efforts to extract *some* single subject out of any statute that will be allowed to stand, no matter how difficult or contorted the extraction might be, and then strike only provisions that are not germane to that subject. But the Supreme Court has adopted a more nuanced approach. When a statute's provisions ***do*** have a predominating single theme, the Supreme Court does just what Defendants request: it respects that common theme and strikes only non-germane provisions. But when a statute addresses several subjects such that ***none*** predominates, the Supreme Court's decisions show that respect for the legislative power requires a different course. Choosing which of multiple subjects in a statute to uphold, and which to strike, is a question of legislative policy that is beyond judicial competence. *Assoc. Builders,* 610 N.W.2d at 306. In that situation, no germaneness inquiry arises because the entire statute should be struck down.

In sum, the Supreme Court's rule requires first assessing the provisions of the Jumbo Omnibus Bill to see whether they predominantly deal with any single subject. If not, the entire Bill should be invalidated.

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

B. Under any standard, the Jumbo Omnibus Bill is facially invalid.

In the end, though, it is immaterial which single-subject standard applies here. The Jumbo Omnibus Bill is facially invalid even under Defendants' watered-down standard. It certainly cannot pass the test actually articulated by the Supreme Court.

1. The Jumbo Bill's title does not validly identify a single subject.

As just explained, Defendants' apparent request that the Court discern the Jumbo Omnibus Bill's single subject from its title is contrary to Supreme Court precedent. But this argument also fails even on its own terms: even the Jumbo Bill's title fails to identify any valid single subject. There are three independent reasons for that.

First, for these purposes, the Jumbo Bill simply lacks any valid title. The word "Title" refers to "***[t]he heading*** of a statute or other legal document." *Black's Law Dictionary* (12th ed. 2024) (emphasis added). For constitutional purposes, this should mean exactly what it says: the title of a bill is the appellation that appears in the heading of the document presented to each House of the Legislature for a vote. Here, Defendants' supposed "title" for the Jumbo Bill does not meet that definition. No document headed by "operation and financing of state government" was ever presented to either the House or the Senate for their votes on May 19, 2024. *See supra* Pt. III. Indeed, it is far from clear that any such document even ***existed*** before the House and Senate voted on the Jumbo Omnibus Bill. Rather, the only document presented to the House and Senate—mere minutes before their votes—had a heading of "taxation," and purported to change the title only on page 1400-something. And that amendment was purportedly approved by each house of the Legislative a mere one minute before it proceeded to enact the entire Bill. This is exactly the kind of confused and potentially fraudulent proceeding that the Single Subject and Title Clauses prohibit.

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

For constitutional purposes, therefore, the Jumbo Omnibus Bill lacks any valid title—and so the title identifies no single subject for the bill, and it is entirely invalid even under Defendants' test.

Second, even if the several-page description beginning "operating and financing of state government" were a valid title, it lists a plethora of subjects and so it badly fails the single-subject test. Among many other things, the purported title states that the bill was about "transportation policy, … construction codes and licensing …, employee misclassification …, [and] housing policy," as well as "higher education policy," "agriculture policy" and "agriculture programs," "energy policy," and "administrative rulemaking." (*See* Compl. ¶¶ 9, 48-50, 58.) So even if the courts were supposed to discern a single subject for a statute from its title—and even if this particular title counted for that purpose—it would be impossible to do that here.

Third and finally, even if the Court were to blue-pencil the Jumbo Bill's purported title down to "operation and financing of state government," as Defendants apparently wish, that subject ***still*** would be overbroad and compound. The Minnesota courts have never, to our knowledge, approved a "single subject" as broad as the operation ***and*** financing of government. *Associated Builders* considered a statute whose title was "relating to the financing and operation of state and local government"—but the Supreme Court described the valid "subject" as "taxes and tax reform." 610 N.W.2d at 304; *see id.* at 297 ("The Omnibus Tax Act [has] 16 articles …. The first 15 articles pertain to a variety of subjects [involving taxes] …. The prevailing wage amendment [which the Court struck down] appears [in] Article 16."); *accord Metro. Sports Facilities Com v. Cty. of Hennepin*, 478 N.W.2d 487, 491 (Minn. 1991) ("taxation"). And the *Otto* Court approved a single subject of "the operation of state government." 910 N.W.2d at 457-58; *accord Blanch v. Suburban Hennepin Reg'l Park Dist.,* 449 N.W.2d 150, 155 (Minn. 1989) ("the organization and

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

operation of state government"). But never, to our knowledge, have the courts held that the two subjects of taxation and government operations can be ***combined*** into one super-subject.

Nor could they reasonably do so. The only commonality between tax laws and government-organization laws is that they both have some relationship to the government. But practically every law the Legislature ever could pass relates to the government in some way. For instance, any rule of criminal law—or tort law, or contract law—could be re-cast as "enforcement of rights and duties by state government." Just about any other subject the Legislature might cover could be re-imagined in a similar way. This would read the Single Subject Clause so broadly as to make it meaningless.

2. The Jumbo Bill's actual provisions *certainly* do not cover a predominating single subject.

Examining the actual provisions of the Jumbo Omnibus Bill, as prescribed by the Supreme Court, reveals that they have no single predominating subject. MGOC's moving brief (at 23) went article by article in the Bill and counted at least thirteen different subjects. Defendants themselves can do no better than identifying three of the Jumbo Bill's constituent omnibus bills—out of nine total—that allegedly "share the same subject" of "state government operations." (Br. at 13.) Even assuming that were correct, one-third of a statute does not remotely amount to "the great weight of [its] provisions," as contemplated by *Associated Builders*, 610 N.W.2d at 305.

Instead, Defendants appear to put most of their reliance on an implication that the Jumbo Omnibus Bill is simply too big to fail. They accuse MGOC of "not even ask[ing] the Court to … determine" which "provisions … hold together under [a single] subject," but "ask[ing] the Court to presume a constitutional defect with every provision of the 2024 Omnibus without so much as reading it." (Br. at 14.) It is not clear what Defendants are demanding. The Jumbo Omnibus Bill is more than 1300 sections long; a normal-length legal brief could not even list all of those sections

Filed in District Court
State of Minnesota
6/25/2025 3:04 PM

individually, let alone analyze their subjects individually. Addressing such a gargantuan bill topically, as MGOC has done, is not arguing for a presumption of unconstitutionality. The Legislature cannot evade the Constitution's single-subject requirement simply by passing legislation that is too long to discuss in detail in a regular-sized brief.[5]

CONCLUSION

The Court should grant summary judgment in favor of MGOC and strike down the Jumbo Omnibus Bill as unconstitutional.

Dated: June 25, 2025

Respectfully submitted,

UPPER MIDWEST LAW CENTER

/s/ Nicholas J. Nelson
Douglas P. Seaton (#127759)
James V. F. Dickey (#393613)
Nicholas J. Nelson (#391984)
12600 Whitewater Drive, Suite 140
Minnetonka, MN 55343
(612) 428-7000
nicholas.nelson@umlc.org

ATTORNEYS FOR PLAINTIFF

ACKNOWLEDGMENT

The undersigned acknowledges that sanctions may be imposed pursuant to Minn. Stat. § 549.211.

Dated: June 25, 2025

/s/ Nicholas J. Nelson
Nicholas J. Nelson (#391984)

[5] If the Court would find yet more briefing useful, MGOC of course would happily provide it at whatever length the Court directs.