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NO. A25-1507

State of Minnesota

In Court of Appeals

Minnesota Gun Owners Caucus, *Respondent/Cross-Appellant,*

v.

Tim Walz, et al., *Appellants/Cross-Respondents,*

and

Mary Moriarty, *Defendant.*

RESPONDENT/CROSS-APPELLANT'S PRINCIPAL AND RESPONSE BRIEF

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Rules

Constitutional Provisions

STATEMENT OF LEGAL ISSUES

This case is about the nearly-1500-page omnibus bill passed in the final moments of the 2024 legislative session and later signed by the Governor. The State concedes that the statue addresses more than one subject, in violation of the Constitution's Single Subject Clause. The questions presented are:

Issue 1. Are the courts required to enforce an unconstitutional statute just because the Revisor of Statutes has published it in the codebooks, in contradiction to 150 years of settled practice in Minnesota?

a. Appellants/Cross-Respondents raised their "codification rule" in motion-to-dismiss and summary-judgment briefing before the district court. (Dkt. No. 18 at 11-14 (State Mem. Supp. Mot. Dismiss); Dkt. No. 30 at 14 (State Mem. Opp. Mot. Summ. J.).)

b. The district court rejected the "codification rule" in its opinion granting summary judgment for Plaintiff, noting that this rule "would have caused many of the [previous] Single Subject and Title Clause challenges" that this Court and the Supreme Court decided on the merits "to be dismissed," and that "the rule … does not translate well to Minnesota's legislative process." (Dkt. No. 62 at 13; Appellants' Add. 13 (District Ct. Order of Aug. 18, 2025).)

c. Appellants/Cross Respondents preserved this issue by filing their Notice of Appeal.

d. Most Apposite Cases and Statutes:

    1. *Otto v. Wright Cty.*, 910 N.W.2d 446 (Minn. 2018);

    2. *State v. Boecker,* 893 N.W.2d 348 (Minn. 2017);

    3. *People v. Reedy*, 708 N.E.2d 1114 (Ill. 1999);

    4. *Netzer Law Office, P.C. v. State*, 520 P.3d 335 (Mont. 2022).

Issue 2. Under the Constitution's Single Subject Clause, when a statute combines so many subjects—both in its title and its substance—that it is impossible to discern any predominating subject, should the courts make an unguided policy choice about which single subject in the statute is most important and should stand, or should they simply strike down the whole thing and allow the legislature to separately re-enact any provisions it thinks necessary?

a. Respondent/Cross-Appellant raised the issue in its Complaint and its summary-judgment briefing in the district court. (Dkt. No. 1 at ¶¶39-59, 77-83 (Complaint); Dkt. No. 22 at 26-32 (Mem. Supp. Mot. Summ. J.); Dkt. No. 37 at 4-7 (Reply Mem. Supp. Mot. Summ. J.).)

b. The district court concluded that "invalidating the entire law" is appropriate in this case. (Appellants' Add. 25.) But, "[o]ut of respect and deference for Minnesota Supreme Court precedent favoring severance wherever possible," the district court nevertheless struck only the portion of the omnibus bill that most directly affects Respondent/Cross-Appellant.

c. Respondent/Cross-Appellant preserved the issue by filing its notice of cross-appeal.

d. Most Apposite Cases and Statutes:

    1. *Associated Builders & Contractors v. Ventura,* 610 N.W.2d 293 (Minn. 2000);

    2. *Otto v. Wright Cty.*, 910 N.W.2d 446 (Minn. 2018);

    3. *State v. Women's & Children's Hosp.*, 173 N.W. 402 (Minn. 1919);

    4. *Pennsylvania v. Neiman,* 84 A.3d 603 (Pa. 2013).

Issue 3. Under the constitution's Single Subject Clause, sections of a statute that are not "germane" to the statute's subject are invalid. For purposes of this germaneness analysis, should the courts determine a statute's subject exclusively from its title, or should they consider the substance of the statute as well?

a. Respondent/Cross-Appellant raised the issue in its Complaint and its summary-judgment briefing in the district court. (Dkt. No. 1 at ¶¶39-59, 77-83 (Complaint); Dkt. No. 22 at 26-32 (Mem. Supp. Mot. Summ. J.); Dkt. No. 37 at 4-7 (Reply Mem. Supp. Mot. Summ. J.).)

b. The district court concluded that "the first step in ascertaining the general subject of [a] bill is to look at the title of the bill," but that "the theme must also run throughout[ ]at least a meaningful portion[ ]of the bill's contents." (Appellants' Add. 21.)

c. Most Apposite Cases and Statutes:

1. *Associated Builders & Contractors v. Ventura*, 610 N.W.2d 293 (Minn. 2000);

2. *Otto v. Wright Cty.*, 910 N.W.2d 446 (Minn. 2018).

STATEMENT OF THE CASE AND FACTS

This appeal and cross-appeal are from a judgment of the Ramsey County District Court (the Hon. Leonardo Castro). The court held that the nearly-1500-page omnibus bill enacted at the very end of the 2024 legislative session covers more than one subject, in violation of the Constitution's Single Subject Clause. The court further stated that striking down the entire statute is appropriate, but it instead enjoined enforcement only of the narrow provision that most directly affects the plaintiff here—a criminal prohibition on the possession of "binary triggers" for firearms. The State, defendant below, appeals the entry of this injunction. The Minnesota Gun Owners Caucus, plaintiff below, cross-appeals from the court's denial of an injunction against the rest of the statute.

This case is closely related to No. A25-1398, *UnitedHealthcare of Illinois, Inc. v. State*, which is also in the process of being briefed before this Court. The plaintiffs in both cases make the same principal claim: that 2024 omnibus bill violates the Constitution's Single Subject Clause and is therefore invalid in full. And the State's counterarguments on the merits of that claim also are identical in both appeals.

In the *UnitedHealth* appeal, both sides have already filed their principal brief, and the appellant's reply brief is forthcoming in this Court. Here, Respondent/Cross-Appellant agrees with the great bulk of the arguments presented in UnitedHealthcare's briefing. To avoid duplication, this brief will only summarize portions of the background or argument that are already stated there. This brief instead will (1) set forth the aspects of this case that

differ from *UnitedHealthcare*, and (2) address points not discussed (or not fully discussed) in the *UnitedHealthcare* briefing.

A. Background.

Article IV, Section 17 of the Minnesota Constitution states: "**Laws to embrace only one subject.** No law shall embrace more than one subject, which shall be expressed in its title." As the Minnesota Supreme Court has explained, this serves at least two important purposes: "to prevent 'log-rolling,' a legislative process by which a number of different and disconnected subjects are united in one bill, and to prevent surprise and fraud upon the people and the legislature." *Otto v. Wright Cty.*, 910 N.W.2d 446, 456 (Minn. 2018) (cleaned up).

Over many cases in recent decades, the Minnesota Supreme Court and its members have repeatedly warned Minnesota's legislature that the ever-expanding scope of its bills risks running afoul of this constitutional requirement. The Court has "publicly warn[ed] the legislature that if it does hereafter enact legislation … which clearly violates Minn. Const. art. IV, § 17, we will not hesitate to strike it down regardless of the consequences." *Assoc. Builders & Contractors v. Ventura*, 610 N.W.2d 293, 301-02 (Minn. 2000) (quoting *State ex rel. Mattson v. Kiedrowski*, 391 N.W.2d 777, 785 (Minn. 1986) (Yetka, J., concurring)). Most recently, a mere seven years ago the Court emphasized that "we remain firmly committed to our constitutional duty to" enforce the single-subject requirement. *Otto*, 910 N.W.2d at 459 (cleaned up).

This case is about a nearly-1500-page omnibus bill that the legislature created and passed in the final moments of the 2024 legislative session. The

last day to pass legislation in that session was Sunday, May 19. *See* Minn. Const. art. IV, §§12, 21. At 9:54 PM on that final day, a legislative conference committee considering a taxation bill reported out an enormous 1300-section amendment that eventually became the statute challenged here. The amendment combined no fewer than nine separate bills—most of them omnibus bills in their own right—that until that moment had each been under separate consideration in the legislature: (1) a Transportation, Housing, and Labor Omnibus, H.F. 5242 (CCR-HF5242A); (2) a Health Omnibus, H.F. 4247 (CCR-HF4247A); (3) a Higher Education Omnibus, H.F. 4024 (CCR-HF4024); (4) Firearms provisions, H.F. 2609 (CCR-HF2609); (5) an Energy and Agriculture Omnibus, S.F. 4942 (CCR-SF4942); (6) a Human Services Omnibus, S.F. 5335 (CCR-SF5335); (7) a Health and Human Services Omnibus, S.F. 4699 (CCR-SF4699); (8) the Tax Omnibus, H.F. 5247 (CCR-HF5247); and (9) a Paid Leave Omnibus, H.F. 5363 (4th Engrossment). The committee's goal was obvious: the Legislature had run out of time in the session to pass most of these separate omnibus bills. The only way to ram them through in time was to combine them into a single mega-omnibus bill and have each House vote on it all at once in the 126 minutes that were left before the end of the session.

And that is what happened. This gargantuan last-minute proposal triggered chaos and confusion on the floors of both the House and the Senate. About 74 minutes after the committee report, the House voted amidst an

uproar to adopt the amendments and pass the bill.[1] The Senate then took it up at 11:34 PM—with just 26 minutes left to pass legislation. Amidst an unintelligible din of Senators shouting for recognition, the Senate adopted the amendments and passed the bill in a bare five minutes.[2] It was later signed by the Governor.

Substantively, this enormous statute covers every subject under the sun. It defies summarization: the nonpartisan Minnesota House Research Department's summary is 260 pages long.[3] The full statute spans nearly 1500 pages, as noted, and contains 73 Articles. Although it began as nine separate omnibus bills on various topics, as noted above, its provisions are not limited even to those topics. For instance, the supposed "Transportation, Housing, and Labor" portion of the statute—which itself combines three disparate subjects—also contains an entire article (Article 5) dedicated to the regulation of combative sports. (*See* Appellants' Add. 4-5.) To give just a few examples of the statute's coverage, it regulates compensation for rideshare drivers; requires private health-insurance plans to cover various procedures (including abortion); requires drastic revisions to residential building codes to reduce energy use; creates comprehensive rules for classifying workers as employees

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[1] Minn. H., Floor Debate, 93rd Minn. Leg., Reg. Sess. (May 19, 2024 at 21:34 CT) (video web media, part 5), https://www.house.mn.gov/hjvid/93/898728 (beginning at 1:33:06).

[2] Minn. Sen., Floor Debate, 93rd Minn. Leg., Reg. Sess. (May 19, 2024 at 09:00 CT) (video web media, part 3), https://mnsenate.granicus.com/player/clip/12609?view_id=5&redirect=true (beginning at 2:27:55).

[3] *Act Summary: Supplemental Appropriations Bill*, H.F. 5247, 2024 Sess. (May 29, 2024), https://www.house.mn.gov/hrd/as/93/as127.pdf.

or independent contractors; allows motorcyclists to ride between lanes of car traffic; and even regulates food samples in grocery stores.

Even the *title* of the omnibus bill is too long to reproduce in full in a brief: the title alone contains 3,150 words, and spans five full pages of small print in the session laws. *See* Laws of Minnesota 2024, Ch. 127, at 1-5, https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/2024-08-09%2008:14:50+00:00/pdf. The initial 300 or so words of the title are the most legible. They read:

> An act relating to the operation and financing of state government; modifying trunk highway bonds, transportation policy, combative sports, construction codes and licensing, the Bureau of Mediation Services, the Public Employee Labor Relations Act, employee misclassification, earned sick and safe time, University of Minnesota collective bargaining, broadband and pipeline safety, housing policy, and transportation network companies; expediting rental assistance; establishing registration for transfer care specialists; establishing licensure for behavior analysts; establishing licensure for veterinary technicians and a veterinary institutional license; modifying provisions of veterinary supervision; modifying specialty dentist licensure and dental assistant licensure by credentials; removing additional collaboration requirements for physician assistants to provide certain psychiatric treatment; modifying social worker provisional licensure; establishing guest licensure for marriage and family therapists; modifying pharmacy provisions for certain reporting requirements and change of ownership or relocation; modifying higher education policy provisions; amending the definition of trigger activator; increasing penalties for transferring firearms to certain persons who are ineligible to possess firearms; amending agriculture policy provisions; establishing and modifying agriculture programs; providing broadband appropriation transfer authority; requiring an application for federal broadband aid; adding and modifying provisions governing energy policy; establishing the Minnesota Energy Infrastructure Permitting Act; modifying provisions related to disability services, aging services,

> substance use disorder treatment services, priority admissions to state-operated programs and civil commitment, and Direct Care and Treatment; modifying provisions related to licensing of assisted living facilities; modifying provisions governing the Department of Human Services, human services health care policy, health care finance, and licensing policy; modifying provisions governing the Department of Health, health policy, health insurance, and health care; modifying provisions governing pharmacy practice and behavioral health; establishing an Office of Emergency Medical Services and making conforming changes; modifying individual income taxes, minerals taxes, tax-forfeited property, and miscellaneous tax provisions; modifying state employee compensation; modifying paid leave provisions; imposing penalties; authorizing administrative rulemaking; making technical changes; requiring reports; appropriating money; ….

Id. at 1.

B. The District Court Strikes Down a Narrow Portion of The Omnibus Bill, But Urges This Court or the Supreme Court to Strike the Rest.

Two plaintiffs sued, claiming that this gargantuan statute violates the Single Subject Clause. MGOC (in this case) and UnitedHealthcare (in the companion case, No. A25-1398) both advance the same primary argument: that the Omnibus Bill lacks any predominating common theme and therefore is invalid in its entirety under the Single Subject Clause.

In response, the State conceded that the 2024 Omnibus Bill violates the Single Subject Clause. Specifically, the State admitted at oral argument in this case that the binary-trigger ban "was a step too far" and is not "germane to" the Bill's subject. (Dkt. No. 65 at 28 (July 29, 2025 Hearing Tr.); *see also* Appellants' Add. 24.) The State argues, however, that the courts should not enforce the Single Subject Clause—either because it is a political question, or

because the Revisor has already published this Omnibus Bill in the Revised Statutes.

The District Court rejected the State's proffered defenses. It noted that "[t]he Minnesota Supreme Court has considered dozens of [S]ingle Subject and Title Clause challenges since 1857," and has never "intimated that these challenges present a nonjusticiable political question." (Appellants' Add. 12.) On appeal, the State concedes that this Court cannot adopt its political-question argument because it is inconsistent with our State Supreme Court's precedents. (Appellants' Br. 9 n.24.) As to the State's proposed 'codification rule,' the district court similarly noted that such a rule "would have caused many of the [previous] Single Subject and Title Clause challenges" that the Supreme Court and this Court decided on the merits "to be dismissed," that "the rule … does not translate well to Minnesota's legislative process," and that "extending existing law" in this way is not the task of a district court. (Appellants' Add. 13.)

Turning to the merits, the District Court observed that "the parties agree" that "the Binary Trigger Amendment is not germane to the subject of the 2024 Omnibus Bill," but "disagree about whether the 2024 Omnibus Bill ***has*** a prevailing subject which the Binary Trigger Amendment could be fairly severed from." (Appellants' Add. 20 (emphasis added).) The merits question for the court's decision, therefore, was whether to strike only the binary-trigger ban (as the State requested), or to strike the entire Omnibus Bill (as MGOC requested).

On that question, the District Court first concluded that the Supreme Court's single-subject "[p]recedent" recommends striking only the directly challenged portion of a statute—but only in the ordinary case where "at least a meaningful portion … of the bill's contents" address a single "common theme." (Appellants' Add. 21-22.) The court indicated that this Omnibus Bill lacks any common theme and therefore should be struck down in full. It noted that the Bill has "one of the broadest titles conceivable: the operation and financing of state government," "[a]nd yet it is difficult to say that even that very broad subject can fairly be called the common theme of the gargantuan bill." (Appellants' Add. 22-23.) Concluding, the District Court stated in emphatic terms, quoting the Supreme Court's *Associated Builders* opinion:

> if there has ever been a bill without a common theme and where 'all bounds of reason and restraint seem to have been abandoned,' this is it; and if there has ever been a time for the 'draconian result of invalidating the entire law,' that time is now.

(Appellants' Add. 25.)

But the District Court shied away from that remedy. It stated that, "[o]ut of respect and deference for Minnesota Supreme Court precedent favoring severance wherever possible, this Court will go no further than severing the Binary Trigger Amendment from the 2024 Omnibus Bill." (*Id.*) The court noted the deficiency of this approach: the "burden" of "bring[ing] the 2024 Omnibus Bill into constitutional compliance *** will be shifted to the people and businesses of Minnesota who will be forced to bring hundreds of lawsuits … to hack off, piece by piece, its many offending portions." (Appellants' Add. 24.)

The State appealed seeking reversal of the injunction, and MGOC cross-appealed seeking to have the rest of the 2024 Omnibus Bill struck down. The

State then requested accelerated review in the Minnesota Supreme Court, but the Supreme Court denied that petition. These proceedings follow.

ARGUMENT

Although these cross-appeals involve a very long statute, at their core, they present just two central issues for the Court's resolution. As to the merits, these are exactly the same issues presented by the *UnitedHealthcare* appeal.

First, the State's so-called "codification rule" is wholly meritless. As the district court held and the State all but concedes, that rule is foreclosed by the settled practice of the Minnesota Supreme Court. The rule is also bizarre and senseless: why should the Revisor of Statutes have the power to turn a non-law into a law, and to prevent the courts from reviewing its constitutionality? This rule is virtually unheard-of nationwide. And if the State is serious that the rule is just an alternative to laches, then it also serves no purpose: there is no reason why *real* laches or statute-of-limitations principles cannot do the same job. Finally, combining the State's codification-rule argument here with its ripeness argument in *UnitedHealthcare* reveals that the State is actually trying to take away the courts' power to decide single-subject challenges entirely.

Second, the parties' core merits dispute (both in this case and in *UnitedHealthcare* boils down to one question: If it is not possible to identify a single subject for any given statute, what is the remedy under the Single Subject Clause? Most statutes have some common theme—in which case provisions that are germane to the theme can be upheld, and any provisions that are not can be severed and struck down as single-subject violations. But what happens when a statute mashes together so many disparate subjects that it *lacks* a predominating common theme?

Minnesota Supreme Court precedent, along with the consensus approach in other States, requires that the remedy be striking down the entire statute. This rule is required to protect the courts from having to make an unguided policy choice about which one of the many subjects in a bill is the most worthy of preservation. Just as importantly, this rule is required to preserve the central purpose of the Single Subject Clause: preventing "logrolling" by which legislators agree to a measure they disfavor, as the price of enacting unrelated measures that they favor. When this practice results in a statute so motley that it lacks a predominating theme, striking the whole statute is the only reliable remedy. Otherwise, legislators may well prefer to simply take their chances on adding more and more incongruous provisions to a bill—with each legislator hoping that the pieces he or she favors will be the ones that the courts let stand.

Those principles resolve this case. No possible single subject can be discerned from either the title or the substance of the 2024 Omnibus Bill. Therefore, it should be struck down in full.

As the district court observed, the chaotic process that led to this omnibus bill is not the proper constitutional way to legislate. And striking down this improperly-enacted statute piecemeal, one section at a time over hundreds of sections, is not the proper way to adjudicate its validity. The Court should invalidate the omnibus bill once and for all.

I. The State's Political-Question Argument Is Foreclosed By Supreme Court Precedent.

As the State concedes, its political-question argument is inconsistent with the Minnesota Supreme Court's holdings, and this Court does not have the power to adopt it. We therefore address this argument no further, except to note that not a single *other* State in the Union seems to have adopted this rule, either. It is the courts' job to decide whether a statute is valid under the Constitution, and the courts should do so in this case as much as in any other.

II. The State's "Codification Rule" Is Foreclosed By Precedent, Senseless, Nearly Unheard-Of Elsewhere, And Serves No Purpose.

The State offers only one argument for this Court reversing the judgment below: it asks the Court to adopt a new rule, never before articulated in Minnesota law, that the Revisor of Statutes can prevent the courts from applying the Single Subject Clause simply by publishing a new version of the Revised Statutes. The Court should reject this argument out of hand.

A. The State's "Codification Rule" Finds Not a Shred of Support in Minnesota's Constitution, Caselaw, or Statutes.

As the District Court noted, there is no hint of support for the State's proposed codification rule in the 165-plus year history of Minnesota's Single Subject Clause. The Constitution itself says nothing about it, nor does any statute that the State identifies (or that we are aware of).

And from the time Minnesota adopted our Constitution through recent years, the Minnesota Supreme Court has decided the merits of nearly 100 cases claiming that statutes violated the Single Subject Clause, the Title Clause, or

both.[4] Since this Court was established, it too has heard and decided numerous Single Subject Clause and Title Clauses cases, beyond those that reached the

[4] *Otto,* 910 N.W.2d at 455; *Wallace v. State*, 820 N.W.2d 843, 851 (Minn. 2012); *Townsend v. State*, 767 N.W.2d 11, 13 (Minn. 2009); *Assoc. Builders & Contractors*, 610 N.W.2d at 295; *Metro. Sports Facilities Com v. Cty. of Hennepin*, 478 N.W.2d 487, 491 (Minn. 1991); *Blanch v. Suburban Hennepin Reg'l Park Dist.*, 449 N.W.2d 150, 154 (Minn. 1989); *England v. England*, 337 N.W.2d 681, 683 (Minn. 1983); *Lifteau v. Metro. Sports Facilities Com.*, 270 N.W.2d 749, 753 (Minn. 1978); *State v. Dick*, 253 N.W.2d 277, 279 (Minn. 1977); *Wass v. Anderson*, 252 N.W.2d 131, 135 (Minn. 1977); *Sorenson v. Minneapolis-St. Paul Metro. Airports Com.*, 183 N.W.2d 292, 294 (Minn. 1971); *Hunt v. Nev. State Bank*, 172 N.W.2d 292, 313 (Minn. 1969); *State v. Houge*, 159 N.W.2d 265, 268 (Minn. 1968); *State v. Bell*, 157 N.W.2d 760, 761 (Minn. 1968); *State v. Harris*, 152 N.W.2d 728, 730 (Minn. 1967); *State ex rel. McGregor v. Rigg*, 109 N.W.2d 310, 314 (Minn. 1961); *Govt'l Research Bureau v. St. Louis Cty.*, 104 N.W.2d 411, 416 (Minn. 1960); *Visina v. Freeman*, 89 N.W.2d 635, 653 (Minn. 1958); *W. States Utils. Co. v. Waseca*, 65 N.W.2d 255, 264 (Minn. 1954); *Duluth v. Northland Greyhound Lines*, 52 N.W.2d 774, 776 (Minn. 1952); *Thomas v. Hous. & Redevelopment Auth.*, 48 N.W.2d 175, 189 (Minn. 1951); *State v. Meyer*, 37 N.W.2d 3, 8 (Minn. 1949); *State ex rel. Finnegan v. Burt*, 29 N.W.2d 655, 656 (Minn. 1947); *Kuhnle v. Swedlund*, 20 N.W.2d 396, 398 (Minn. 1945); *Duluth v. Cerveny*, 16 N.W.2d 779, 785 (Minn. 1944); *Blanton v. N.P.R. Co.*, 10 N.W.2d 382, 386 (Minn. 1943); *State v. Stein*, 9 N.W.2d 763, 765 (Minn. 1943); *C. Thomas Stores Sales Sys. v. Spaeth*, 297 N.W. 9, 13 (Minn. 1941); *Vorbeck v. Glencoe*, 288 N.W. 4, 6 (Minn. 1939); *State ex rel. Pearson v. Prob. Ct. of Ramsey Cty.*, 287 N.W. 297, 300 (Minn. 1939); *Sverkerson v. Minneapolis*, 283 N.W. 555, 557 (Minn. 1939); *Blaisdell v. Home Bldg. & Loan Ass'n*, 249 N.W. 334, 338 (Minn. 1933); *Luzier Special Formula Labs. v. State Bd. of Hairdressing*, 248 N.W. 664, 666 (Minn. 1933); *In re Detachment of Agric. Lands from Owatonna*, 246 N.W. 905, 906 (Minn. 1933); *Egekvist Bakeries, Inc. v. Benson*, 243 N.W. 853, 854 (Minn. 1932); *State ex rel. Benson v. Bd. of Comm'rs*, 243 N.W. 851, 852 (Minn. 1932); *State ex rel. Sargeant v. Cty. of Mower*, 241 N.W. 60, 62 (Minn. 1932); *Lyman v. Chase*, 226 N.W. 842, 842 (Minn. 1929); *Fraser v. Vermilion Mining Co.*, 221 N.W. 13, 13 (Minn. 1928); *State v. Palmquist*, 217 N.W. 108, 108 (Minn. 1927); *State v. Helmer*, 211 N.W. 3, 3 (Minn. 1926); *State v. Rudin*, 189 N.W. 710, 711 (Minn. 1922); *State v. Women's & Children's Hosp. Ass'n*, 184 N.W. 1022, 1022 (Minn. 1921); *State v. Brothers*, 175 N.W. 685, 686 (Minn. 1919); *State v. Women's & Children's Hosp.*, 173 N.W. 402 (Minn. 1919); *Seamer v. Great N.R. Co.*, 172 N.W. 765,

766 (Minn. 1919); *State ex rel. Graff v. Prob. Ct. of St. Louis Cty.*, 150 N.W. 1094, 1098 (Minn. 1915); *State v. Brooks-Scanlon Lumber Co.*, 150 N.W. 912, 913 (Minn. 1915); *State v. Droppo*, 147 N.W. 829, 829 (Minn. 1914); *State ex rel. Olson v. Erickson*, 146 N.W. 364, 365 (Minn. 1914); *State v. People's Ice Co.*, 144 N.W. 962, 963 (Minn. 1914); *Gard v. Otter Tail Cty.*, 144 N.W. 748, 748 (Minn. 1913); *State v. Sharp*, 141 N.W. 526, 526 (Minn. 1913); *State v. Armour & Co.*, 136 N.W. 565, 569 (Minn. 1912); *State v. Pioneer Press Co.*, 110 N.W. 867, 868 (Minn. 1907); *State v. Tower Lumber Co.*, 110 N.W. 254, 255 (Minn. 1907); *Berman v. Cosgrove,* 104 N.W. 534, 534 (Minn. 1905); *Merchants' Nat'l Bank v. E. Grand Forks*, 102 N.W. 703, 703 (Minn. 1905); *State ex rel. Day v. Hanson,* 102 N.W. 209, 210 (Minn. 1904); *Atwell v. Parker*, 101 N.W. 946, 946 (Minn. 1904); *Watkins v. Bigelow*, 100 N.W. 1104, 1108 (Minn. 1904); *State ex rel. Skyllingstad v. Gunn*, 100 N.W. 97, 98 (Minn. 1904); *State v. Boehm*, 100 N.W. 95, 96 (Minn. 1904); *State ex rel. Jonason v. Crosby*, 99 N.W. 636, 637 (Minn. 1904); *State v. Leland,* 98 N.W. 92, 93 (Minn. 1904); *Gaare v. Bd. of Cty. Comm'rs,* 97 N.W. 422, 423 (Minn. 1903); *State ex rel. Olsen v. Bd. of Control*, 88 N.W. 533, 534 (Minn. 1902); *Ek v. St. Paul Permanent Loan Co.*, 87 N.W. 844, 845 (Minn. 1901); *State ex rel. Olson v. Bd. of Comm'rs*, 85 N.W. 830, 831 (Minn. 1901); *Winters v. Duluth*, 84 N.W. 788, 789 (Minn. 1901); *Crookston v. Bd. of Cty. Comm'rs*, 82 N.W. 586, 587 (Minn. 1900); *Hamilton v. Minneapolis Desk Mfg. Co.*, 80 N.W. 693, 694 (Minn. 1899); *State ex rel. Bazille v. Sullivan*, 76 N.W. 223, 224 (Minn. 1898); *State ex rel. Schulman v. Phillips*, 75 N.W. 1029, 1030 (Minn. 1898); *Simard v. Sullivan*, 74 N.W. 280, 280 (Minn. 1898); *Fleckten v. Lamberton*, 72 N.W. 65, 66 (Minn. 1897); *State ex rel. Keith v. Chapel*, 65 N.W. 940, 940 (Minn. 1896); *State v. Anderson*, 65 N.W. 265, 266 (Minn. 1895); *In re Duluth*, 61 N.W. 678, 679 (Minn. 1894); *State ex rel. Shissler v. Porter*, 55 N.W. 134, 136 (Minn. 1893); *State ex rel. Wilson v. Bigelow*, 54 N.W. 95, 96 (Minn. 1893); *Johnson v. Harrison*, 50 N.W. 923, 924 (Minn. 1891); *Stolz v. Thompson*, 46 N.W. 410, 410 (Minn. 1890); *State ex rel. Smith v. Gallagher*, 44 N.W. 529, 529 (Minn. 1890); *State ex rel. Holman v. Murray*, 42 N.W. 858, 859 (Minn. 1889); *State ex rel. Rice v. Smith*, 28 N.W. 241, 242 (Minn. 1886); *Miss. & Rum River Boom Co. v. Prince*, 24 N.W. 361, 363 (Minn. 1885); *State v. Cassidy*, 22 Minn. 312, 322 (1875); *Barton v. Drake*, 21 Minn. 299, 303 (1875); *State ex rel. Stuart v. Kinsella*, 14 Minn. 524, 525 (1869); *State v. Gut*, 13 Minn. 341, 349 (1868); *St. Paul v. Colter*, 12 Minn. 41, 50 (1866); *Winona & St. P. R.R. Co. v. Waldron,* 11 Minn. 515, 529 (1866); *Bd. of Supervisors v. Heenan,* 2 Minn. 330, 339 (1858).

Supreme Court.[5] In none of these cases does the State contend—or are we aware—that any court has adopted or even hinted at the kind of "codification rule" that the State is now advancing. Indeed, as the District Court noted, the State's proposed codification rule "would have caused many of the [previous] Single Subject and Title Clause challenges" that the Supreme Court and this Court decided on the merits "to be dismissed." (Appellants' Add. 13.) For instance, the most recent Single Subject Clause case decided by the Supreme Court was filed in February 2016, about a statute that had been enacted in May 2015 and codified in September 2015. *Otto*, 910 N.W.2d at 449-50; *Minn. Stat. §6.481 Versions*, https://www.revisor.mn.gov/statutes/cite/6.481/versions. The State's supposed "codification rule" would have squarely disposed of that case—but the Court did not apply it. And simply reading the Supreme Court's opinions reveals that it has decided the merits of multiple other Single Subject Clause challenges that were filed a year or more after the statute's enactment—long after the Revisor would have codified them.[6] *E.g., Metro. Sports Facilities Com v. Cnty. of Hennepin*, 478 N.W.2d at 488-89 ("The case now before us involves the 1985 amendment and is based on petitions filed in

[5] *Unity Church v. State*, 694 N.W.2d 585, 591 (Minn. Ct. App. 2005); *Defs. of Wildlife v. Ventura*, 632 N.W.2d 707, 711 (Minn. Ct. App. 2001); *Masters v. Comm'r, Minn. Dep't of Nat. Res.*, 604 N.W.2d 134, 137 (Minn. Ct. App. 2000); *Caprice v. Gomez,* 552 N.W.2d 753, 759 (Minn. Ct. App. 1996); *Inv. Co. Inst. v. Hatch,* 477 N.W.2d 747, 750 (Minn. Ct. App. 1991); *Metro. Sports Facilities Com. v. Gen. Mills, Inc.*, 460 N.W.2d 625, 629 (Minn. Ct. App. 1990); *Bernstein v. Comm'r of Pub. Safety,* 351 N.W.2d 24, 25 (Minn. Ct. App. 1984).

[6] "[T]he office of Revisor of Statutes"—and its statutory mandate to publish the code containing all general statutes "[a]s soon as may be after the close of each regular session of the legislature"—has existed since 1939. *See* 1939 Minn. L. at 1024, Ch. 442 §§1, 4(c).

1987 and 1988 with respect to the 1986 and 1987 assessments."); *State ex rel. Finnegan*, 29 N.W.2d at 656 (challenge to 1945 enactment raised in January 1947).

The State's "codification rule" thus is squarely contrary to the long-settled practice of the Supreme Court. If adopting such a rule could ever be proper for this Court, it would require the most compelling justifications. By contrast, the State offers virtually no coherent justification here.

B. The State's "Codification Rule" has No Coherent Rationale.

Not only is the State's proposal unprecedented in our constitutional history, it also is downright bizarre and nonsensical. Why should the Revisor of Statutes have the power to convert a non-law into a law just by publishing it? The State has never offered any legal rationale for this, and understandably so—there simply is no plausible reason for it. The Revisor is not elected by the people, and his or her office is not created by the Constitution. His or her codification duties, by statute, are merely to compile and publish the general statutes enacted by Minnesota's legislatures over time. *See* Minn. Stat. § 3C.06-10. The Revisor and his or her staff are required by law to be non-political. *See* Minn. Stat. 3C.05(b), (e) (Revisor and staff "may not urge or oppose legislation" or "engage in activities of a partisan nature"). Nothing in the nature of the office, or in the statutes governing it, suggests that the Revisor is equipped or expected to make laws, to decide how soon people must sue to invalidate a statute, or to take away the courts' power to review whether a statute complies with the Constitution.

Nor can the State articulate any coherent boundaries for the power it proposes to give the Revisor. On the State's view, which provisions of the Constitution can (or cannot) the Revisor prevent the courts from enforcing? If a statute banned political speech, abolished jury trials, or established a state church, could the Revisor bar the courts from reviewing its constitutionality just by publishing it? If the Revisor simply fabricated and codified a 'statute' that the legislature had never approved, would the courts be barred from reviewing whether *that* was a valid law? If publication by the revisor would not bar judicial review in those situations—and we certainly hope the State would agree it would not—then why should it bar the courts from reviewing whether a statute complies with the Single Subject and Title Clause? The State does not and cannot say. Nor can we think of any coherent way to draw boundaries around this new power that the State wants to hand to the Revisor.

Against this, all the State can do is protest that its codification rule operates similarly to the equitable rule of laches. (Appellants' Br. 16.) That only further emphasizes the complete lack of any justification for the codification rule: if the rule operates just like laches, then any purpose it might serve can easily be filled by *real* laches and statute-of-limitations principles. All parties and the district court agreed that MGOC's claims in this case are governed by a statute of limitations, and that they are timely under that statute. (Appellants' Add. 24; Dkt. No. 18 at 13-14 (State Mem. Support. Mot. Dismiss); Dkt. 32 at 23 (Pl. Mem. Opp. Mot. Dismiss).) The State evidently thinks the period to sue should be shorter than the statute says—but if so, its proper response is to ask the legislature to shorten the statutory period. It is

not to ask the courts to take over that task by inventing a codification rule with no coherent legal grounding and irreversibly politicizing the Office of the Revisor in the process.

C. The State's "Codification Rule" is Virtually Unheard-Of in the Rest of the Nation.

Since the State's "codification rule" utterly lacks support in law, logic, and good sense, it is no surprise that virtually no other State has adopted it.

The State points mostly to other jurisdictions that apply a much more modest version of the codification rule— which *does* have a coherent rationale, but which is inapposite here. Many States periodically re-enact their entire statutory code (or entire volumes of it) into law: the legislature votes on, and the governor signs, the whole thing at once. *E.g., State ex rel. Griffith v. Davis,* 229 P. 757, 758 (Kan. 1924); *see* Ga. Code 1-1-10 (1981).[7] And in many of these States, "**[a]fter a statute has been reenacted** as part of the Code, it is no longer subject to assault because of a claimed defect in the title to the original Act." *State v. Matteson*, 205 N.W.2d 512, 514 (S.D. 1973) (emphasis added; cleaned up); *accord, e.g., Meadows v. Logan*, 1 S.2d 394, 394 (W.Va. 1939) ("[L]egislative incorporation of an existing statute into a code cures the statute of any titular defect in its original enactment" (citations omitted)); *Peterson v. Vasak*, 76 N.W.2d 420, 424 (Neb. 1956) ("If an act as originally passed was

[7] Indeed, many state constitutions specifically exempt this kind of codification statute from their single-subject requirements. *E.g.,* Ala. Const. art. IV, §45; Alaska Const. art. II, §13; Ill. Const. art. IV, §8; Ind. Const. art. IV, §19; Kan. Const. art. II, §16; La. Const. art. III, §15; Mont. Const. art. V, §11; N.J. Const. art. IV, §7; N.M. Const. art. IV, §16; Okla. Const. art. V, §57; Pa. Const. art. III, §3; Utah Const. art. IV, §22; Wyo. Const. art. III, §24

unconstitutional because it contained matter different form that expressed in the title, or referred to more than one subject matter, it becomes valid law … **on adoption by the Legislature** and incorporation into a general revision without reference to title as originally enacted" (emphasis added; citation omitted).) Such re-codification "is a wholly independent enactment" by the legislature, so its "constitutionality … depends upon its own title and not upon the titles of prior enactments embodied therein." *State v. Czarnicki*, 10 A.2d 461, 462 (N.J. 1940). Of the other states that use the codification rule, almost every one uses this sensible version of it: when a statute has been enacted twice, it cannot be invalidated by identifying a procedural defect in only one of the enactments.[8]

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[8] The State identifies 16 States that apply the codification rule. (Appellants' Br. 17-18.) In 13 of those, the courts expressly describe the rule as applying to enactments of the code by the legislature. *State ex rel. Sossaman v. Stone*, 178 So. 18, 21 (Ala. 1937) ("the adoption of the Code by the Legislature[] cured [a title] defect"); *State v. Rothauser,* 934 So. 2d 17, 18 (Fla. Dist. Ct. App. 2006) ("Florida follows the 'codification' rule under which a single subject violation during the enactment of a law is cured by the legislature's later act of adopting the law as an official statute that is published in the Florida Statutes."); *Heaton v. State*, 4 S.E.2d 98, 99 (Ga. Ct. App. 1939); *Anderson v. Great N. Ry.*, 138 P. 127, 129 (Ida. 1914); *Bond v. Bd. of Cty. Comm'rs*, 290 P.2d 1013, 1015 (Kan. 1955); *Falender v. Hankins*, 177 S.W.2d 382, 383 (Ky. Ct. App. 1944); *Peterson*, 76 N.W. 2d at 424 (Neb. 1956); *Czarnicki*, 10 A.2d at 462 (N.J. 1940); *Lapland v. Stearns*, 54 N.W.2d 748, 752 (N.D. 1952); *S.C. Tax Com. v. York Elec. Coop., Inc.*, 270 S.E.2d 626, 629 (S.C. 1980); *Matteson*, 205 N.W.2d at 514 (S.D. 1973) (codification rule applies "[a]fter a statute has been reenacted as part of the Code"); *State v. Chesapeake & Potomac Tel. Co.*, 4 S.E.2d 257, 258 (W. Va. 1939) (a defect in enactment of "an act of the legislature is cured by the codification by the legislature of the statute law of the state"); *State v. Pitet*, 243 P.2d 177, 186-88 (Wyo. 1952).

Two other jurisdictions out of the State's list of 16 are not ones that the State claims have revisors of statutes at all. *See Int'l Harvester Co. v. Carr*, 466 S.W.2d 207, 214 (Tenn. 1971) (applying codification rule to enactment of code

Thus, while courts do refer to this principle as the "codification rule," a more precise name would be the "re-enactment rule." This version of the rule makes good sense and has obvious, sensible boundaries. It states only that the legislature's failure to follow proper constitutional procedures in enacting a statute is cured, and no longer relevant prospectively, once the legislature re-enacts the same statute using proper procedures.

But this re-enactment rule is not remotely what the State is asking the Court to adopt here. Such a rule could not save the 2024 Omnibus Bill, because Minnesota's legislature has not enacted a recodification of our laws since 1945. *See* Minn. Stat. § 3C.07. Since that time, the Minnesota Statutes have been created by the Office of the Revisor, without legislative enactment. Thus, as the law of Minnesota recognizes, the Minnesota Statutes are an extraordinarily useful reference tool, but "the actual laws of Minnesota as passed by the legislature are contained in the *session laws*." *State v. Boecker,* 893 N.W.2d 348, 353 (Minn. 2017) (cleaned up). Because the Revisor's reorganized and lightly-edited volumes of "the codified Minnesota Statutes"

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by legislature); *Skaggs v. Grisham-Hunter Corp.*, 53 S.W.2d 687, 688 (Tex. Civ. App. 1932) (same).

Our research has revealed four more jurisdictions, not listed in the State's briefing, that have applied the codification rule or something like it—but again, only to codifications ***enacted by the legislature.*** *Specht v. People*, 396 P.2d 838, 840 (Colo. 1964) ("Even if the title to the bill had been defective, the passage by the legislature of the … Colorado Revised Statutes 1953[] cured any defect"); *Grillo v. State*, 120 A.2d 384, 387 (Md. 1956) ("Any defect of title which may have existed in the 1941 Act … was cured by the 1947 Act, which incorporates the 1941 Act"); *State v. Rice*, 329 P.2d 451, 453 (Mont. 1958) ("the defect … was cured" when "[t]he 1947 Codes were regularly adopted by the Legislature with this act incorporated therein"); *Atlas Life Ins. Co. v. Rose*, 166 P.2d 1011, 1014 (Okla. 1946).

have not themselves been voted on by the Legislature or signed by the Governor, they "are one type of prima facie evidence of the laws of Minnesota, but they are not the laws themselves." *Id.* (cleaned up). The legislature recognizes the same thing. *See* Minn. Stat. § 3C.13 ("Minnesota Statutes … is prima facie evidence of the statutes contained in it").

The State therefore is asking the Court not to adopt the traditional codification rule, but to radically transform and expand it. It argues that the Revisor can make a law out of language that was ***never*** enacted as required by the Constitution, simply by publishing it in the codebooks. And although the State is here proposing that rule in the context of a single-subject challenge, there is no reasoned way to explain why the same rule would not apply to any other constitutional challenge to a statute. This overgrown version of the codification rule has rarely even been proposed in other States—but when it has, the courts have largely rejected it. *See People v. Reedy*, 708 N.E.2d 1114, 1120 (Ill. 1999); *Netzer Law Office, P.C. v. State*, 520 P.3d 335, 340 (Mont. 2022).

In this regard, it does the State no good to note (Br. at 21) that in recent decades, a number of States that use the re-enactment rule also have created revisor's offices or similar methods of codifying their statutes without formal legislative enactment. As the caselaw quotations in the preceding paragraphs show, the traditional codification rule applies by its terms only to codifications through legislative re-enactment, not to any other kind. Under this rule, it is "the adoption of the Code ***by the Legislature***" that "cure[s] th[e] defect." *State*

ex rel. Sossaman, 178 So. at 21 (emphasis added). The rule simply does not address or apply to non-legislative codifications by a revisor or similar official.

Perhaps unsurprisingly, then, the State cites not a single example of a jurisdiction that has translated its re-enactment codification rule to apply to non-legislative codifications after "their legislatures delegated their codification responsibility to those offices." (Appellants' Br. at 21.) We have found none, either. To the contrary, courts in these states have continued in recent decades to describe the codification rule as applying "[a]fter a statute has been **reenacted** as part of the Code." *Matteson*, 205 N.W. 2d at 514 (S.D. 1973) (emphasis added); *accord, e.g., S.C. Tax Comm'n*, 270 S.E.2d at 629 (S.C. 1980) (applying codification rule after an "Act … was properly incorporated into the 1976 Code, and declared by the General Assembly to be part of the general statutory law of the State").

To all this, there appears to be only one exception. In 1990, the Iowa Supreme Court did give its state revisor of statutes the power to cut off judicial review of statutes' compliance with the single-subject and title clause of its state constitution. *Iowa v. Mabry*, 460 N.W.2d 472 (Ia. 1990). The court initially stated the codification rule in traditional, re-enactment terms: "Although an act, as originally passed, was unconstitutional because it contained matter different from that expressed in its title, or referred to more than one subject, it becomes, if otherwise constitutional, valid law on its adoption by the legislature and incorporation into a general revision or code …." *Id.* at 475 (citation omitted). But the court then applied this rule to the annual *non*-legislative codification by Iowa's revisor of statutes—without any

explanation, and without any acknowledgment of what a drastic departure this was from the rationale for the traditional rule. *Id.*

In Iowa, the result has not been just to bar facial challenges under the single-subject clause. *Mabry* itself did not involve a bar on bringing an affirmative lawsuit: by contrast, it held that codification by the revisor barred a single-subject *defense* in a criminal prosecution, and allowed the defendant to be convicted and imprisoned even if the 'statute' he violated was never enacted in accordance with the constitution. *Id.* And in 2001, the Iowa Supreme Court extended this rule even further: it held that Iowans can be convicted and imprisoned for conduct they engaged in even ***before*** an improperly-enacted statute was codified, and cannot raise a single-subject defense, so long as the state waits to actually bring the prosecution until after codification. *Iowa v. Kolbet*, 638 N.W.2d 653, 661 (Iowa 2001). No Iowa court appears to have explained the boundaries of this codification rule, determined what other constitutional challenges to statutes it does or does not apply to, or articulated any rationale for ascertaining where that boundary might lie.

In the 35 years since *Mabry*, its rule has not caught on in other States. The two that have considered a similar rule have rejected it. *Reedy*, 708 N.E.2d at 1120 (Ill. 1999); *Netzer Law Office*, 520 P.3d at 340 (Mont. 2022). Indeed, the Illinois Supreme Court has severely criticized the *Mabry* rule, stating that it "would unjustifiably emasculate the single subject rule" by "emphasiz[ing] finality over the importance of addressing the underlying wrong that exists in unconstitutionally enacted legislation." *Reedy*, 708 N.E.2d at 1120. Accordingly, Illinois has repeatedly stated that it "unequivocally reject[s]" the

Mabry rule. *Illinois v. Wooters*, 722 N.E.2d 1102, 1113 (Ill. 1999); *Illinois v. Cervantes,* 723 N.E.2d 265, 267 (Ill. 1999). Minnesota should do the same.

D. Between its Codification Rule Here and its Ripeness Arguments in *UnitedHealth*, the State Seeks to Completely Eliminate Judicial Enforcement of the Single-Subject Clause.

Finally, the Court should be aware that, if the State's "codification rule" in this appeal were combined with its ripeness position in *UnitedHealth*, the legislature would be able to completely circumvent the courts' ability to hear or decide single-subject challenges to Minnesota statutes.

In this appeal, of course, the State argues that the courts cannot decide single-subject challenges raised after codification. The State suggests (Br. at 20) that this will still allow single-subject challenges, by pointing to the *UnitedHealthcare* plaintiffs, who filed suit before codification. But in opposing UnitedHealthcare's own appeal in this Court, the State argues that UnitedHealthcare lacks standing, or that its claims are unripe, because it cannot "establish an imminent enforcement threat" against it. (State's Am. Br., *UnitedHealthcare*, at 21.)

If these two positions were combined, the legislature could completely foreclose judicial review of single-subject challenges, simply by providing that no steps may be taken to enforce a statute before it is codified. Similarly, the executive could avoid judicial enforcement of the single-subject clause simply by avoiding any enforcement action until after codification. That would not be appropriate.

III. When A Statute Lacks A Discernible Single Subject, The Courts Must Strike It Down In Full.

The codification rule is the only question presented for this Court by the State's appeal. The State does not appeal any issue on the merits. As the District Court noted, the State concedes that 2024 Omnibus Bill covers more than one subject, and that the binary trigger ban is invalid. (Appellants' Add. 24.)

Merits questions, therefore, are raised only by MGOC's cross-appeal. And the central merits question is one of severability: must the 2024 Omnibus Bill be struck down in full as a single-subject violation, or can the violation be cured by severing individual provisions (such as the binary trigger ban) from the bill and allowing the rest to stand? The District Court thought that the bill should be struck down in full, as MGOC contends, but it acted conservatively by taking the State's preferred sever-and-strike route anyway. (Appellants' Add. 24-25.)

In an appeal from a summary judgment where there is no dispute of material fact," appellate "review is limited to determining whether the lower court erred in its application of the law. Where the constitutionality of a statute is at issue [the court's] review is de novo …." *Assoc. Builders*, 610 N.W.2d at 298-99.

A. Introduction: the State's Proposed Ban on Striking an Entire Statute is Roundly Mistaken.

The Minnesota Supreme Court's recent decisions under the Single Subject Clause have articulated a "germaneness" test for severability. "[A]ll 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*, 910 N.W.2d at 456 (cleaned up). "Where the common theme of 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." *Assoc. Builders,* 610 N.W.2d at 307. Under this principle, the Court "will not strike down a germane provision of a law simply because other provisions in the law are not germane." *Otto*, 910 N.W.2d at 458.

That much is common ground between the parties and the district court here. But it raises the question about which the parties sharply disagree: what if the Legislature passes a statute that is such a mishmash that it simply doesn't have any "common theme?" MGOC's contention is that, in this situation, the germaneness/severability analysis cannot even get started—because there is no single subject for any provision to be germane ***to***—and the right outcome therefore is to strike the entire law. By contrast, the State's primary merits position appears to be that full invalidation of a statute is *never* permissible under the Single Subject Clause. Instead, the State seems to contend that, no matter how much of a hopeless mélange a statute may be, the courts must *always* extract, invent, or concoct a 'single subject' for it, and then must sever and strike only the provisions that are not germane to that judicially-created 'single subject.'

In other words, MGOC's rule (and the District Court's preferred rule) is that severance is the usual remedy for Single-Subject-Clause violations, but that striking the whole bill is required for extreme violations like this one. By contrast, the State's proposed rule is that severance is the *only* remedy for

Single-Subject-Clause violations, and striking the whole bill is categorically barred. (We believe that the parties' positions on this primary issue are substantially similar in the *UnitedHealthcare* appeal as well.)

MGOC's rule is correct, and the State's rule is wrong, for several reasons that we will explain in the following sections. First and foremost, full invalidation of at least some Single-Subject-Clause violations is required by Minnesota Supreme Court precedent, and adopting the State's mandatory-severance rule would require overturning that precedent. Second, MGOC's rule is followed by every other State we are aware of that has a single-subject clause in its constitution; the State has pointed to not a single other jurisdiction that follows its categorical rule. And third, MGOC's rule follows naturally from the logic and purpose of the single-subject requirement, while the State's novel rule would do violence to them.

B. Minnesota Supreme Court Precedent Requires Invalidating an Entire Statute if It Lacks Any Identifiable Predominating Subject.

Most importantly, the Minnesota Supreme Court has squarely held that invalidating an entire statute can be the appropriate remedy for a Single-Subject-Clause violation. In the Court's words: "The rule is well settled that where the title to an act actually indicates, and the act itself actually includes, two distinct objects where the Constitution declares it shall embrace but one, the whole act must be treated as void." *State v. Women's & Children's Hosp.*, 173 N.W. 402 (Minn. 1919) (citing cases). The *Women's & Children's Hospital* Court applied this rule and struck down an entire statute under the Single Subject Clause. *Id.*

This has never meant that striking an entire statute is *always* required under the Single Subject Clause. Both just before and just after *Women's & Children's Hospital*, the Minnesota Supreme Court was willing to sever other single-subject-clause violations. *See Assoc. Builders*, 610 N.W.2d at 305 (collecting cases). And the out-of-state court opinions cited by the *Women's & Children Hospital* Court on this point both indicated that striking an entire statute may be necessary only under certain circumstances.[9] But *Women's & Children's Hospital* clearly held that striking an entire statute *can* be an appropriate remedy for a single-subject violation.

The Supreme Court has never overruled *Women's & Children's Hospital*. It had the chance to do so in the year 2000 in *Associated Builders*, but conspicuously declined. The *Associated Builders* plaintiff brought a single-subject challenge against a statute in which "the great weight of the … provisions" were "singularly related to the common theme of tax relief and reform," but a stray unrelated provision addressed wages for school construction workers. 610 N.W.2d at 305. In declining the plaintiff's invitation to strike down the whole statute, the Supreme Court reiterated that "[w]here the common theme of 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. The Court acknowledged that it had "invalidated the entire law" in *Women's & Children's Hospital*, but

[9] *See Trumble v. Trumble,* 55 N.W. 869, 871 (Neb. 1893) (striking entire statute where "the subjects treated are so different in their nature that we cannot say which operated upon the minds of the legislators to induce the passage of the act"); *Skinner v. Wilhelm,* 30 N.W. 311, 313 (Mich. 1886) (same, where "[i]t is impossible to tell which [statutory] object was intended by the Legislature").

it found that case "clearly distinguishable." *Id.* at 306. That was because, in *Women's & Children's Hospital, "*the law contained 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—clearly a legislative process." *Id.* The *Associated Builders* Court added that "we need not engage in such a [legislative] pursuit" in the case before it, which involved "a provision that clearly is not germane to the subject of otherwise massive legislation." *Id.* at 306.

It therefore would be mistaken for the State to argue (as it apparently intends to) that *Associated Builders* somehow abrogated *Women's & Children's Hospital.* When the Supreme Court wants to abrogate one of its own previous decisions, it knows how to do so. *Associated Builders* did not do anything of the sort to *Women's & Children's Hospital.* Instead, it *distinguished Women's & Children's Hospital* and then gave a precise description of the circumstances in which *Women's & Children's Hospital* still applies. *See* 610 N.W.2d at 306.

And the Supreme Court's later *Otto* decision said nothing to change any of this. The *Otto* Court reiterated that, "[w]hen a provision fails the germaneness test, … the proper remedy is simply to sever that provision from the rest of the bill." 910 N.W.2d at 456. But it did not say or suggest that there are no other circumstances—such as those identified by the *Associated Builders* Court—in which the germaneness test simply cannot be applied, and some other remedy may be required.

This Court, of course, "is bound by supreme court precedent," and may not decline to follow a Supreme Court decision even if "other decisions from

[the Supreme] court" arguably have undermined it. *State v. Curtis*, 921 N.W.2d 342, 346 (Minn. 2018). Here, although the Supreme Court clarified the rule of *Women's & Children's Hospital* in *Associated Builders*, there is no good reason to think that the Court has undermined or silently abandoned the rule. But even if there were, the proper decision for this Court would be to apply the rule, and leave any overturning or abrogation to the Supreme Court.

The controlling rule, then, is that of *Women's & Children's Hospital*, as clarified by the Supreme Court in *Associated Builders*. An entire statute should be struck down as a Single Subject Clause violation where "the law contain[s] two"—or more—"distinct subjects and if either provision was to survive, the court would be required to engage in a balancing of importance between" them. 620 N.W.2d at 306. The State's contention—that severance is mandatory in every single-subject case and striking a statute in full is never permitted—conflicts with that controlling rule and must be rejected.

C. All Other States Take Similar Approaches.

Minnesota is in very good company in allowing single-subject violations to be struck down in full in certain circumstances. The State has not identified any other jurisdiction that follows its proposed rule mandating germaneness/severability analysis in every case, even for statutes that plainly lack any common theme. In fact, state courts across the country strike down entire statutes pursuant to their single-subject clauses with remarkable frequency. Here is just a sampling of such decisions from recent decades:

- "When legislation includes multiple subjects in both the body and the title, the whole act is invalid because its formation was contrary to the constitutional single subject prohibition." *Bd. of*

Trs. v. N.D. Legislative Assembly, 996 N.W.2d 873, 888-89 (N.D. 2023).

- "An act that violates the single subject rule is void in its entirety because no mechanism is available for courts to discern the act's primary subject." *Ariz. Sch. Bds. Ass'n v. Arizona,* 501 P.3d 731, 740 (Ariz. 2022).

- "The entire act is suspect and so it must all fall." *Pennsylvania v. Neiman,* 84 A.3d 603, 615 (Pa. 2013) (quoting Ruud, Millard H., No Law Shall Embrace More Than One Subject, 42 Minn. L.Rev. 389, 399 (1958).

- "[W]hen an act is found to violate the single subject rule, the act must be struck in its entirety." *Illinois v. Olender,* 854 N.E.2d 593, 606 (Ill. 2005).

- "A prohibition against the passage of an act relating to different objects expressed in the title makes the whole act void." *In re Advisory Op.* 240 N.W.2d 193, 195 (Mich. 1976).

See also, e.g., Byrd v. Missouri, 679 S.W.3d 492, 496 (Mo. 2023); *Heggs v. Florida,* 759 So. 2d 620, 630 (Fla. 2000); *Ohio ex rel. Ohio Acad. of Trial Lawyers v. Sheward*, 715 N.E.2d 1062, 1102 (Ohio 1999) (statute that hopelessly intermingles several disparate subjects "must be held unconstitutional *in toto*"), *overruled on other grounds by Ohio ex rel. Martens v. Findlay Mun. Court,* 262 N.E.3d 304, 305 (Ohio 2024); *Cottrell v. Faubus,* 347 S.W.2d 52, 55 (Ark. 1961).

Even the details of other jurisdictions' single-subject severability rules match quite neatly with the rule of *Associated Builders* and *Women's & Children's Hospital.* Just as *Associated Builders* prescribed severance of "a provision that clearly is not germane to the subject of otherwise massive legislation," 610 N.W.2d at 306, other States allow severance when "minor

ancillary provisions" deviate from the main subject of a bill, *Neiman,* 84 A.3d at 615 (cleaned up), or when "only one section" of a long statute "was found to violate the single-subject rule," *Douglas v. Cox Ret. Props.,* 302 P.3d 789, 793 & n.5 (Okla. 2013), or where "the offending [provision] is … *de minimus*." *Mich. Sheriffs' Ass'n v. Dep't of Treasury,* 255 N.W.2d 666, 669 (Mich. App. 1977).

On the other hand, other American jurisdictions also agree with *Associated Builders* that when a "law contain[s] two distinct subjects" that are in rough equipoise, such that severability analysis would require "a balancing of importance between the two," striking the whole statute is warranted. *See* 610 N.W.2d at 306. Thus, courts widely recognize that statutes may "encompass[] so many different subjects that severance is not an option," *Douglas*, 302 P.3d at 793, that "severance cannot be applied to save any portion of [a statute when] we can discern no 'primary' subject matter of the bill," *Akron Metro. Hous. Auth. Bd. of Trs. v. Ohio*, 2008-Ohio-2836, ¶27 (Ohio Ct. App.), and that "discerning the 'main' purpose of a piece of legislation becomes an untenable exercise in conjecture when the legislation has metamorphosed during the legislative process to include a panoply of additional and disparate subjects." *Neiman*, 84 A.3d at 615.

Indeed, the consensus elsewhere even agrees with the *Associated Builders* Court's rationale for this rule. As the *Associated Builders* Court explained, when no single subject actual predominates in a statute's terms, the only way for the courts to pick which subject 'wins' and can stand would be "to engage in a balancing of [policy] importance" between the subjects—which is "clearly a legislative process" not suited for the courts. 610 N.W.2d at 306.

Courts in other jurisdictions say just the same thing: when no single subject predominates in a statute, the only way to avoid the choice being completely "arbitrary," *Neiman,* 84 A.3d at 615, would be for the "Court [to] essentially become the policy-maker," *Douglas*, 302 P.3d at 794, by "identifying and assembling what we believe to be key or core provisions of the bill [in] a legislative exercise wholly beyond the province of this court." *Ohio Acad. of Trial Lawyers,* 715 N.E.2d at 1102. Courts decline to do this in order to stay out of "the legislative arena." *Heggs*, 759 So. 2d at 630.

In sum: the rule advanced by MGOC and the district court is the norm amongst the several States, which overwhelmingly recognize that striking an entire statute is the proper single-subject-clause remedy, at least for the most extreme violations. The contrary rule advanced by the State—that striking an entire statute is categorically prohibited and that germaneness/severability analysis is required in every case—is an extreme outlier that has been adopted by few, if any, other jurisdictions.

D. The Purpose of the Single-Subject Clause Requires This Rule.

Finally, the purpose and spirit of the Single Subject Clause require that invalidation of an entire statute be available as a remedy in extreme cases.

As noted above, the Minnesota Supreme Court holds that the central purpose of the Single Subject Clause is the prevention of "logrolling." *See Otto,* 910 N.W.2d at 456 (citing *Johnson*, 50 N.W. at 924)). Logrolling can occur in two basic ways. One kind of logrolling involves tacking small-but-unpopular provisions onto a larger bill that is popular or "must-pass" in nature. In that scenario, most legislators may well accept the smaller provisions as the price

for enacting the larger bill, even if they would have opposed the smaller provisions standing alone. *See Porten Sullivan Corp. v. State*, 568 A.2d 1111, 1116 (Md. 1990) (quoting Ruud, *supra*, at 391) ("Many states recognize that a purpose of the one-subject rule is 'to prevent 'riders' from being attached to bills that are popular and so certain of adoption that the rider will secure adoption not on its own merits, but on the merits of the measure to which it is attached.'") We can call this "tacking" or "rider" logrolling.

The other version of logrolling occurs when several unrelated, relatively unpopular bills are stitched together, in hopes of assembling majority support for the entire package. Imagine four unrelated bills, each supported by only 20% of the legislature. By itself, none of them would be likely to pass. But if all four were combined, it could well be the case that a majority of legislators would agree to support the package—with most legislators accepting two or three bills they do not support as the price for enacting one or two bills that they do. *See Harbor v. Deukmejian*, 742 P.2d 1290, 1300 (Cal. 1987) (quoting Ruud, *supra*, at 391) ("The single subject clause has as its 'primary and universally recognized purpose' the prevention of log-rolling by the Legislature, i.e., combining several proposals in a single bill so that legislators, by combining their votes, obtain a majority for a measure which would not have been approved if divided into separate bills.") We can call this "bundle" logrolling.[10]

[10] To be sure, legislators can make deals to support each other's unrelated priorities even if they are not all bundled into a single bill. But bundling fosters such bargains by making them much easier to execute. Even more importantly, bundling unrelated provisions into a single bill deprives the other House of the

Associated Builders—and the many decisions from other States that agree with it—clearly permitted severability in cases of "tacking" or "rider" logrolling. And there are good reasons for doing that. When one small part of a bill is unrelated to the theme covered by all or almost all of the rest, it is a pretty good bet that the legislature would have enacted the rest of the bill even without the offending provision. That may not *always* be true, but it will *usually* be true. So it can make sense for the courts "to proceed on a far less disruptive course of severing from the law the offending provision … and preserving its other parts." *Associated Builders*, 610 N.W.2d at 305. This approach usually will leave the law as it would have been if the legislation had been constitutionally drafted from the outset.

But matters are very different with respect to "bundle" logrolling. In that scenario, if the offending provisions had been "unbundled" and voted on separately as required by the Single Subject Clause, the great likelihood is that ***none*** of them would have passed. In that scenario, requiring the courts to pick one of the bundled subjects at random and let it stand—as the State requests—would be worse than senseless. It would risk incentivizing the very log-rolling that the Single Subject Clause is supposed to prevent. *See Neiman*, 84 A.3d at 615 (quoting Ruud, *supra*, at 399) ("The one subject rule is not concerned with substantive legislative power. It is aimed at log-rolling. It is assumed, without inquiring into the particular facts, that the unrelated subjects were combined in one bill in order to convert several minorities into a majority. The one-subject rule declares that this perversion of majority rule will not be tolerated.

Legislature and the Governor of the ability to approve or reject the unrelated provisions one at a time.

The entire act is suspect and so it must all fall.") If legislators were confident that some part of every statute would survive, no matter how egregious a single-subject violation it might be, each of them would be sorely tempted to bundle his or her pet projects into omnibus statutes—in hopes of winning the judicial lottery and having his or her favored projects be the ones left standing after review.

Of course, courts normally have no way of determining for certain whether a single-subject violation resulted from tacking logrolling, bundling logrolling, or some combination of both. But the criterion adopted by *Associated Builders*, as well as courts in other States, serves as a pretty good proxy. When the great majority of a large statute is about one subject, and a relatively minor unrelated provision is tacked on, the courts can have some confidence that the legislature really meant to pass the bulk of the statute. By contrast, when a statute combines multiple subjects in such a way that none of them predominates, the courts are left with no way to determine what the legislature's core purpose was—or whether it would have been enacted without the accompanying unrelated provisions.

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In sum, when the legislature enacts an extreme violation of the Single Subject Clause, striking the whole statute is the remedy indicated by Minnesota Supreme Court precedent, used by other States, and consistent with the logic and purpose of the single-subject requirement. The Court therefore should apply the rule of *Associated Builders* and hold that statutes

violating the Single Subject Clause can be struck down in full when they lack any single common theme.

IV. The 2024 Omnibus Bill Manifestly Lacks Any Common Theme.

Once the Court reaffirms that rule, applying it here is straightforward. Under any possible standard, the 2024 Omnibus Bill plainly lacks a single common theme and therefore is due to be struck down in full. The Omnibus Bill's provisions address a vast array of subjects, and none of them can fairly be said to predominate. The same is true of the Bill's title. Thus, it does not matter whether a bill's subject is to be discerned solely from its title (as the State contends) or whether it requires consideration of the bill's substantive provisions as well (as the District Court held). Either way, the 2024 Omnibus Bill lacks a single subject and must fall in its entirety.

If, however, the Court had any doubt about whether the title of the 2024 Omnibus Bill might disclose a single subject, it could alternatively decide the parties' dispute about how to discern whether a bill has a single subject. The State cannot be correct that a court conducting this inquiry must look only at the title and must ignore the actual substantive provisions of the statute. To the contrary, the Supreme Court has expressly directed the inquiry that the District Court engaged in here: looking at the statute itself as well as its title. When examined in that way, the 2024 Omnibus Bill *definitely* lacks any predominating single subject.

A. Neither the Substance nor the Title of the 2024 Omnibus Bill Discloses any Common Theme.

The Omnibus Bill's extreme length makes it impossible to discuss every provision, or even a small fraction of its provisions, in a legal brief. But of course that cannot exempt it from review under the Single Subject Clause. And no matter how one surveys its provisions, it is obvious that they cover a wide array of disparate subjects—and it is obviously impossible to discern any predominating subject. Our best count is the one adopted by the District Court. (Appellants' Add. 5.) By that count, the Omnibus Bill's 73 articles break down into around thirteen subjects: Transportation, Labor, Combative Sports, State Employees, Housing, Health Occupations and Licensing, Higher Education, Firearms, Agriculture, Energy, Human Services, Healthcare, and Taxes. None of these subjects comes close to occupying a majority of the Bill. The most extensive, Health Occupations and Licensing, consumes only 18 of the Omnibus Bill's 73 Articles. (*Id.*)

Other ways could be devised for dividing the Bill into separate subjects, but they would be less precise and still would not yield a single subject. The nine omnibus bills that were combined into the mega-Omnibus Bill were referred to as involving around nine subjects (although some of the previous omnibus bills had combined multiple of these subjects, while other subjects had been spread out over multiple omnibus bills): Transportation, Housing, Labor, Health, Higher Education, Firearms, Energy, Agriculture, Human Services, Taxes, and Paid Leave. (Appellants' Add. 4-5.) And the formal titles of those later-combined omnibus bills listed at least seven subjects: State Government, Health, Higher Education, Public Safety, Human Services,

Taxation, and Employees. (*See* Dkt. No. 22 at 8-9 (Pl.'s Mem. Supp. Summ. J.); Dkt. No. 24 at ¶¶9-17 (Affidavit of James Dickey).) These taxonomies are likely not complete—neither of them seems to cover the Omnibus Bill's combative-sports regulations, for instance. But in any event, neither of them reveals any predominating single subject, either. Under none of these divisions does any single subject come close to occupying a majority of the Bill.

In short, under any reasonable categorization, the 2024 Omnibus Bill spectacularly fails to meet the standard the Supreme Court articulated in *Associated Builders*: "the great weight of [its] provisions" most certainly does not "clearly define[]" any "common theme." 610 N.W.2d at 305, 307. Indeed, it is impossible to say that even a bare majority of its provisions *vaguely* defines any common theme. The bill is simply a grab-bag of everything that various members of the 2024 legislature wanted to do but had run out of time to propose for separate consideration.

The State has barely bothered to argue otherwise. Instead, it has put almost all its reliance on the Omnibus Bill's title. According to the State, discerning the "single subject" of any Minnesota statute does not require, or even involve, reading the statute itself. Instead, you just look at the title.

We explain in the next section why the law does not support this view. But the Court need not even consider that question, because the 2024 Omnibus Bill's title does not disclose a single subject any more than its substantive provisions do. We reproduced the first 10% or so of the 3,150-word title above. *See supra* pp.8-9. The title's *very first phrase* identifies more than one subject: "the operation and financing of state government." Presumably, provisions

telling government agencies what to do would relate to the "operation" of government, provisions about taxation would relate to the "financing" of government, and appropriations measures might come under either of these subjects (perhaps depending on the context). This does not work. The Supreme Court has approved "the operation of state government," standing alone, as a permissible single subject, *Otto,* 910 N.W.2d at 457; and it has approved taxation, standing alone, as a permissible single subject. *Associated Builders*, 610 N.W.2d at 302. But it has never suggested that the Single Subject Clause would allow these two subjects to be combined into a *dual* subject for a law. Nor could it reasonably do so: practically every measure that could ever be passed deals with "government" in some sense, so if that were all the Single Subject Clause required, it would be completely superfluous.

Thus, even the first seven words of the 2024 Omnibus Bill's title plainly disclose more than one subject. Matters only get worse when one considers some of remaining 3,140-some words in the title, which identify an array of yet *other* subjects. For example, the title states that the Omnibus Bill regulates "combative sports," "construction codes," "employee misclassification" (by private employers), "earned sick and safe time" (again, for employees of private employers), "broadband and pipeline safety," "transportation network companies," "firearms," and "paid leave provisions," and it also lists a host of new or revised licensure requirements for different occupations, for construction companies, and for assisted living facilities. *See supra* pp.7-8. Few or none of these things have any plausible connection with either the operation or the financing of state government.

In other words: the 2024 Omnibus Bill's provisions are a hopeless mix of many different subjects, and the Bill's title reflects that reality more or less accurately. Whether one looks to its substance or to its title or to some combination of both, there simply is no predominating single subject to be found here.

B. The State's "Just-Read-the-Title" Rule is Contrary to Law.

In the alternative, to any extent that the Omnibus Bill's title does somehow come close to disclosing a single subject, the District Court was correct that "discerning the common theme cannot come only from reading the title." (Appellants' Add. 21 (emphasis omitted).) The Supreme Court spoke unequivocally about this in *Associated Builders*: non-germane provisions are severable "where the common theme of the law is clearly defined **by its other provisions**." 610 N.W.2d at 307 (emphasis added). And the *Associated Builders* Court acted on that principle. The title of the bill in *Associated Builders* was "An act relating to the financing and operation of state and local government." *Id.* at 297. But the Supreme Court largely ignored that subject and focused on what "the other provisions" actually dealt with: "tax relief and reform." *Id.* at 305.

This does not mean that a bill's title never has any role to play in the single-subject analysis. When it is consistent with the statute's contents, the title may usefully describe and clarify the bill's subject. That appears to have been the situation in *Otto*. The statute at issue there covered 73 pages of text

and included four articles. *See* Laws of Minn. 2015, Ch. 77.[11] The majority of those pages were taken up by a single article that addressed "state government operations." *Id.* pp. 17-58. Most of the rest of the statute consisted of one article about "state government appropriations," *id.* pp. 2-16, and another article about "military and veterans affairs," which mostly directed state agencies to do various things. *Id.* pp. 58-64. It was in that context that the Supreme Court treated the statute's overall title—"an act relating to the operation of state government"—as its single subject. *Otto*, 910 N.W. at 456. But the Court did not say or suggest any rule that reading the title is the only step necessary to discern a bill's subject. Nor did it purport to overturn *Associated Builders'* requirement that the single subject be identified with reference to the provisions of the statute itself.

In fact, the State's "title-only" approach to identifying a single subject appears to conflict with the Constitution itself. In a great many other state constitutions, the single subject and title clause expressly provides that a bill's single subject should be identified only from the title. Specifically, many other States' constitutions provide that that "if any subject shall be embraced in an Act which shall not be expressed in the title, such Act shall be void only as to so much thereof as shall not be expressed in the title."[12] The State's argument might make sense if Minnesota's Constitution said something like this. But the

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[11] *Available at* https://www.revisor.mn.gov/laws/2015/0/Session+Law/Chapter/77/2015-07-08%2014:21:39+00:00/pdf (last accessed Dec. 16, 2025).

[12] Iowa Const. art. III, §29; *see also, e.g.,* Ariz. Const. art. IV, §13; Cal. Const. art. IV, §9; Colo. Const. art. V, §21; Idaho Const. art. III, §16; Mont. Const. art. V, §11; N.D. Const. art. IV, §13; N.M. Const. art. IV, §16; Okla. Const. art. V, §57; Or. Const. art. IV, §20; W. Va. Const. art. IV, §30; Wyo. Const. art. III, §24

Minnesota Constitution contains no such proviso. That clearly points to the rule adopted by the District Court here: whether a statute has a single subject, and if so what that single subject is, must be discerned with reference to *both* the statute's title *and* its substance.

As described above, the 2024 Omnibus Bill badly fails under that test here.

CONCLUSION

The Court should affirm the judgment below insofar as it holds the 2024 Omnibus Bill to violate the Single Subject Clause, and insofar as it strikes down the binary trigger ban. The Court should reverse the judgment below insofar as it leaves the rest of the Omnibus Bill intact, and remand for the District Corut to enter declaratory and injunctive relief invalidating the rest of the Bill.

STATEMENT AS TO FORM OF OPINION

Because the Court's decision in this case will clarify existing caselaw on the Single-Subject Clause—and, in addition, because the decision will be of major social, economic, and political importance to the State of Minnesota as a whole—the panel should issue a precedential opinion. *See* Minn. R. App. P. 136.01(b)(1).

Respectfully submitted,

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Dated: December 17, 2025

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CERTIFICATE OF COMPLIANCE

I hereby certify that this document conforms to the requirements of Minn. R. Civ. App. P. 131.01, subd. 4 and 132.01, is produced with a proportional 13-point font, and the length of this document is 13,013 words. This Brief was prepared using Microsoft Word 365, Version 2509.

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