

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

DOUGLAS A. KELLEY, Attorney at Law, STEVEN E. WOLTER, Attorney at Law, and KEVIN M. MAGNUSON, Attorney at Law, representing the Minnesota Legislature;

SAM L. HANSON, Attorney at Law, SCOTT M. FLAHERTY, Attorney at Law, SCOTT G. KNUDSON, Attorney at Law, and EMILY M. PETERSON, Attorney at Law, representing Governor Mark Dayton and Commissioner Myron Frans, Defendants.

ALSO APPEARING: Brett Kelley and Commissioner Myron Frans.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

ARGUMENT BY MR. KELLEY	4
ARGUMENT BY MR. HANSON	31
REBUTTAL ARGUMENT BY MR. KELLEY	55

62-CV-17-3601

MOTION

6/26/2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * * * *

[WHEREUPON, the following proceedings
were duly had:]

THE LAW CLERK: Page 1, line 2, the
Minnesota Senate and the Minnesota House of
Representatives versus Governor Mark Dayton and
Commissioner Myron Frans.

THE COURT: Appearances.

MR. KELLEY: Your Honor, Doug Kelley from
Kelley, Wolter, and Scott on behalf of the legislature,
and I have with me here Steve Wolter and Kevin
Magnuson, from my office, and, also, Brett Kelley who's
here.

MR. HANSON: Your Honor, Sam Hanson
representing Governor Mark Dayton and Commissioner
Myron Frans. With me at counsel table is Commissioner
Myron Frans and my partner, Scott Flaherty, Scott
Knutson, and Emily Peterson in the jury box.

THE COURT: All right. Thank you. Well,
I know there is a motion for judgment on the pleadings
by Governor Dayton, but this is a response to an order
to show cause, so I think we'll just go in pleading
order, and we'll start with the plaintiff.

MR. KELLEY: Thank you, Your Honor. I
represent the entire Minnesota Legislature here today, 4

62-CV-17-3601 MOTION 6/26/2017

1 and we are here because on May 30th of 2017, the
2 Governor effectively eliminated the senate and house as
3 functioning bodies by vetoing all funding for the core
4 of the legislative branch for the next two years, so we
5 have brought a declaratory judgment action asking this
6 Court to declare the vetoes null and void.

7 The Governor did not veto these appropriations
8 because he objected to the appropriation. In fact, his
9 budget proposal proposed the exact same amount. He
10 vetoed these provisions to coerce the legislature into
11 concessions on unrelated provisions some not having
12 anything to do with appropriations that he had already
13 signed into law.

14 Make no mistake about it, Your Honor, we are at
15 an impasse. The Governor has said I will call the
16 special session only if you agree to concede on the
17 following five items. My client has said we are not
18 gonna negotiate while we have a gun to our head.

19 THE COURT: Have the parties considered a
20 third-party mediator, perhaps, a retired judge?

21 MR. KELLEY: We have not, and what we have
22 done, Your Honor, is with regard to this impasse is
23 what -- and I'm lucky to have opposing counsel, former
24 Justice Hanson with me -- we have tried to set this up,
25 so that this Court can break the log jam, make a

62-CV-17-3601 MOTION 6/26/2017

1 ruling, and do it, and we'll all go back to our
2 respective positions as quickly as possible.

3 This whole issue of the power of the
4 executive -- and I know Governor Dayton when he
5 announced his veto said I have a line-item veto and
6 there are no constraints on that power and that is the
7 position that Mr. Hanson has taken in his briefs.

8 This whole issue of the power of the executive
9 goes all the way back to Montesquieu and way back at the
10 time when they were looking at the separation of powers
11 and the independence of the various parties --

12 THE COURT: But did Montesquieu have a
13 line-item veto --

14 [WHEREUPON, laughter.]

15 MR. KELLEY: Well, here's the deal, Your
16 Honor. Here's what he said, and I think this is
17 important for us that the branches have to be
18 independent lest the executive sword become a, quote,
19 sword of Damocles precariously and intimidatingly
20 suspended over the other branches. That's where we are
21 here today. My clients have this veto, and the veto
22 will require them -- would start next week would be the
23 first furlough notices which would have gone out had we
24 not been able to narrow the issues.

25 THE COURT: So if the Governor thought

6

62-CV-17-3601 MOTION 6/26/2017

1 that the legislature was engaging in unsound fiscal
2 practice, spending too much money on itself, what power
3 then would the Governor have to control that for the
4 line-item veto?

5 MR. KELLEY: He could have vetoed the
6 entire bill.

7 THE COURT: He's only concerned
8 theoretically with the excessive spending on the
9 legislature.

10 MR. KELLEY: Well, that's not really true.
11 If you look -- the things that he's asking for, a
12 concession on, have to do with teachers' licensing
13 procurements --

14 THE COURT: That's the reality. I'm just
15 saying that if I were to accept your argument as true
16 that the Governor is categorically prohibited from
17 using the line-item veto to cross out the legislative
18 appropriation, wouldn't that also take the so-called
19 baby out with the bathwater and now the Governor is
20 deprived of having any check on excessive or
21 extravagant legislative funding -- spending on itself?

22 MR. KELLEY: No. This will not have, for
23 sure, an effect on other cases.

24 THE COURT: It's really assuring right
25 now. Anything is possible, and we've seen that play

7

62-CV-17-3601 MOTION 6/26/2017

1 out in real life. So where is the -- where is the
2 governing, legal principle that I could use to draw
3 this line that would make me more comfortable with what
4 you just said.

5 MR. KELLEY: Do you mean how do you draw
6 the line in an order if you grant the order that we're
7 asking?

8 THE COURT: No. I mean, what you're
9 saying is I don't have to worry about throwing this
10 veto out and still having the Governor retain authority
11 to control excessive or extravagant legislative
12 spending on itself. Where is the governing, legal
13 principle that would allow me to navigate that
14 distinction?

15 MR. KELLEY: I'm gonna get to that, and I
16 come to the separation of the powers and that
17 separation of powers, we believe, is dispositive and
18 gives you the power to do this and do it this time. As
19 far as we can tell this is really unique. New Mexico
20 has just gone through a little bit of an issue, but
21 there the governor called them back into special
22 sessions, so the court said maybe we out to stay out.

23 But I think Mr. Hanson and I have explored
24 everything, and we have not had any discussions about
25 resolving this issue other than getting it teed up to

8

62-CV-17-3601 MOTION 6/26/2017

1 this Court so you can make a decision quickly. We have
2 worked hard last week to do that. The line-item veto
3 here was adopted by the State of Minnesota in 1876, and
4 in the ensuing 141 years, no governor has used this
5 line-item veto this way and for good reason because it
6 so obviously violates the separation of powers.

7 Now, Your Honor, what I thought I would do this
8 morning, and I know you have read the stipulation, but I
9 thought I would just go through a little bit to let you
10 know what our thoughts were and how we think the
11 stipulation affects what's going on. Is that
12 appropriate?

13 THE COURT: That's fine.

14 MR. KELLEY: Reading all the cases going
15 back where you had -- and the Court has already noticed
16 them where you go into the whole issue of core
17 functions and nurse special masters and all of that. I
18 think Mr. Hanson and I thought that the best way to get
19 this to you would be like a silver bullet. Get a
20 question, get it to you so you can decide it, and both
21 sides agree whichever wins or loses that the other side
22 will help and will go straight to the supremes, and
23 this was our best guess as to how to do a few things.
24 How to save the bond rating. We think 90 days worth of
25 comfort will help them, and that was very important to ₉

62-CV-17-3601 MOTION 6/26/2017

1 the Governor.

2 My clients do not -- start sending out their
3 things, their furlough notices next week and have 500
4 people's lives be interrupted, so here's what we did,
5 said, let's get Count I, and by the way when I was
6 drafting the complaint, there were discussions of all
7 kinds of other things, and you've seen them in other
8 cases, single subject matter and the bill, the whole
9 issue of pay raises, all that. I drew this complaint
10 with one thing in mind and that is try to get a simple,
11 quick question to the Court.

12 So we've decided that Count I of the complaint
13 we hope -- we believe it's ripe, and we believe it is
14 ready for the Court to decide, and we ask in Count I,
15 also, that you put injunctive relief for whoever is the
16 winner, and we believe that will help ensure the
17 appealability of the -- with the count immediately, if
18 there's any question about the declaratory judgment, and
19 paragraph 2, we ask you to go forward --

20 THE COURT: Before you go on, there's
21 injunctive relief to require payment at the 2017 fiscal
22 rate through October 1st. Are you talking about a
23 second form of injunctive relief that would go with
24 Count I?

25 MR. KELLEY: No.

10

62-CV-17-3601 MOTION 6/26/2017

1 THE COURT: Okay. Just wanted to clarify.

2 MR. KELLEY: Second, Your Honor, that you
3 enter judgment without delay, and we put that in for
4 Rule 54.02. And then that would have the effect, we
5 hope, that if you accept this stipulation that we would
6 put off Counts II and III for the remaining time, and
7 that would alleviate us having to go through all the
8 core function and all those arguments.

9 Both sides agree to seek accelerated review, and
10 under this the pay would continue under 2017 levels for
11 either through the appeal or to October 1, whichever
12 occurs first, and also we agree that there would be no
13 bond required in terms of that.

14 Important to the Governor was that we pay all of
15 our obligations, and so we have agreed to do that. And
16 we have also agreed to pay the payments on the senate
17 office building. So there are those payments which
18 would come -- one is on July 30, and we have July --
19 excuse me, June 30, July, August, and September. And
20 interestingly enough according to the argument you had,
21 the last paragraph, paragraph 8, says that we are able
22 to -- we have an agreement that we are able to, but not
23 required to, use the carry forward funds in order to
24 make the payments. So that's the --

25 THE COURT: Are you looking for that in

11

62-CV-17-3601 MOTION 6/26/2017

1 the order as well because that paragraph appeared to
2 stand on its own as a private agreement between the
3 parties. It was separate in the stipulation.

4 MR. KELLEY: We have it in -- I have a
5 proposed order here, Your Honor, and I think that -- we
6 anticipated that that would be part of the order.

7 THE COURT: Paragraph 8.

8 MR. KELLEY: Yes.

9 THE COURT: Okay.

10 MR. KELLEY: Can I give the Court --

11 THE COURT: You may.

12 MR. KELLEY: We drafted this yesterday. I
13 did not have a chance to have -- to get this to
14 Mr. Hanson earlier, Your Honor, so he has not had an
15 opportunity to discuss it.

16 THE COURT: All right.

17 MR. KELLEY: The Court would also note
18 that I did not bring a TRO. Part of that was because
19 we know about the carry forward and other kinds of
20 things, and I think the last part of this agreement,
21 which I think is a good agreement for the people of
22 Minnesota, is that it will fund things and people will
23 not be put out of work. So we would ask that you adopt
24 that stipulation, and if I've said anything inaccurate,
25 I'm sure Mr. Hanson will correct me.

12

62-CV-17-3601 MOTION 6/26/2017

1 Now, let me to turn to the merits, and I
2 start -- I noticed you mentioned this in the first
3 case's argument today, Your Honor, that we're here with
4 the -- declaratory judgment under Chapter 555
5 specifically because the Minnesota Supreme Court said
6 that's where you go. We did not try to get directly to
7 the supreme court, and we think it was better to come
8 straight to here.

9 THE COURT: Well, I think the underlying
10 cause of action supporting a declaratory judgment case
11 is the challenge to the constitutionality of the veto.

12 MR. KELLEY: Correct.

13 THE COURT: So I'm tracking perfectly with
14 what the supreme court has said in those cases.

15 MR. KELLEY: So when we get to the
16 separation of powers clause, meaning this was a
17 provision in our federal constitution before Minnesota
18 become a state. As I mentioned Montesquieu had a great
19 deal of writing about it, Madison and Hamilton
20 described it extensively in the federalist papers, and
21 Minnesota followed the federal model when it adopted
22 its constitution in 1857.

23 Article III specifies that the powers of
24 government shall be divided into three different
25 distinct departments: Legislative, executive, and

13

62-CV-17-3601 MOTION 6/26/2017

1 judicial, and then the second sentence says: No person
2 or persons belonging to or constituting one of these
3 departments shall exercise any of the powers properly
4 belonging to either of the others except in instances
5 expressly provided in this constitution.

6 THE COURT: Which is what we're arguing
7 about. That's the line-item veto authority.

8 MR. KELLEY: Correct.

9 THE COURT: You would agree the line-item
10 veto is a part of the separation of powers analysis?

11 MR. KELLEY: Sure. Yes.

12 THE COURT: 'Cause the distinction between
13 the two arguments that I'm hearing from you is very
14 narrow. I mean, you're arguing that I can consider the
15 reasoning behind the line-item veto, and if it's for
16 the wrong reason, it's an invalid veto, and the
17 Governor's arguing that I have an unfettered line-item
18 veto authority and the Court can't consider the
19 motivation behind it. Isn't that the line between the
20 two sides?

21 MR. KELLEY: It is. It is, and I think
22 we'll be able to show there clearly are limitations to
23 this, and it has come from our court and from other
24 courts in other states. So it was first tested in
25 Minnesota in 1865 during the Civil War. The Minnesota

62-CV-17-3601 MOTION 6/26/2017

1 Senate sent over a bill and said tells us if it's
2 constitutional or whether it will pass mustard. And
3 the supreme court said that they would not do it, and
4 it said we have to respect the duties of the branches,
5 and this is one of the first cases that helps delineate
6 these, and it says it is the duty of each branch to
7 abstain from and to oppose encroachments on either.
8 Any departure from these important principles must be
9 attended with evil. They use interesting language in
10 those days. That was the first -- the first time but
11 that -- we cite in our brief many, many others, and I
12 won't go through them all, but more recently the
13 supreme court has said in *Brayton versus Pawlenty* the
14 separation powers clause expressly prohibits each
15 branch from usurping or diminishing the role of another
16 branch, so it has continued on down through.

17 In our view, since the Governor has essentially
18 obliterated the legislature for the next biennium, you
19 don't need to go any further. We don't have to talk
20 about intent. We're gonna talk about the intent because
21 it's relevant to the line-item veto itself, but we could
22 stop right here. I think I could stop, sit down, and
23 rest and say this is improper, impermissible, most
24 courts would say, yes, that's true.

25 However, the Governor -- the Governor made his₁₅

62-CV-17-3601 MOTION 6/26/2017

1 intent known when he vetoed it, and now when we look at
2 the line-item veto, which I saw was adopted in 1876, it
3 was put into the legislative article, Article IV, and
4 the supreme court has interpreted that recently to say
5 it demonstrates it's an exception to the legislature's
6 authority, and it is not a specific grant to others, and
7 here's the term. It is therefore limited and, quote,
8 must be narrowly construed to prevent an unwarranted
9 usurpation by the executive of powers granted the
10 legislature in the first instance.

11 Now, if we look at the language that was adopted
12 in 1874, didn't use the word "veto." And -- excuse me,
13 1876, and it says and the language is important: If any
14 bill presented to the governor contains several items of
15 appropriation of money -- so there is a limitation -- he
16 may object to one or more of such items while approving
17 the other portion of the bill. So "object to" was the
18 word. It didn't say veto in the original one that was
19 passed. [Reading] In such case, he shall append to the
20 bill at the time of signing it a statement of the items
21 to which he objects -- notice again the use of the word
22 "objects" -- in the appropriation so objected to shall
23 take effect.

24 Now, this was changed in 1974 when we had a
25 constitutional amendment -- or article come up, and I ₁₆

62-CV-17-3601 MOTION 6/26/2017

1 think it was Senator Jack Davies who kind of modernized
2 the constitution. They tried to put it into a form
3 that's much more readable. And when they did that in
4 1974, they used the term "veto" instead of the term
5 "object to" which was in the original language for the
6 line-item veto.

7 However, at the time that the constitutional
8 amendment was voted on and also after it has been
9 litigated, they put this language in there to ensure
10 that the supposed stylistic changes would not change the
11 substance of what had gone on before. So we've cited in
12 our brief and it says: If a change included in the
13 proposed amendment -- the 1974 amendment -- is found to
14 be other than inconsequential by litigation or after
15 submission of the amendment, the change shall be without
16 effect.

17 So we believe that you, when you evaluate the
18 line-item veto today, the original intent of the framers
19 of the amendment still say you have to object to
20 something.

21 THE COURT: Well, isn't that what a veto
22 means? It's an objection?

23 MR. KELLEY: You have to be opposed to
24 something, Your Honor.

25 THE COURT: I think the Governor's made

17

62-CV-17-3601 MOTION 6/26/2017

1 that clear.

2 MR. KELLEY: But -- no, he did not. What
3 he did is, he said, and I think he's made public
4 pronouncements, and I didn't put these here, he said, I
5 don't mean to unfund the legislature. I want them to
6 come back to the table and negotiate, but here we have
7 a letter, this was -- this is Exhibit 1 which was in my
8 complaint, and this is not just a casual letter between
9 friends. This is a formal document that was referred
10 to in the line-item veto language. So this is what
11 came with the veto when the Governor sent it back to
12 the legislature.

13 THE COURT: And would you agree or
14 disagree that Exhibit 1 is the constitutionally
15 mandated statement of objection or --

16 MR. KELLEY: I would say it is the
17 constitutionally mandated. It's his reasons for what
18 he does.

19 THE COURT: Okay.

20 MR. KELLEY: Okay. So in this, if it
21 has -- as you can see it has the two lines that he's
22 vetoed, and he says at the last minute the legislature
23 snuck language into the state government bill that
24 would hold hostage The Department of Revenue
25 appropriation. I am unwilling to put the jobs of 1300₁₈

62-CV-17-3601 MOTION 6/26/2017

1 Department of Revenue employees at risk. As a result
2 of this action, I am line-item vetoing the
3 appropriation of the senate and the house of
4 representatives to bring the leaders back to the table
5 to negotiate provisions in the tax, education, and
6 public safety bills that I cannot accept.

7 So he's not saying I don't want you or I
8 disagree with the appropriation or the amount or
9 anything else. He is saying I want -- basically, I'm
10 doing this for leverage over you. Then he also --

11 THE COURT: Isn't, again, that one of the
12 purposes of a line-item veto? I mean, I've been trying
13 to think about why you would veto something, and I sort
14 of thought about two categories: There's the
15 over-my-dead-body veto which would -- I'm not gonna
16 sign this no matter what form you put it in, and then
17 there's the I want you to do what I want you to do,
18 veto. I like your ideas, but you didn't write it
19 properly, or there's not enough money, or there's too
20 much money involved, so it's the let's meet and
21 compromise coercive veto. Aren't those both legal uses
22 of the veto?

23 MR. KELLEY: No. The second one is not,
24 and the reason is the line-item veto has to do with
25 appropriations. You don't get a line-item veto to line
19

62-CV-17-3601 MOTION 6/26/2017

1 out items in a public safety bill that you don't like.
2 It's supposed to be an item of appropriation. That's
3 one of the limits. It comes right from the language of
4 the amendment adopting the line-item veto, and you have
5 to object to what you're doing.

6 So when he line-item vetoed the legislature, he
7 had already sent up his budget proposal which contained
8 the same amount. All the way through those amounts
9 stayed the same. So it's clear to us he's not objecting
10 to 131 million dollars for the legislature. He's just
11 purely trying to get them to the table and --

12 THE COURT: Which, again, isn't that one
13 of the purposes of a veto?

14 MR. KELLEY: No -- well, it can be in
15 other instances, but it can't be if you're holding a
16 gun to the head of the legislature and trying to
17 obliterate another branch of government.

18 So, now, attached to the other letter, was a
19 second letter that goes to Daudt, the Speaker of the
20 House, and Paul Gazelka, the Senate Majority Leader, and
21 he gives a little bit more explanation in this. Once
22 again dated May 30th, and this is part of Exhibit 1: I
23 am signing the law -- into law the nine so-called budget
24 bills in order to forestall the bitter June showdown
25 over a state government showdown [sic].

20

62-CV-17-3601 MOTION 6/26/2017

1 The next paragraph: I will allow the tax bill
2 to become law without my signature. I will not sign it
3 because of very major objections I have with certain
4 provisions in it, and then it says: However, I cannot
5 veto it, because of the poison pill provision you snuck
6 into the state government bill.

7 Now, that's just dead wrong. He could have
8 vetoed it. If he thought that was wrong, he should have
9 just vetoed the whole bill, and then the parties would
10 go back into their respective positions, and they would
11 negotiate, and we wouldn't be here to talk with the
12 Court.

13 He considered other options as well --

14 THE COURT: You might be here, but you'd
15 be talking about something else.

16 MR. KELLEY: And it's also interesting to
17 me that he considered another avenue of challenge here,
18 and he said in a paragraph down: I will not risk a
19 legal challenge to the Department of Revenue's budget
20 and cause uncertainty for its over 1300 employees. So
21 he looked at all his options at the time and said,
22 well, I could veto it. I could do this, and he chose
23 what I called the nuclear option. I'm going to
24 obliterate you and your ability to conduct business for
25 the next two years unless you come to the table. That

21

62-CV-17-3601 MOTION 6/26/2017

1 is an impermissible use of the appropriation line-item
2 veto, and we're going straight with the text of the
3 language, I mean, the original 1876 amendment.

4 Now -- and we have at no place said, Your Honor,
5 that the line-item veto itself, that power is
6 unconstitutional. We're saying the way it was used in
7 this case in order to overstep the boundaries of the
8 separation of government is where it goes afoul.

9 THE COURT: Well, the previous cases
10 discussing the constitutional test for a line-item veto
11 has simply said is it an appropriation and is it
12 specific and certain and doesn't this qualify? On a
13 technical basis, it was specific and certain and it was
14 appropriation, so based on the case law to date, it's
15 technically a valid line-item veto.

16 MR. KELLEY: It's a veto of an
17 appropriation but not in conformance with the 1876
18 amendment, and that is you have to object to it. He
19 doesn't object to the appropriation itself. He has
20 communicated that in several different ways. This is,
21 I am gonna reach across and I'm gonna obliterate you in
22 order to have a better negotiation or negotiating
23 position going forward. Now --

24 THE COURT: So if he had simply said, I
25 object to the legislature's level of funding. I'm

22

62-CV-17-3601 MOTION 6/26/2017

1 vetoing it. That would have been valid?

2 MR. KELLEY: Well, as I said earlier, I
3 thought it could have stopped without talking about the
4 reason because you can't obliterate another branch of
5 government.

6 THE COURT: Which gets back to the first
7 question I asked you: What constitutionally
8 permissible way then does the Governor have to reign in
9 what the Governor perceives as excessive spending by
10 the legislature on itself.

11 MR. KELLEY: When I read to you what was
12 going on where the Governor said I can't veto this
13 bill, he could have vetoed that bill.

14 THE CLERK: No. No. I'm talking about
15 the appropriation to the legislature. You're arguing
16 that the Governor can't veto the legislative
17 appropriation to run the legislature?

18 MR. KELLEY: If he vetoed, and I know my
19 opponents have put a couple of the costs in there, so
20 there's \$3,000 in there for a chaplain, and there's
21 money for state travel and other things, if he had
22 vetoed those and said I think these are excessive,
23 perfectly acceptable.

24 THE COURT: But there's no opportunity to
25 do that because the entire legislative appropriation is
23

62-CV-17-3601 MOTION 6/26/2017

1 in a single dollar amount -- or actually two, one for
2 each house, without an itemization underneath it. So
3 if you think there was overspending in any way whether
4 it be a small item or across the board, the only option
5 the Governor has is to veto it, and if I take your
6 argument to its natural conclusion, you are then
7 telling the Governor you cannot constitutionally
8 control excessive spending.

9 MR. KELLEY: If the Governor said I'm
10 vetoing it, and I'm vetoing because I don't like the
11 expensive copiers you have, I would not be here in
12 front of you today. When he vetoes the entire
13 appropriation, it disables my clients from fulfilling
14 their function. So I'm -- and I'm saying this as a
15 very narrow exception, and as I said in 141 years
16 nobody else -- no other governor has done this. This
17 is kind of a nuclear option.

18 THE COURT: So how -- in what sentence
19 would you phrase the governing legal principle that
20 you're hear explaining to me today?

21 MR. KELLEY: I would say to you that I
22 would to -- I'm gonna talk to you about two cases
23 today: One is *Brayton* and the second one is a West
24 Virginia case which I sent to your chamber hopefully
25 yesterday, and in that will give the answer and where

24

62-CV-17-3601 MOTION 6/26/2017

1 I'm coming with this to help the Court. As you recall
2 in *Brayton*, there was a big -- Governor Pawlenty, there
3 was a four-and-a-half billion dollar deficit.

4 The legislature passed appropriations to reduce
5 that to 2.7. Then they passed a tax increase that would
6 have raised the additional amounts to balance the
7 budget. The legislature adjourns, and then Governor
8 Pawlenty unallots two-and-a-half billion dollars worth
9 of things, and then we end up in court. Now, the
10 unallotment authority, just as the line-item veto
11 authority is legal, constitutional, and proper when it's
12 used in its appropriate fashion. Nobody would contest
13 that, but as the Court said, you know, there is an
14 appropriation process here, and the Governor has his
15 role and the others have their role, and by using the
16 unallotment to essentially serve the legislature's
17 power, the unallotment -- the Court didn't say the
18 statute is unconstitutional but the use of the
19 unallotment was unconstitutional and a violation --
20 because they encroached on the legislatures'
21 appropriation powers. That is the analogy that I'm
22 using here. Say it once again: Not saying that the
23 line-item veto itself is unconstitutional. Its use here
24 and especially when it's used to either obliterate an
25 entire other branch of government or to get an unfair

25

62-CV-17-3601 MOTION 6/26/2017

1 advantage in negotiation.

2 Now, the second case, interesting case, the case
3 of *Brotherton v. Blankenship* which is out of West
4 Virginia in 1973. I'm not used to going to West
5 Virginia for authority but when I read it, I see it's
6 pretty close in many different ways to our case here.

7 There, there were several things going on. The
8 governor line-itemed vetoed portions of the judiciary's
9 appropriation, and by the way, there's kind of a special
10 statute that protected the judiciary there.

11 THE COURT: It really caught my interest.
12 No one can reduce the proposed budget submitted by the
13 judiciary.

14 MR. KELLEY: Well, and very interestingly,
15 I happened to be present at the capitol when Chief
16 Justice Gildea came and testified in front of the
17 legislature this time for her appropriation, and she
18 said no chief justice has ever been here before, but
19 I'm here because this is so important.

20 And the second thing that went on, the governor
21 in West Virginia also used his line-itemed veto to zero
22 out the operating budget for the treasurer and the
23 secretary of state, but interestingly, he left their
24 personal salaries intact. And so they went to the -- to
25 the West Virginia Supreme Court. Again, the governor

26

62-CV-17-3601 MOTION 6/26/2017

1 argued just as he's arguing here, they said that the
2 line-item veto was, quote, without limitation, unquote.
3 Where does it show us?

4 Then there was some interesting language in the
5 case, too, so the governor in his brief says: It's
6 ridiculous to even consider that he would act in such a
7 manner as to render such department inoperative, and
8 then the court said, so basically the court said with
9 regard to the judicial veto, we're hanging our hat on
10 the statute some, but we're also turning in -- we're
11 doing it on just separation of powers.

12 And so they said: To adopt the view of the
13 intervener -- who's the governor -- a governor would
14 effectively curtail or could effectively curtail or even
15 eliminate the legislative and judicial branches. No
16 such action by a governor is most unlikely. We cannot
17 subscribe to an interpretation of the line-item veto in
18 which that contingency is a possibility.

19 Then, with regard to the constitutional
20 officers, the court said, you know, reducing the
21 accounts to zero, effectively, abolishes those
22 functions, and that's what's happening here.

23 THE COURT: Is there any indication,
24 though, in the West Virginia case that the governor
25 would restore those items with further negotiations

27

62-CV-17-3601 MOTION 6/26/2017

1 with the legislature?

2 MR. KELLEY: Couldn't tell that from the
3 opinion, Your Honor.

4 THE COURT: The reason I ask is because of
5 the issue of a political question, particularly, in
6 light of the agreement, and this was in both of your
7 briefs before you reached your stipulation, the notion
8 of temporary funding, and you're both citing the orders
9 that have been issued out of this court over the last
10 17 years providing for temporary funding: If temporary
11 funding is provided by the courts and the parties can
12 go on and litigate or -- not litigate but resolve
13 through negotiation their political dispute, why should
14 the courts get involved?

15 MR. KELLEY: Well, first of all, we're not
16 there. We're presenting the question to you here
17 today: Please say yea or nah on the constitutionality
18 on the basis of the separation of powers of Count I.

19 We all recognize we can get there -- that
20 doesn't -- that doesn't destroy justiciability or
21 ripeness or anything else. It's a remote possibility,
22 and I don't think it's appropriate for somebody to say
23 one branch of government. You go and hand to another
24 branch of government to continue your existence.

25 So let's -- let me turn that a little bit, Your
28

62-CV-17-3601 MOTION 6/26/2017

1 Honor, so what if -- and this has not happened here, but
2 just as we speak hypothetically, what if before the
3 session ended, the supreme court came out with a
4 decision and the Governor disagreed with it. Governor
5 vetoes the judiciary's appropriation, and says something
6 to the effect, well, I'll help you restore your funding
7 if you do something about your bad case that I don't
8 like.

9 THE COURT: Well, if you look at my notes,
10 I had that question to Mr. Hanson.

11 MR. KELLEY: I mean, I hate to pose that
12 possibility, but when you say the Governor has
13 unfettered discretion to use this and can he use it to
14 do anything, and here's what the Court here said with
15 regard to this: There is a respectable line of
16 authority which holds that the discretion invested in
17 the chief executive by the constitution is not subject
18 to control or review by the courts, and there's a whole
19 section in Mr. Hanson's briefs on those cases, and
20 you've cited one of them here.

21 I agree with that. 99.99 percent of the time
22 those cases govern you wouldn't ever go behind and look
23 at the intent. Here's what the Virginia Supreme Court
24 said: While we agree with the above principle, it must
25 be noted in addition thereto that executive actions of a

62-CV-17-3601 MOTION 6/26/2017

1 governor are not subject to judicial interference so
2 long as such actions fall within the spear of his lawful
3 authority.

4 However, when a governor clearly abuses his
5 discretion or when he refuses to perform a purely
6 ministerial duty, the above principle becomes
7 inoperative and it becomes the duty of the courts to
8 define the safeguards against the abuse of power as
9 provided in our constitution and --

10 THE COURT: What's the purely ministerial
11 duty here?

12 MR. KELLEY: Well, it's not. I should
13 have left that phrase out, Your Honor. I said when I
14 read the quote "When a governor abuses his discretion,"
15 that's the portion I'm relying on. Then it becomes --

16 THE COURT: I'm doing my best to listen.

17 MR. KELLEY: All right. Thank you, Your
18 Honor, and that's my argument. That is it. In this
19 case, we do not say that the line-item veto is
20 unconstitutional of itself. It's just this use, and as
21 I said earlier, 141 years, and nobody has done it. And
22 that's -- there's a good reason for that, and we
23 believe it's because it so obviously crosses the line.

24 I'll sit down now and -- unless the Court has
25 other questions.

30

62-CV-17-3601 MOTION 6/26/2017

1 THE COURT: No. I'm fine.

2 MR. HANSON: Good morning, Your Honor.

3 May it please the Court, Counsel. There's a false
4 premise that underlies all of the arguments that
5 Mr. Kelley is making, and that is that the legislature
6 has been left without funding, and that's not true. An
7 appropriation may be equivalent to funding, but it
8 isn't always.

9 We've learned that in the three prior cases
10 where the legislature itself put a gun to the head of
11 the court and the executive body and did not appropriate
12 funding, the court has held, and I think our
13 jurisprudence is in this state, is that you do not have
14 a constitutional right to an appropriation but you do
15 have a constitutional right to funding.

16 Nothing the Governor did here deprives the
17 legislature of funding for its critical core functions
18 to operate as a constitutional body, and we've been here
19 before as you mentioned three times, 2001, 2005, 2011,
20 now, 2017. We end up with the legislative session
21 ending with somebody not getting an appropriation. In
22 some of those cases, it was just executive agency.
23 Sometimes it was the court and the executive. Sometimes
24 the legislature was included because the governor in
25 those cases vetoed the whole entire appropriation bill.

31

62-CV-17-3601 MOTION 6/26/2017

1 Nobody said this was a violation of separation
2 of powers to either have failed to appropriate or to
3 veto the whole appropriation bill, and it isn't because
4 the constitutional right is to get your core funding.
5 And this court through the earlier three cases ruled
6 that even though the constitution says in Article XI
7 that you can only spend money based on appropriation,
8 that has to be resolved and accommodated to the fact
9 that the legislature or the court or the executive is
10 given expressed powers by the constitution, and there's
11 an implied obligation on the state to fund its ability
12 to do that.

13 THE COURT: So would that mean then that
14 as long as the court provides temporary funding for the
15 legislature, this impasse could last the rest of
16 Governor Dayton's term?

17 MR. HANSON: It could.

18 THE COURT: And be perfectly consistent
19 with the constitution?

20 MR. HANSON: It wouldn't be the hope. It
21 could. As in all of those past cases and true of this
22 case, the idea was to provide temporary funding so that
23 the parties could go back and negotiate and get a
24 political resolution to the problem.

25 THE COURT: Well, it worked every time.

32

62-CV-17-3601 MOTION 6/26/2017

1 MR. HANSON: It has worked every time.

2 THE COURT: And we're rather early --
3 those other orders were all in the last week of June
4 going back to 2001, and as you know no appellate court
5 has ever passed on whether that's even legal.

6 MR. HANSON: It's the law of Ramsey
7 County, Your Honor. It's been the law since 2001, but
8 you're right.

9 THE COURT: A lot of banks and checkbooks
10 in Ramsey County.

11 MR. HANSON: There's never been an
12 occasion because of the earlier resolution. The
13 problem here and why we worked out this stipulation --
14 Mr. Kelley and I on a very cooperative level -- is that
15 both sides have a strong belief that either the veto
16 was or was not legal. Until that issue is resolved,
17 the legislature believing that it was illegal, is not
18 gonna come back and talk. The Governor strongly
19 believes that it is legal. So the impasse that's been
20 created and why the temporary funding wouldn't --
21 hasn't happened or hasn't been resolved by a new
22 appropriation is that both parties on that legal issue,
23 which we hope that the Court will decide, have staked
24 their position.

25 If the Court decides as we ask that the veto is
33

62-CV-17-3601 MOTION 6/26/2017

1 legal, then, the next step would be to go into a core --
2 critical core function proceeding as had been done in
3 the other three cases, issues would be the same.
4 There's nothing unique about this case except the roles
5 of the parties have changed, and those cases it was the
6 legislature who didn't appropriate. Here, it's the
7 Governor's veto who caused it not to appropriate.

8 THE COURT: Except in 2011, there wasn't a
9 core function proceeding as it related to the
10 legislative branch. Funding just continued at a
11 previous level. Core function proceedings only
12 involved executive branch funding and particularized
13 appropriation.

14 MR. HANSON: There is, however, in Judge
15 Gearin's order a statement of what the core functions
16 test would be for the legislature, and I frankly don't
17 know why the special master and the court didn't get to
18 the legislative funding. I know it was continued.

19 THE COURT: I don't think anyone contested
20 any of the items within the legislative
21 appropriation --

22 MR. KELLEY: So no issue to be presented.

23 THE COURT: As far as I know. I haven't
24 found anything that would indicate otherwise.

25 MR. HANSON: So that's the position we

34

62-CV-17-3601 MOTION 6/26/2017

1 find ourselves in. The reason there is an impasse and
2 we could go to a mediator, we could go -- you could
3 order us back into discussion --

4 THE COURT: Well, Judge Gearin also found
5 that she had no authority to order you into mediation.
6 Something called separation of powers.

7 MR. HANSON: Well, there is that, and I
8 want to get to that, but the practical point we're at
9 is that there is an impasse, and until this legal
10 issue, which was really the barrier to any further
11 negotiation or political solution, until that is
12 solved, we don't think the parties are gonna get
13 together.

14 So theoretically the temporary order could
15 continue to the next legislative session. We would hope
16 not. What we think should happen is either two things:
17 If the Court determines with finality that this is a
18 legal veto, then we think the parties will get back
19 together and negotiate, and, simultaneously, if we're
20 running out of funding, if the reserve funds are not
21 enough to bridge the gap, then we would be back to you,
22 and their Counts II and III, we have agreed that the
23 Court should institute at the appropriate time a
24 critical core funding procedure so that they would not
25 be obliterated. There's no intent or possibility that

35

62-CV-17-3601 MOTION 6/26/2017

1 the legislative function would be obliterated. They're
2 not put out of business because they have this
3 constitutional right to get their core critical
4 functions funded by judicial order.

5 So that -- I think that's the premise that
6 underlies their argument, and I think it's a false
7 premise, and this case is really not different --
8 different in the way it came about but not different in
9 the legal principles than those prior three cases where
10 the court stepped in saying the constitutional duty to
11 perform your function requires that the state fund it,
12 and so there are two exceptions -- or two ways that you
13 can spend money: Appropriation is the common method,
14 but by court order in an emergency is an uncommon
15 method.

16 Separation of powers. I found -- I hadn't read
17 this before -- the 1905 case *State versus Bates* to be
18 the most helpful, I think, analytical framework for
19 talking about it because it divides our separation of
20 powers, Article III, into two separate clauses -- or
21 three separate clauses having three different purposes.

22 The first clause is a distributive clause. It
23 gives the power to the executive, the legislative, and
24 the judicial, and inherent powers come with that
25 distribution. The second clause is the prohibitive

62-CV-17-3601 MOTION 6/26/2017

1 which counsel has mentioned. No one from one department
2 can exercise the powers of the other, but the third one
3 is the most critical here, and that's the exception
4 clause except as otherwise provided in this
5 constitution.

6 So the veto power including a line-item veto
7 power has to be looked at as an exception to the
8 legislative exclusive authority over legislative power.
9 It is an encroachment. It's a constitutionally
10 authorized encroachment so that the governor has a role
11 in the legislative function and the line-item veto more
12 specific to the appropriation function.

13 The court has said because it's an exception, it
14 has to be construed narrowly, but that means I think
15 construction of the constitution is it authorized in
16 this circumstance? Is it an appropriation? Is it an
17 item of appropriation. Once that construction is done
18 and done narrowly and in the *Inter Faculty* case, the
19 Governor's line-item veto was not approved because it
20 didn't really constitute an item of appropriation.

21 Here, as you mentioned the legislative
22 appropriations are single-line items. There's no doubt
23 that they are items. The Governor would have no ability
24 to go behind those items. Number one, they're not
25 particularly public to the Governor what the itemization

62-CV-17-3601 MOTION 6/26/2017

1 of the budget is, but he can't do a partial line item --

2 THE COURT: So is there any point at which
3 perpetual and continuous vetoing of the appropriations
4 to run the legislature would violate the constitution?

5 MR. HANSON: Only if it's not an item of
6 appropriation.

7 THE COURT: So the governor could abolish
8 the legislature?

9 MR. HANSON: No. Because the legislature
10 can come in for funding from this Court for its
11 critical core functions, not for its appropriation,
12 which I think is much larger than it's critical core
13 function cost. The legislature is always protected by
14 the underlying constitutional right to perform its
15 function and the state must fund it but not at the
16 level of appropriation but at the level of critical
17 core function.

18 THE COURT: So taking it further: If the
19 supreme court decided that all the Ramsey County judges
20 over the last 17 years were wrong, we can't fund
21 anything, this is strictly a political fight, wouldn't
22 your position be problematic with regard to the
23 line-item veto?

24 MR. HANSON: It would be very distasteful
25 for sure, but I think it would be legal. I think the

38

62-CV-17-3601 MOTION 6/26/2017

1 veto would be legal.

2 THE COURT: So the government -- so the
3 legislature could be shut down by the Governor if
4 there's no mechanism for emergency funding?

5 MR. HANSON: It can't be shutdown. It can
6 be denied on appropriation. The legislature can deny
7 the governor appropriation. The governor can veto an
8 appropriation thereby denying it to the legislature or
9 the court. That doesn't leave them without funding
10 because then they come as they've come three times in
11 the last 17 years to the court to say we have to
12 perform our constitutional obligations, and can't we do
13 it without funding.

14 THE COURT: So you're assuming that the
15 Court's role to provide emergency funding is going to
16 be legal in every circumstance similar to what we've
17 had in the past and today?

18 MR. HANSON: Yes.

19 THE COURT: Okay.

20 MR. HANSON: Yes. My argument assumes
21 that, and I think it's true, and, therefore, you
22 separate out the veto from the funding issue. Again,
23 the underlying principle: You have a constitutional
24 right to funding as a department of the government.
25 You don't have a constitutional right to an

39

62-CV-17-3601

MOTION

6/26/2017

1 appropriation.

2 THE COURT: Is there any circumstance
3 under which the reasoning behind a veto or line-item
4 veto would render that veto unconstitutional?

5 MR. HANSON: I don't believe so, and I
6 think our cases are very clear on that. The *Larson*
7 *versus Carlson* case says we don't look at the wisdom of
8 a veto. Once we've decided that it meets the
9 constitutional requirement of an item of appropriation,
10 the inquiry stops. And why is that? That is a
11 separation of powers requirement.

12 So now getting to the prohibitive clause, the
13 prohibitive clause is relevant, and I think in this
14 case, to the extent it limits the scope of judicial
15 review, the Court can't exercise executive power. The
16 Court can't exercise legislative power, and so, if you
17 were to inquire into the motive or intent of a governor
18 in the exercise of a veto or even inquire into the
19 motive or intent of a legislative enactment, you, in
20 effect, are exercising executive power. The governor
21 has the power to veto or to rescind the veto. If the
22 Court is asked to invalidate a veto, it must exercise
23 executive power to do so, and that violates separation
24 of power.

25 THE COURT: The *Birkeland versus*

40

62-CV-17-3601 MOTION 6/26/2017

1 *Christianson* case in 1930, the court talks about the
2 fact that there is the power of judicial review to
3 determine whether the actions of the other branches are
4 consistent with the constitution, and one branch can't
5 coerce the other branch. So how do you give the
6 argument you're making with the principle that I can't
7 look at the motives? How do I know if there's
8 inappropriate coercion if I can't look at the motives.

9 MR. HANSON: What a slippery slope that
10 would be to begin to look at the motive, not only a
11 slippery slope I think a cliff, frankly. You can't
12 step over that line without invading the province of
13 the other department of government.

14 If you look at the motive, then you are into the
15 political discussion, the political reasoning, of the
16 governor which is within his sole discretion so as long
17 as he is acting within the power given to him by the
18 constitution, and this is a specific power given to him
19 to do a line-item veto.

20 THE COURT: So that gets back to the
21 question that's in my notes that Mr. Kelley asked, so
22 can the governor veto funding for the courts and put in
23 the veto message to the legislature that I am not going
24 to sign a bill funding the courts until they either
25 reverse a decision that they made, or if it's a pending

62-CV-17-3601 MOTION 6/26/2017

1 decision rule the way I want them to rule?

2 MR. HANSON: I think he can veto, but I
3 don't think he can defund the court, and the Court
4 would have the right, as it has had to do, at least, in
5 two of those past cases, come to this Court and say we
6 need critical core functioning or we can't exist as a
7 constitutional body. As I say, that would be a very
8 unsavory thing for a governor to do, and it is the
9 extreme, but it's nothing near what we have present in
10 this case today.

11 THE COURT: Well, what's the difference
12 between the governor saying I will veto funding for the
13 courts until I get the outcome I want, and the governor
14 saying I will veto funding for the legislature until I
15 get them to revisit legislation that I didn't like.
16 What's the difference?

17 MR. HANSON: I don't think there is any
18 difference in terms of his power to veto. The
19 difference here, though, isn't unsavory as your
20 hypothetical would be.

21 THE COURT: I tried to pick the most
22 distasteful, unsavory example I could come up with
23 because sometimes these principles have to be tested by
24 their extremes.

25 MR. HANSON: By extremes, and I would say₄₂

62-CV-17-3601 MOTION 6/26/2017

1 as distasteful as it is, I think the Governor has the
2 power to veto. There's no constitutional principle
3 that limits it unless he were to obliterate that branch
4 of government, and he can't do it, he doesn't have the
5 power to do it, because that branch of government has
6 the constitutional right to be funded for their
7 critical core functions.

8 THE COURT: So we would basically, then,
9 in the example I gave have to wait out the Governor's
10 term as those vetoes come and applications to the court
11 for funding are made, and if the next governor doesn't
12 care about that court decision, then peace would then
13 prevail? That's perfectly okay as far as the Governor
14 is concerned under the constitution?

15 MR. HANSON: It's perfectly okay under the
16 constitution. Our Governor would not support that
17 political view, but it would be a political decision of
18 the Governor to do it, and he has the power to do it,
19 and the remedy of the Court, or any other body that has
20 failed to get an appropriation, as it has been in three
21 prior cases when the court did not have an
22 appropriation, the remedy was to come in and get their
23 critical core functions funded.

24 So they are not without a constitutional remedy.
25 They are protected. Therefore, their continued

62-CV-17-3601 MOTION 6/26/2017

1 viability as a body in the government is preserved and
2 guaranteed, but it's guaranteed in that way. It's not a
3 right to an appropriation. The appropriation's either
4 within the discretion of the legislature or subject to a
5 veto of a governor each of them acting within their
6 discretion as has been conferred to them by the
7 constitution, and the remedy being then to get funding
8 in a different mechanism not through an appropriation
9 but through a court order.

10 THE COURT: All right.

11 MR. HANSON: Talk about why, if you put
12 limits on a veto, then what effect does it have, or is
13 it improper for a governor to veto a bill to
14 accomplished something secondary.

15 THE COURT: Well, that's another question
16 because you would agree that the policies that the
17 Governor objected to in his letter could never be
18 line-item vetoed because they aren't appropriations.

19 MR. HANSON: Right.

20 THE COURT: So the Governor could do
21 indirectly what he can't do directly.

22 MR. HANSON: Absolutely, and I think it's
23 a little hypocritical for the legislature to make that
24 argument because look at the revenue bill and the
25 defunding potentially of the revenue department. They₄₄

62-CV-17-3601 MOTION 6/26/2017

1 said if the Governor doesn't sign the tax bill, the
2 appropriation to the revenue department is gone. It's
3 only effective after the tax bill becomes effective.

4 Now, did they object to the amount claimed in
5 the revenue department's budget? No. There was no
6 objection to that. They weren't saying you're spending
7 too much money. They used the poison pill to defund the
8 revenue department potentially in order to get the
9 Governor to sign the tax bill.

10 THE COURT: Is that unconstitutional?

11 MR. HANSON: I don't believe so.

12 THE COURT: So you could still sue to have
13 that --

14 MR. HANSON: -- had the Governor --

15 THE COURT: -- taken care of?

16 MR. HANSON: Pardon?

17 THE COURT: So the Governor could still
18 sue?

19 MR. HANSON: No --

20 THE COURT: He signed the bill.

21 MR. HANSON: You asked was it
22 unconstitutional, I said, no, I don't believe it's
23 unconstitutional. I think they can do, indirectly,
24 accomplish one person -- purpose through another
25 mechanism.

45

62-CV-17-3601 MOTION 6/26/2017

1 THE COURT: Well, is there a way that --
2 except the distinction is that the Governor can't
3 line-item veto policy provisions, that is
4 unconstitutional --

5 MR. HANSON: Right.

6 THE COURT: -- is there anything
7 unconstitutional about what the legislature wanted to
8 do that would have made it unconstitutional to do it
9 directly but constitutional to do it indirectly? I'm
10 trying to find the analogy. That's all.

11 MR. HANSON: We were very disappointed
12 with what they did. We thought it was a breach of
13 trust, but we didn't believe it was illegal for them to
14 do it and presented the Governor with this choice: I
15 don't like the tax bill. There are three things in it
16 I would, if I had a line-item veto, I would line-item
17 veto, but if I veto the whole tax bill, I'm
18 jeopardizing 1300 employees that work for the revenue
19 department and the function of the revenue department
20 is to serve taxpayers and collect revenue.

21 Now, he would have had the remedy of coming to
22 this Court to get emergency funding for the revenue
23 department because it is a critical core function of
24 government, but he'd gone through that process in 2011.
25 It was a difficult process, and he made a political

46

62-CV-17-3601 MOTION 6/26/2017

1 choice to say I'm gonna avoid the temporary shutdown of
2 the revenue department and sign a bill that I -- that is
3 distasteful to me, but in order to get the legislature
4 to come back because they haven't listened to my
5 objections, they haven't reflected my concerns in that
6 bill, so we should discuss that more, I'm gonna veto
7 their appropriation as a mechanism to get them back.

8 He did object to it. This question about the
9 word "object" in the old version of the constitution
10 simply means state your opposition. That's what the
11 word "object" means even by the definition the
12 plaintiffs have provided. He did state his opposition
13 to it? He was opposed to it for a number of reasons.
14 He said you haven't finished your work, so I'm not gonna
15 appropriate money -- approve the appropriation of money
16 to the legislature when your work is unfinished.

17 Yes, it was in his budget, the amount. That was
18 under the assumption that the legislature -- this
19 legislative session was gonna be fairly conducted. He
20 wouldn't be faced with this Hobson's choice either do or
21 don't do, and he felt that that had been breeched and
22 they hadn't done their job. So at the point he vetoed
23 it, he did object to their appropriation.

24 THE COURT: Well, he didn't object to the
25 dollar amount of the appropriation or to the use of the

62-CV-17-3601 MOTION 6/26/2017

1 money and that really goes to the Bright Line Rule that
2 Mr. Kelley would have the Court adopt, and that is if
3 you don't object to the appropriation itself but you
4 are vetoing the bill for some unrelated purpose, that's
5 the definition of an invalid veto, and what's your
6 reaction to that.

7 MR. HANSON: That's why I say it's exactly
8 what the legislature itself did when they put the
9 poison pill to defund the revenue department if he
10 didn't sign the tax bill. Indirect government action
11 is -- is replete in all of our laws. Look at our tax
12 laws, for example.

13 THE COURT: The difference is that the
14 legislature has the authority to legislate and the
15 Governor doesn't, and as you pointed out from the *State*
16 *versus Bates* case, the third item, the exception, the
17 veto or line-item veto has to be construed narrowly, so
18 if your objection isn't to the appropriation, then how
19 can you use this very narrow authority to accomplish
20 some other result that you agree is forbidden if done
21 directly?

22 MR. HANSON: I don't agree that it isn't
23 to the appropriation, number one. He said you haven't
24 finished your work, so I'm not gonna appropriate to you
25 until you finish your work, so it is to the

48

62-CV-17-3601 MOTION 6/26/2017

1 appropriation, but, secondly, I believe he can do --
2 make a veto, use a veto for one purpose to accomplish
3 something else, and that's the nature of a veto.

4 If the Court were to begin to look at the intent
5 or political motivation of a governor behind a veto, I'm
6 not -- there can be no bright line that would exist --
7 that would embrace the Court's authority to violate the
8 separation of powers and enter the political decision
9 making of another branch of government. Once you talk
10 about motive or intent, then you're getting into the
11 political deliberations of that other branch.

12 And I think our cases, the *Johnson* case, the
13 *Duxbury* case, the *McConaughy* case all come to that
14 conclusion. You can't second guess the reasons why a
15 legislature uses its power, a governor uses its power,
16 that would be separation of powers. Interestingly, the
17 *McConaughy* case was quoted in the West Virginia case
18 that counsel referred to but not followed because West
19 Virginia law is not like Minnesota law.

20 In Minnesota under *McConaughy*, there is no rule
21 of the court to second guess a political decision made
22 by the governor. In West Virginia apparently there is,
23 but West Virginia has a completely different budgetary
24 constitutional structure, much stronger role of the
25 governor in the front end of developing the budget and

62-CV-17-3601 MOTION 6/26/2017

1 then a much weaker role of the governor in vetoing it.
2 He can' veto, the Court said, anything relative to the
3 court. He can't veto anything relative to the
4 appropriation of the legislature, so it's simply not a
5 comparable case.

6 It does give me comfort, however, to know that
7 if you scour the country to find a case that authorizes
8 you to do what the plaintiffs have asked you to do and
9 validate a veto on a motive basis, you can't find a case
10 that is comparable to Minnesota's Constitution. You
11 find a 1973 West Virginia case that isn't even
12 comparable. There are no other cases out there,
13 certainly, none from Minnesota, and all of the Minnesota
14 cases say that the motives and intent of the governor
15 behind a veto once he meets the threshold -- this is a
16 veto of an item of appropriation -- is beyond the power
17 of the court to consider because that would itself
18 invade the province of the executive and be a violation
19 of the separation of powers.

20 THE COURT: All right.

21 MR. HANSON: The -- perhaps, just a moment
22 on the stipulation. As I mentioned earlier, the
23 Governor's reasoning and desire to be part of the
24 stipulation is the conclusion that the parties had
25 reached an impasse and could go no further until this

50

62-CV-17-3601 MOTION 6/26/2017

1 legal issue, the legality of the veto is determined.

2 There are other benefits in the stipulation.

3 The commitment to the senate rent payments supports the
4 bond rating, the -- the Governor was not intending by
5 his veto to deny funding to the legislature. He
6 obviously was aware they could come to court and get
7 funding, but in order to allow for the parties to pursue
8 this legal question while not simultaneously starting
9 the critical core function proceeding before this Court,
10 which may or may not be necessary depending on the final
11 outcome of the legal question, it just seemed to us to
12 be the appropriate solution that for a 90-day period
13 that we would continue the old appropriation, not
14 embrace the new appropriation.

15 If that stipulation is not accepted by the
16 Court, if we don't have that temporary, then the relief
17 that we've asked for and, of course, the way we briefed
18 it because that was before the stipulation was dismissal
19 of Count I with prejudice on the finding that the veto
20 was legal. To the extent Counts II and III rely on
21 reinstating the appropriation, we would ask those be
22 dismissed as well. To the extent they ask for critical
23 core funding under the principles of our prior cases, we
24 agree they're entitled to that. They have a
25 constitutional right to that, and we would support the

62-CV-17-3601 MOTION 6/26/2017

1 commencement of a proceeding to have that determined.

2 THE COURT: So the difference between the
3 position the governor took in 2011 and the position
4 that the government -- Governor took now in the
5 pre-stipulation world is that the governor did not
6 parse out individual items of core critical funding
7 through the legislature in 2011 but now takes the
8 position that but for the stipulation there would be a
9 dispute? Is that -- is that true?

10 MR. HANSON: I'm not sure it's a true
11 statement of what the governor did in 2011.

12 THE COURT: Okay.

13 MR. HANSON: The governor may --

14 THE COURT: I didn't see --

15 MR. HANSON: It's not apparent from the
16 order how the funding to the legislature was resolved
17 whether that was by agreement of a number of parties.
18 There is in the order, as I say, the judge said --
19 identifies what the critical core functions of the
20 legislature would be to devise law, craft laws, to
21 debate laws, to publish and to pass them and to publish
22 them.

23 THE COURT: And then the order just said
24 pay it, and I have an affidavit in this case which says
25 that the legislature was funded at its existing level

52

62-CV-17-3601 MOTION 6/26/2017

1 during the course of the litigation, so I didn't see
2 anything to dispute that, and that was one question I
3 was gonna leave with each of you: Are there any
4 disputed facts in this case?

5 MR. HANSON: I don't believe there are any
6 disputed facts that would be material to the issue of
7 the legality of the veto.

8 THE COURT: Okay.

9 MR. HANSON: If we got into a critical
10 core function, then I think there are facts to be
11 determined, and we've tried to provide some basic facts
12 to show that not everything in the appropriation
13 requested by the legislature would qualify as critical
14 core function, but if the stipulation is accepted, we
15 don't get to that issue.

16 THE COURT: Yeah, and the way you both
17 presented that stipulation to me it says "if accepted,"
18 and I'm going to go through my own analysis of whether
19 I can independently do this even if you hadn't
20 stipulated to it. Similar to what my predecessors have
21 done, I don't know what will happen after here. You've
22 agreed, so neither of you are going to appeal anything
23 that's consistent with your stipulation. I don't know
24 if someone would intervene later and challenge it at
25 the appellate level. I have no idea. That's why I'm

53

62-CV-17-3601 MOTION 6/26/2017

1 gonna go through my own analysis, and if I follow the
2 stipulation, it'll have its own supportive reasoning.

3 MR. HANSON: We understand that we can't
4 confer authority or jurisdiction on the Court by our
5 agreements, so that's why we framed it in that way, but
6 we believe -- we believe that you do have authority,
7 and I think judicial economy and the Court's inherent
8 power over judicial economy is a driving factor behind
9 that.

10 If you don't accept the stipulation, then as we
11 say we should immediately go into a critical core
12 function proceeding. Now, that makes very murky the
13 question whether the legality of the veto can reach an
14 appellate court while that's pending. Perhaps, with a
15 Rule 54 certification, there's no reason to delay entry
16 of a final judgment that could be separated out, but
17 that would be several weeks, maybe several months
18 process which may be negated by any ultimate decision,
19 and so for reasons of judicial economy and I think
20 serving the parties who are all public parties and
21 therefore serving the citizen of Minnesota, I think you
22 have the power to do it.

23 THE COURT: Well, if the parties get a
24 third party -- perhaps a retired judge -- involved to
25 help them mediate this dispute, you could resolve it

54

62-CV-17-3601 MOTION 6/26/2017

1 even sooner.

2 MR. HANSON: I think that could happen,
3 but I don't see it happening while this legal question
4 is unresolved: Is the veto legal or not? The
5 legislature has very little motivation to come to the
6 table if they believe it's an illegal veto and their
7 appropriation will be restored.

8 THE COURT: Well, the flip side is true,
9 and the best settlements are reached in an atmosphere
10 of uncertainty.

11 MR. HANSON: Very true. Thank you, Your
12 Honor.

13 THE COURT: Mr. Kelley, any final parting
14 thoughts?

15 MR. KELLEY: Just a few, Your Honor. I
16 have to say I think that is the most expansive
17 delineation of executive powers for a governor that I
18 have ever heard, and you're posing to Mr. Hanson the
19 hypothetical: Is it okay to veto the judiciary's
20 budget because he doesn't like something, and the
21 answer was, yes. I think that's clearly, clearly out
22 of bounds. And the fallback position that somehow
23 we're all safe because of the core functions, let me
24 just say, that is very disruptive. It's inimical to
25 the efficient running of government to have it, and as

55

62-CV-17-3601 MOTION 6/26/2017

1 I said before, I quoted from this, the Governor
2 himself, Mr. Hanson said, you know, he didn't like what
3 was going on before. He wasn't gonna put the executive
4 department through it. He says, I will not risk a
5 legal challenge. So the premise here is so if somehow
6 that, oh, we're not obliterating the legislature, we're
7 not doing away with them because you can always go to
8 court, the Governor himself didn't want to do that.

9 THE COURT: But one of the Governor's
10 linch pins here is the availability of court assistance
11 in gaining temporary funding, and that as long as you
12 have temporary funding -- and that goes to a well-known
13 doctrine, the Doctrine of Judicial Restraint -- why
14 should the judiciary get involved in a political
15 question when it can, by injunction essentially,
16 mandatory injunction, keep the core functions of
17 government going while these political issues are
18 addressed?

19 MR. KELLEY: Well, I think you heard my
20 colleague say is, well, that we're not going anywhere
21 here unless you solve this question for us, I think, in
22 terms that's why we have done so much to tee this up
23 for you to say, call the balls and strikes. That's
24 what the Court does, and I think they're clearly,
25 clearly out of bounds.

56

62-CV-17-3601 MOTION 6/26/2017

1 When he talks about the poison pill and how that
2 puts the Governor in a bad spot, et cetera, et cetera,
3 you know the Governor had a very simple resolution:
4 Veto it. Veto the whole dang bill, just do that, and
5 then the parties would have been back into the
6 legislative area. You know, we are used to some really
7 sharp elbows in this state between various branches of
8 government. We've seen that before in the *Mattson* case
9 and the funding cases and the other ones. I think the
10 expansive view of executive power that you just heard
11 is -- should not fly and shouldn't get anywhere.

12 And in your position -- if you go back to *Baker*
13 *versus Carr*, and I know we don't have, you know,
14 basically the political question issue is different, but
15 if the court there, the U.S. Supreme Court said if the
16 government acts in a manner repugnant to the
17 constitution, the court has the authority and the duty
18 to step in and uphold the constitution's mandate.
19 That's what I'm asking you to do here today, Your Honor.
20 I'm asking you to resolve this dispute, and I think
21 it'll be for the good of the State of Minnesota. We're
22 asking you to declare his line item veto as null and
23 void. Thank you.

24 THE COURT: The matter is under
25 advisement.

57

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

I, SHERRY G. TREIBER, Official
Court Reporter in and for the Second Judicial District,
hereby certify that the foregoing is a true and correct
transcript of the proceedings as herein set out.

/S/ Sherry G. Treiber

DATED: July 7, 2017

	/	5
MR. HANSON: [43] 4/13	/S [1] 58/18	500 [1] 10/3
31/1 32/16 32/19 32/25	1	54 [1] 54/15
33/5 33/10 34/13 34/24	1300 [3] 18/25 21/20	54.02 [1] 11/4
35/6 38/4 38/8 38/23	46/18	555 [1] 13/4
39/4 39/17 39/19 40/4	131 [1] 20/10	6
41/8 42/1 42/16 42/24	141 [3] 9/4 24/15 30/21	62-CV-17-3601 [1] 1/14
43/14 44/10 44/18 44/21	17 [3] 28/10 38/20 39/11	9
45/10 45/13 45/15 45/18	1857 [1] 13/22	90 [1] 9/24
45/20 46/4 46/10 48/6	1865 [1] 14/25	90-day [1] 51/12
48/21 50/20 52/9 52/12	1874 [1] 16/12	99.99 percent [1] 29/21
52/14 53/4 53/8 54/2	1876 [5] 9/3 16/2 16/13	A
55/1 55/10	22/3 22/17	ability [3] 21/24 32/11
MR. KELLEY: [44] 4/8	1905 [1] 36/17	37/23
4/23 5/20 6/14 7/4 7/9	1930 [1] 41/1	able [4] 6/24 11/21 11/22
7/21 8/4 8/14 9/13 10/24	1973 [2] 26/4 50/11	14/22
11/1 12/3 12/7 12/9	1974 [3] 16/24 17/4	abolish [1] 38/7
12/11 12/16 13/11 13/14	17/13	abolishes [1] 27/21
14/7 14/10 14/20 17/22	1st [1] 10/22	about [27] 5/14 8/9 8/24
18/1 18/15 18/19 19/22	2	10/18 10/22 12/19 13/19
20/13 21/15 22/15 23/1	2.7 [1] 25/5	14/7 15/20 15/20 19/13
23/10 23/17 24/8 24/20	2001 [3] 31/19 33/4 33/7	19/14 21/15 23/3 23/14
26/13 28/1 28/14 29/10	2005 [1] 31/19	24/22 29/7 34/4 36/8
30/11 30/16 34/21 55/14	2011 [6] 31/19 34/8	36/19 41/1 43/12 44/11
56/18	46/24 52/3 52/7 52/11	46/7 47/8 49/10 57/1
THE CLERK: [1] 23/13	2017 [6] 1/20 5/1 10/21	above [4] 1/17 1/19
THE COURT: [86]	11/10 31/20 58/21	29/24 30/6
THE LAW CLERK: [1]	26 [1] 1/20	above-entitled [1] 1/17
4/3	3	above-named [1] 1/19
\$	30 [2] 11/18 11/19	Absolutely [1] 44/22
\$3,000 [1] 23/20	30th [2] 5/1 20/22	abstain [1] 15/7
'	3601 [1] 1/14	abuse [1] 30/8
'Cause [1] 14/12		abuses [2] 30/4 30/14

A

accelerated [1] 11/9
 accept [4] 7/15 11/5 19/6
 54/10
 acceptable [1] 23/23
 accepted [3] 51/15
 53/14 53/17
 accommodated [1] 32/8
 accomplish [3] 45/24
 48/19 49/2
 accomplished [1] 44/14
 according [1] 11/20
 accounts [1] 27/21
 across [2] 22/21 24/4
 act [1] 27/6
 acting [2] 41/17 44/5
 action [5] 5/5 13/10 19/2
 27/16 48/10
 actions [3] 29/25 30/2
 41/3
 acts [1] 57/16
 actually [1] 24/1
 addition [1] 29/25
 additional [1] 25/6
 addressed [1] 56/18
 adjourns [1] 25/7
 adopt [3] 12/23 27/12
 48/2
 adopted [4] 9/3 13/21
 16/2 16/11
 adopting [1] 20/4
 advantage [1] 26/1
 advisement [1] 57/25
 affects [1] 9/11
 affidavit [1] 52/24

afoul [1] 22/8
 after [4] 17/8 17/14 45/3
 53/21
 again [7] 16/21 19/11
 20/12 20/22 25/22 26/25
 39/22
 against [1] 30/8
 agency [1] 31/22
 agree [12] 5/16 9/21
 11/9 11/12 14/9 18/13
 29/21 29/24 44/16 48/20
 48/22 51/24
 agreed [4] 11/15 11/16
 35/22 53/22
 agreement [6] 11/22
 12/2 12/20 12/21 28/6
 52/17
 agreements [1] 54/5
 all [30] 4/19 5/3 6/1 6/9
 9/14 9/17 10/6 10/9 11/7
 11/8 11/14 12/16 15/12
 20/8 21/21 28/15 28/19
 30/17 31/4 32/21 33/3
 38/19 44/10 46/10 48/11
 49/13 50/13 50/20 54/20
 55/23
 alleviate [1] 11/7
 allow [3] 8/13 21/1 51/7
 already [3] 5/12 9/15
 20/7
 also [13] 2/11 4/12 7/18
 10/15 11/12 11/16 12/17
 17/8 19/10 21/16 26/21
 27/10 35/4
 always [3] 31/8 38/13
 56/7

am [5] 18/25 19/2 20/23
 22/21 41/23
 amendment [9] 16/25
 17/8 17/13 17/13 17/15
 17/19 20/4 22/3 22/18
 amount [7] 5/9 19/8 20/8
 24/1 45/4 47/17 47/25
 amounts [2] 20/8 25/6
 analogy [2] 25/21 46/10
 analysis [3] 14/10 53/18
 54/1
 analytical [1] 36/18
 announced [1] 6/5
 another [8] 15/15 20/17
 21/17 23/4 28/23 44/15
 45/24 49/9
 answer [2] 24/25 55/21
 anticipated [1] 12/6
 any [19] 7/20 8/24 10/18
 14/3 15/8 15/19 16/13
 24/3 27/23 34/20 35/10
 38/2 40/2 42/17 43/19
 53/3 53/5 54/18 55/13
 anyone [1] 34/19
 anything [13] 5/12 7/25
 12/24 19/9 28/21 29/14
 34/24 38/21 46/6 50/2
 50/3 53/2 53/22
 anywhere [2] 56/20
 57/11
 apparent [1] 52/15
 apparently [1] 49/22
 appeal [2] 11/11 53/22
 appealability [1] 10/17
 Appearances [1] 4/8
 appeared [1] 12/1

A

APPEARING [1] 2/11
appellate [3] 33/4 53/25
54/14
append [1] 16/19
applications [1] 43/10
appropriate [11] 9/12
25/12 28/22 31/11 32/2
34/6 34/7 35/23 47/15
48/24 51/12
appropriation [64]
appropriation's [1] 44/3
appropriations [7] 5/7
5/12 19/25 25/4 37/22
38/3 44/18
approve [1] 47/15
approved [1] 37/19
approving [1] 16/16
are [38] 5/1 5/14 5/17 6/6
6/20 10/22 11/17 11/21
11/22 11/25 14/22 23/22
24/6 30/1 35/12 35/20
36/12 37/22 37/23 40/6
40/20 41/3 41/14 43/11
43/24 43/25 46/15 48/4
50/12 51/2 53/3 53/5
53/10 53/22 54/20 55/9
56/17 57/6
area [1] 57/6
aren't [2] 19/21 44/18
argued [1] 27/1
arguing [5] 14/6 14/14
14/17 23/15 27/1
argument [9] 7/15 11/20
13/3 24/6 30/18 36/6

39/20 41/6 44/24

arguments [3] 11/8
14/13 31/4
article [6] 13/23 16/3
16/3 16/25 32/6 36/20
as [70]
ask [7] 10/14 10/19
12/23 28/4 33/25 51/21
51/22
asked [6] 23/7 40/22
41/21 45/21 50/8 51/17
asking [6] 5/5 7/11 8/7
57/19 57/20 57/22
assistance [1] 56/10
assumes [1] 39/20
assuming [1] 39/14
assumption [1] 47/18
assuring [1] 7/24
atmosphere [1] 55/9
attached [1] 20/18
attended [1] 15/9
Attorney [7] 2/2 2/3 2/4
2/6 2/7 2/8 2/8
August [1] 11/19
authority [17] 8/10 14/7
14/18 16/6 25/10 25/11
26/5 29/16 30/3 35/5
37/8 48/14 48/19 49/7
54/4 54/6 57/17
authorized [2] 37/10
37/15
authorizes [1] 50/7
availability [1] 56/10
avenue [1] 21/17
avoid [1] 47/1
aware [1] 51/6

away [1] 56/7

B

baby [1] 7/19
back [21] 6/1 6/9 6/9
8/21 9/15 18/6 18/11
19/4 21/10 23/6 32/23
33/4 33/18 35/3 35/18
35/21 41/20 47/4 47/7
57/5 57/12
bad [2] 29/7 57/2
Baker [1] 57/12
balance [1] 25/6
balls [1] 56/23
banks [1] 33/9
barrier [1] 35/10
based [2] 22/14 32/7
basic [1] 53/11
basically [4] 19/9 27/8
43/8 57/14
basis [3] 22/13 28/18
50/9
Bates [2] 36/17 48/16
bathwater [1] 7/19
be [72]
because [38] 5/1 5/8 9/5
12/1 12/18 13/5 15/20
21/3 21/5 23/4 23/25
24/10 25/20 26/19 28/4
30/23 31/24 32/3 33/12
36/2 36/19 37/13 37/19
38/9 39/10 42/23 43/5
44/16 44/18 44/24 46/23
47/4 49/18 50/17 51/18
55/20 55/23 56/7
become [3] 6/18 13/18

B

become... [1] 21/2
 becomes [4] 30/6 30/7
 30/15 45/3
 been [17] 6/24 17/8
 19/12 23/1 26/18 28/9
 31/6 31/18 33/7 33/11
 33/19 33/21 34/2 43/20
 44/6 47/21 57/5
 before [14] 1/18 10/20
 13/17 17/11 26/18 28/7
 29/2 31/19 36/17 51/9
 51/18 56/1 56/3 57/8
 begin [2] 41/10 49/4
 behalf [1] 4/10
 behind [8] 14/15 14/19
 29/22 37/24 40/3 49/5
 50/15 54/8
 being [1] 44/7
 belief [1] 33/15
 believe [15] 8/17 10/13
 10/13 10/16 17/17 30/23
 40/5 45/11 45/22 46/13
 49/1 53/5 54/6 54/6 55/6
 believes [1] 33/19
 believing [1] 33/17
 belonging [2] 14/2 14/4
 benefits [1] 51/2
 best [4] 9/18 9/23 30/16
 55/9
 better [2] 13/7 22/22
 between [7] 12/2 14/12
 14/19 18/8 42/12 52/2
 57/7
 beyond [1] 50/16

biennium [1] 15/18
 big [1] 25/2
 bill [29] 7/6 10/8 15/1
 16/14 16/17 16/20 18/23
 20/1 21/1 21/6 21/9
 23/13 23/13 31/25 32/3
 41/24 44/13 44/24 45/1
 45/3 45/9 45/20 46/15
 46/17 47/2 47/6 48/4
 48/10 57/4
 billion [2] 25/3 25/8
 bills [2] 19/6 20/24
 Birkeland [1] 40/25
 bit [4] 8/20 9/9 20/21
 28/25
 bitter [1] 20/24
 Blankenship [1] 26/3
 board [1] 24/4
 bodies [1] 5/3
 body [6] 19/15 31/11
 31/18 42/7 43/19 44/1
 bond [3] 9/24 11/13 51/4
 both [8] 9/20 11/9 19/21
 28/6 28/8 33/15 33/22
 53/16
 boundaries [1] 22/7
 bounds [2] 55/22 56/25
 box [1] 4/18
 branch [17] 5/4 15/6
 15/15 15/16 20/17 23/4
 25/25 28/23 28/24 34/10
 34/12 41/4 41/5 43/3
 43/5 49/9 49/11
 branches [6] 6/17 6/20
 15/4 27/15 41/3 57/7
 Brayton [3] 15/13 24/23

25/2

breach [1] 46/12
 break [1] 5/25
 breeched [1] 47/21
 Brett [2] 2/11 4/12
 bridge [1] 35/21
 brief [3] 15/11 17/12
 27/5
 briefed [1] 51/17
 briefs [3] 6/7 28/7 29/19
 bright [2] 48/1 49/6
 bring [2] 12/18 19/4
 Brotherton [1] 26/3
 brought [1] 5/5
 budget [13] 1/11 5/9
 20/7 20/23 21/19 25/7
 26/12 26/22 38/1 45/5
 47/17 49/25 55/20
 budgetary [1] 49/23
 building [1] 11/17
 bullet [1] 9/19
 business [2] 21/24 36/2

C

call [2] 5/15 56/23
 called [5] 7/18 8/21
 20/23 21/23 35/6
 came [5] 1/17 18/11
 26/16 29/3 36/8
 can [30] 5/25 8/19 9/1
 9/20 12/10 14/14 18/21
 20/14 26/12 28/11 28/19
 29/13 32/7 36/13 37/2
 38/10 39/5 39/6 39/7
 41/22 42/2 42/3 45/23
 48/19 49/1 49/6 53/19

C

can... [3] 54/13 56/7
56/15
can' [1] 50/2
can't [23] 14/18 20/15
23/4 23/12 23/16 38/1
38/20 39/5 39/12 40/15
40/16 41/4 41/6 41/8
41/11 42/6 43/4 44/21
46/2 49/14 50/3 50/9
54/3
cannot [4] 19/6 21/4
24/7 27/16
capacity [2] 1/9 1/10
capitol [1] 26/15
care [2] 43/12 45/15
Carlson [1] 40/7
Carr [1] 57/13
carry [2] 11/23 12/19
case [36] 1/2 13/10
16/19 22/7 22/14 24/24
26/2 26/2 26/2 26/6 27/5
27/24 29/7 30/19 32/22
34/4 36/7 36/17 37/18
40/7 40/14 41/1 42/10
48/16 49/12 49/13 49/13
49/17 49/17 50/5 50/7
50/9 50/11 52/24 53/4
57/8
case's [1] 13/3
cases [25] 7/23 9/14
10/8 13/14 15/5 22/9
24/22 29/19 29/22 31/9
31/22 31/25 32/5 32/21
34/3 34/5 36/9 40/6 42/5

43/21 49/12 50/12 50/14
51/23 57/9
casual [1] 18/8
categorically [1] 7/16
categories [1] 19/14
caught [1] 26/11
cause [3] 4/22 13/10
21/20
caused [1] 34/7
certain [3] 21/3 22/12
22/13
certainly [1] 50/13
CERTIFICATE [1] 58/1
certification [1] 54/15
certify [1] 58/4
cetera [2] 57/2 57/2
challenge [5] 13/11
21/17 21/19 53/24 56/5
chamber [1] 24/24
chance [1] 12/13
change [3] 17/10 17/12
17/15
changed [2] 16/24 34/5
changes [1] 17/10
chaplain [1] 23/20
Chapter [1] 13/4
check [1] 7/20
checkbooks [1] 33/9
chief [3] 26/15 26/18
29/17
choice [3] 46/14 47/1
47/20
chose [1] 21/22
Christianson [1] 41/1
circumstance [3] 37/16
39/16 40/2

cite [1] 15/11
cited [2] 17/11 29/20
citing [1] 28/8
citizen [1] 54/21
CIVIL [2] 1/2 14/25
claimed [1] 45/4
clarify [1] 11/1
clause [8] 13/16 15/14
36/22 36/22 36/25 37/4
40/12 40/13
clauses [2] 36/20 36/21
clear [3] 18/1 20/9 40/6
clearly [6] 14/22 30/4
55/21 55/21 56/24 56/25
client [1] 5/17
clients [3] 6/21 10/2
24/13
cliff [1] 41/11
close [1] 26/6
coerce [2] 5/10 41/5
coercion [1] 41/8
coercive [1] 19/21
colleague [1] 56/20
collect [1] 46/20
come [20] 8/16 11/18
13/7 14/23 16/25 18/6
21/25 33/18 36/24 38/10
39/10 39/10 42/5 42/22
43/10 43/22 47/4 49/13
51/6 55/5
comes [1] 20/3
comfort [2] 9/25 50/6
comfortable [1] 8/3
coming [2] 25/1 46/21
commencement [1] 52/1
Commissioner [6] 1/10

C

Commissioner... [5] 2/9
2/12 4/7 4/15 4/16
commitment [1] 51/3
common [1] 36/13
communicated [1] 22/20
comparable [3] 50/5
50/10 50/12
complaint [4] 10/6 10/9
10/12 18/8
completely [1] 49/23
compromise [1] 19/21
concede [1] 5/16
concerned [2] 7/7 43/14
concerns [1] 47/5
concession [1] 7/12
concessions [1] 5/11
conclusion [3] 24/6
49/14 50/24
conduct [1] 21/24
conducted [1] 47/19
confer [1] 54/4
conferred [1] 44/6
conformance [1] 22/17
consider [4] 14/14 14/18
27/6 50/17
considered [3] 5/19
21/13 21/17
consistent [3] 32/18
41/4 53/23
constitute [1] 37/20
constituting [1] 14/2
constitution [20] 13/17
13/22 14/5 17/2 29/17
30/9 32/6 32/10 32/19

37/5 37/15 38/4 41/4
41/18 43/14 43/16 44/7
47/9 50/10 57/17
constitution's [1] 57/18
constitutional [24] 15/2
16/25 17/7 22/10 25/11
27/19 31/14 31/15 31/18
32/4 36/3 36/10 38/14
39/12 39/23 39/25 40/9
42/7 43/2 43/6 43/24
46/9 49/24 51/25
constitutionality [2]
13/11 28/17
constitutionally [5]
18/14 18/17 23/7 24/7
37/9
constraints [1] 6/6
construction [2] 37/15
37/17
construed [3] 16/8 37/14
48/17
contained [1] 20/7
contains [1] 16/14
contest [1] 25/12
contested [1] 34/19
contingency [1] 27/18
continue [4] 11/10 28/24
35/15 51/13
continued [4] 15/16
34/10 34/18 43/25
continuous [1] 38/3
control [4] 7/3 8/11 24/8
29/18
cooperative [1] 33/14
copiers [1] 24/11
core [28] 5/3 9/16 11/8

31/17 32/4 34/1 34/2
34/9 34/11 34/15 35/24
36/3 38/11 38/12 38/17
42/6 43/7 43/23 46/23
51/9 51/23 52/6 52/19
53/10 53/14 54/11 55/23
56/16
correct [4] 12/25 13/12
14/8 58/4
cost [1] 38/13
costs [1] 23/19
could [30] 7/5 8/2 15/21
15/22 21/7 21/22 21/22
23/3 23/13 27/14 32/15
32/17 32/21 32/23 35/2
35/2 35/2 35/14 38/7
39/3 42/22 44/17 44/20
45/12 45/17 50/25 51/6
54/16 54/25 55/2
Couldn't [1] 28/2
counsel [5] 4/16 5/23
31/3 37/1 49/18
count [7] 10/5 10/12
10/14 10/17 10/24 28/18
51/19
country [1] 50/7
Counts [3] 11/6 35/22
51/20
COUNTY [5] 1/2 1/20
33/7 33/10 38/19
couple [1] 23/19
course [2] 51/17 53/1
court [85]
Court's [3] 39/15 49/7
54/7
Courthouse [1] 1/20

C

courts [9] 14/24 15/24
28/11 28/14 29/18 30/7
41/22 41/24 42/13
craft [1] 52/20
created [1] 33/20
critical [19] 31/17 34/2
35/24 36/3 37/3 38/11
38/12 38/16 42/6 43/7
43/23 46/23 51/9 51/22
52/6 52/19 53/9 53/13
54/11
cross [1] 7/17
crosses [1] 30/23
curtail [2] 27/14 27/14
CV [1] 1/14

D

Damocles [1] 6/19
dang [1] 57/4
date [1] 22/14
dated [2] 20/22 58/21
Daudt [1] 20/19
Davies [1] 17/1
day [1] 51/12
days [2] 9/24 15/10
Dayton [6] 1/9 2/9 4/6
4/15 4/21 6/4
Dayton's [1] 32/16
dead [2] 19/15 21/7
deal [2] 6/15 13/19
debate [1] 52/21
decide [3] 9/20 10/14
33/23
decided [3] 10/12 38/19
40/8

decides [1] 33/25
decision [9] 9/1 29/4
41/25 42/1 43/12 43/17
49/8 49/21 54/18
declaratory [4] 5/5 10/18
13/4 13/10
declare [2] 5/6 57/22
Defendants [2] 1/12
2/10
deficit [1] 25/3
define [1] 30/8
definition [2] 47/11 48/5
defund [3] 42/3 45/7
48/9
defunding [1] 44/25
delay [2] 11/3 54/15
deliberations [1] 49/11
delineate [1] 15/5
delineation [1] 55/17
demonstrates [1] 16/5
denied [1] 39/6
deny [2] 39/6 51/5
denying [1] 39/8
department [17] 1/11
18/24 19/1 21/19 27/7
37/1 39/24 41/13 44/25
45/2 45/8 46/19 46/19
46/23 47/2 48/9 56/4
department's [1] 45/5
departments [2] 13/25
14/3
departure [1] 15/8
depending [1] 51/10
deprived [1] 7/20
deprives [1] 31/16
described [1] 13/20

desire [1] 50/23
destroy [1] 28/20
determine [1] 41/3
determined [3] 51/1 52/1
53/11
determines [1] 35/17
developing [1] 49/25
devise [1] 52/20
did [20] 5/7 6/12 10/4
12/13 12/18 13/6 17/3
18/2 18/3 31/11 31/16
43/21 45/4 46/12 47/8
47/12 47/23 48/8 52/5
52/11
didn't [16] 16/12 16/18
18/4 19/18 25/17 34/6
34/17 37/20 42/15 46/13
47/24 48/10 52/14 53/1
56/2 56/8
difference [6] 42/11
42/16 42/18 42/19 48/13
52/2
different [10] 13/24
22/20 26/6 36/7 36/8
36/8 36/21 44/8 49/23
57/14
difficult [1] 46/25
diminishing [1] 15/15
directly [4] 13/6 44/21
46/9 48/21
disables [1] 24/13
disagree [2] 18/14 19/8
disagreed [1] 29/4
disappointed [1] 46/11
discretion [7] 29/13
29/16 30/5 30/14 41/16

D

discretion... [2] 44/4
44/6
discuss [2] 12/15 47/6
discussing [1] 22/10
discussion [2] 35/3
41/15
discussions [2] 8/24
10/6
dismissal [1] 51/18
dismissed [1] 51/22
dispositive [1] 8/17
dispute [5] 28/13 52/9
53/2 54/25 57/20
disputed [2] 53/4 53/6
disruptive [1] 55/24
distasteful [4] 38/24
42/22 43/1 47/3
distinct [1] 13/25
distinction [3] 8/14
14/12 46/2
distribution [1] 36/25
distributive [1] 36/22
DISTRICT [3] 1/1 1/2
58/3
divided [1] 13/24
divides [1] 36/19
do [54] 5/12 6/1 7/12 8/5
8/5 8/18 8/18 9/2 9/7
9/23 10/2 11/15 15/3
19/17 19/17 19/24 21/22
23/25 29/7 29/14 30/19
31/13 31/14 32/12 38/1
39/12 40/23 41/5 41/7
41/19 42/4 42/8 43/4

43/5 43/18 43/18 44/20
44/21 45/23 46/8 46/8
46/9 46/14 47/20 47/21
49/1 50/8 50/8 53/19
54/6 54/22 56/8 57/4
57/19
doctrine [2] 56/13 56/13
document [1] 18/9
does [6] 18/18 23/8 27/3
44/12 50/6 56/24
doesn't [10] 22/12 22/19
28/20 28/20 39/9 43/4
43/11 45/1 48/15 55/20
doing [5] 19/10 20/5
27/11 30/16 56/7
dollar [3] 24/1 25/3
47/25
dollars [2] 20/10 25/8
don't [32] 8/9 15/19
15/19 18/5 19/7 19/25
20/1 24/10 28/22 29/7
34/16 34/19 35/12 39/25
40/5 40/7 42/3 42/17
45/11 45/22 46/15 47/21
48/3 48/22 51/16 53/5
53/15 53/21 53/23 54/10
55/3 57/13
done [10] 5/22 24/16
30/21 34/2 37/17 37/18
47/22 48/20 53/21 56/22
doubt [1] 37/22
Doug [1] 4/9
DOUGLAS [1] 2/2
down [5] 15/16 15/22
21/18 30/24 39/3
drafted [1] 12/12

drafting [1] 10/6

draw [2] 8/2 8/5
drew [1] 10/9
driving [1] 54/8
duly [2] 1/18 4/3
during [2] 14/25 53/1
duties [1] 15/4
duty [6] 15/6 30/6 30/7
30/11 36/10 57/17
Duxbury [1] 49/13

E

each [5] 15/6 15/14 24/2
44/5 53/3
earlier [6] 12/14 23/2
30/21 32/5 33/12 50/22
early [1] 33/2
economy [3] 54/7 54/8
54/19
education [1] 19/5
effect [7] 7/23 11/4
16/23 17/16 29/6 40/20
44/12
effective [2] 45/3 45/3
effectively [4] 5/2 27/14
27/14 27/21
efficient [1] 55/25
either [10] 11/11 14/4
15/7 25/24 32/2 33/15
35/16 41/24 44/3 47/20
elbows [1] 57/7
eliminate [1] 27/15
eliminated [1] 5/2
else [5] 19/9 21/15 24/16
28/21 49/3
embrace [2] 49/7 51/14

E

emergency [4] 36/14
 39/4 39/15 46/22
 EMILY [2] 2/8 4/18
 employees [3] 19/1
 21/20 46/18
 enactment [1] 40/19
 encroached [1] 25/20
 encroachment [2] 37/9
 37/10
 encroachments [1] 15/7
 end [3] 25/9 31/20 49/25
 ended [1] 29/3
 ending [1] 31/21
 engaging [1] 7/1
 enough [3] 11/20 19/19
 35/21
 ensuing [1] 9/4
 ensure [2] 10/16 17/9
 enter [2] 11/3 49/8
 entire [6] 4/25 7/6 23/25
 24/12 25/25 31/25
 entitled [2] 1/17 51/24
 entry [1] 54/15
 equivalent [1] 31/7
 especially [1] 25/24
 essentially [3] 15/17
 25/16 56/15
 et [2] 57/2 57/2
 evaluate [1] 17/17
 even [9] 27/6 27/14 32/6
 33/5 40/18 47/11 50/11
 53/19 55/1
 ever [4] 26/18 29/22 33/5
 55/18

every [3] 32/25 33/1
 39/16
 everything [2] 8/24
 53/12
 evil [1] 15/9
 exact [1] 5/9
 exactly [1] 48/7
 example [3] 42/22 43/9
 48/12
 except [5] 14/4 34/4 34/8
 37/4 46/2
 exception [6] 16/5 24/15
 37/3 37/7 37/13 48/16
 exceptions [1] 36/12
 excessive [6] 7/8 7/20
 8/11 23/9 23/22 24/8
 exclusive [1] 37/8
 excuse [2] 11/19 16/12
 executive [20] 6/4 6/8
 6/18 13/25 16/9 29/17
 29/25 31/11 31/22 31/23
 32/9 34/12 36/23 40/15
 40/20 40/23 50/18 55/17
 56/3 57/10
 exercise [6] 14/3 37/2
 40/15 40/16 40/18 40/22
 exercising [1] 40/20
 Exhibit [3] 18/7 18/14
 20/22
 exist [2] 42/6 49/6
 existence [1] 28/24
 existing [1] 52/25
 expansive [2] 55/16
 57/10
 expensive [1] 24/11
 explaining [1] 24/20

explanation [1] 20/21
 explored [1] 8/23
 expressed [1] 32/10
 expressly [2] 14/5 15/14
 extensively [1] 13/20
 extent [3] 40/14 51/20
 51/22
 extravagant [2] 7/21
 8/11
 extreme [1] 42/9
 extremes [2] 42/24
 42/25

F

faced [1] 47/20
 fact [3] 5/8 32/8 41/2
 factor [1] 54/8
 facts [4] 53/4 53/6 53/10
 53/11
 Faculty [1] 37/18
 failed [2] 32/2 43/20
 fairly [1] 47/19
 fall [1] 30/2
 fallback [1] 55/22
 false [2] 31/3 36/6
 far [3] 8/19 34/23 43/13
 fashion [1] 25/12
 federal [2] 13/17 13/21
 federalist [1] 13/20
 felt [1] 47/21
 few [2] 9/23 55/15
 fight [1] 38/21
 FILE [1] 1/14
 final [3] 51/10 54/16
 55/13
 finality [1] 35/17

F

find [5] 35/1 46/10 50/7
50/9 50/11
finding [1] 51/19
fine [2] 9/13 31/1
finish [1] 48/25
finished [2] 47/14 48/24
first [11] 6/23 11/12 13/2
14/24 15/5 15/10 15/10
16/10 23/6 28/15 36/22
fiscal [2] 7/1 10/21
five [1] 5/17
FLAHERTY [2] 2/7 4/17
flip [1] 55/8
fly [1] 57/11
follow [1] 54/1
followed [2] 13/21 49/18
following [2] 4/2 5/17
forbidden [1] 48/20
foregoing [1] 58/4
forestall [1] 20/24
form [3] 10/23 17/2
19/16
formal [1] 18/9
former [1] 5/23
forward [4] 10/19 11/23
12/19 22/23
found [4] 17/13 34/24
35/4 36/16
four [1] 25/3
four-and-a-half [1] 25/3
framed [1] 54/5
framers [1] 17/18
framework [1] 36/18
frankly [2] 34/16 41/11

Frans [6] 1/10 2/10 2/12

4/7 4/16 4/17
friends [1] 18/9
front [3] 24/12 26/16
49/25
fulfilling [1] 24/13
function [18] 11/8 24/14
34/2 34/9 34/11 36/1
36/11 37/11 37/12 38/13
38/15 38/17 46/19 46/23
51/9 53/10 53/14 54/12
functioning [2] 5/3 42/6
functions [11] 9/17
27/22 31/17 34/15 36/4
38/11 43/7 43/23 52/19
55/23 56/16
fund [5] 12/22 32/11
36/11 38/15 38/20
funded [4] 36/4 43/6
43/23 52/25
funding [43] 5/3 7/21
22/25 28/8 28/10 28/11
29/6 31/6 31/7 31/12
31/15 31/17 32/4 32/14
32/22 33/20 34/10 34/12
34/18 35/20 35/24 38/10
39/4 39/9 39/13 39/15
39/22 39/24 41/22 41/24
42/12 42/14 43/11 44/7
46/22 51/5 51/7 51/23
52/6 52/16 56/11 56/12
57/9
funds [2] 11/23 35/20
furlough [2] 6/23 10/3
further [5] 15/19 27/25
35/10 38/18 50/25

G

gaining [1] 56/11
gap [1] 35/21
gave [1] 43/9
Gazelka [1] 20/20
Gearin [1] 35/4
Gearin's [1] 34/15
get [35] 8/15 9/18 9/19
9/20 10/5 10/10 12/13
13/6 13/15 19/25 20/11
25/25 28/14 28/19 32/4
32/23 34/17 35/8 35/12
35/18 36/3 42/13 42/15
43/20 43/22 44/7 45/8
46/22 47/3 47/7 51/6
53/15 54/23 56/14 57/11
gets [2] 23/6 41/20
getting [4] 8/25 31/21
40/12 49/10
Gildea [1] 26/16
give [3] 12/10 24/25 50/6
given [3] 32/10 41/17
41/18
gives [3] 8/18 20/21
36/23
go [27] 4/22 6/1 9/9 9/16
9/22 10/19 10/20 10/23
11/7 13/6 15/12 15/19
21/10 28/12 28/23 29/22
32/23 34/1 35/2 35/2
37/24 50/25 53/18 54/1
54/11 56/7 57/12
goes [5] 6/9 20/19 22/8
48/1 56/12
going [16] 9/11 9/14

G

going... [14] 21/23 22/2
 22/23 23/12 26/4 26/7
 33/4 39/15 41/23 53/18
 53/22 56/3 56/17 56/20
 gone [5] 6/23 8/20 17/11
 45/2 46/24
 gonna [17] 5/18 8/15
 15/20 19/15 22/21 22/21
 24/22 33/18 35/12 47/1
 47/6 47/14 47/19 48/24
 53/3 54/1 56/3
 good [5] 9/5 12/21 30/22
 31/2 57/21
 got [1] 53/9
 govern [1] 29/22
 governing [3] 8/2 8/12
 24/19
 government [24] 13/24
 18/23 20/17 20/25 21/6
 22/8 23/5 25/25 28/23
 28/24 39/2 39/24 41/13
 43/4 43/5 44/1 46/24
 48/10 49/9 52/4 55/25
 56/17 57/8 57/16
 governor [99]
 Governor's [7] 14/17
 17/25 34/7 37/19 43/9
 50/23 56/9
 grant [2] 8/6 16/6
 granted [1] 16/9
 great [1] 13/18
 guaranteed [2] 44/2 44/2
 guess [3] 9/23 49/14
 49/21

gun [3] 5/18 20/16 31/10
 GUTHMANN [1] 1/19

H

had [24] 4/3 5/12 6/23
 8/24 9/15 11/20 12/14
 13/18 16/24 17/11 20/7
 22/24 23/21 29/10 34/2
 35/5 39/17 42/4 45/14
 46/16 46/21 47/21 50/24
 57/3
 hadn't [3] 36/16 47/22
 53/19
 half [2] 25/3 25/8
 Hamilton [1] 13/19
 hand [1] 28/23
 hanging [1] 27/9
 HANSON [11] 2/6 4/14
 5/24 6/7 8/23 9/18 12/14
 12/25 29/10 55/18 56/2
 Hanson's [1] 29/19
 happen [3] 35/16 53/21
 55/2
 happened [3] 26/15 29/1
 33/21
 happening [2] 27/22
 55/3
 hard [1] 9/2
 has [50] 5/15 5/17 6/7
 8/20 9/4 9/15 12/14
 13/14 14/23 15/13 15/16
 15/17 16/4 17/8 18/21
 18/21 19/24 22/11 22/19
 24/5 24/16 25/14 26/18
 29/1 29/12 30/21 30/24
 31/6 31/12 32/8 33/1

33/5 37/1 37/7 37/10
 37/13 37/14 40/21 42/4
 43/1 43/5 43/18 43/19
 43/20 44/6 48/14 48/17
 49/23 55/5 57/17
 hasn't [2] 33/21 33/21
 hat [1] 27/9
 hate [1] 29/11
 have [96]
 haven't [5] 34/23 47/4
 47/5 47/14 48/23
 having [5] 5/11 7/20
 8/10 11/7 36/21
 he [74]
 he'd [1] 46/24
 he's [8] 7/7 7/11 18/3
 18/21 19/7 20/9 20/10
 27/1
 head [3] 5/18 20/16
 31/10
 hear [1] 24/20
 heard [3] 55/18 56/19
 57/10
 hearing [2] 1/18 14/13
 held [1] 31/12
 help [6] 9/22 9/25 10/16
 25/1 29/6 54/25
 helpful [1] 36/18
 helps [1] 15/5
 her [1] 26/17
 here [41] 4/11 4/13 4/25
 5/1 6/21 9/3 12/5 13/3
 13/8 15/22 18/4 18/6
 21/11 21/14 21/17 24/11
 25/14 25/22 25/23 26/6
 26/18 26/19 27/1 27/22

H

here... [17] 28/16 29/1
 29/14 29/20 30/11 31/16
 31/18 33/13 34/6 37/3
 37/21 42/19 53/21 56/5
 56/10 56/21 57/19
 here's [6] 6/15 6/16 10/4
 16/7 29/14 29/23
 hereby [1] 58/4
 herein [1] 58/5
 him [2] 41/17 41/18
 himself [2] 56/2 56/8
 his [22] 1/9 1/10 5/8 6/5
 6/7 15/25 18/17 20/7
 21/21 25/14 26/21 27/5
 30/2 30/4 30/14 41/16
 42/18 44/17 47/12 47/17
 51/5 57/22
 Hobson's [1] 47/20
 hold [1] 18/24
 holding [1] 20/15
 holds [1] 29/16
 Honor [22] 4/9 4/14 4/24
 5/14 5/22 6/16 9/7 11/2
 12/5 12/14 13/3 17/24
 22/4 28/3 29/1 30/13
 30/18 31/2 33/7 55/12
 55/15 57/19
 HONORABLE [1] 1/18
 hope [5] 10/13 11/5
 32/20 33/23 35/15
 hopefully [1] 24/24
 hostage [1] 18/24
 house [6] 1/5 4/5 5/2
 19/3 20/20 24/2

how [10] 8/5 9/10 9/23
 9/24 24/18 41/5 41/7
 48/18 52/16 57/1
 however [6] 15/25 17/7
 21/4 30/4 34/14 50/6
 hypocritical [1] 44/23
 hypothetical [2] 42/20
 55/19
 hypothetically [1] 29/2

I

I'll [2] 29/6 30/24
 I'm [36] 5/23 7/14 8/15
 12/25 13/13 14/13 19/9
 19/15 21/23 22/21 22/25
 23/14 24/9 24/10 24/14
 24/14 24/22 25/1 25/21
 26/4 26/19 30/15 30/16
 31/1 46/9 46/17 47/1
 47/6 47/14 48/24 49/5
 52/10 53/18 53/25 57/19
 57/20
 I've [2] 12/24 19/12
 idea [2] 32/22 53/25
 ideas [1] 19/18
 identifies [1] 52/19
 II [3] 11/6 35/22 51/20
 III [5] 11/6 13/23 35/22
 36/20 51/20
 illegal [3] 33/17 46/13
 55/6
 immediately [2] 10/17
 54/11
 impasse [7] 5/15 5/22
 32/15 33/19 35/1 35/9
 50/25

impermissible [2] 15/23
 22/1
 implied [1] 32/11
 important [6] 6/17 9/25
 11/14 15/8 16/13 26/19
 improper [2] 15/23
 44/13
 inaccurate [1] 12/24
 inappropriate [1] 41/8
 included [2] 17/12 31/24
 including [1] 37/6
 inconsequential [1]
 17/14
 increase [1] 25/5
 independence [1] 6/11
 independent [1] 6/18
 independently [1] 53/19
 INDEX [1] 3/1
 indicate [1] 34/24
 indication [1] 27/23
 Indirect [1] 48/10
 indirectly [3] 44/21
 45/23 46/9
 individual [1] 52/6
 inherent [2] 36/24 54/7
 inimical [1] 55/24
 injunction [2] 56/15
 56/16
 injunctive [3] 10/15
 10/21 10/23
 inoperative [2] 27/7 30/7
 inquire [2] 40/17 40/18
 inquiry [1] 40/10
 instance [1] 16/10
 instances [2] 14/4 20/15
 instead [1] 17/4

I
 institute [1] 35/23
 intact [1] 26/24
 intending [1] 51/4
 intent [11] 15/20 15/20
 16/1 17/18 29/23 35/25
 40/17 40/19 49/4 49/10
 50/14
 Inter [1] 37/18
 interest [1] 26/11
 interesting [4] 15/9
 21/16 26/2 27/4
 interestingly [4] 11/20
 26/14 26/23 49/16
 interference [1] 30/1
 interpretation [1] 27/17
 interpreted [1] 16/4
 interrupted [1] 10/4
 intervene [1] 53/24
 intervener [1] 27/13
 intimidatingly [1] 6/19
 invade [1] 50/18
 invading [1] 41/12
 invalid [2] 14/16 48/5
 invalidate [1] 40/22
 invested [1] 29/16
 involved [5] 19/20 28/14
 34/12 54/24 56/14
 is [172]
 isn't [10] 14/19 17/21
 19/11 20/12 31/8 32/3
 42/19 48/18 48/22 50/11
 issue [16] 6/3 6/8 8/20
 8/25 9/16 10/9 28/5
 33/16 33/22 34/22 35/10

39/22 51/1 53/6 53/15
 57/14
 issued [1] 28/9
 issues [3] 6/24 34/3
 56/17
 it [165]
 it'll [2] 54/2 57/21
 it's [47] 7/24 10/13 14/15
 14/16 15/1 15/21 16/5
 17/22 18/17 19/20 20/2
 20/9 21/16 22/14 22/16
 25/11 25/24 26/5 27/5
 28/21 28/22 30/12 30/20
 30/23 33/6 33/7 34/6
 36/6 37/9 37/13 38/5
 38/12 39/21 41/25 42/9
 43/15 44/2 44/2 44/22
 45/2 45/22 48/7 50/4
 52/10 52/15 55/6 55/24
 item [51] 6/5 6/13 7/4
 7/17 9/2 9/5 14/7 14/9
 14/15 14/17 15/21 16/2
 17/6 17/18 18/10 19/2
 19/12 19/24 19/25 20/2
 20/4 20/6 22/1 22/5
 22/10 22/15 24/4 25/10
 25/23 27/2 27/17 30/19
 37/6 37/11 37/17 37/19
 37/20 38/1 38/5 38/23
 40/3 40/9 41/19 44/18
 46/3 46/16 46/16 48/16
 48/17 50/16 57/22
 itemed [2] 26/8 26/21
 itemization [2] 24/2
 37/25
 items [11] 5/17 16/14

16/16 16/20 20/1 27/25
 34/20 37/22 37/23 37/24
 52/6
 its [15] 12/2 13/22 21/20
 24/6 25/12 25/23 31/17
 32/11 38/10 38/11 38/14
 49/15 49/15 52/25 54/2
 itself [13] 7/2 7/21 8/12
 15/21 22/5 22/19 23/10
 25/23 30/20 31/10 48/3
 48/8 50/17
 IV [1] 16/3

J

Jack [1] 17/1
 jam [1] 5/25
 jeopardizing [1] 46/18
 jive [1] 41/5
 job [1] 47/22
 jobs [1] 18/25
 JOHN [1] 1/18
 Johnson [1] 49/12
 judge [5] 5/20 34/14
 35/4 52/18 54/24
 judges [2] 1/19 38/19
 judgment [7] 4/20 5/5
 10/18 11/3 13/4 13/10
 54/16
 judicial [14] 1/2 14/1
 27/9 27/15 30/1 36/4
 36/24 40/14 41/2 54/7
 54/8 54/19 56/13 58/3
 judiciary [3] 26/10 26/13
 56/14
 judiciary's [3] 26/8 29/5
 55/19

J

July [4] 11/18 11/18
11/19 58/21
July 30 [1] 11/18
June [4] 1/20 11/19
20/24 33/3
jurisdiction [1] 54/4
jurisprudence [1] 31/13
jury [1] 4/18
just [24] 4/22 7/14 8/4
8/20 9/9 11/1 18/8 20/10
21/7 21/9 25/10 27/1
27/11 29/2 30/20 31/22
34/10 50/21 51/11 52/23
55/15 55/24 57/4 57/10
justice [3] 5/24 26/16
26/18
justiciability [1] 28/20

K

keep [1] 56/16
KELLEY [10] 2/2 2/11
4/9 4/10 4/12 31/5 33/14
41/21 48/2 55/13
KEVIN [2] 2/3 4/11
kind [3] 17/1 24/17 26/9
kinds [2] 10/7 12/19
know [21] 4/20 6/4 9/8
9/10 12/19 23/18 25/13
27/20 33/4 34/17 34/18
34/23 41/7 50/6 53/21
53/23 56/2 57/3 57/6
57/13 57/13
known [2] 16/1 56/12
KNUDSON [1] 2/7
Knutson [1] 4/18

L

language [10] 15/9
16/11 16/13 17/5 17/9
18/10 18/23 20/3 22/3
27/4
larger [1] 38/12
Larson [1] 40/6
last [9] 9/2 11/21 12/20
18/22 28/9 32/15 33/3
38/20 39/11
later [1] 53/24
laughter [1] 6/14
law [17] 2/3 2/3 2/4 2/6
2/7 2/8 2/8 5/13 20/23
20/23 21/2 22/14 33/6
33/7 49/19 49/19 52/20
lawful [1] 30/2
laws [4] 48/11 48/12
52/20 52/21
Leader [1] 20/20
leaders [1] 19/4
learned [1] 31/9
least [1] 42/4
leave [2] 39/9 53/3
left [3] 26/23 30/13 31/6
legal [24] 8/2 8/12 19/21
21/19 24/19 25/11 33/5
33/16 33/19 33/22 34/1
35/9 35/18 36/9 38/25
39/1 39/16 51/1 51/8
51/11 51/20 55/3 55/4
56/5
legality [3] 51/1 53/7
54/13
legislate [1] 48/14

legislation [1] 42/15
legislative [24] 5/4 7/17
7/21 8/11 13/25 16/3
23/16 23/25 27/15 31/20
34/10 34/18 34/20 35/15
36/1 36/23 37/8 37/8
37/11 37/21 40/16 40/19
47/19 57/6
legislature [57] 2/5 4/10
4/25 5/10 7/1 7/9 15/18
16/10 18/5 18/12 18/22
20/6 20/10 20/16 23/10
23/15 23/17 25/4 25/7
26/17 28/1 31/5 31/10
31/17 31/24 32/9 32/15
33/17 34/6 34/16 38/4
38/8 38/9 38/13 39/3
39/6 39/8 41/23 42/14
44/4 44/23 46/7 47/3
47/16 47/18 48/8 48/14
49/15 50/4 51/5 52/7
52/16 52/20 52/25 53/13
55/5 56/6
legislature's [3] 16/5
22/25 25/16
legislatures' [1] 25/20
lest [1] 6/18
let [4] 9/9 13/1 28/25
55/23
let's [3] 10/5 19/20 28/25
letter [5] 18/7 18/8 20/18
20/19 44/17
level [7] 22/25 33/14
34/11 38/16 38/16 52/25
53/25
levels [1] 11/10

L

leverage [1] 19/10
 licensing [1] 7/12
 life [1] 8/1
 light [1] 28/6
 like [10] 9/19 19/18 20/1
 24/10 29/8 42/15 46/15
 49/19 55/20 56/2
 limitation [2] 16/15 27/2
 limitations [1] 14/22
 limited [1] 16/7
 limits [4] 20/3 40/14 43/3
 44/12
 linch [1] 56/10
 line [56] 4/4 6/5 6/13 7/4
 7/17 8/3 8/6 9/2 9/5 14/7
 14/9 14/15 14/17 14/19
 15/21 16/2 17/6 17/18
 18/10 19/2 19/12 19/24
 19/25 19/25 20/4 20/6
 22/1 22/5 22/10 22/15
 25/10 25/23 26/8 26/21
 27/2 27/17 29/15 30/19
 30/23 37/6 37/11 37/19
 37/22 38/1 38/23 40/3
 41/12 41/19 44/18 46/3
 46/16 46/16 48/1 48/17
 49/6 57/22

line-item [41] 6/5 6/13
 7/4 7/17 9/2 9/5 14/7
 14/9 14/15 14/17 15/21
 16/2 17/6 17/18 18/10
 19/2 19/12 19/24 19/25
 20/4 20/6 22/1 22/5
 22/10 22/15 25/10 25/23

27/2 27/17 30/19 37/6
 37/11 37/19 38/23 40/3
 41/19 44/18 46/3 46/16
 46/16 48/17
 line-itemed [2] 26/8
 26/21
 lines [1] 18/21
 listen [1] 30/16
 listened [1] 47/4
 litigate [2] 28/12 28/12
 litigated [1] 17/9
 litigation [2] 17/14 53/1
 little [6] 8/20 9/9 20/21
 28/25 44/23 55/5
 lives [1] 10/4
 log [1] 5/25
 long [4] 30/2 32/14
 41/16 56/11
 look [13] 7/11 16/1 16/11
 29/9 29/22 40/7 41/7
 41/8 41/10 41/14 44/24
 48/11 49/4
 looked [2] 21/21 37/7
 looking [2] 6/10 11/25
 loses [1] 9/21
 lot [1] 33/9
 lucky [1] 5/23

M

made [8] 15/25 17/25
 18/3 41/25 43/11 46/8
 46/25 49/21
 Madison [1] 13/19
 MAGNUSON [2] 2/4 4/12
 major [1] 21/3
 Majority [1] 20/20

make [7] 5/14 5/25 8/3
 9/1 11/24 44/23 49/2
 makes [1] 54/12
 making [3] 31/5 41/6
 49/9
 Management [1] 1/11
 mandate [1] 57/18
 mandated [2] 18/15
 18/17
 mandatory [1] 56/16
 manner [2] 27/7 57/16
 many [3] 15/11 15/11
 26/6
 Mark [4] 1/9 2/9 4/6 4/15
 master [1] 34/17
 masters [1] 9/17
 material [1] 53/6
 matter [4] 1/17 10/8
 19/16 57/24
 Mattson [1] 57/8
 may [10] 5/1 12/11 16/16
 20/22 31/3 31/7 51/10
 51/10 52/13 54/18
 maybe [2] 8/22 54/17
 McConaughy [3] 49/13
 49/17 49/20
 me [16] 4/11 4/16 5/24
 8/3 8/13 11/19 12/25
 13/1 16/12 21/17 24/20
 28/25 47/3 50/6 53/17
 55/23
 mean [8] 8/5 8/8 14/14
 18/5 19/12 22/3 29/11
 32/13
 meaning [1] 13/16
 means [4] 17/22 37/14

M

means... [2] 47/10 47/11
 mechanism [4] 39/4
 44/8 45/25 47/7
 mediate [1] 54/25
 mediation [1] 35/5
 mediator [2] 5/20 35/2
 meet [1] 19/20
 meets [2] 40/8 50/15
 mentioned [6] 13/2
 13/18 31/19 37/1 37/21
 50/22
 merits [1] 13/1
 message [1] 41/23
 method [2] 36/13 36/15
 Mexico [1] 8/19
 might [1] 21/14
 million [1] 20/10
 mind [1] 10/10
 ministerial [2] 30/6
 30/10
 MINNESOTA [23] 1/1
 1/5 1/5 1/9 1/10 1/21 2/4
 4/5 4/5 4/25 9/3 12/22
 13/5 13/17 13/21 14/25
 14/25 49/19 49/20 50/13
 50/13 54/21 57/21
 Minnesota's [1] 50/10
 minute [1] 18/22
 mistake [1] 5/14
 model [1] 13/21
 modernized [1] 17/1
 moment [1] 50/21
 money [11] 7/2 16/15
 19/19 19/20 23/21 32/7

36/13 45/7 47/15 47/15
 48/1
 Montesquieu [3] 6/9
 6/12 13/18
 months [1] 54/17
 more [7] 8/3 15/12 16/16
 17/3 20/21 37/11 47/6
 morning [2] 9/8 31/2
 most [6] 15/23 27/16
 36/18 37/3 42/21 55/16
 motion [3] 1/15 1/18
 4/20
 motivation [3] 14/19
 49/5 55/5
 motive [6] 40/17 40/19
 41/10 41/14 49/10 50/9
 motives [3] 41/7 41/8
 50/14
 Mr [1] 6/7
 Mr. [13] 8/23 9/18 12/14
 12/25 29/10 29/19 31/5
 33/14 41/21 48/2 55/13
 55/18 56/2
 Mr. Hanson [7] 8/23
 9/18 12/14 12/25 29/10
 55/18 56/2
 Mr. Hanson's [1] 29/19
 Mr. Kelley [5] 31/5 33/14
 41/21 48/2 55/13
 much [8] 7/2 17/3 19/20
 38/12 45/7 49/24 50/1
 56/22
 murky [1] 54/12
 must [5] 15/8 16/8 29/24
 38/15 40/22
 mustard [1] 15/2

my [22] 4/12 4/17 5/17
 6/21 10/2 18/7 19/15
 21/2 23/18 24/13 26/11
 29/9 30/16 30/18 39/20
 41/21 47/4 47/5 53/18
 53/20 54/1 56/19
 Myron [6] 1/10 2/9 2/12
 4/7 4/16 4/17

N

nah [1] 28/17
 named [1] 1/19
 narrow [4] 6/24 14/14
 24/15 48/19
 narrowly [4] 16/8 37/14
 37/18 48/17
 natural [1] 24/6
 nature [1] 49/3
 navigate [1] 8/13
 near [1] 42/9
 necessary [1] 51/10
 need [2] 15/19 42/6
 negated [1] 54/18
 negotiate [6] 5/18 18/6
 19/5 21/11 32/23 35/19
 negotiating [1] 22/22
 negotiation [4] 22/22
 26/1 28/13 35/11
 negotiations [1] 27/25
 neither [1] 53/22
 never [2] 33/11 44/17
 new [3] 8/19 33/21 51/14
 next [9] 5/4 6/22 10/3
 15/18 21/1 21/25 34/1
 35/15 43/11
 nine [1] 20/23

N

Ninetieth [2] 1/5 1/5
no [41] 5/14 6/6 7/22 8/8
9/4 10/25 11/12 14/1
18/2 19/16 19/23 20/14
22/4 23/14 23/14 23/24
24/16 26/12 26/18 27/15
31/1 33/4 34/22 35/5
35/25 37/1 37/22 37/23
38/9 39/4 43/2 45/5 45/5
45/19 45/22 49/6 49/20
50/12 50/25 53/25 54/15
nobody [4] 24/16 25/12
30/21 32/1
none [1] 50/13
not [84]
note [1] 12/17
noted [1] 29/25
notes [2] 29/9 41/21
nothing [3] 31/16 34/4
42/9
notice [1] 16/21
noticed [2] 9/15 13/2
notices [2] 6/23 10/3
notion [1] 28/7
now [21] 7/19 7/25 9/7
13/1 16/1 16/11 16/24
20/18 21/7 22/4 22/23
25/9 26/2 30/24 31/20
40/12 45/4 46/21 52/4
52/7 54/12
nuclear [2] 21/23 24/17
null [2] 5/6 57/22
number [4] 37/24 47/13
48/23 52/17

nurse [1] 9/17**O**

object [15] 16/16 16/17
17/5 17/19 20/5 22/18
22/19 22/25 45/4 47/8
47/9 47/11 47/23 47/24
48/3
objected [3] 5/8 16/22
44/17
objecting [1] 20/9
objection [4] 17/22
18/15 45/6 48/18
objections [2] 21/3 47/5
objects [2] 16/21 16/22
obligation [1] 32/11
obligations [2] 11/15
39/12
obliterate [6] 20/17
21/24 22/21 23/4 25/24
43/3
obliterated [3] 15/18
35/25 36/1
obliterating [1] 56/6
obviously [3] 9/6 30/23
51/6
occasion [1] 33/12
occurs [1] 11/12
October [2] 10/22 11/11
off [1] 11/6
office [2] 4/12 11/17
officers [1] 27/20
official [3] 1/9 1/10 58/2
oh [1] 56/6
okay [10] 11/1 12/9
18/19 18/20 39/19 43/13

43/15 52/12 53/8 55/19

old [2] 47/9 51/13
once [6] 20/21 25/22
37/17 40/8 49/9 50/15
one [27] 1/19 10/10
11/18 14/2 15/5 16/16
16/18 19/11 19/23 20/3
20/12 24/1 24/23 24/23
26/12 28/23 29/20 37/1
37/1 37/2 37/24 41/4
45/24 48/23 49/2 53/2
56/9
ones [1] 57/9
only [8] 5/16 7/7 24/4
32/7 34/11 38/5 41/10
45/3
operate [1] 31/18
operating [1] 26/22
opinion [1] 28/3
opponents [1] 23/19
opportunity [2] 12/15
23/24
oppose [1] 15/7
opposed [2] 17/23 47/13
opposing [1] 5/23
opposition [2] 47/10
47/12
option [3] 21/23 24/4
24/17
options [2] 21/13 21/21
order [24] 4/21 4/23 8/6
8/6 11/23 12/1 12/5 12/6
20/24 22/7 22/22 34/15
35/3 35/5 35/14 36/4
36/14 44/9 45/8 47/3
51/7 52/16 52/18 52/23

O

orders [2] 28/8 33/3
original [4] 16/18 17/5
17/18 22/3
other [31] 1/2 6/20 7/23
8/25 9/21 10/7 10/7
12/19 14/23 14/24 16/17
17/14 20/15 20/18 21/13
23/21 24/16 25/25 30/25
33/3 34/3 37/2 41/3 41/5
41/13 43/19 48/20 49/11
50/12 51/2 57/9
others [4] 14/4 15/11
16/6 25/15
otherwise [2] 34/24 37/4
our [23] 5/18 6/1 9/10
9/23 11/15 13/17 14/23
15/11 15/17 17/12 26/6
27/9 30/9 31/12 36/19
39/12 40/6 43/16 48/11
48/11 49/12 51/23 54/4
ourselves [1] 35/1
out [27] 6/23 7/17 7/19
8/1 8/10 8/22 8/22 10/2
12/23 20/1 26/3 26/22
28/9 29/3 30/13 33/13
35/20 36/2 39/22 43/9
48/15 50/12 52/6 54/16
55/21 56/25 58/5
outcome [2] 42/13 51/11
over [11] 6/20 15/1
19/10 19/15 20/25 21/20
28/9 37/8 38/20 41/12
54/8
over-my-dead-body [1]

19/15

overspending [1] 24/3
overstep [1] 22/7
own [4] 12/2 53/18 54/1
54/2

P

Page [1] 4/4
papers [1] 13/20
paragraph [7] 10/19
11/21 11/21 12/1 12/7
21/1 21/18
Pardon [1] 45/16
parse [1] 52/6
part [6] 12/6 12/18 12/20
14/10 20/22 50/23
partial [1] 38/1
particularized [1] 34/12
particularly [2] 28/5
37/25
parties [17] 5/19 6/11
12/3 21/9 28/11 32/23
33/22 34/5 35/12 35/18
50/24 51/7 52/17 54/20
54/20 54/23 57/5
parting [1] 55/13
partner [1] 4/17
party [2] 5/20 54/24
pass [2] 15/2 52/21
passed [4] 16/19 25/4
25/5 33/5
past [3] 32/21 39/17 42/5
Paul [2] 1/21 20/20
Pawlenty [3] 15/13 25/2
25/8
pay [5] 10/9 11/10 11/14

11/16 52/24

payment [1] 10/21
payments [4] 11/16
11/17 11/24 51/3
peace [1] 43/12
pending [2] 41/25 54/14
people [2] 12/21 12/22
people's [1] 10/4
perceives [1] 23/9
percent [1] 29/21
perfectly [5] 13/13 23/23
32/18 43/13 43/15
perform [4] 30/5 36/11
38/14 39/12
perhaps [4] 5/20 50/21
54/14 54/24
period [1] 51/12
permissible [1] 23/8
perpetual [1] 38/3
person [2] 14/1 45/24
personal [1] 26/24
persons [1] 14/2
PETERSON [2] 2/8 4/18
phrase [2] 24/19 30/13
pick [1] 42/21
pill [4] 21/5 45/7 48/9
57/1
pins [1] 56/10
place [1] 22/4
plaintiff [1] 4/23
plaintiffs [3] 1/7 47/12
50/8
play [1] 7/25
pleading [1] 4/22
pleadings [1] 4/20
please [2] 28/17 31/3

P

point [3] 35/8 38/2 47/22
 pointed [1] 48/15
 poison [4] 21/5 45/7
 48/9 57/1
 policies [1] 44/16
 policy [1] 46/3
 political [17] 28/5 28/13
 32/24 35/11 38/21 41/15
 41/15 43/17 43/17 46/25
 49/5 49/8 49/11 49/21
 56/14 56/17 57/14
 portion [2] 16/17 30/15
 portions [1] 26/8
 pose [1] 29/11
 posing [1] 55/18
 position [10] 6/7 22/23
 33/24 34/25 38/22 52/3
 52/3 52/8 55/22 57/12
 positions [2] 6/2 21/10
 possibility [4] 27/18
 28/21 29/12 35/25
 possible [2] 6/2 7/25
 potentially [2] 44/25
 45/8
 power [31] 6/3 6/6 6/8
 7/2 8/18 22/5 25/17 30/8
 36/23 37/6 37/7 37/8
 40/15 40/16 40/20 40/21
 40/23 40/24 41/2 41/17
 41/18 42/18 43/2 43/5
 43/18 49/15 49/15 50/16
 54/8 54/22 57/10
 powers [25] 6/10 8/16
 8/17 9/6 13/16 13/23

14/3 14/10 15/14 16/9
 25/21 27/11 28/18 32/2
 32/10 35/6 36/16 36/20
 36/24 37/2 40/11 49/8
 49/16 50/19 55/17
 practical [1] 35/8
 practice [1] 7/2
 pre [1] 52/5
 pre-stipulation [1] 52/5
 precariously [1] 6/19
 predecessors [1] 53/20
 prejudice [1] 51/19
 premise [4] 31/4 36/5
 36/7 56/5
 present [2] 26/15 42/9
 presented [4] 16/14
 34/22 46/14 53/17
 presenting [1] 28/16
 preserved [1] 44/1
 pretty [1] 26/6
 prevail [1] 43/13
 prevent [1] 16/8
 previous [2] 22/9 34/11
 principle [8] 8/2 8/13
 24/19 29/24 30/6 39/23
 41/6 43/2
 principles [4] 15/8 36/9
 42/23 51/23
 prior [4] 31/9 36/9 43/21
 51/23
 private [1] 12/2
 problem [2] 32/24 33/13
 problematic [1] 38/22
 procedure [1] 35/24
 proceeding [5] 34/2 34/9
 51/9 52/1 54/12

proceedings [4] 1/8 4/2
 34/11 58/5
 process [4] 25/14 46/24
 46/25 54/18
 procurements [1] 7/13
 prohibited [1] 7/16
 prohibitive [3] 36/25
 40/12 40/13
 prohibits [1] 15/14
 pronouncements [1]
 18/4
 proper [1] 25/11
 properly [2] 14/3 19/19
 proposal [2] 5/9 20/7
 proposed [4] 5/9 12/5
 17/13 26/12
 protected [3] 26/10
 38/13 43/25
 provide [3] 32/22 39/15
 53/11
 provided [5] 14/5 28/11
 30/9 37/4 47/12
 provides [1] 32/14
 providing [1] 28/10
 province [2] 41/12 50/18
 provision [2] 13/17 21/5
 provisions [5] 5/10 5/11
 19/5 21/4 46/3
 public [5] 18/3 19/6 20/1
 37/25 54/20
 publish [2] 52/21 52/21
 purely [3] 20/11 30/5
 30/10
 purpose [3] 45/24 48/4
 49/2
 purposes [3] 19/12

P

purposes... [2] 20/13
36/21
pursue [1] 51/7
put [17] 10/15 11/3 11/6
12/23 16/3 17/2 17/9
18/4 18/25 19/16 23/19
31/10 36/2 41/22 44/11
48/8 56/3
puts [1] 57/2

Q

qualify [2] 22/12 53/13
question [18] 9/20 10/11
10/18 23/7 28/5 28/16
29/10 41/21 44/15 47/8
51/8 51/11 53/2 54/13
55/3 56/15 56/21 57/14
questions [1] 30/25
quick [1] 10/11
quickly [2] 6/2 9/1
quote [4] 6/18 16/7 27/2
30/14
quoted [2] 49/17 56/1

R

raised [1] 25/6
raises [1] 10/9
RAMSEY [5] 1/2 1/20
33/6 33/10 38/19
rate [1] 10/22
rather [1] 33/2
rating [2] 9/24 51/4
reach [2] 22/21 54/13
reached [3] 28/7 50/25
55/9

reaction [1] 48/6
read [5] 9/8 23/11 26/5
30/14 36/16
readable [1] 17/3
Reading [2] 9/14 16/19
ready [1] 10/14
real [1] 8/1
reality [1] 7/14
really [9] 7/10 7/24 8/19
26/11 35/10 36/7 37/20
48/1 57/6
reason [8] 9/5 14/16
19/24 23/4 28/4 30/22
35/1 54/15
reasoning [5] 14/15 40/3
41/15 50/23 54/2
reasons [4] 18/17 47/13
49/14 54/19
recall [1] 25/1
recently [2] 15/12 16/4
recognize [1] 28/19
reduce [2] 25/4 26/12
reducing [1] 27/20
referred [2] 18/9 49/18
reflected [1] 47/5
refuses [1] 30/5
regard [5] 5/22 27/9
27/19 29/15 38/22
reign [1] 23/8
reinstating [1] 51/21
related [1] 34/9
relative [2] 50/2 50/3
relevant [2] 15/21 40/13
relief [4] 10/15 10/21
10/23 51/16
rely [1] 51/20

relying [1] 30/15
remaining [1] 11/6
remedy [5] 43/19 43/22
43/24 44/7 46/21
remote [1] 28/21
render [2] 27/7 40/4
rent [1] 51/3
replete [1] 48/11
Reporter [1] 58/3
REPORTER'S [1] 58/1
represent [1] 4/25
representatives [3] 1/6
4/6 19/4
representing [3] 2/4 2/9
4/15
repugnant [1] 57/16
requested [1] 53/13
require [2] 6/22 10/21
required [2] 11/13 11/23
requirement [2] 40/9
40/11
requires [1] 36/11
rescind [1] 40/21
reserve [1] 35/20
resolution [3] 32/24
33/12 57/3
resolve [3] 28/12 54/25
57/20
resolved [4] 32/8 33/16
33/21 52/16
resolving [1] 8/25
respect [1] 15/4
respectable [1] 29/15
respective [2] 6/2 21/10
response [1] 4/21
rest [2] 15/23 32/15

R

restore [2] 27/25 29/6
 restored [1] 55/7
 Restraint [1] 56/13
 result [2] 19/1 48/20
 retain [1] 8/10
 retired [2] 5/20 54/24
 revenue [13] 18/24 19/1
 44/24 44/25 45/2 45/5
 45/8 46/18 46/19 46/20
 46/22 47/2 48/9
 Revenue's [1] 21/19
 reverse [1] 41/25
 review [4] 11/9 29/18
 40/15 41/2
 revisit [1] 42/15
 ridiculous [1] 27/6
 right [22] 4/19 7/24
 12/16 15/22 20/3 30/17
 31/14 31/15 32/4 33/8
 36/3 38/14 39/24 39/25
 42/4 43/6 44/3 44/10
 44/19 46/5 50/20 51/25
 ripe [1] 10/13
 ripeness [1] 28/21
 risk [3] 19/1 21/18 56/4
 role [7] 15/15 25/15
 25/15 37/10 39/15 49/24
 50/1
 roles [1] 34/4
 rule [6] 11/4 42/1 42/1
 48/1 49/20 54/15
 ruled [1] 32/5
 ruling [1] 6/1
 run [2] 23/17 38/4

running [2] 35/20 55/25

S

safe [1] 55/23
 safeguards [1] 30/8
 safety [2] 19/6 20/1
 said [49] 5/15 5/17 6/5
 6/16 8/4 8/22 10/5 12/24
 13/5 13/14 15/1 15/3
 15/4 15/13 18/3 18/4
 21/18 21/21 22/4 22/11
 22/24 23/2 23/12 23/22
 24/9 24/15 25/13 26/18
 27/1 27/8 27/8 27/12
 27/20 29/14 29/24 30/13
 30/21 32/1 37/13 45/1
 45/22 47/14 48/23 50/2
 52/18 52/23 56/1 56/2
 57/15
 salaries [1] 26/24
 SAM [2] 2/6 4/14
 same [4] 5/9 20/8 20/9
 34/3
 save [1] 9/24
 saw [1] 16/2
 say [26] 15/23 15/24
 16/4 16/18 17/19 18/16
 24/21 25/17 25/22 28/17
 28/22 29/12 30/19 39/11
 42/5 42/7 42/25 47/1
 48/7 50/14 52/18 54/11
 55/16 55/24 56/20 56/23
 saying [11] 7/15 8/9 19/7
 19/9 22/6 24/14 25/22
 36/10 42/12 42/14 45/6
 says [14] 11/21 14/1

15/6 16/13 17/12 18/22
 21/4 27/5 29/5 32/6 40/7
 52/24 53/17 56/4
 scope [1] 40/14
 SCOTT [5] 2/7 2/7 4/10
 4/17 4/17
 scour [1] 50/7
 second [13] 1/2 10/23
 11/2 14/1 19/23 20/19
 24/23 26/2 26/20 36/25
 49/14 49/21 58/3
 secondary [1] 44/14
 secondly [1] 49/1
 secretary [1] 26/23
 section [1] 29/19
 see [5] 18/21 26/5 52/14
 53/1 55/3
 seek [1] 11/9
 seemed [1] 51/11
 seen [3] 7/25 10/7 57/8
 senate [8] 1/5 4/5 5/2
 11/16 15/1 19/3 20/20
 51/3
 Senator [1] 17/1
 sending [1] 10/2
 sent [4] 15/1 18/11 20/7
 24/24
 sentence [2] 14/1 24/18
 separate [4] 12/3 36/20
 36/21 39/22
 separated [1] 54/16
 separation [19] 6/10
 8/16 8/17 9/6 13/16
 14/10 15/14 22/8 27/11
 28/18 32/1 35/6 36/16
 36/19 40/11 40/23 49/8

S

separation... [2] 49/16
50/19

September [1] 11/19

serve [2] 25/16 46/20

serving [2] 54/20 54/21

session [5] 5/16 29/3

31/20 35/15 47/19

sessions [1] 8/22

set [2] 5/24 58/5

settlements [1] 55/9

several [5] 16/14 22/20

26/7 54/17 54/17

shall [5] 13/24 14/3

16/19 16/22 17/15

sharp [1] 57/7

she [2] 26/17 35/5

SHERRY [2] 58/2 58/18

should [9] 21/8 28/13

30/12 35/16 35/23 47/6

54/11 56/14 57/11

shouldn't [1] 57/11

show [4] 4/22 14/22 27/3

53/12

showdown [2] 20/24

20/25

shut [1] 39/3

shutdown [2] 39/5 47/1

sic [1] 20/25

side [2] 9/21 55/8

sides [4] 9/21 11/9 14/20

33/15

sign [7] 19/16 21/2 41/24

45/1 45/9 47/2 48/10

signature [1] 21/2

signed [2] 5/13 45/20

signing [2] 16/20 20/23

silver [1] 9/19

similar [2] 39/16 53/20

simple [2] 10/10 57/3

simply [4] 22/11 22/24

47/10 50/4

simultaneously [2]

35/19 51/8

since [2] 15/17 33/7

single [3] 10/8 24/1

37/22

single-line [1] 37/22

sit [2] 15/22 30/24

slippery [2] 41/9 41/11

slope [2] 41/9 41/11

small [1] 24/4

snuck [2] 18/23 21/5

so [96]

so-called [2] 7/18 20/23

sole [1] 41/16

solution [2] 35/11 51/12

solve [1] 56/21

solved [1] 35/12

some [8] 5/11 27/4 27/10

31/22 48/4 48/20 53/11

57/6

somebody [2] 28/22

31/21

somehow [2] 55/22 56/5

someone [1] 53/24

something [10] 17/20

17/24 19/13 21/15 29/5

29/7 35/6 44/14 49/3

55/20

sometimes [3] 31/23

31/23 42/23

sooner [1] 55/1

sort [1] 19/13

speak [1] 29/2

Speaker [1] 20/19

spear [1] 30/2

special [5] 5/16 8/21

9/17 26/9 34/17

specific [5] 16/6 22/12

22/13 37/12 41/18

specifically [1] 13/5

specifies [1] 13/23

spend [2] 32/7 36/13

spending [7] 7/2 7/8

7/21 8/12 23/9 24/8 45/6

spot [1] 57/2

St [1] 1/20

staked [1] 33/23

stand [1] 12/2

start [4] 4/23 6/22 10/2

13/2

starting [1] 51/8

state [21] 1/1 1/5 1/5 1/9

9/3 13/18 18/23 20/25

21/6 23/21 26/23 31/13

32/11 36/11 36/17 38/15

47/10 47/12 48/15 57/7

57/21

statement [4] 16/20

18/15 34/15 52/11

states [1] 14/24

statute [3] 25/18 26/10

27/10

stay [1] 8/22

stayed [1] 20/9

step [3] 34/1 41/12 57/18

S

stepped [1] 36/10
 Steve [1] 4/11
 STEVEN [1] 2/3
 still [4] 8/10 17/19 45/12
 45/17
 stipulated [1] 53/20
 stipulation [19] 9/8 9/11
 11/5 12/3 12/24 28/7
 33/13 50/22 50/24 51/2
 51/15 51/18 52/5 52/8
 53/14 53/17 53/23 54/2
 54/10
 stop [2] 15/22 15/22
 stopped [1] 23/3
 stops [1] 40/10
 straight [3] 9/22 13/8
 22/2
 strictly [1] 38/21
 strikes [1] 56/23
 strong [1] 33/15
 stronger [1] 49/24
 strongly [1] 33/18
 structure [1] 49/24
 stylistic [1] 17/10
 subject [4] 10/8 29/17
 30/1 44/4
 submission [1] 17/15
 submitted [1] 26/12
 subscribe [1] 27/17
 substance [1] 17/11
 such [6] 16/16 16/19
 27/6 27/7 27/16 30/2
 sue [2] 45/12 45/18
 support [2] 43/16 51/25

supporting [1] 13/10
 supportive [1] 54/2
 supports [1] 51/3
 supposed [2] 17/10 20/2
 supreme [11] 13/5 13/7
 13/14 15/3 15/13 16/4
 26/25 29/3 29/23 38/19
 57/15
 supremes [1] 9/22
 sure [5] 7/23 12/25
 14/11 38/25 52/10
 suspended [1] 6/20
 sword [2] 6/18 6/19

T

table [6] 4/16 18/6 19/4
 20/11 21/25 55/6
 take [3] 7/18 16/23 24/5
 taken [2] 6/7 45/15
 takes [1] 52/7
 taking [1] 38/18
 talk [7] 15/19 15/20
 21/11 24/22 33/18 44/11
 49/9
 talking [5] 10/22 21/15
 23/3 23/14 36/19
 talks [2] 41/1 57/1
 tax [10] 19/5 21/1 25/5
 45/1 45/3 45/9 46/15
 46/17 48/10 48/11
 taxpayers [1] 46/20
 teachers' [1] 7/12
 technical [1] 22/13
 technically [1] 22/15
 tee [1] 56/22
 teed [1] 8/25

tell [2] 8/19 28/2
 telling [1] 24/7
 tells [1] 15/1
 temporary [11] 28/8
 28/10 28/10 32/14 32/22
 33/20 35/14 47/1 51/16
 56/11 56/12
 term [5] 16/7 17/4 17/4
 32/16 43/10
 terms [3] 11/13 42/18
 56/22
 test [2] 22/10 34/16
 tested [2] 14/24 42/23
 testified [1] 26/16
 text [1] 22/2
 than [4] 8/25 17/14 36/9
 38/12
 Thank [5] 4/19 4/24
 30/17 55/11 57/23
 that [277]
 that I [1] 47/2
 that's [37] 6/20 7/10 7/14
 9/13 11/24 13/6 14/7
 15/24 17/3 20/2 21/7
 27/22 30/15 30/18 30/22
 31/6 33/5 33/19 34/25
 36/5 37/3 41/21 43/13
 44/15 46/10 47/10 48/4
 48/7 49/3 53/23 53/25
 54/5 54/14 55/21 56/22
 56/23 57/19
 their [20] 10/2 10/3
 21/10 24/14 25/15 26/23
 28/13 33/24 35/22 36/3
 36/6 42/24 43/6 43/22
 43/25 44/5 47/7 47/22

T

their... [2] 47/23 55/6
 them [20] 6/22 8/21 9/16
 9/25 10/7 15/12 18/5
 20/11 29/20 39/9 42/1
 42/15 44/5 44/6 46/13
 47/7 52/21 52/22 54/25
 56/7

then [35] 7/3 11/4 14/1
 19/10 19/16 21/4 21/9
 23/8 24/6 25/5 25/7 25/9
 27/4 27/8 27/19 30/15
 32/13 34/1 35/18 35/21
 39/10 41/14 43/8 43/12
 43/12 44/7 44/12 48/18
 49/10 50/1 51/16 52/23
 53/10 54/10 57/5

Then he [1] 19/10
 theoretically [2] 7/8
 35/14

there [49] 4/20 6/6 8/21
 10/6 11/12 11/17 14/22
 16/15 17/9 23/19 23/20
 24/3 25/2 25/2 25/13
 26/7 26/7 26/10 27/4
 27/23 28/16 28/19 29/15
 34/8 34/14 35/1 35/7
 35/9 36/12 38/2 40/2
 41/2 42/17 45/5 46/1
 46/6 46/15 49/6 49/20
 49/22 50/12 50/12 51/2
 52/8 52/18 53/3 53/5
 53/10 57/15

there's [22] 10/18 10/20
 19/14 19/17 19/19 19/19

23/20 23/20 23/24 26/9
 29/18 30/22 31/3 32/10
 33/11 34/4 35/25 37/22
 39/4 41/7 43/2 54/15

thereby [1] 39/8
 therefore [4] 16/7 39/21
 43/25 54/21

thereto [1] 29/25
 these [9] 5/7 5/10 14/2
 15/6 15/8 18/4 23/22
 42/23 56/17

they [36] 6/10 15/3 15/9
 17/2 17/3 17/4 17/9
 21/10 25/5 25/20 26/24
 27/1 27/12 35/24 36/2
 37/23 39/10 41/24 41/25
 43/24 43/25 44/18 44/25
 45/4 45/6 45/7 45/23
 46/12 47/4 47/5 47/22
 48/8 51/6 51/22 51/24
 55/6

they're [4] 36/1 37/24
 51/24 56/24

they've [1] 39/10
 thing [3] 10/10 26/20
 42/8

things [11] 7/11 9/23
 10/3 10/7 12/20 12/22
 23/21 25/9 26/7 35/16
 46/15

think [55] 4/22 6/16 8/23
 9/10 9/18 9/24 12/5
 12/20 12/21 13/7 13/9
 14/21 15/22 17/1 17/25
 18/3 19/13 23/22 24/3
 28/22 31/12 34/19 35/12

35/16 35/18 36/5 36/6
 36/18 37/14 38/12 38/25
 38/25 39/21 40/6 40/13
 41/11 42/2 42/3 42/17
 43/1 44/22 45/23 49/12
 53/10 54/7 54/19 54/21
 55/2 55/16 55/21 56/19
 56/21 56/24 57/9 57/20
 third [4] 5/20 37/2 48/16
 54/24

third-party [1] 5/20

this [105]

those [21] 11/8 11/17
 13/14 15/10 19/21 20/8
 23/22 27/21 27/25 29/19
 29/22 31/22 31/25 32/21
 33/3 34/5 36/9 37/24
 42/5 43/10 51/21

though [3] 27/24 32/6
 42/19

thought [8] 6/25 9/7 9/9
 9/18 19/14 21/8 23/3
 46/12

thoughts [2] 9/10 55/14
 three [11] 13/24 31/9
 31/19 32/5 34/3 36/9
 36/21 36/21 39/10 43/20
 46/15

threshold [1] 50/15
 through [18] 8/20 9/9
 10/22 11/7 11/11 15/12
 15/16 20/8 28/13 32/5
 44/8 44/9 45/24 46/24
 52/7 53/18 54/1 56/4

throwing [1] 8/9

time [12] 6/10 8/18 11/6

T
time... [9] 15/10 16/20
17/7 21/21 26/17 29/21
32/25 33/1 35/23
times [2] 31/19 39/10
today [11] 4/25 6/21
13/3 17/18 24/12 24/20
24/23 28/17 39/17 42/10
57/19
together [2] 35/13 35/19
too [4] 7/2 19/19 27/5
45/7
took [2] 52/3 52/4
tracking [1] 13/13
transcript [2] 1/8 58/5
travel [1] 23/21
treasurer [1] 26/22
TREIBER [2] 58/2 58/18
tried [4] 5/24 17/2 42/21
53/11
TRO [1] 12/18
true [11] 7/10 7/15 15/24
31/6 32/21 39/21 52/9
52/10 55/8 55/11 58/4
trust [1] 46/13
try [2] 10/10 13/6
trying [4] 19/12 20/11
20/16 46/10
turn [2] 13/1 28/25
turning [1] 27/10
two [14] 5/4 14/13 14/20
18/21 19/14 21/25 24/1
24/22 25/8 35/16 36/12
36/12 36/20 42/5
two-and-a-half [1] 25/8

TYPE [1] 1/2
U
U.S [1] 57/15
ultimate [1] 54/18
unallotment [4] 25/10
25/16 25/17 25/19
unallotts [1] 25/8
uncertainty [2] 21/20
55/10
uncommon [1] 36/14
unconstitutional [12]
22/6 25/18 25/19 25/23
30/20 40/4 45/10 45/22
45/23 46/4 46/7 46/8
under [10] 11/10 11/10
13/4 40/3 43/14 43/15
47/18 49/20 51/23 57/24
underlies [2] 31/4 36/6
underlying [3] 13/9
38/14 39/23
underneath [1] 24/2
understand [1] 54/3
unfair [1] 25/25
unfettered [2] 14/17
29/13
unfinished [1] 47/16
unfund [1] 18/5
unique [2] 8/19 34/4
unless [4] 21/25 30/24
43/3 56/21
unlikely [1] 27/16
unquote [1] 27/2
unrelated [2] 5/11 48/4
unresolved [1] 55/4
unsavory [3] 42/8 42/19

42/22
unsound [1] 7/1
until [8] 33/16 35/9
35/11 41/24 42/13 42/14
48/25 50/25
unwarranted [1] 16/8
unwilling [1] 18/25
up [8] 5/24 8/25 16/25
20/7 25/9 31/20 42/22
56/22
uphold [1] 57/18
us [8] 6/17 11/7 15/1
20/9 27/3 35/3 51/11
56/21
use [14] 8/2 11/23 15/9
16/12 16/21 22/1 25/18
25/23 29/13 29/13 30/20
47/25 48/19 49/2
used [9] 9/4 17/4 22/6
25/12 25/24 26/4 26/21
45/7 57/6
uses [3] 19/21 49/15
49/15
using [3] 7/17 25/15
25/22
usurpation [1] 16/9
usurping [1] 15/15

V
valid [2] 22/15 23/1
validate [1] 50/9
various [2] 6/11 57/7
version [1] 47/9
versus [7] 4/6 15/13
36/17 40/7 40/25 48/16
57/13

V

very [16] 9/25 14/13 21/3
 24/15 26/14 33/14 38/24
 40/6 42/7 46/11 48/19
 54/12 55/5 55/11 55/24
 57/3
 veto [114]
 vetoed [14] 5/10 7/5
 16/1 18/22 20/6 21/8
 21/9 23/13 23/18 23/22
 26/8 31/25 44/18 47/22
 vetoes [4] 5/6 24/12 29/5
 43/10
 vetoing [8] 5/3 19/2 23/1
 24/10 24/10 38/3 48/4
 50/1
 viability [1] 44/1
 view [4] 15/17 27/12
 43/17 57/10
 violate [2] 38/4 49/7
 violates [2] 9/6 40/23
 violation [3] 25/19 32/1
 50/18
 Virginia [12] 24/24 26/4
 26/5 26/21 26/25 27/24
 29/23 49/17 49/19 49/22
 49/23 50/11
 void [2] 5/6 57/23
 voted [1] 17/8

W

wait [1] 43/9
 want [9] 18/5 19/7 19/9
 19/17 19/17 35/8 42/1
 42/13 56/8
 wanted [2] 11/1 46/7

War [1] 14/25
 was [72]
 wasn't [2] 34/8 56/3
 way [17] 6/9 6/9 9/5 9/18
 10/5 20/8 22/6 23/8 24/3
 26/9 36/8 42/1 44/2 46/1
 51/17 53/16 54/5
 way that [1] 46/1
 ways [3] 22/20 26/6
 36/12
 we [105]
 we'll [4] 4/22 4/23 6/1
 14/22
 we're [19] 8/6 13/3 14/6
 15/20 22/2 22/6 27/9
 27/10 27/10 28/15 28/16
 33/2 35/8 35/19 55/23
 56/6 56/6 56/20 57/21
 we've [10] 7/25 10/12
 17/11 31/9 31/18 39/16
 40/8 51/17 53/11 57/8
 weaker [1] 50/1
 week [4] 6/22 9/2 10/3
 33/3
 weeks [1] 54/17
 well [29] 4/19 6/15 7/10
 12/1 13/9 17/21 20/14
 21/13 21/22 22/9 23/2
 26/14 28/15 29/6 29/9
 30/12 32/25 35/4 35/7
 42/11 44/15 46/1 47/24
 51/22 54/23 55/8 56/12
 56/19 56/20
 well-known [1] 56/12
 went [2] 26/20 26/24
 were [12] 4/3 6/10 7/15

9/10 10/6 26/7 33/3
 38/20 40/17 43/3 46/11
 49/4
 weren't [1] 45/6
 West [11] 24/23 26/3
 26/4 26/21 26/25 27/24
 49/17 49/18 49/22 49/23
 50/11
 what [48] 5/21 5/23 6/16
 7/2 8/3 8/8 9/7 9/10 10/4
 13/14 14/6 17/11 17/21
 18/2 18/10 18/17 19/16
 19/17 20/5 21/23 23/7
 23/9 23/11 24/18 29/1
 29/2 29/14 29/23 34/15
 35/16 37/25 39/16 41/9
 42/9 44/12 44/21 46/7
 46/12 47/10 48/8 50/8
 52/11 52/19 53/20 53/21
 56/2 56/24 57/19
 what's [6] 9/11 27/22
 30/10 42/11 42/16 48/5
 when [28] 6/4 6/10 10/5
 13/15 13/21 16/1 16/1
 16/24 17/3 17/17 18/11
 20/6 23/11 24/12 25/11
 25/24 26/5 26/15 29/12
 30/4 30/5 30/13 30/14
 43/21 47/16 48/8 56/15
 57/1
 where [13] 6/20 8/1 8/1
 8/12 9/15 9/16 13/6 22/8
 23/12 24/25 27/3 31/10
 36/9
 WHEREUPON [2] 4/2
 6/14

W

whether [7] 15/2 24/3
33/5 41/3 52/17 53/18
54/13
which [26] 6/23 11/17
12/21 14/6 16/2 16/21
17/5 18/7 19/15 20/7
20/12 23/6 24/24 26/3
27/18 29/16 33/23 35/10
37/1 38/2 38/12 40/3
41/16 51/10 52/24 54/18
whichever [2] 9/21
11/11
while [7] 5/18 16/16
29/24 51/8 54/14 55/3
56/17
who [4] 17/1 34/6 34/7
54/20
who's [2] 4/12 27/13
whoever [1] 10/15
whole [10] 6/3 6/8 9/16
10/8 21/9 29/18 31/25
32/3 46/17 57/4
why [13] 19/13 28/13
33/13 33/20 34/17 40/10
44/11 48/7 49/14 53/25
54/5 56/13 56/22
will [22] 5/15 6/22 7/22
9/22 9/22 9/25 10/16
12/22 12/22 12/25 15/2
21/1 21/2 21/18 24/25
33/23 35/18 42/12 42/14
53/21 55/7 56/4
winner [1] 10/16
wins [1] 9/21

wisdom [1] 40/7
within [6] 30/2 34/20
41/16 41/17 44/4 44/5
without [11] 11/3 17/15
21/2 23/3 24/2 27/2 31/6
39/9 39/13 41/12 43/24
WOLTER [3] 2/3 4/10
4/11
won't [1] 15/12
word [5] 16/12 16/18
16/21 47/9 47/11
work [6] 12/23 46/18
47/14 47/16 48/24 48/25
worked [4] 9/2 32/25
33/1 33/13
world [1] 52/5
worry [1] 8/9
worth [2] 9/24 25/8
would [84]
wouldn't [7] 7/18 21/11
29/22 32/20 33/20 38/21
47/20
write [1] 19/18
writing [1] 13/19
wrong [4] 14/16 21/7
21/8 38/20

X

XI [1] 32/6

Y

yea [1] 28/17
Yeah [1] 53/16
years [8] 5/4 9/4 21/25
24/15 28/10 30/21 38/20
39/11

yes [7] 12/8 14/11 15/24
39/18 39/20 47/17 55/21
yesterday [2] 12/12
24/25
you [140]
you'd [1] 21/14
you're [13] 8/8 14/14
20/5 20/15 23/15 24/20
28/8 33/8 39/14 41/6
45/6 49/10 55/18
you've [3] 10/7 29/20
53/21
your [45] 4/9 4/14 4/24
5/14 5/22 6/15 7/15 9/7
11/2 12/5 12/14 13/3
17/24 19/18 21/24 22/4
24/5 24/24 28/3 28/6
28/7 28/24 28/25 29/6
29/7 30/13 30/17 31/2
32/4 33/7 36/11 38/22
42/19 47/10 47/14 47/16
48/5 48/18 48/24 48/25
53/23 55/11 55/15 57/12
57/19

Z

zero [2] 26/21 27/21