

FILED
Court Administrator

JUN 22 2011

STATE OF MINNESOTA
COUNTY OF RAMSEY

By BK Deputy

DISTRICT COURT
SECOND JUDICIAL DISTRICT
CASE TYPE: Civil
Court File No. 62-CV-11-5203

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

**MOTION OF VINLAND NATIONAL
CENTER FOR LEAVE TO
PARTICIPATE AS *AMICUS CURIAE*
WITH SUPPORTING
MEMORANDUM**

INTRODUCTION

Vinland National Center (“Vinland”), a 501(c)(3) non-profit organization that provides specialized services for people with disabilities, specializing in people with multiple disabilities (most frequently those with cognitive and chemical dependency issues) requests leave to participate as *amicus curiae* in the Petition filed in this Court by Attorney General Lori Swanson on June 13, 2011. The Court should deem chemical dependency treatment services as falling within the definition of the “core function” of the executive branch and the Court should require the state to continue to fund its portion of the Consolidated Chemical Dependency Treatment Fund (CCDTF) for payment of those services and to permit counties to continue referring qualified individuals to chemical dependency treatment programs in the State of Minnesota.

I. Vinland National Center has a Significant Interest in the Present Case.

As a chemical health provider, Vinland has a significant interest in this case because it receives the majority of its funding through the CCDTF, a pool dedicated to helping low-income individuals get access to chemical dependency treatment programs that is funded by federal, state and county dollars. If no state budget is in place by July 1, 2011, CCDTF payments will cease. In order for chemical dependency treatment providers to be reimbursed for their services in a

government shutdown, we urge this Court to include chemical dependency as essential services as Vinland's clients are often a danger to themselves and others if not treated.

II. The Court Would be Aided by Vinland's Participation as *Amicus Curiae*.

Minnesota statute sets forth the public policy of this state to protect adults who "because of physical or mental disability or dependency on institutional services, are particularly vulnerable to maltreatment" Minn. Stat. § 626.557, subd. 1. In addition, under Minnesota Stat., § 254B.03, subd. 1, local agencies have an obligation to provide chemical dependency treatment to individuals residing in their jurisdiction. Local agencies regularly rely upon treatment providers such as Vinland to administer chemical health treatment services to individuals from their communities. Vinland's experience treating vulnerable adults will be helpful to this Court as it determines which government services should be reimbursed if the state government shuts down. Therefore chemical dependency treatment programs should be recognized as providing a core function of the executive branch as recognized in *In Re Temporary Funding of Core Functions of the Executive Branch of the State of Minn.*, Findings of Fact, Conclusions of Law, and Order Granting Motion for Temporary Funding, C9-01-5725 (Ramsey Co. D. Ct. June 29, 2001); *In Re Temporary Funding of Core Functions of the Executive Branch of the State of Minn.*, Findings of Fact, Conclusions of Law, and Order Granting Motion for Temporary Funding, 0-05-5928 (Ramsey Co. D. Ct. June 23, 2005), and subsequent Orders (June 30, 2005 and July 7, 2005).

III. Participation by Vinland as *Amicus Curiae* Would Not Prejudice the Petitioner or Any Other Interested Party.

Vinland's participation in this case will not prejudice the Petitioner or any other interested party. As a chemical dependency treatment provider, Vinland can provide insight to the Court regarding how the proposed government shutdown will impact Vinland's program and

other chemical dependency programs across the State of Minnesota. Vinland respectfully requests leave to participate as *amicus curiae* and to file the accompanying brief and participate in oral argument during the hearing set for June 23, 2011.

Dated: 6/22/11

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

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