



**Senate Counsel, Research, and Fiscal Analysis**

State of Minnesota

**Permissibility of Omnibus Bills  
under the Minnesota Constitution's  
Single Subject Clause**

Peter S. Wattson  
Senate Counsel

Revised February 2018

Ben Stanley  
Senate Counsel

This memorandum examines the application of the Minnesota constitution’s single subject clause to the legislative practice of enacting omnibus bills.

An omnibus bill is a bill that funds multiple state agencies and makes related substantive law changes in a single large bill. It thus combines numerous measures that are related but could be enacted separately.<sup>1</sup>

The single subject clause is located in article 4, sec. 17, of the Minnesota Constitution and provides that “[n]o law shall embrace more than one subject, which shall be expressed in its title.” The clause thus creates two requirements: first, that a bill embrace only one subject and second, that the subject be expressed in the bill’s title.<sup>2</sup>

While it is possible for the inclusion of a particular provision in an omnibus bill to violate the single subject clause, this memorandum concludes that omnibus bills are generally consistent with constitutional limitations when carefully constructed.

### **Purpose of The Single Subject Clause**

The primary purpose of the single subject clause is to prevent logrolling, that is, combining into one bill several distinct provisions, each of which is supported only by a minority of members, but which, when voted for as a package, will have majority support. As the Minnesota Supreme Court said in 1875:

The well-known object of this section of the constitution . . . was to secure to every distinct measure of legislation a separate consideration and decision, dependent solely upon its individual merits, by prohibiting the . . . insertion therein of matters wholly foreign, and in no way related to or connected with its subject, and by preventing the combination of different measures, dissimilar in character, purposes and objects, but united together with the sole view, by this means of compelling the requisite support to secure their passage.<sup>3</sup>

A second purpose of the single subject clause is to prevent members of the Legislature from defrauding their fellow members by hiding controversial provisions in otherwise uncontroversial bills. This practice was condemned by the Court in an 1858 case, in which the Court held:

---

<sup>1</sup> In the Senate, the grouping of provisions into omnibus bills is governed by Senate rules, which set the name and subject matter of each omnibus bill. See e.g., Senate Rule 7.3 (Temporary Rules of the Senate – 90<sup>th</sup> Legislature 2017-2018).

<sup>2</sup> For a discussion of the creation of two separate requirements in this clause that require two separate analyses, see e.g., Associated Builders and Contractors v. Ventura, 610 N.W.2d 293, 304 (Minn. 2000) (“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.”).

<sup>3</sup> State v. Cassidy, 22 Minn. 312 at 322.

A knowledge of the character of the legislation which preceded the forming of a State Constitution, will show that a very vicious system prevailed of inserting matter in acts which was entirely foreign to that expressed in the title, and by this means securing the passage of laws which would never have received the sanction of the legislature had the members known the contents of the act; it was to prevent frauds of this nature that Section [17] of Article 4 was passed, and it has and was intended to have the effect of defeating the action of the legislature, even if the members are so inattentive as to overlook such extraneous matter after the bill has been read twice at length under Sec. [19]. The system is thorough and means to secure to the people fair and intelligible legislation, free from all the tricks and *finesse* which has heretofore disgraced it.<sup>4</sup>

### **The Mere Filament Test: A Provision Need Only Be Minimally Germane to the Rest of the Bill to Satisfy the Single Subject Requirement**

The Minnesota Supreme Court interprets the single subject requirement liberally and in a manner that appears to allow for the enactment of omnibus bills:

The term ‘subject,’ as used in the constitution, is to be given a broad and extended meaning. All that is necessary is that the act should embrace some one general subject; and by this is meant, 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.<sup>5</sup>

This quote demonstrates that the court does not view the single subject clause as limiting the number of provisions that can permissibly be combined into a single bill. Instead all that is required is that the various provisions be connected by at least “a mere filament” of germaneness.<sup>6</sup>

As one would expect given the foregoing analysis, the court has upheld the validity of bills containing many different provisions so long as they all concern the same subject matter in a broad sense. For example, in a 1977 case the court upheld the validity of a bill that increased gas taxes, redefined a transit taxing district, amended interstate highway routes, appropriated funds for highway construction, and proposed a constitutional amendment. It was sufficient, the court found, that each of these matters concerned the use, financing, and construction of a public highway transportation system.<sup>7</sup>

---

<sup>4</sup> Board of Supervisors of Ramsey County v. Heenan, 2 Minn. 330 at 336.

<sup>5</sup> Associated Builders and Contractors v. Ventura, 610 N.W.2d 293, 299-300 (Minn. 2000) (internal citations omitted).

<sup>6</sup> Blanch v. Suburban Hennepin Regional Park Dist., 449 N.W.2d 150, 155 (1989).

<sup>7</sup> Wass v. Anderson, 252 N.W.2d 131 (Minn. 1977). See also, Blanch v. Suburban Hennepin Regional Park Dist., 449 N.W.2d 150 (1989) (upholding a bill containing provisions that both dealt with the uses of individual appropriations and that addressed comprehensive appropriations for the general administration and judicial expenses of state government.).

The limits of the court's tolerance for combining multiple measures into a single omnibus bill can be seen in a 2000 case in which the court struck down a provision of a bill that purported to require educational facilities to pay prevailing wages in connection with construction projects. The language was added via an amendment to the omnibus tax bill whose other provisions concerned property tax reform, income taxes, property tax refunds, sales and special taxes, tax increment financing, and mineral taxes. The court held that the prevailing wage provision was not connected to these other provisions even by the thinnest filament of germaneness and consequently struck it down.<sup>8</sup>

These two cases demonstrate that the Minnesota Supreme Court has not found omnibus bills constitutionally problematic per se. So long as all of a bill's provisions have a bona fide connection to a single general subject, they do not violate the single subject requirement. It is only when a challenged provision is actually unrelated to the rest of a bill that the court will strike it down for violating the requirement.

### **A Bill's Title Need Only Provide General Notice of the Bill's Contents to Satisfy the Requirement That a Bill's Title Express Its Subject**

Although related, the question of whether or not a bill's single subject is adequately expressed in the bill's title is a separate question.<sup>9</sup>

The Minnesota Supreme Court has held that the requirement that a bill's title express its subject is violated when the title is "made a cloak or artifice to distract attention from the substance of the act itself."<sup>10</sup> In determining whether the requirement is satisfied "every reasonable presumption should be in favor of the title" and "generality of the title of an act is not grounds for invalidation as long as the title gives notice of the general subject because the title was never intended to be an index of the law."<sup>11</sup>

Thus, the Minnesota Supreme Court has upheld as sufficient the title of "an act related to transportation" that contained many different transportation provisions on the grounds that the title put anyone interested in transportation on notice that the contents of the bill should be further examined.<sup>12</sup> Conversely, the court held, someone not interested in transportation would not be surprised by the contents of the bill because no items unrelated to transportation had been included.

In another case the Minnesota Supreme Court upheld the validity of a provision exempting

---

<sup>8</sup> Associated Builders and Contractors v. Ventura, 610 N.W.2d 293, 299-300 (2000).

<sup>9</sup> See e.g., Associated Builders and Contractors v. Ventura, 610 N.W.2d 293, 304 (Minn. 2000) ("The single subject and title provisions of Section 17 are often discussed together, but the title provision serves a difference purpose and requires a somewhat different analysis.").

<sup>10</sup> Wass v. Anderson, 252 N.W.2d 131, 135 (1977).

<sup>11</sup> Associated Builders and Contractors, 610 N.W.2d at 300.

<sup>12</sup> Wass, 252 N.W. The court also noted that the subjects included in the title after "An act related to transportation" provided additional notice and were further support for upholding the bill.

certain leased property from taxation that was contained in “an omnibus fiscal bill of 21 articles.” Because the title of the bill made it clear that the bill concerned taxation, the inclusion of a tax exemption was held to be germane, not unexpected, and consequently valid.<sup>13</sup>

On the contrary, the Minnesota Supreme Court found a title that referenced the financing and operation of state and local government, property tax relief and rate reform, tax rebates, truth in taxation, local levies and tax credits insufficient to provide notice of the inclusion of a provision requiring the payment of prevailing wages in connection with school construction projects.<sup>14</sup>

The rule that emerges from these and similar cases is that so long as a bill title is sufficient to provide notice of a bill’s general contents to parties who might logically be expected to be interested in those contents, it satisfies the constitutional requirement.

### **One Caveat: The Court Has Been Increasingly Wary of Omnibus Bills**

Prior to the 1970s, the Minnesota Supreme Court was much more willing to strike down laws for violating the single subject clause than it has been since that time.<sup>15</sup> Since the late 1970s, only a handful of alleged violations of the single subject requirement have come before the court, and the court has found a violation only once.<sup>16</sup> In the case in which it found a violation, the court began by noting that it has become increasingly wary of omnibus bills:

In the three most recent cases to come before this court [alleging single subject clause violations] ...while we have held that the challenged law did not violate Section 17...[i]n each instance we took the occasion to sound an alarm that we would not hesitate to strike down oversweeping legislation that violates the Single Subject and Title Clause, regardless of the consequences.<sup>17</sup>

Since this statement appears in an opinion that strikes down a challenged provision there is every reason to view it as little more than a preamble to the court reaching the decision in that

---

<sup>13</sup> Metropolitan Sports Facilities Com’n v. County of Hennepin, 478 N.W.2d 487 (Minn. 1991).

<sup>14</sup> Associated Builders and Contractors, 610, NW.2d at 304.

<sup>15</sup> For pre-1970s cases striking down laws that violate the single subject requirement, see, e.g., Winona & St. P. R. Co. v. Waldron, 11 Minn. 515 (Gil. 392)(1866); State v. Kinsella, 14 Minn. 524 (Gil. 395) (1869); Mississippi & R. Boom Co. v. Prince, 24 N.W. 361 (1885); State ex rel. Rice v. Smith, 28 N.W. 241 (1886); State v. Porter, 55 N.W. 134 (1893); Kedzie v. Town of Ewington, 55 N.W. 864 (1893); Keith v. Chapel, 65 N.W. 940 (1896); Simard v. Sullivan, 74 N.W. 280 (1898); State ex rel. Anderson v. Sullivan, 75 N.W. 8 (1898); Palmer v. Bank of Zumbrota, 75 N.W. 380 (1898); State v. Oftedal, 75 N.W. 692 (1898); State ex rel. Bazelle v. Sullivan, 76 N.W. 223 (1898), In Re Day’s Petition, 10 N.W. 1124 (1904); Watkins v. Bigelow, 100 N.W. 1104 (1904); State v. Palmquist, 217 N.W. 108 (1927); State v. Phillips, 223 N.W. 98 (1929); Egekvist Bakeries, Inc. v. Benson, 243 N.W. 853 (1932); State ex rel. Finnegan v. Burt, 29 N.W.2d 655 (1947).

<sup>16</sup> The distinction between cases decided before the 1970s and afterwards is used here because it is one that the court itself has noted: “[E]arly challenges to statutory enactments under Section 17 were more successful than in recent years....Since the late 1970’s we have addressed the Single Subject and Title Clause in five cases and in no instance have we held that the law being challenged offended the constitutional restriction.” Associated Builders and Contractors, 610 N.W.2d at 300.

<sup>17</sup> Associated Builders and Contractors, 610 N.W.2d at 301 (2000).

particular case as opposed to viewing it as a portent of some new judicial direction. The court has not struck a law down for violating the single subject clause since this decision in 2000, nor do subsequent cases demonstrate a new willingness on the court's part to be more aggressive in this regard.<sup>18</sup>

### **Conclusion**

The practice of legislating through the enactment of omnibus bills is generally consistent with the state constitution's single subject clause so long as (1) all of the provisions included in an omnibus bill are germane to one another in a general sense; and (2) the title of the bill is sufficient to put interested persons on notice of what is in the bill.

---

<sup>18</sup> See e.g., Otto v. Wright County, 899 N.W.2d 186, 195 ("Notwithstanding these warnings by individual members of the court, however, the court's majority decisions continued to reject challenges under the Single Subject Clause.").