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Ramsey County Civil, MN

STATE OF MINNESOTA **DISTRICT COURT**

COUNTY OF RAMSEY **SECOND JUDICIAL DISTRICT**

Jim Knoblach,

Plaintiff,

vs. Court File No. 62-CV-13-7640

State of Minnesota, Governor Mark Dayton, in his official capacity, Commissioner Spencer Cronk of the Minnesota Department of Administration, in his official capacity and the Minnesota Department of Administration,

ORDER OF DISMISSAL

Defendants.

The above-entitled matter came on for hearing before the Honorable Lezlie Ott Marek on January 22, 2014, on Defendants' motion to dismiss Plaintiff's Complaint and Plaintiff's motion for summary judgment. Erick G. Kaardal, Esq., of Mohrman & Kaardal, P.A., appeared on behalf of Plaintiff. John S. Garry, Assistant Minnesota Attorney General, appeared on behalf of Defendants. After neither of the parties objected, the Court granted a request from Harry N. Niska, Esq., of Ross & Orenstein LLC, for leave to file an *amicus curiae* brief on behalf of the Freedom Foundation of Minnesota.

The Court, having reviewed the motion papers, heard the argument of counsel for the parties, and based upon the files, records and proceedings herein, makes the following:

ORDER

1. Defendants' motion to dismiss for lack of standing and subject matter jurisdiction, pursuant to Minn. R. Civ. P. 12.02(a) and 12.08(c), is **DENIED.**

2. Defendants' motion to dismiss for failure to state a claim upon which relief can be granted, pursuant to Minn. R. Civ. P. 12.02(e), is **GRANTED**, and Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** in its entirety.

3. The following Memorandum is made a part of this Order.

THERE BEING NO JUST REASON FOR DELAY, LET JUDGMENT BE ENTERED FORTHWITH.

BY THE COURT:

Dated: February 6, 2014.

Lezlie Ott Marek
Judge of District Court

MEMORANDUM

I. Factual allegations set forth in Plaintiff's Complaint

The complete factual record for purposes of Defendants' Motion to Dismiss is that set forth in Plaintiff's Complaint, but the Court includes a brief summary of the most salient facts as follows:

Plaintiff Jim Knoblach is a former Minnesota state legislator who has filed this challenge to House File 677, also known as the 2013 Omnibus Tax Bill, which was signed into law and is now found at 2013 Minn. Laws ch. 143 ("Chapter 143"). Plaintiff's Complaint alleges that Chapter 143 violates Article IV, Section 17 of the Minnesota Constitution—the Single Subject and Title Clause—because it addresses more than one subject by its inclusion of 2013 Minn. Laws ch. 143, art. 12, § 21 ("Section 21").

Section 21 contains provisions related to the financing of new Senate legislative office facilities, including a $3 million allocation for predesign and design of the facilities and the authority for state officials to enter into a lease-purchase agreement and issue lease revenue bonds that will fund the construction, which is alleged to cost $89.5 million. The Complaint claims that Section 21 relates to appropriations and capital improvements, that such matters are commonly included in a Capital Investment or Bonding Bill, that Chapter 143 is related only to tax issues, and that Section 21 therefore addresses a different subject than the remainder of the legislation. Plaintiff's Complaint also includes a detailed history of the legislative process behind Chapter 143 and Section 21, details about several prior Omnibus Capital Investment Bills, the supermajority requirement applicable to such bills, information about legislative committee jurisdiction and comments by a committee leader, and the infrequent use of lease-purchase agreements as financing tools.

Plaintiff has brought this suit claiming that he has taxpayer standing to challenge an unlawful disbursement of public funds or illegal action on the part of public officials. He seeks a declaratory judgment that Chapter 143 unconstitutionally addresses more than one subject due to the inclusion of Section 21. He also seeks an injunction against the State of Minnesota, the Minnesota Department of Administration, its Commissioner Spencer Cronk in his official capacity, and Governor Mark Dayton in his official capacity, preventing any further implementation of Section 21.

II. Legal standard for a motion to dismiss for failure to state a claim

Defendants have moved to dismiss Plaintiff's Complaint on the grounds that it fails to state a claim upon which relief can be granted, pursuant to Minn. R. Civ. P. 12.02(e). This motion must be denied "if it is possible on any evidence which might be produced, consistent with the pleader's theory, to grant the relief demanded." *N. States Power Co. v. Minnesota Metro. Council*, 684 N.W.2d 485, 490 (Minn. 2004).

In reviewing a motion to dismiss, the Court must accept all facts contained in the Complaint as true and grant all reasonable inferences to Plaintiff. *Hebert v. City of Fifty Lakes*, 744 N.W.2d 226, 229 (Minn. 2008). However, the Court is "not bound by legal conclusions stated in a complaint when determining whether the complaint survives a motion to dismiss for failure to state a claim." *Id.* at 235. "In evaluating challenges to the constitutionality of statutes, [the Minnesota Supreme Court] recognizes that the interpretation of statutes is a question of law." *In re Blilie*, 494 N.W.2d 877, 881 (Minn. 1993). The Court must limit its review to those matters set forth in the Complaint, or the motion shall be treated as one for summary judgment under Rule 56. *See N. States Power Co.*, 684 N.W.2d at 490. Accordingly, the Court's review is limited to the allegations contained in Plaintiff's Complaint regarding the passage of Chapter 143, which are accepted as true, and the challenged legislation itself, the constitutionality of which remains a question for the Court.

Plaintiff's argument that Defendants have waived their Rule 12.02(e) challenge by asking the Court to dismiss the Complaint on its merits is unfounded. Defendants have argued that the challenged statute is not unconstitutional, its interpretation and constitutionality are questions of law for resolution by the Court, and a finding that it is constitutional would render the Court unable to grant any of the relief requested in Plaintiff's Complaint. This is a proper basis for a Rule 12.02(e) motion.

Defendants have also moved to dismiss Plaintiff's Complaint on standing grounds as discussed in detail below.

III. Plaintiff has Taxpayer Standing to bring this lawsuit, because he alleges an unlawful disbursement of public money by the Minnesota Legislature.

A. Legal standards for Standing

Defendants have moved to dismiss Plaintiff's Complaint on the basis that Plaintiff lacks standing to bring this suit. Standing is essential to a court's exercise of subject matter jurisdiction. *Annandale Advocate v. City of Annandale*, 435 N.W.2d 24, 27 (Minn. 1989). An action must be dismissed if the court lacks subject matter jurisdiction. Minn. R. Civ. P. 12.08(c). In a recent review of Minnesota law on standing, the Court of Appeals has observed:

> When the facts relevant to standing are undisputed, the standing inquiry raises a question of law . . . To establish standing, a plaintiff must have a sufficient personal stake in a justiciable controversy. A sufficient stake may exist if the party has suffered an "injury-in-fact" or if the legislature has conferred standing by statute. Absent express statutory authority, taxpayer suits in the public interest are generally dismissed unless the taxpayers can show some damage or injury to the individual bringing the action which is special or peculiar and different from damage or injury sustained by the general public. Taxpayers without a personal or direct injury may still have standing but only to maintain an action that restrains the "unlawful disbursements of public money ... [or] illegal action on the part of public officials."

Olson v. State, 742 N.W.2d 681, 684 (Minn. App. 2007) (quoting *McKee v. Likins,* 261 N.W.2d 566, 571 (Minn. 1977) (citations omitted). Defendants argue that although the injury-in-fact requirement is less demanding in cases brought under *McKee*, a plaintiff still must satisfy the traditional injury-in-fact requirement. However, this argument is unsupported by the case law, which treats the *McKee* standard as an exception to the injury-in-fact analysis. *Id.*[1]

The parties agree that no statute confers standing on Plaintiff. The parties also seem to agree that Plaintiff has no injury-in-fact that is different from that of any other Minnesota citizen who believes their tax dollars are being wasted as the result of legislation that is alleged to violate a specific provision of the Minnesota Constitution. The question then becomes whether the common law of Minnesota allows Plaintiff here to proceed with his challenge to the legislation in question.

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[1] Persuasive appellate authority states this conclusion even more clearly. *See Minnesota Break the Bonds Campaign v. Minnesota State Bd. of Inv.*, A12-0945, 2012 WL 5476166 (Minn. App. Nov. 13, 2012), review denied (Jan. 29, 2013) (unreported) ("If there is no injury in fact, a litigant may nevertheless assert standing as a taxpayer to 'maintain an action that restrains the unlawful disbursements of public money or illegal action on the part of public officials.'") (quoting *Olson*, 742 N.W.2d at 684).

Plaintiff asserts taxpayer standing in this case based on the *McKee* exception to the traditional injury-in-fact analysis. Defendants properly argue that courts have repeatedly and stringently limited *McKee* to a narrow set of circumstances, and that in the vast majority of cases it will not apply and there is no taxpayer standing. *See, e.g., Citizens for Rule of Law v. Senate Comm. on Rules & Admin.*, 770 N.W.2d 169, 175 (Minn. App. 2009) ("The Minnesota courts have limited *McKee* closely to its facts"). However, having reviewed the numerous appellate decisions applying this doctrine to a variety of factual scenarios, the Court finds that this case is one of the few that falls within the narrow scope of permissive taxpayer standing.

B. The *McKee* standard

A taxpayer has standing to bring an action to restrain "unlawful disbursements of public money ... [or] illegal action on the part of public officials," but courts have strictly enforced the requirements of this standard. *McKee*, 261 N.W.2d at 571. Where the funds at issue are not in fact public funds, there are no grounds for taxpayer standing. *See Conant v. Robins, Kaplan, Miller & Ciresi, L.L.P.*, 603 N.W.2d 143 (Minn. App. 1999). Numerous courts have also concluded that a taxpayer lacked standing when there was no disbursement or that it was not unlawful.[2] In this case, Section 21 includes a $3 million appropriation that constitutes a direct expenditure for the predesign and design of the new Senate building and authorizes a lease-purchase agreement and associated bonds to finance the construction of the building. The present challenge bears none of the defects found in the foregoing cases and satisfies even a strict and limited application of the *McKee* standard as to these issues.

C. Applicability of *McKee* to Plaintiff's Claim

Defendants argue that such a simple application of the *McKee* standard, in conjunction with the ability to link nearly any state action to the expenditure of funds, could functionally eliminate any restrictions on the scope of taxpayer standing in a manner that was not intended by the *McKee* court. *See McKee*, 261 N.W.2d at 571 ("the activities of governmental agencies engaged in public service ought not to be hindered merely because a citizen does not agree with the policy or discretion of those charged with the responsibility of executing the law"); *see also Hageman v. Stanek*, A03-2045, 2004 WL 1563276 at *2 (Minn. App. July 13, 2004)

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[2] *See St. Paul Area Chamber of Commerce v. Marzitelli*, 258 N.W.2d 585 (Minn. 1977) (no standing to challenge statutory prohibition of further construction on freeway project because *non*-expenditure of funds is not a disbursement); *Olson v. State*, 742 N.W.2d 681 (Minn. App. 2007) (no standing to challenge business tax credits on the basis that others' exemption would increase taxpayer's overall tax burden, because exemption is not an expenditure); *In re Sandy Pappas Senate Comm.*, 488 N.W.2d 795 (Minn. 1992) (no standing because disbursement was lawful due to the fact that election laws required that it be paid).

(unreported) ("the *McKee* case does not offer an open door to taxpayer standing on any issue"). However, after analyzing the appellate precedent and the claims contained in those cases, the Court has concluded that Plaintiff's challenge to Section 21 is one of the rare cases that may properly proceed based on taxpayer standing.

In *McKee*, a taxpayer sought to challenge an administrative act of the Commissioner of Public Welfare, arguing that a policy bulletin he issued, which mandated certain expenditures of medical assistance funds, constituted a rule within the meaning of the applicable statute and was issued without the required public notice and hearing. *McKee*, 261 N.W.2d at 568. The court provided a clear and modern endorsement of the longstanding principle that, unlike in the Federal courts, Minnesota taxpayers have standing to challenge certain illegal expenditures by public officials. *Id.* at 570-71. The court held that the plaintiff had standing to challenge the action that allegedly was taken without giving the public a proper notice and hearing. *Id.* at 571. The court also observed in dicta that there appeared to be a stronger policy reason to permit standing where a plaintiff alleges the violation of a general duty owed to the public than in a case where a properly adopted regulation is challenged regarding its effect on certain groups or individuals. *Id.* at 571 n.5.

Recently, the Minnesota Court of Appeals held that a taxpayer had standing to raise a constitutional challenge to the actions taken by committees in both houses of the Minnesota Legislature to raise the per diem allowance for legislators' living expenses. *Citizens for Rule of Law*, 770 N.W.2d at 169. An association of taxpayers challenged the raise on grounds that it violated Article IV, Section 9 of the Minnesota Constitution, which provides that "[n]o increase of compensation shall take effect during the period for which the members of the existing house of representatives may have been elected." *Id.* at 171. The court held that although "Minnesota courts have limited *McKee* closely to its facts . . . this action falls within the narrow confines of taxpayer standing. As in *McKee*, appellants challenge a specific disbursement of money, alleging that it was wrongful." *Id.* at 175.

Defendants argue that *McKee* is inapplicable here because it pertains to an administrative violation of a statute, not a constitutional challenge, and that while *Citizens for Rule of Law* permitted a constitutional challenge, it was permitted only to an act by legislative committees, not a statute. They argue that the *McKee* doctrine cannot be applied to statutory constitutional challenges, cite case law where *McKee* was not relevant and a traditional injury-in-fact was thus required,[3] and also rely on the *Hageman* court's unwillingness to apply *McKee* to an Equal Protection claim. *Hageman*, 2004 WL 1563276 at *1. The Court finds

[3] *See, e.g., Lott v. Davidson*, 109 N.W.2d 336, 345 (Minn. 1961); *Kammueller v. Kammueller*, 672 N.W.2d 594, 599 (Minn. App. 2003).

Defendants' argument to be contrary to the more recent, reported, and binding decision in *Olson v. State*, 742 N.W.2d 681 (Minn. App. 2007). In *Olson*—involving a constitutional challenge to statutes—the court did not conduct an injury-in-fact analysis, held that "[t]axpayers without a personal or direct injury may still have standing," and conducted an in-depth *McKee* analysis. *Id.* at 684-85 (holding that the claim failed the "disbursement" portion of the *McKee* standard).

The Minnesota Supreme Court's footnote in *McKee*, albeit passing dicta, has accurately forecast the development of its standing doctrine in this area. *McKee*, 261 N.W.2d at 571 n.5. Often relying on its statement that government "ought not to be hindered merely because a citizen does not agree with the policy or discretion" of its laws and officials, courts have repeatedly denied taxpayer standing where individuals seek to challenge the effect or merits of a law, regulation, or decision. *Id.* at 571; *see, e.g., Hageman*, 2004 WL 1563276 at *1; *Rukavina v. Pawlenty*, 684 N.W.2d 525, 531 (Minn. App. 2004) ("We agree that the individual challenges in this case are based primarily on appellants' disagreement with policy or the exercise of discretion").

These cases stand in contrast to *McKee*, where the plaintiff had standing to bring allegations that the government failed to provide public notice and a public hearing before implementing a rule, and *Citizens for Rule of Law,* where the plaintiffs had standing to claim that legislators had increased their compensation without first facing a public election as required by the Minnesota Constitution. These decisions echo principles explained in another standing case that is procedurally very different but implicates similar concerns regarding the public. In *Channel 10, Inc. v. Indep. Sch. Dist. No. 709, St. Louis Cnty.*, 215 N.W.2d 814, 821 (Minn. 1974), the Minnesota Supreme Court stated that the "Minnesota Open Meeting Law was obviously designed to assure the public's right to be informed," and that even though no member of the public would have an injury unique or different from one another, "a right to attend open public meetings having been given to the general public . . . they should have standing to enforce that right." *Id.*

In this case, Plaintiff alleges that Section 21 was passed in violation of the Single Subject and Title Clause, which is "Minnesota's first 'sunshine law.'" *Associated Builders & Contractors v. Ventura*, 610 N.W.2d 293, 303 (Minn. 2000). Such a law "requir[es] a governmental department or agency to open its meetings or its records to public access." *Black's Law Dictionary* (9th ed. 2009), sunshine law. The purpose of the Clause is to prevent "logrolling,"[4]

[4] Logrolling is the "combination of different measures, dissimilar in character, * * * united together with the sole view, by this means, of compelling the requisite support to secure their passage." *Wass v. Anderson*, 252 N.W.2d 131, 135 (Minn. 1977).

which helps ensure that each subject of legislation is put before the legislature and public for scrutiny on its own merits, and that unpopular provisions cannot be attached to *unrelated* popular bills to achieve passage. *See Associated Builders*, 610 N.W.2d at 303. Likewise, the "purpose of the title provision is to prevent fraud or surprise on the legislature and the public." *Id.* at 304. Finally, while courts refuse to permit taxpayer standing where a citizen simply disagrees with government policy, a Single Subject and Title challenge "does not address the merits of the [legislation] and constitutes no comment on the public policy underlying the [legislation] itself." *Unity Church of St. Paul v. State*, 694 N.W.2d 585, 591 (Minn. App. 2005).

The Court concludes that Plaintiff has taxpayer standing to bring his challenge to Section 21 under the Single Subject and Title Clause. Having already concluded that the claim meets the disbursement requirement of the *McKee* standard, the Court is also persuaded that the scope of that exception includes the allegations found here. While case law provides no basis for taxpayer standing to challenge the constitutionality of a statute's substantive effect or impact without showing an injury-in-fact, or to simply raise dissatisfaction with government policy or decisions, the allegations here instead implicate the same concerns regarding procedure, lawmaking, and the general public that were present in *McKee* and *Citizens for Rule of Law*. Accordingly, the Court finds that Plaintiff has standing to pursue this claim.

IV. Plaintiff's Complaint fails to state a claim upon which relief can be granted, because the legislation he challenges does not violate the Single Subject requirement of the Minnesota Constitution.

A. The Single Subject and Title Clause and the "Mere Filament" test

Article IV, Section 17 of the Minnesota Constitution—the Single Subject and Title Clause—mandates that "No law shall embrace more than one subject, which shall be expressed in its title." Plaintiff focuses his challenge on the single subject issue and does not appear to contest whether the lengthy title provides adequate notice of the bill's contents. *See Associated Builders,* 610 N.W.2d at 304. In analyzing whether a law violates the single subject provision, "[a]ll that is necessary is that the [law] should embrace some one general subject . . . merely, that all matters treated of should fall under some 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." *Wass v. Anderson*, 252 N.W.2d 131, 137 (Minn. 1977) (quotation and citation omitted). If there is a common thread linking all of the provisions and the subject of the legislation, even if that thread is but "a mere filament," it will not be found to violate the Single Subject and Title Clause. *See Blanch v. Suburban Hennepin Reg'l Park Dist.*,

449 N.W.2d 150, 155 (Minn. 1989).[5] Thus, the only way that Plaintiff can prevail in his lawsuit is to show that as a matter of law, the challenged parts of Section 21 are not connected by even a "mere filament" to the subject of Chapter 143.

B. The provisions of Chapter 143, including the challenged Section 21, are germane to a single subject because they are linked by a common thread that satisfies the mere filament test

The title of Chapter 143 begins by declaring it "[a]n act relating to financing and operation of state and local government." 2013 Minn. Laws ch. 143. Section 21 contains provisions related to the financing of new Senate legislative office facilities, including a $3 million allocation for predesign and design of the facilities and the authority for state officials to enter into a lease-purchase agreement and issue lease revenue bonds which will fund the construction cost alleged in the Complaint to be $89.5 million.

Plaintiff argues that the subject of this legislation is taxation and every provision contained therein must be linked to taxation. He further argues that Section 21 is an appropriation for a capital improvement, and that while the public finance article does contain other provisions that may be viewed similarly, those relate to local government buildings and projects.[6] In opposition to Defendants' motion to dismiss, Plaintiff asserts without detail that these local provisions all relate to the subject of taxes. Defendants argue that Chapter 143 and its provisions are all linked by the common thread of raising revenue to fund state and local government operations. They point out that not only does Chapter 143 contain provisions for revenue and financing from sources other than taxes, it specifically contains provisions regarding the financing of capital improvements and public facilities with that revenue.[7]

Having reviewed the cases Plaintiff relies upon and the legislation's provisions, particularly those found in the Public Finance article in which Section 21 is found, the Court finds that the subject of Chapter 143 is broader than taxation (as noted in its title) and there is at least a "mere filament" connecting Section 21 with the subject of financing and raising revenue to fund state and local government operations. Plaintiff's attempt to distinguish Section 21 from the rest of Chapter 143 is too attenuated and would require scrutiny too

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[5] *See also Associated Builders*, 610 N.W.2d at 302 (finding violation and severing provision that "falls far short of even the mere filament test"); *Unity Church of St. Paul v. State*, 694 N.W.2d 585, 593 (Minn. App. 2005) (applying the mere filament test).

[6] Plaintiff concedes that one provision besides Section 21—Section 20 which immediately precedes it—also involves state bond financing, but he has not chosen to challenge this provision. However, by noting his view of its impropriety, he presumably desires that the Court disregard any grounds for commonality between it and Section 21 in evaluating Plaintiff's claim that Section 21 does not fit within the remainder of Chapter 143. The Court notes that any such exclusion would impede a fair and complete reading of the legislation as a whole.

[7] Defendants cite 2013 Minn. Laws ch. 143, art. 11, § 11; *id.* art. 12, § 5; *id.*, § 10; *id.*, § 20.

meticulous to still remain an application of the mere filament test. Plaintiff asks the Court to separate out the revenue provisions not based in taxation, salvage the subset of those related primarily to local government, ignore a provision he does not wish to challenge, and strike down Section 21 as the lone unrelated survivor of this process. This is not consistent with a deferential inquiry that seeks only to determine whether all of the legislation's provisions "fall under some one general idea," and the Court concludes that Section 21, like the rest of Chapter 143, is related to the subject of financing the operation of state and local government. *See Wass*, 252 N.W.2d at 137.

Plaintiff argues that such a subject is impermissibly broad, that the subject of an omnibus tax bill is taxes alone, and relies on *Associated Builders* for both propositions. The court in *Associated Builders* stated that "more than an impact on state finances is required . . . as virtually any bill that relates to government financing and government operations affects, in some way, expenditure of state funds." *Associated Builders*, 610 N.W.2d at 302. It did so in response to the appellants' "strained" argument tying the prevailing wage amendment to tax relief and does not stand for the proposition that legislation cannot have the broad subject of financing the operation of state and local government. In fact, rather than find the subject of the 1997 Omnibus Tax Bill was limited strictly to taxes, as alleged by Plaintiff, the court also analyzed the prevailing wage amendment for relevance to the broader subject of government financing and operation. *Id.* While the wage law failed even this analysis, the court relied upon this broader subject characterization in refuting the dissent's argument that certain other provisions were not germane to the Tax Bill. *Id.* at 303 n.24. Having already found that the proper subject of the 2013 Omnibus Tax Bill is broader than taxation, the Court finds no support for the notion that such a conclusion is impermissible.

C. Plaintiff's allegations of logrolling and irregularities regarding the legislative and committee processes cannot constitute a violation of the Single Subject and Title Clause where the Legislation has been found germane to a single subject

Plaintiff's Complaint includes a detailed history of the legislative process behind Chapter 143 and Section 21, details about several prior Omnibus Capital Investment Bills, the supermajority requirement applicable to such bills, information about legislative committee jurisdiction and comments by a committee leader, and the infrequent use of lease-purchase agreements as financing tools. The crux of Plaintiff's argument is that based on legislative custom and history, the passage of Section 21 was a significant deviation from traditional practice—by its inclusion in a tax bill and consideration before a tax committee—and was the product of impermissible logrolling that violates the Single Subject and Title Clause. Where the Court has found that legislation is germane to a single subject, however, allegations of legislative improprieties cease to be a proper subject for judicial review. Certainly Plaintiff has

highlighted significant oddities about this legislation and its passage, but such factors only become relevant when the legislation has failed the mere filament test.

In *Associated Builders*, the Minnesota Supreme Court applied the mere filament test and concluded that the prevailing wage amendment failed the test. *Associated Builders,* 610 N.W.2d at 302-03. Having made that determination, the court *then* turned to the appellants' argument that notwithstanding that failure, there "was no evidence of impermissible logrolling and therefore the mischief the constitutional restriction was intended to address [was] not present." *Id.* at 303. In response, the court noted several concerns about the bill's passage, including deviations from legislative custom in that typically such a measure would be found in a different type of bill and before a different committee, the fact that it had no companion in the opposite chamber and received little discussion, and that there was a much more direct route to its passage that was not used. *Id.* at 303-04.

Plaintiff asks the Court to consider such factors here and has made allegations which may indeed implicate these issues. However, such analysis is not appropriate where the legislation has passed the mere filament test. It is a fundamental and logical necessity that in order to constitute a single subject violation, the legislation must address more than one subject, no matter the circumstances surrounding its passage. *See Unity Church of St. Paul*, 694 N.W.2d at 597 ("What the Minnesota Constitution requires is germaneness. It does not require the absence of legislative maneuvering to enact unpopular, but germane, bills."). There is no cause for the Court to examine whether the purposes behind the constitutional restriction have been violated where there has been no violation of the actual restriction in the first place.[8] Having concluded that Section 21 satisfies the mere filament test, and faced with no claim in the Complaint besides that under the Single Subject and Title Clause, the Court need not examine Plaintiff's allegations regarding legislative procedures and custom.

D. Plaintiff's Complaint fails to state a claim upon which relief can be granted

Having scrutinized the contents of Chapter 143 and Section 21, the Court has concluded that the legislation satisfies the mere filament test and does not violate the Single Subject and Title Clause of the Minnesota Constitution. Plaintiff's Complaint seeks only relief that stems from the alleged unconstitutionality of Section 21. Consequently, as a result of the legal conclusions made by the Court, there is no set of facts which Plaintiff could allege or prove upon which the Court could grant the requested relief, and his Complaint must be dismissed.

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[8] The definition of logrolling also prevents any such inquiry here, as the definition presupposes that the provision is not germane to the remainder of the legislation and prompts an inquiry only into the manner (and perhaps motive) behind the introduction of the offending provision.

Having found that the Complaint fails to state a claim upon which relief can be granted, the Court need not address Defendants' argument that those failed claims were asserted against improper parties. Additionally, "[t]he granting of defendant's motion to dismiss the action end[s] the action. Thereafter the court [is] without jurisdiction to render any judgment either for or against the plaintiff other than to enter judgment of dismissal. It [is], therefore, neither necessary nor proper for the court to pass on plaintiff's motion for summary judgment." *Love v. Anderson*, 240 Minn. 312, 315, 61 N.W.2d 419, 421 (1953).

Marek
Feb 6, 2014.