

STATE OF MINNESOTA

JUN 21 2011

DISTRICT COURT

COUNTY OF RAMSEY

By jf Deputy

SECOND JUDICIAL DISTRICT

In Re Temporary Funding of
Core Functions of the Executive Branch
of the State of Minnesota.

**PROPOSED PETITION OF
INTERVENOR COUNTY OF HENNEPIN**

Court File No. 62-CV-11-5203

INTRODUCTION

1. Hennepin County is the largest of Minnesota's 87 counties, with more than 1.1 million residents -- nearly a quarter of the state's population. Hennepin County provides a full range of critical government services, particularly in the areas of health, human services, and public safety. In addition to the usual role of county government, Hennepin County has several unique characteristics, given its size and its location in our state's economic center. Hennepin County provides essential health care and emergency medical care, particularly to the state's indigent population, through Hennepin County Medical Center, NorthPoint Health and Wellness Center, and Metropolitan Health Plan. Hennepin County also plays a critical role through its public health functions, and through the administration of federal- and state-aided public assistance programs. These services provide immeasurable benefits not only to Hennepin County's residents, but to all of Minnesota's citizens.

2. Hennepin County is charged under Minnesota and federal law with the responsibility to perform certain core functions on behalf of the state and federal governments. Hennepin County receives funds from the state and federal governments to perform these core functions, particularly relating to the life, health and safety of Minnesota citizens and the maintenance and preservation of public property.

3. A state shutdown would have a crippling effect on Hennepin County's ability to perform its core functions. In particular, Hennepin County would face the loss of not only its state funding, but the federal funding that necessarily passes through the state, for redistribution to Hennepin County.

4. Although Hennepin County seeks intervention in this matter to protect its particular and unique interests in the event of a state shutdown, Hennepin County continues to support a resolution of the budget impasse on or before June 30, 2011. Hennepin County will use its best efforts, and it urges all other parties to this litigation and all other entities of state government, to facilitate and expedite a resolution that assures the funding of critical services through a legal and transparent process.

JURISDICTION AND VENUE

5. Jurisdiction in this action is based upon Minn. Stat. § 484.01.

6. Venue is appropriate in this district under Minn. Stat. § 542.01.

FACTUAL AND PROCEDURAL BACKGROUND

7. Minnesota operates on a biennial budget, and the current biennium will end on June 30, 2011. To date, appropriation bills have not been enacted for a majority of the state's budget for the biennium beginning on July 1.

8. In anticipation of a state shutdown, the Minnesota Attorney General commenced this action to obtain temporary funding for the State of Minnesota's core functions, including those required by the Minnesota Constitution and the U.S. Constitution pursuant to the Supremacy Clause. In response, Governor Mark Dayton identified those critical services which should be funded, either through the Governor's inherent executive power or through this court proceeding.

9. Hennepin County has reviewed the Petition of the Attorney General and the list of critical services identified in the Governor's Response at Exhibit B and in the Governor's First Supplemental Response.

10. To prepare for a state shutdown, Hennepin County has identified those core functions which it performs on behalf of the state and federal governments, including but not limited to:

- a. Call Center Triage, Information and Referral
- b. Child Protection
- c. Child Support Enforcement*
- d. Core Services Technical Support
- e. Emergency Case Management
- f. Food/Cash/Medical/Child Care Determination*
- g. Homeless Shelter
- h. Mental Health Center
- i. Mental Health Crisis Services
- j. Out of Home Placement
- k. Public Health Infectious Disease Outbreak & Control
- l. Representative Payee
- m. WIC – Women Infants & Children Benefits*

** Dependent upon state IT systems.*

These critical services are necessary to assure the life, health and safety of Minnesota's citizens, and they are funded in whole or in part by state and/or federal funds.

11. While Hennepin County performs many additional governmental functions -- either on behalf of the State of Minnesota or with state funding -- if a state shutdown occurs

Hennepin County will be faced with the untenable choice to discontinue these critical services, placing citizens' lives, health and safety at immediate risk.

INTERVENTION

12. Hennepin County is entitled to intervene in this action as of right under Minn. R. Civ. P. 24.01.

13. The disposition of this action will impair or impede Hennepin County's ability to protect its interest in temporary funding of the core functions it performs on behalf of the state and federal governments, as identified in paragraph 7 above.

14. The existing parties do not adequately represent Hennepin County's particular interests in the temporary funding of its core functions.

15. Alternatively, Hennepin County should be granted permissive intervention under Minn. R. Civ. P. 24.02.

16. Hennepin County's claims have questions of fact and law in common with the claims of existing parties, in assuring the temporary funding of core functions.

17. Hennepin County's intervention will not unduly delay or prejudice the adjudication of the rights of the existing parties.

Wherefore, Intervenor-Petitioner Hennepin County seeks the following relief:

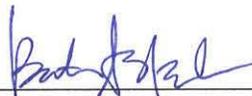
1. An Order that the executive branch of state government will continue to perform the core functions required by the Minnesota Constitution, the United States Constitution, and federal law pursuant to the Supremacy Clause of the United States Constitution, and that the State of Minnesota shall pay for those services, including those performed by Hennepin County.
2. Such other relief as the Court deems appropriate.



MICHAEL O. FREEMAN (31860)
Hennepin County Attorney



MARK V. CHAPIN (138393)
Chief Deputy County Attorney



BETH A. STACK (387967)
Assistant County Attorney
Attorneys for County of Hennepin
2000C Government Center
Minneapolis, MN 55487
Telephone: (612) 543-1357
Fax No: (612) 348-8299

Dated: June 21, 2011

ACKNOWLEDGMENT

Hennepin County, by its attorney, acknowledges that sanctions may be imposed under Minn. Stat. § 549.211.

Dated: June 21, 2011

