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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1398**

UnitedHealth Group Incorporated, et al.,
Appellants,

vs.

State of Minnesota, et al.,
Respondents.

**Filed May 26, 2026
Affirmed
Larkin, Judge
Concurring specially, Ross, Judge**

Ramsey County District Court
File No. 62-CV-24-4764

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Considered and decided by Larkin, Presiding Judge; Ross, Judge; and Smith, John, Judge.*

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NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellants challenge the district court’s summary-judgment dismissal of their constitutional challenge to a law passed during Minnesota’s 2024 legislative session. Appellants argue that the law violates the Single-Subject Clause of the Minnesota Constitution. The district court concluded that appellants’ constitutional challenge was justiciable based on two groups of provisions in the law: those restricting the state’s ability to contract with for-profit health maintenance organizations and those regarding misclassification of employees as independent contractors. We conclude that appellants’ constitutional challenge based on the misclassification provisions was not justiciable. As to appellants’ challenge based on the health-maintenance-organization provisions, we apply the most recent supreme court precedent regarding the Single-Subject Clause and conclude that appellants’ challenge fails because the health-maintenance-organization provisions are germane to the subject of the law as identified in its title. We therefore affirm the district court’s summary dismissal of appellant’s single-subject challenge.

FACTS

On the final day of Minnesota’s 2024 legislative session, the legislature passed a combined omnibus bill (the bill).¹ The resulting law (the Law) fills an entire session-law

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.*

volume. 2024 Minn. Laws ch. 127, at 2753-3858. The title of the Law begins: “*An act relating to the operation and financing of state government . . .*” *Id.* at 2753. The title continues at length, describing all the subjects addressed in the Law:

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;

“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.

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 2753-54. The remainder of the title lists the coded and uncoded laws that the Law added, amended, or repealed. *Id.* at 2754-58.

Appellants UnitedHealth Group Incorporated, et al. (UH) includes three entities that are parties to the underlying action: UnitedHealth Group Incorporated (UHGI), UnitedHealthcare of Illinois Inc. (UHI), and UnitedHealthcare Life Insurance Company (UHLI). UH sued respondents State of Minnesota, et. al (the state), seeking a declaratory judgment that the Law violates the Single-Subject Clause of the Minnesota Constitution, which provides: “*No law shall embrace more than one subject*, which shall be expressed in its title.” Minn. Const. art. IV, § 17 (emphasis added).

The state moved the district court to dismiss for lack of jurisdiction, alleging that UH presented nonjusticiable claims, and for failure to state a claim upon which relief could be granted. In the alternative, the state moved for summary judgment. UH responded with its own motion for summary judgment.

The district court denied the state’s motion to dismiss in part, concluding that UH’s challenge was justiciable based on two sets of provisions in the Law. The first set regards state contracting with health maintenance organizations (HMOs) and effectively prohibits

the state from contracting with for-profit HMOs and prohibits for-profit HMOs from participating in state-run medical programs or providing healthcare benefits to state employees (the HMO-contracting provisions). *See* 2024 Minn. Laws ch. 127, art. 57, §§ 1, 10, 55, 67, at 3529, 3534, 3561, 3565-66. The second set of provisions regards misclassification of employees as independent contractors and increases the penalties for employers that unlawfully classify employees as independent contractors (the employee-misclassification provisions). *See id.*, art. 10, §§ 5-7, at 2894-2897.

The district court concluded that UHGI did not have standing to challenge the Law because it was merely a corporate parent and had not suffered an injury-in-fact. The district court therefore dismissed UHGI from the action.² But the district court reasoned that UHI had standing based on the HMO-contracting provisions and that UHLI had standing based on the employee-misclassification provisions, though the court expressed some misgivings regarding whether UHLI's challenge was ripe. As to the competing motions for summary judgment, the district court granted summary judgment for the state and dismissed the suit with prejudice, concluding that the Law does not violate the Single-Subject Clause.

UHI and UHLI appeal. We refer to UHI and UHLI, individually and collectively, as UH throughout the remainder of this opinion.

² The district court's determination that UHGI lacked standing is not challenged on appeal.

DECISION

UH contends that the district court erred in ruling that the Law does not violate the Single-Subject Clause. In response, the state contends that UH's single-subject challenge is not justiciable. Because the state's justiciability arguments present a challenge to the district court's exercise of jurisdiction, we address those arguments before turning to the merits of the district court's single-subject ruling. *See Stone v. Invitation Homes, Inc.*, 986 N.W.2d 237, 246-47 (Minn. App. 2023) ("Standing is a jurisdictional doctrine, and the lack of standing bars consideration of the claim by the district court." (quotation omitted)), *aff'd*, 4 N.W.3d 489 (Minn. 2024).

I.

The state contends that the district court erred by denying, in part, its motion to dismiss. The state moved the district court to dismiss for lack of jurisdiction, alleging that UH presented nonjusticiable claims, and for failure to state a claim upon which relief could be granted. *See* Minn. R. Civ. P. 12.02(a), (e). "We review de novo whether a complaint sets forth a legally sufficient claim for relief, accepting all the facts alleged in the complaint as true and construing all reasonable inferences in favor of the nonmoving party." *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 606 (Minn. 2014); *see Forslund v. State*, 924 N.W.2d 25, 30 (Minn. App. 2019) (reviewing dismissals under both rule 12.02(a) and rule 12.02(e) de novo).

The state argues that UH's single-subject challenge is not justiciable for two reasons. First, the state argues that the challenge presents a nonjusticiable political question. Second, the state argues that UH lacks standing to challenge the employee-

misclassification provisions and that its challenge is not ripe.³ We address each argument in turn, de novo. *See McCaughtry v. City of Red Wing*, 808 N.W.2d 331, 337 (Minn. 2011) (“Justiciability is an issue of law that we review de novo.”) (*McCaughtry I*).

Political-Question Doctrine

The state asserts that all constitutional challenges based on the Single-Subject Clause 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) (quoting *Black’s Law Dictionary* (10th ed. 2014)). 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, 417 (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:

Single-subject claims present quintessential political process questions that should be beyond the reach of the judiciary. To be sure, Minnesota courts have long heard cases arising under the single-subject clause. But in the modern era, Minnesota courts have not considered whether the political question doctrine should bar consideration of single-subject claims. The time to do so is now: constitutional text and structure, history, and prudential considerations all favor holding single-subject claims non-justiciable.

³ The state does not dispute that UH has standing based on the HMO-contracting provisions or that its challenge is ripe.

(Quotation and citation omitted.)

Again, the state acknowledges that “Minnesota courts have long heard cases arising under the single-subject clause.” Indeed, in its most recent consideration of a Single-Subject-Clause 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 v. Wright County*, 910 N.W.2d 446, 459 (Minn. 2018) (quotation omitted). The state also acknowledges that this court does not have authority to abolish supreme court precedent. *See State v. M.L.A.*, 785 N.W.2d 763, 767 (Minn. App. 2010) (stating that this court is bound by supreme court precedent), *rev. denied* (Minn. Sept. 21, 2010). The state explains that it has raised the political-question issue only to preserve it for further review.

We are “an error-correcting court,” and “it is not the role of this court to abolish established judicial precedent.” *State v. Adkins*, 706 N.W.2d 59, 63 (Minn. App. 2005). Thus, the state is correct that “[b]ecause the Minnesota Supreme Court has long treated single-subject claims as justiciable, the State’s political question argument is ultimately for the Minnesota Supreme Court,” and not this court. We therefore do not address the merits of the state’s political-question argument.

Standing and Ripeness

The state also asserts that the district court erred in determining that UH’s single-subject challenge is justiciable based on the employee-misclassification provisions. The state argues that the district court erred because UH lacks standing to challenge those provisions and because the challenge is not ripe.

A court cannot exercise jurisdiction over a claim unless a justiciable controversy exists. *Growe v. Simon*, 2 N.W.3d 490, 499 (Minn. 2024). Justiciability is a threshold for judicial action. *State ex rel. Sviggum v. Hanson*, 732 N.W.2d 312, 321 (Minn. App. 2007). It requires “adverse interests and concrete assertions of rights” and “a controversy that allows for specific relief by a decree or judgment of a specific character as distinguished from an advisory opinion predicated on hypothetical facts.” *Id.* If a lawsuit presents no redressable injury, it “must be dismissed for lack of justiciability.” *Id.*

The underlying action was brought under Minnesota’s Uniform Declaratory Judgments Act, which empowers courts to “declare rights, status, and other legal relations whether or not further relief is or could be claimed.” Minn. Stat. § 555.01 (2024); *see* Minn. Stat. § 555.16 (2024) (stating that the chapter may be cited as the “Uniform Declaratory Judgments Act”). “An action under the Uniform Declaratory Judgments Act must present a justiciable controversy or a district court has no jurisdiction to declare rights under the act.” *Minn. Laws. Mut. Ins. Co. v. Bradshaw & Bryant L. Off. PLLC*, 19 N.W.3d 206, 213 (Minn. App. 2025) (quotation omitted), *rev. denied* (Minn. June 17, 2025). A court “will not issue declarations upon remote contingencies or as to matters where the plaintiff’s interest is merely contingent upon the happening of some event in the future.” *Sviggum*, 732 N.W.2d at 321-22 (quotation omitted). “An injury that is merely possible or hypothetical is not enough to establish justiciability.” *McCaughtry I*, 808 N.W.2d at 338 (quotation omitted).

In sum, courts do not issue advisory opinions; we decide only actual controversies. *State v. Arens*, 586 N.W.2d 131, 132 (Minn. 1998).

The requirements of standing and ripeness are encompassed within the doctrine of justiciability. “Standing is a legal requirement that a party have a sufficient stake in a justiciable controversy to seek relief from a court,” whereas ripeness focuses on when a party with standing may bring suit. *McCaughtry I*, 808 N.W.2d at 338 (quotation omitted).

The Minnesota Supreme Court has explained:

In Minnesota, a party has standing if it has suffered an injury-in-fact. For a party to establish an injury-in-fact, it must demonstrate that it suffered a concrete and particularized invasion of a legally protected interest. An allegation of a merely possible or hypothetical injury is inadequate. A litigant challenging the constitutionality of a law need only demonstrate that the litigant has a legally cognizable interest that has suffered because of the State’s action.

Minn. Sands, LLC v. County of Winona, 940 N.W.2d 183, 192 (Minn. 2020) (footnote omitted) (quotations and citations omitted).

To have standing to seek a declaratory judgment regarding the constitutionality of a statute, “[a] citizen must have sustained or be in immediate danger of sustaining some direct injury from the enforcement of the challenged statute and not suffering in some indefinite way in common with people generally.” *Rukavina v. Pawlenty*, 684 N.W.2d 525, 531 (Minn. App. 2004).

[I]t is an elementary doctrine of constitutional law that one who invokes the power of the court to declare a statute to be unconstitutional must be able to show not only that the statute is invalid but that he *has sustained or is in immediate danger of sustaining some direct injury* resulting from its enforcement and not merely that he suffers in some indefinite way in common with people generally. The power of the court to declare a law unconstitutional is to be exercised only when absolutely necessary in a particular case.

Lott v. Davidson, 109 N.W.2d 336, 345 (Minn. 1961) (emphasis added).

As to ripeness, the necessary showing is similar. “A party challenging the constitutionality of a law must show that the Law is, or is about to be, applied to his disadvantage.” *McCaughtry I*, 808 N.W.2d at 338 (quotation omitted). That is, the party must show that it “has sustained or is immediately in danger of sustaining some direct injury.” *State ex rel. Smith v. Haveland*, 25 N.W.2d 474, 478 (Minn. 1946) (quotation omitted). “Issues which have no existence other than in the realm of future possibility are purely hypothetical and are not justiciable.” *McCaughtry I*, 808 N.W.2d at 339 (quotation omitted).

UH argues that it has a “direct and not hypothetical” interest in the Law’s employee-misclassification provisions because UH uses independent contractors and therefore faces the threat of new penalties and liabilities. But the possibility of enforcement of the employee-misclassification provisions and imposition of increased penalties falls short of the necessary direct injury. *See Baertsch v. Minn. Dep’t of Revenue*, 518 N.W.2d 21, 25 (Minn. 1994) (finding imminent injury where the state, “by letter, expressed its intent to enforce the statute against [the plaintiffs]”).

McCaughtry I is instructive. That case involved a challenge to the constitutionality of a rental-property inspection ordinance, and the supreme court was asked to “clarify the standing requirements applicable to declaratory judgment actions.” *McCaughtry I*, 808 N.W.2d at 333-34, 338. The supreme court determined that the claimants had presented a justiciable controversy and provided two reasons for its determination. *Id.* at 339-40. The first reason was that the claimants had “opposed three separate applications for

administrative warrants to inspect their properties.” *Id.* at 339. The second reason was that the “case present[ed] a purely legal question that [did] not require the development of a factual record” and “there [was] no reason to delay resolution of the constitutional questions.” *Id.* at 339-40.

The supreme court explained:

The constitutional issue that the landlords and tenants have raised is neither hypothetical nor abstract. The City has actually begun enforcing the rental inspection ordinance against appellants. The City has sought not just one but three separate administrative warrants over a four-year period to inspect their properties, which appellants have been forced to defend. And the City has indicated that it will continue to seek administrative warrants to inspect appellants’ properties. Accordingly, the claims here are based on an actual controversy

Id. at 340 (emphasis added).

Despite the well-established direct-injury requirement, UH argues that its single-subject challenge is justiciable even though the state has neither attempted to enforce nor threatened to enforce the employee-misclassification provisions against UH. UH argues that it need not show a direct injury and that its challenge to the Law is justiciable solely because it presents a purely legal issue and the factual record is adequately developed. As support, UH quotes the following line from the supreme court’s post-remand decision in *McCaughtry II* out of context: “In *McCaughtry I*, we held that appellants’ claim was ripe because their facial challenge presented ‘a purely legal question that does not require the development of a factual record.’” *McCaughtry v. City of Red Wing*, 831 N.W.2d 518, 523 (Minn. 2013) (*McCaughtry II*) (quoting *McCaughtry I*, 808 N.W.2d at 339).

The entire passage from *McCaughtry II* states:

[W]e held that appellants’ claim was ripe because their facial challenge presented “a purely legal question that does not require the development of a factual record.” *Because their challenge raised a “constitutional issue that . . . is neither hypothetical nor abstract,”* we concluded that “there [wa]s no reason to delay resolution of the constitutional question[.]”

Id. (alteration in original) (emphasis added) (citation omitted) (quoting *McCaughtry I*, 808 N.W.2d at 339-40). Thus, the entire passage reflects the *two* reasons for the supreme court’s justiciability determination in *McCaughtry I*. Again, the constitutional issue was “neither hypothetical nor abstract” because the city had “actually begun enforcing the rental inspection ordinance against appellants.” *McCaughtry I*, 808 N.W.2d at 340.

Moreover, the issue in *McCaughtry II* was not justiciability; the issue was the merits of the constitutional challenge. 831 N.W.2d at 524. In fact, the only reason the supreme court quoted the passage from *McCaughtry I* in *McCaughtry II* was to explain why *McCaughtry I* was not dispositive regarding the merits of the constitutional challenge. *See id.* at 523-24 (explaining that “*McCaughtry I* dealt with the specific issue of whether appellants’ claims were unripe” and that “[t]he present appeal is the first time that we have examined the merits of the facial challenge”).

In sum, UH’s challenge to the employee-misclassification provisions is not justiciable unless it can show that it has sustained or is in immediate danger of sustaining a direct injury from enforcement of those provisions. As to that issue, UH’s final, amended complaint alleges that UH “works with independent contractors, including for the sale of commercial insurance products,” that “[a] number of these independent contractors based

in Minnesota have executed contracts that contain arbitration clauses with [UH],” and that the employee-misclassification provisions “threaten to undercut the arbitration rights that [UH] has bargained for in its contracts with these independent contractors, harming [UH’s] expectations in its contracts.”

As the state notes, the allegation that the employee-misclassification provisions threaten to undercut UH’s contractual expectations is specious because those provisions do not change the test for determining whether a worker is classified as an employee or an independent contractor. And, UH has not alleged any facts to show that it has sustained or is in immediate danger of sustaining a direct injury from enforcement of the employee-misclassification provisions. UH’s claim of a direct-injury stemming from the employee-misclassification provisions stands in stark contrast to its direct-injury claim based on the HMO-contracting provisions. As the district court reasoned, “the for-profit HMO is no longer able to submit proposals to the Minnesota Department of Human Services nor is it able to offer healthcare plans to state employees or Minnesotans who rely on Medicaid or MinnesotaCare. . . . [T]his is an injury-in-fact.” UH does not allege a comparable injury stemming from the employee-misclassification provisions.

In sum, UH makes no factual assertion suggesting that the state has enforced, has attempted to enforce, or is about to enforce the newly enacted employee-misclassification provisions against UH. UH has articulated an injury that is merely possible or hypothetical, which is insufficient to establish a justiciable claim. Because UH’s challenge to the Law based on the employee-misclassification provisions is nonjusticiable, we affirm the district court’s award of summary judgment regarding those provisions on that ground, without

addressing those provisions in the constitutional analysis that follows. *See Doe v. Archdiocese of St. Paul*, 817 N.W.2d 150, 163 (Minn. 2012) (stating that an appellate court “need not adopt the reasoning of the district court” and “may affirm a grant of summary judgment if it can be sustained on any grounds”).

II.

We now turn to the merits of UH’s constitutional challenge and its argument that the Law violates the Single-Subject Clause. The issue comes before us on appeal from the district court’s grant of summary judgment. A district court must grant summary judgment “if the movant shows that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” Minn. R. Civ. P. 56.01. “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.” *Associated Builders*, 610 N.W.2d at 298. And because “the constitutionality of a statute is at issue our review is de novo.” *Id.*

We presume that Minnesota statutes are constitutional and exercise our authority to declare a statute unconstitutional with extreme caution. *Id.* at 299. A constitutional challenger must meet a “very heavy burden of demonstrating beyond a reasonable doubt that the statute is unconstitutional.” *Id.*

The Single-Subject Clause

Again, the Single-Subject Clause provides, “No law shall embrace more than one subject, which shall be expressed in its title.” Minn. Const. art. IV, § 17 (emphasis added). The clause serves two purposes: (1) “to prevent log-rolling, a legislative process by which

a number of different and disconnected subjects are united in one bill” and (2) “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.” *Otto*, 910 N.W.2d at 456 (quotations omitted). The clause is interpreted liberally and is not violated so long as a law is “germane to one general subject.” *Associated Builders*, 610 N.W.2d at 299. The Single-Subject Clause does not prevent the legislature “from embracing in one act all matters properly connected with one general subject.” *Id.* (quotation omitted).

All that is necessary is that the act should embrace one general subject; and [this means], merely, that all matters . . . should fall under . . . one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.

Id. (quotation omitted).

In determining that the Law did not violate the Single-Subject Clause, the district court explained that “seven ‘modern era’ cases” instruct a court how to determine whether there is a violation of the title⁴ and single-subject rule and that the framework is as follows:

- First, one must identify the challenged provision or provisions of the [law];
- Second, review the title of the [law];
- Third, determine whether the title gives reasonable notice of the challenged provision of the [law];
- Fourth, determine whether the challenged provision is germane to the title of the [law]; and
- Fifth, strike the challenged provision of the [law], if there was not reasonable notice as to the contents of the [law] in

⁴ “The single subject and title provisions of Section 17 are often discussed together, but the title provision serves a different purpose and requires a somewhat different analysis.” *Associated Builders*, 610 N.W.2d at 304. The title provision is not at issue here.

the title and/or the challenged provision is not germane to the title.

Applying that framework, the district court concluded that UH did not meet the extraordinary burden of persuasion necessary to overcome the general presumption of constitutional validity, that the Law gave reasonable notice of its contents in its title,⁵ and that the HMO-contracting provisions are germane to the title of the law. The district court explained: “Here, the core of the challenged provisions directly relate to the operation of state agencies. The HMO Contracting Provision[s] . . . are policies that instruct state agencies as to who they may contract with for health care for state employees and government programs”

UH asserts that the district court erred by looking only at the title of the Law and determining that the HMO-contracting provisions were germane to the title. UH argues that under supreme court precedent, “a court must first determine whether a law has a common theme defined by the great weight of its provisions before the court can decide whether the provisions at issue are constitutionally valid.” The state counters that UH’s proposed approach is inconsistent with the supreme court’s approach in *Otto* and that we must follow *Otto*.

The Otto Approach

In *Otto*, the supreme court considered and rejected a single-subject challenge to a law that allowed counties to choose between the state auditor and a private accounting firm

⁵ UH does not challenge the district court’s ruling regarding the adequacy of the Law’s title.

for a statutorily required annual audit. 910 N.W.2d at 448-49. The *Otto* court stated: “Laws passed by the Legislature will comply with [the Single-Subject] 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.” *Id.* at 456 (quotations and citation omitted). The supreme court cited its decision in *Associated Builders* and included a parenthetical stating, ““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.”” *Id.* (quoting *Associated Builders*, 610 N.W.2d at 307).

Despite language in *Otto* and *Associated Builders* indicating that a court should look to the provisions of a law to determine whether the law has one general subject or common theme, the *Otto* court did not use that approach. Instead of determining whether the law’s provisions revealed a common theme, the supreme court looked to the title of the law, which began, “an act relating to the operation of state government.” *Id.* (quotation omitted). The *Otto* court referred to its approach as an application of the “well-established” germaneness test and concluded that the test was satisfied based on its comparison of the challenged provision to the purpose of the law, as stated in the law’s title. *Id.* at 457. The supreme court explained:

A provision that allows counties to choose between the State Auditor and a private CPA firm for the annual audit required by statute, overseen by the State Auditor and subject to the State Auditor’s review and further audit, is clearly germane to the subject of state government operations. . . .

We reach this conclusion even though other provisions of the bill may not be germane to the subject “the operation of state government.” Those provisions are not before us in this constitutional challenge, and we will not strike down a germane provision of a law simply because other provisions in the law are not germane. To do so would undermine the presumption of constitutionality that we afford to legislation and risk overstepping our judicial bounds.

Id. at 457-58 (quotation omitted).

UH argues that *Otto* is not on point because the existence of one general subject was not disputed in that case. But the *Otto* court considered and rejected the following arguments from the state auditor: (1) the law contained a “wide variety of topics,” including appropriations, adoption of a symbol to honor members of the military, railroad-condemnation powers, and regulation of cosmetologists; (2) the law was the “epitome” of a “garbage bill”; and (3) the law’s numerous disparate provisions did not “share a common meaningful thread.” *Id.* at 455-56 (quotations omitted). Those arguments indicate that the existence of one general subject was disputed in *Otto*. And *Otto* indicates that the existence of such disparate provisions in a law is tolerable, so long as the challenged provision is germane to the purpose of the law, as set forth in its title.

UH also argues that “unquestioning reliance on a bill’s title to identify its subject . . . fails to recognize that a title may violate the constitution by naming multiple subjects, or an overbroad single subject.” UH notes that the *Otto* court recognized that a subject can be “too broad to comply with the constitution.” 910 N.W.2d at 451. Indeed, the *Otto* court considered and rejected the state auditor’s argument that the subject of “government operations” was “too broad to be a single subject that connects the many

disparate provisions” of the challenged law. *Id.* at 456-57. As support, the supreme court relied on its earlier cases that defined “subject” with a “broad and extended meaning.” *Id.* at 457 (quotation omitted).

UH also notes that in *State v. Women’s & Children’s Hospital*, the supreme court declared an entire law void under the Single-Subject Clause because the law’s title addressed two subjects. 173 N.W. 402, 402 (Minn. 1919). The supreme court invalidated the law because its title contained “two distinct objects,” and the latter was “in no way germane to the former,” explaining:

The validity of the act depends upon whether it embraces more than one subject. We hold that it does. The body of the act, *as well as its title*, provides: First, for the protection and care of homeless children and for the regulation of societies receiving and placing them in suitable homes; second, for the regulation or control of parties or hospitals receiving and caring for women during confinement. The former has to do only with homeless and abandoned children as a class, a very creditable object, and one that should receive full protection from the law. *The latter, which is in no way germane to the former*, has to do with places where mothers from almost every walk of life are received and cared for during confinement. 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.

Id. (emphasis added).

Thus, *Women’s & Children’s Hospital* indicates that a single-subject violation may result from a two-topic title if the two topics are distinct and not “germane” to each other. *Id.* Unlike the two distinct title subjects in *Women’s & Children’s Hospital*, the subjects of government operations and financing are adequately “connected with or related to each

other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.” *See Otto*, 910 N.W.2d at 458 n.11 (quotation omitted) (discussing the concept of germaneness). Again, “subject” is defined with a “broad and extended meaning.” *Id.* at 457 (quotations omitted). *Women’s & Children’s Hospital* is therefore distinguishable and not dispositive.

Finally, UH argues that if “the operation of state government” is interpreted “broadly enough to extend outside the state government’s internal operations, the subject is constitutionally overbroad.” That argument is inconsistent with the supreme court’s caselaw defining “subject” with a “broad and extended meaning.” *Id.* (quotations omitted). Given the supreme court precedent, we are not persuaded that the subject “the operation and financing of state government” is too broad to pass constitutional muster.

Application of Otto

Were 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.” *Id.* at 456 (quotation omitted). Nor are all of its provisions “so connected or related to each other that they are all parts of, or germane to, one general subject.” *Id.* (quotations omitted). As UH notes, “a conference committee took the roughly 40-page tax omnibus bill and folded in eight other omnibus bills.” And the nine aggregated omnibus bills contain 73 articles identifying at least thirteen subjects: transportation (articles 1-3, 17), labor (articles 4, 6, 8-11), combative sports (article 5), state employees (articles 12, 72-73), housing (articles 14-16), health occupations and licensing (articles 18-33, 61, 65), higher education (articles 34-35), firearms (article 36), agriculture (articles 37-38), energy (articles 13, 39-

45, 58), human services (articles 46-55, 62-64, 66-67), healthcare (articles 56-57, 59-60), and taxes (articles 68-71).

The Law’s provisions address abortion, assisted living facilities, binary triggers, bonds for the Iron Range, a child tax credit, college admissions, combat sports, emissions, grid-enhancing technologies, HIV prevention medication, homeowners’ associations, licensure compacts, motorcycles, natural organic reduction, paid family and medical leave, property forfeiture, rental assistance, state building codes, state patrol headquarters, straw purchasing of firearms, student parents, traffic cameras, Uber and Lyft driver pay, vaccines, and veterinary licensing.

UH argues that the Law “embraces the very same subjects Minnesota courts have previously declared too unrelated to pass constitutional muster.” For example, in *Unity Church of St. Paul v. State*, we held that a law that addressed both natural resources and handgun permitting contained “two disparate subjects . . . lack[ing] a legitimate connection to one another.” 694 N.W.2d 585, 595 (Minn. App. 2005). The Law in this case includes both of those subjects. See 2024 Minn. Laws ch. 127, art. 36, at 3203 (concerning firearms); 2024 Minn. Laws ch. 127, art. 42, §§ 1, 50, at 3259, 3304 (concerning energy policy, specifically, water permits and a study on carbon dioxide pipelines). And in *Associated Builders*, the supreme court held that a wage amendment was not germane to the subject of tax relief. 610 N.W.2d at 295, 302. Once again, the Law in this case includes both of those subjects. See 2024 Minn. Laws ch. 127, art. 17, § 4, at 2986 (concerning minimum compensation for a transportation-network-company driver); 2024 Minn. Laws ch. 127, art. 68-70, at 3786-3814 (concerning taxation and tax forfeiture).

Finally, UH argues that the challenged HMO-contracting provisions and the employee-misclassification provisions are themselves unrelated, explaining:

The Employee Classification Provisions change the scope of sanctionable conduct and remedies available to individuals and the State when private employers misclassify workers as independent contractors. This has nothing to do with whether for-profit HMOs can compete to provide services to Minnesotans who rely on Medicaid or Minnesota Care. Those two sets of unrelated provisions are also unrelated to scores of other provisions in the Omnibus Bill. They have nothing to do with the ban on binary firearm triggers (Art. 36, § 2), the codified living standards for assisted living facilities (Art. 47, §§ 3-4), the traffic rules for motorcyclists (Art. 3, § 61), or countless other provisions. These subjects are not connected by *any* general idea, contrary to the constitution.

(Quotation omitted.)

In short, the numerous provisions in the Law do not readily reveal one general subject or common theme. Indeed, the state does not directly argue that the Law has one. Instead, the state argues that “many” of the Law’s provisions relate to “the operation and financing of state government.” Under *Otto*, that seems to be good enough.

Although the *Otto* court stated that it remained “firmly committed” to its “constitutional duty to prohibit infringements by either the legislative or executive branch of the government of the constitutional rights vested in the people,” it concluded that a law containing disparate provisions did not violate the Single-Subject Clause because the challenged provision was germane to the subject identified in the Law’s title. 910 N.W.2d at 459 (quotation omitted). We are bound by that precedent. *See* Minn. Const. art. VI, § 2 (“The court of appeals shall have appellate jurisdiction over all courts, *except the supreme court . . .*” (emphasis added)); *State v. Curtis*, 921 N.W.2d 342, 346 (Minn. 2018) (“The

court of appeals is bound by supreme court precedent, as it has repeatedly acknowledged.”); *State v. Final Exit Network, Inc.*, 889 N.W.2d 296, 303 (Minn. App. 2016) (“We are bound by Minnesota Supreme Court precedent.”), *rev. denied* (Minn. Mar. 14, 2017).

We are also bound by the principles that statutes are presumed constitutional, that we are to exercise our authority to declare a statute unconstitutional with extreme caution, and that a constitutional challenger has a very heavy burden to demonstrate beyond a reasonable doubt that a statute is unconstitutional. Applying the approach from *Otto* and those principles, we conclude that the challenged HMO-contracting provisions are germane to the operation and financing of state government and that UH has not met its heavy burden to overcome the presumption of constitutionality. We therefore affirm the district court’s rejection of UH’s single-subject challenge and its award of summary judgment to the state.

Affirmed.

ROSS, Judge (concurring specially)

No one could read even the first three pages of the challenged 1,500-page law we are considering today—the offspring of nine, multi-topic omnibus bills folded into a gargantuan mega-omnibus bill—and maintain even a slight impression that she is reading a law embracing only one subject. I nevertheless concur with the court’s decision because we are bound by supreme court precedent and today’s opinion faithfully follows the literal dictates of *Otto v. Wright County*, 910 N.W.2d 446 (Minn. 2018). I write separately only to mourn the loss of the state constitution’s Single-Subject Clause.

I agree that *Otto* teaches that we are not to invalidate a law under the Single-Subject Clause so long as “all of [its] provisions fall under . . . one general idea,” or a “general subject,” however it might be captioned in the bill’s title, *Otto*, 910 N.W.2d at 456 (quotation omitted), and that we are so restrained regardless of how numerous or apparently unrelated to each other its provisions might be. Given the profusion and infinite nuance of English vocabulary, it is impossible for me to imagine any assortment of substantively divergent laws for which one could not, with moderate creativity, fashion a title broad enough to cover them all. If not for our duty to apply *Otto*’s reasoning, I would accept the logically unassailable arguments that UnitedHealth Group has forwarded and, based on the letter and spirit of the Single-Subject Clause, reverse.