STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1507

Minnesota Gun Owners Caucus,
Respondent,

vs.

Tim Walz, et al.,
Appellants,

Mary Moriarty,
Defendant.

Filed May 26, 2026
Affirmed
Larkin, Judge

Ramsey County District Court
File No. 62-CV-25-1083

Nicholas J. Nelson, Douglas P. Seaton, Austin M. Lysy, Upper Midwest Law Center, Minnetonka, Minnesota (for respondent)

Keith Ellison, Attorney General, Liz Kramer, Solicitor General, Peter J. Farrell, Deputy Solicitor General, Emily B. Anderson, Matt Mason, Assistant Attorneys General, St. Paul, Minnesota (for appellants)

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Considered and decided by Larkin, Presiding Judge; Johnson, Judge; and Rasmusson, Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

The state challenges the district court's denial of its motion to dismiss respondent's constitutional challenge to a law passed during Minnesota's 2024 legislative session. The district court ruled that the law violates the Single-Subject Clause of the Minnesota Constitution and severed the provision of the law that gave rise to respondent's constitutional challenge: a binary-trigger ban. By notice of related appeal, respondent challenges the district court's decision to sever the challenged provision, instead of declaring the entire law unconstitutional. We affirm the district court's denial of the state's motion to dismiss and its use of severance as a remedy for the constitutional violation.

FACTS

On the final day of Minnesota's 2024 legislative session, the legislature passed a combined omnibus bill (the bill), which was later signed into law (the Law).[1] 2024 Minn. Laws ch. 127, at 2753-3858. The title of the expansive legislation begins, "*An act relating to the operation and financing of state government* . . . ." *Id.* at 2753. Included in the Law is a provision that modifies Minn. Stat. § 609.67, subd. 1 (Supp. 2023), and extends the definition of the term "trigger activator" to include "a device that allows a firearm to shoot

[1] "A bill is proposed legislation that has not completely made its way through the legislative process." *Associated Builders & Contractors v. Ventura*, 610 N.W.2d 293, 312 (Minn. 2000) (Anderson, J., concurring in part and dissenting in part). "Laws are bills that have been enacted by the legislature and then signed by the governor, enacted after three days of gubernatorial inaction, or passed by a legislative override of the governor's veto." *Id.* "Statutes are enacted laws that are codified, organized, and assembled by the revisor of statutes." *Id.* We use the terms "bill" and "law" in accordance with these principles.

one shot on the pull of the trigger and a second shot on the release of the trigger without requiring a subsequent pull of the trigger." *Id.*, art. 36, § 2, at 3204. Such devices are called binary triggers, and the challenged provision effectively criminalizes them. *See* Minn. Stat. § 609.67, subd. 2(a) (2024) (criminalizing the use and possession of "any trigger activator").

In February 2025, respondent Minnesota Gun Owners Caucus (the Caucus) sued appellants Tim Walz, et al. (the state),[2] arguing that the Law violates the Minnesota Constitution's Single-Subject Clause, which states, "*No law shall embrace more than one subject*, which shall be expressed in its title." Minn. Const. art. IV, § 17 (emphasis added). The Caucus sought, in relevant part,[3] declaratory and injunctive relief, and asked the district court to strike the entire Law or, in the alternative, to sever the binary-trigger provision.

The state moved to dismiss the complaint, arguing, in relevant part, that the matter presented a nonjusticiable political question and that the Caucus's claims were untimely under the so-called "codification rule." The state also argued that if the Law violates the Single-Subject Clause, then the remedy was limited to severance. The Caucus, in turn, moved for summary judgment.

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[2] In the underlying action, the named defendants included the governor, the attorney general, Hennepin County Attorney Mary Moriarty, and the superintendent of the Bureau of Criminal Apprehension. Moriarty does not participate in this appeal. We refer to appellants collectively as the state.

[3] In a separate claim, the Caucus sought relief under Minnesota's Remedies Clause, Minn. Const. art. I, § 8. The district court granted the state's motion to dismiss that claim, and the Caucus does not challenge that decision.

The parties appeared for a motion hearing, and the state effectively conceded that whether to apply the political-question doctrine was an issue for the supreme court. The state also acknowledged that our supreme court has not considered the "codification rule" and that "[t]here is no suggestion that any party has ever argued for the codification rule or [its] application" in Minnesota. At a subsequent motion hearing, the state conceded that the binary-trigger provision was not germane to the operation and financing of state government—the subject identified in the Law's title—and effectively conceded that the binary-trigger provision violated the Single-Subject Clause. *See* 2024 Minn. Laws ch. 127, at 2753 ("An act relating to the operation and financing of state government . . . .").

The district court denied the state's motion to dismiss, concluding that it was not permitted to decide whether single-subject challenges present a nonjusticiable political question or whether Minnesota should adopt the codification rule. The district court granted the Caucus's motion for summary judgment. It concluded that the Law violates the Single-Subject Clause, reasoning that the state had conceded that the binary-trigger ban was "not germane to the common theme" of the Law and that "at best, [the Law] contains many non-germane parts, and at worst, has no identifiable common theme." The district court declined to declare the entire Law unconstitutional. Instead, it followed supreme court precedent favoring severance and enjoined the state from enforcing the binary-trigger ban, which had been codified at Minn. Stat. § 609.67 (2024).

In this appeal, the state challenges the district court's denial of its motion to dismiss. By notice of related appeal, the Caucus challenges the relief granted by the district court.

DECISION

I.

The state contends that the district court erred by denying its motion to dismiss. The state moved for dismissal under Minn. R. Civ. P. 12.02(a), (e), which permit a party to challenge the sufficiency of a complaint for "lack of jurisdiction over the subject matter" and for "failure to state a claim upon which relief can be granted." "We review both types of dismissal de novo." *Forslund v. State*, 924 N.W.2d 25, 30 (Minn. App. 2019). The state's motion was based on two grounds: the political-question doctrine and the so-called codification rule. We address each ground in turn.

Political-Question Doctrine

The state argues that single-subject claims present nonjusticiable political questions. A political question is one that is not "appropriate or suitable for adjudication by a court." *Cruz-Guzman v. State*, 916 N.W.2d 1, 7 (Minn. 2018) (quotation omitted). A political question presents "a matter which is to be exercised by the people in their primary political capacity" or a matter that "has been specifically delegated to some other department or particular officer of the government, with discretionary power to act." *In re McConaughy*, 119 N.W. 408, 415 (Minn. 1909). Under separation-of-powers principles, the judiciary cannot "exercise any of the powers properly belonging" to the legislature unless "expressly provided" in the Minnesota Constitution. Minn. Const. art. III, § 1.

The state argues that the Minnesota Constitution delegates responsibility for the Single-Subject Clause to the legislature because the clause is in article IV of the Minnesota Constitution, which regards the legislative branch. The state also argues that it is nearly

impossible for courts to enforce the Single-Subject Clause because the term "subject" is inherently ambiguous. Lastly, the state argues that large omnibus bills are de rigueur and that legislators and the public can readily locate the contents of such bills using online tools, so transparency is no longer a major concern. *See Otto v. Wright County*, 910 N.W.2d 446, 456 (Minn. 2018) (stating that one of the purposes of the Single-Subject Clause is "to prevent surprise and fraud upon the people and the legislature by failing to provide notice of the nature of the proposed legislation and the interests likely to be affected by the legislation" (quotations omitted)).

As the state concedes, the Minnesota Supreme Court has long treated single-subject claims as justiciable and "it is not the role of this court to abolish established judicial precedent." *State v. McCormick*, 835 N.W.2d 498, 510 (Minn. App. 2013) (quotation omitted), *rev. denied* (Minn. Oct. 15, 2013). Indeed, in its most recent consideration of a single-subject challenge, the supreme court stated: "We remain firmly committed to our constitutional duty to prohibit infringements by either the legislative or executive branch of the government of the constitutional rights vested in the people." *Otto*, 910 N.W.2d at 459 (quotation omitted).

The state indicates that it "advances the [political-question] argument here to preserve it for further review." And the state acknowledges that the "political question argument is ultimately for the Minnesota Supreme Court." We agree. The district court did not err by refusing to dismiss respondent's suit as one raising an impermissible political question.

The Codification Rule

The state argues that we should follow the lead of the Iowa Supreme Court[4] and "apply"[5] the "codification rule," which provides that any procedural defects in the title or subject of a bill are cured when the bill is codified into statute. *State v. Mabry*, 460 N.W.2d 472, 475 (Iowa 1990). According to the state, the Caucus's single-subject challenge is untimely under the codification rule because the Caucus did not sue until three months after the revisor codified the binary-trigger.[6]

As an initial matter, the state refers back to its concession that its political-question argument is ultimately for the supreme court and acknowledges that its codification-rule

[4] According to the state, in addition to Iowa, 15 other states have adopted the codification rule, and only two states have considered and rejected it. However, the Caucus responds that the majority of the states that have adopted the rule "apply a much more modest version," which is based on legislative reenactment of statutory code into law. The Caucus argues that "while courts do refer to this principle as the 'codification rule,' a more precise name would be the 're-enactment rule'" and that the Iowa approach is an outlier.

[5] "Adopt" is a more apt word than "apply" because the appellate courts of Minnesota have never considered adoption of the codification rule.

[6] The time limits that govern codification of Minnesota's session laws provide that "[a]s soon as possible after a session of the legislature has adjourned each year, the revisor shall publish the laws of the session in a publication called 'Laws of Minnesota.'" Minn. Stat. § 3C.06, subd. 1 (2024). And, "[a]s soon as possible after a session of the legislature has adjourned, the revisor's office shall incorporate into the text of Minnesota Statutes the permanent general laws enacted and the amendments made to the statutes at that session and at any extra session of the legislature." Minn. Stat. § 3C.08, subd. 4 (2024). The Minnesota Statutes are Minnesota's codified laws. *See Minnesota Session Laws*, Off. of the Revisor of Statutes, https://www.revisor.mn.gov/laws/ [https://perma.cc/EL7B-CXGP] ("Laws of a permanent nature are subsequently incorporated into Minnesota Statutes; those are coded laws.").

argument "likely falls into the same bucket."[7] The state also says that it advances the codification argument to preserve it for further review.

As reflected in the Iowa Supreme Court's adoption of the codification rule in *Mabry*, whether to adopt the codification rule is a policy decision: "We think the rule is fair to all concerned, and we adopt it. The rule strikes a balance between the salutary purposes of the single-subject rule and the importance of upholding the constitutionality of new legislation." 460 N.W.2d at 475.

"[T]he task of extending existing law falls to the supreme court or the legislature, but it does not fall to this court." *Tereault v. Palmer*, 413 N.W.2d 283, 286 (Minn. App. 1987), *rev. denied* (Minn. Dec. 18, 1987). "This court is limited to 'correcting errors' and not creating public policy." *City of Baxter v. City of Brainerd*, 932 N.W.2d 477, 483 (Minn. App. 2019), *rev. denied* (Minn. Sept. 25, 2019). Thus, as the district court soundly reasoned, arguments for and against adoption of the Iowa codification rule "should be made to a different court on a different day." In sum, the district court did not err by denying the state's motion to adopt the codification rule and dismiss the Caucus's suit as untimely.

II.

We now turn to the single issue in the Caucus's related appeal: whether the Law must be struck down in full based on the established Single-Subject-Clause violation in

[7] However, the state argues that adoption of the codification rule is "at least arguably different" than application of the political-question doctrine because we have "narrow authority to make new law if there are no statutory or judicial precedents to follow," citing *McCormick*, 835 N.W.2d at 510. As explained below, we are not persuaded that *McCormick* allows us to recognize a policy-based rule that the supreme court has not yet recognized.

this case. To be clear, the state does not challenge the district court's conclusion that the Law violates the Single-Subject Clause. That conclusion stands. At issue is the remedy the district court selected for the constitutional violation: severance of the specific provision that gave rise to the lawsuit—the binary-trigger ban—instead of declaring the entire Law unconstitutional.

"In an appeal from a summary judgment where there is no dispute of material fact our review is limited to determining whether the lower court erred in its application of the law," and "[w]here the constitutionality of a statute is at issue our review is de novo." *Associated Builders*, 610 N.W.2d at 298.

In its most recent decision regarding a single-subject challenge, the supreme court stated:

> Laws passed by the Legislature will comply with [the Single-Subject-Clause] constitutional requirement when all of the provisions fall under one general idea. In other words, all provisions need to be so connected or related to each other that they are all parts of, or germane to, one general subject. *When a provision fails the germaneness test, we have held that the proper remedy is simply to sever that provision from the rest of the bill.*

Otto, 910 N.W.2d at 456 (emphasis added) (quotations and citations omitted).

The Caucus argues that because there is not one general subject or common theme in the Law, the only possible remedy is to declare the entire Law unconstitutional. The Caucus further argues 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."

As to this issue, the district court reasoned: "Out 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." The district court's approach is supported by the supreme court's most recent precedent on the subject, in which the supreme court instructed that if "a provision fails the germaneness test, . . . the proper remedy is simply to sever that provision from the rest of the [Law]." *Id.* The supreme court was clear regarding the appropriate remedy stating, "we will not strike down a germane provision of a law simply because other provisions in the law are not germane" and that "[t]o do so would undermine the presumption of constitutionality that we afford to legislation and risk overstepping our judicial bounds." *Id.* at 458 (quotation omitted); *see State v. Merrill*, 450 N.W.2d 318, 321 (Minn. 1990) (stating that Minnesota statutes are presumed constitutional).

Similarly, in *Associated Builders*, a majority of the supreme court endorsed severance instead of complete invalidation, despite the strong dissenting opinions of two justices.[8] 610 N.W.2d at 307. In doing so, the supreme court acknowledged that it had voided an entire act as unconstitutional under the Single-Subject Clause in *State v.*

[8] Justice Page wrote: "While I disagree with the court's conclusion that article 16, section 4 of chapter 231 violates [the Single-Subject Clause] . . . , to the extent that the court is correct and I am wrong on that point, the clear language of [the Single-Subject Clause] and the purposes behind that constitutional provision mandate that the law in question . . . be struck down in its entirety . . . ." *Associated Builders*, 610 N.W.2d at 310-11 (Page, J., dissenting). And Justice P. Anderson wrote: "While agreeing that chapter 231 is unconstitutional under [the Single-Subject Clause], I cannot agree with the majority's conclusion that we can simply strike the offending provision of this law and permit the remainder to continue in effect." *Id.* at 311 (Anderson, J., concurring in part and dissenting in part).

Women's & Children's Hospital, 173 N.W. 402, 402 (Minn. 1919), but the court declared that case "not particularly useful" and characterized the remedy of voiding an entire act as "draconian." *Id.* at 305-06.

Even though the district court deferred to supreme court precedent favoring severance, it stated its concern that "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." (Footnotes and quotations omitted.)

We share that concern.[9] However, given the supreme court's clear endorsement of severance as the remedy for a violation of the Single-Subject Clause, we conclude that the district court did not err by ordering severance instead of declaring the entire Law

[9] In *UnitedHealth Group Inc. v. State of Minnesota*, we considered another single-subject challenge to the Law at issue in this case and stated that "[w]ere it not for *Otto*, it would not be difficult to conclude that the Law violates the Single-Subject Clause because all its provisions do not fall under one general idea" and are not "so connected or related to each other that they are all parts of, or germane to, one general subject." No. A25-1398, slip op. at 21 (Minn. App. May 26, 2026) (quotations omitted). We noted the Law's seemingly incompatible provisions ranging from "abortion, assisted living facilities, binary triggers, bonds for the Iron Range, a child tax credit, college admissions," and "combat sports" to "state building codes, state patrol headquarters, straw purchasing of firearms, student parents, traffic cameras, Uber and Lyft driver pay, vaccines, and veterinary licensing." *Id.* at 22. We also noted that we have previously held that "a law that addressed both natural resources and handgun permitting contained 'two disparate subjects . . . lack[ing] a legitimate connection to one another'" and that the Law "includes both of those subjects." *Id.* at 22 (quoting *Unity Church of St. Paul v. State*, 694 N.W.2d 585, 595-96, 600 (Minn. App. 2005)). Finally, we noted that in *Associated Builders*, "the supreme court held that a wage amendment was not germane to the subject of tax relief" and that the Law "includes both of those subjects." *Id.* at 23. Although we stated that "the numerous provisions in the Law do not readily reveal one general subject or common theme," we accepted the state's argument "that 'many' of the Law's provisions relate to 'the operation and financing of state government'" and concluded that "[u]nder *Otto*, that seems to be good enough." *Id.*

unconstitutional. Consistent with supreme court precedent, we affirm the district court's decision to limit the constitutional remedy to severance of the challenged binary-trigger provision.

Affirmed.