

FILED  
Court Administrator

STATE OF MINNESOTA

JUN 24 2011

DISTRICT COURT

COUNTY OF RAMSEY

By AW Deputy

SECOND JUDICIAL DISTRICT

CASE TYPE: CIVIL

In re Temporary Funding of Core  
Functions of the Executive Branch  
of the State of Minnesota

Court File No: 62-CV-11-5203  
Judge Kathleen R. Gearin

**NOTICE OF MOTION AND  
MOTION OF KAREN  
ORGANIZATION OF  
MINNESOTA FOR LEAVE TO  
PARTICIPATE AS *AMICUS  
CURIAE***

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PLEASE TAKE NOTICE that Karen Organization of Minnesota (“KOM”) hereby moves this Court to participate as *amicus curiae* in the aforementioned matter.

**INTRODUCTION**

KOM is a Minnesota nonprofit corporation qualified as a public charity under Internal Revenue Code Section 501(c)(3). KOM’s purpose is to be a recognized, respected center for the Karen Community, provide resettlement and adjustment services, and foster cultural knowledge and understanding. The Karen are an ethnic group from Burma. Most Karen in Minnesota come here as refugees from refugee camps in Thailand through the refugee resettlement program of the United States Department of State. Many of them speak little or no English upon arrival.

KOM assists refugees from Burma in numerous ways to become adjusted to life in Minnesota and to be positioned for integration into the community and economic success. Most of KOM’s funding comes to KOM from the Minnesota Department of

Human Services (“DHS”), and most of that funding comes to DHS from the federal government, not state appropriations.

If KOM were to lose the federal funding that flows to it through DHS, it would quickly be unable to continue employing its employees who provide the refugee services that it is required to provide under the federally funded grants to DHS, as a result of which refugees would not be served and federal funds could be forfeited for failure to expend them for the required purposes.

KOM is but one of hundreds, if not thousands, of Minnesota nonprofits that provide services to vulnerable clients who will suffer, and fail to make the progress of which they are capable with the assistance provided by the nonprofit, if funding from DHS is interrupted. KOM does not seek to call attention to itself or its clients that should not be given to many other similarly situated Minnesota nonprofits and their clients in the outcome of this matter.

KOM does seek to demonstrate to the Court that Minnesota statutes and the Minnesota constitutional and statutory framework for state budget setting both statutorily compel the continued funding of KOM and similarly situated nonprofits and provide a route for the Court to minimize its (and the judicial department of government’s) involvement in settling the budget dispute between the legislative and executive departments and in enabling the state executive department to function pending final resolution of the budget dispute.

**I. KOM Has a Significant Interest in the Present Case.**

KOM depends on the flow of funds, mostly federal in origin, from DHS to staff its efforts under contracts it has signed with DHS to provide services to refugees living in Minnesota. KOM averages \$29,500 per month in revenue from three programs funded by DHS principally or entirely with federal dollars, and \$1,600 per month from one program funded by DHS out of state appropriations.

Services under the state funded program will have to be discontinued if the state government shuts down.

If the flow of federal funds is interrupted for any substantial length of time, KOM will be unable to perform under its other contracts and unable to serve the refugees it exists to serve. As a practical matter, such an interruption in funding could cause KOM to drastically shrink in size and effectiveness in a matter of weeks, and could threaten its existence if it lasted for several months. This concern is heightened by the fact that Governor Dayton's motion as revised does not contemplate continued funding of any of what KOM does under contract with DHS, notwithstanding the fact that the funds originate with the federal government, not from the state revenue sources the adequacy of which is at the bottom of the budget dispute.

**II. The Court Would Be Aided by Participation of KOM as *Amicus Curiae***

This case presents the Court with extraordinary challenges in crafting decisions on issues that involve the risk of serious harm or even death to vulnerable Minnesotans,

minimize its involvement in determining how the executive and legislative departments operates under the extraordinary circumstances now facing Minnesota government.

For the reasons set forth above and in the accompanying *amicus curiae* brief, KOM respectfully requests leave to participate as *amicus curiae*.

Dated: June 24, 2011

Respectfully submitted,



John P. James, #0049608

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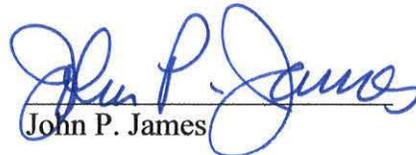
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The undersigned hereby acknowledges that sanctions may be imposed pursuant to Minn. Stat. §549.211.



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