

STATE OF MINNESOTA
COUNTY OF RAMSEY

FILED
Court Administrator
JUL 7 2011
By BH Deputy

DISTRICT COURT
SECOND JUDICIAL DISTRICT
Case Type: Civil

In re Government Shutdown Litigation,

Court File No. 62-CV-11-5203

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

**ORDER GRANTING SMRLS
AND BLIND, INC.'S PETITIONS
FOR FUNDING SUBJECT TO
MODIFICATION**

On June 23, 2011, the undersigned heard oral argument pursuant to the Motion of Petitioner Lori Swanson, Attorney General for the State of Minnesota, for temporary funding of the executive branch. On June 29, 2011, the Court issued its Findings of Fact, Conclusions of Law and Order Granting Motion for Temporary Funding.

In its Findings of Fact, Conclusions of Law, and Order Granting Motion for Temporary Funding dated June 29, 2011, the Court appointed retired Minnesota Supreme Court Chief Justice Kathleen Blatz as Special Master to hear and make recommendations to the Court with respect to issues regarding compliance with the terms of its Order. On Friday, July 1, 2011 and Tuesday July 5, 2011, Special Master Blatz conducted evidentiary hearings regarding Petitioners seeking state funding as providers of critical core functions of government.

The Court accepts and adopts the attached findings of the Special Master subject to modification pursuant to Minn. R. Civ. P. 53.07(b) with respect to the requests of government offices and petitions brought by programs (hereinafter listed). Based on the file, proceedings, and recommendations, the Court makes the following ORDER:

1. The petition filed by Southern Minnesota Regional Legal Services requesting clarification as to whether the Court's June 29, 2011 order includes funding the Emergency General Assistance Program, the Emergency Supplemental Aid Program, and payments for short-term shelter and utility needs from the consolidated fund of the Minnesota Family Investment Program pursuant to Minnesota Statute § 256J.626, subd. 2(a)(1). There is no basis under the Court's June 29, 2011 order to exclude emergency benefit payments under these three programs.

2. The petition of Blind, Inc. requesting continued funding of its blindness training is granted as the Court agrees with the Special Master's recommendation that these services should be deemed critical core functions and should be funded on that basis. The Court further finds that these services are not required to be funded under the Supremacy Clause of the United States Constitution.

Dated: 7-9-11

BY THE COURT:



The Honorable Kathleen R. Gearin
Chief Judge
Ramsey County District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No. 62-CV-11-5203

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

**SPECIAL MASTER
RECOMMENDATIONS FOR SOUTHERN
MINNESOTA REGIONAL LEGAL
SERVICES**

This matter came before the Special Master, the Honorable Kathleen A. Blatz, in Room 230 of the Minnesota Judicial Center on July 1, 2011. Present before the Special Master were Lori Swanson, Attorney General; Al Gilbert, Solicitor General and Deputy Attorney General; Joseph Cassioppi, Special Counsel to the Office of the Governor; Benjamin Weiss, Counsel for Southern Minnesota Regional Legal Services, Inc.; Martha Eaves, Counsel for Southern Minnesota Regional Legal Services, Inc.; Victoria Reinhardt, Ramsey County Commissioner; and Monty Martin, Ramsey County Director of Financial Assistance Programs.

Based upon the arguments of counsel and the testimony provided at the hearing, the Special Master makes the following:

Recommendation

1. The funding for benefits payment from the Emergency General Assistance Program, the Emergency Supplemental Aid Program, and payments for short-term shelter and utility needs from the consolidated fund of the Minnesota Family Investment Program pursuant to Minnesota Statute § 256J.626, subd. 2(a)(1) is authorized in the Court's Findings of Fact, Conclusions of Law, and Order Granting Motion for Temporary Funding of June 29, 2011

("Order"), and, therefore, it is recommended that the Court **CLARIFY** its Order to include these benefit programs.

Concerns of Petitioner

1. Petitioner seeks clarification that the Emergency General Assistance Program, the Emergency Supplemental Aid Program, and payments for short-term shelter and utility needs from the consolidated fund of the Minnesota Family Investment Program pursuant to Minnesota Statute § 256J.626, subd. 2(a)(1), which are the emergency components of three programs specifically funded by the Order, should also continue as critical core functions of government. Evidence was presented that payments under these benefits programs were briefly halted as not included under the Order.

Analysis

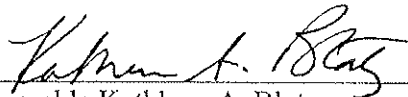
1. The Court has already ordered continued payments of benefits pursuant to the General Assistance program, the Minnesota Supplemental Aid program and the Minnesota Family Investment Program pursuant to Exhibit A attached to the Order, and did not distinguish ongoing monthly benefits payments from these programs from emergency crisis assistance benefits like those sought by Petitioner.

2. The Emergency General Assistance Program, the Emergency Supplemental Aid Program, and payments for short-term shelter and utility needs from the consolidated fund of the Minnesota Family Investment Program pursuant to Minnesota Statute § 256J.626, subd. 2(a)(1) provide emergency benefits pursuant to programs already deemed core critical functions in the Order. There is no basis under the Order to exclude emergency-benefit payments under these three programs when ongoing monthly benefits payments have been deemed a core critical function. The emergency nature of the benefit payments under these three programs establishes

that these are payments necessary to meet the immediate health and safety needs of the individuals seeking funds. *See, e.g.* Minn. Stat. § 256D.46 (limiting Emergency Minnesota Supplemental Aid benefits to “recipient[s] [who are] without adequate resources to resolve an emergency that, if unresolved, will threaten the health or safety of the recipient[s]”).

3. On July 4, 2011, the Office of the Governor communicated that it believes these particular programs were encompassed by the Order.

Dated: July 5, 2011



The Honorable Kathleen A. Blatz
Special Master

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Court File No. 62-CV-11-5203

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

**SPECIAL MASTER
RECOMMENDATIONS FOR BLIND,
INC.**

This matter came before the Special Master, the Honorable Kathleen A. Blatz, in Room 230 of the Minnesota Judicial Center on July 1, 2011. Present before the Special Master were Lori Swanson, Attorney General; Al Gilbert, Solicitor General and Deputy Attorney General; David Lillehaug, Special Counsel to the Office of the Governor; Joseph Cassioppi, Special Counsel to the Office of the Governor; Shawn Mayo, Executive Director of Blind, Inc.; and Jennifer Dunnam, President of the National Federation of the Blind of Minnesota.

Based upon the testimony provided at the hearing, the Special Master makes the following:

Recommendation

1. Petitioner's request for continued funding of its adjustment to blindness training should be **GRANTED** as a core critical function under the Court's Findings of Fact, Conclusions of Law, and Order Granting Motion for Temporary Funding of June 29, 2011 (the "Order").

Concerns of Petitioner

1. Petitioner seeks continued funding of its adjustment to blindness training, as a core critical function of government analogous to services provided by the State Academy for the Blind and pursuant to Supremacy Clause principles.

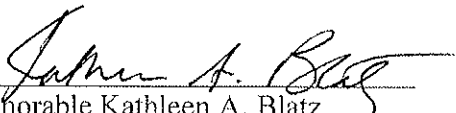
Analysis

1. Unrebutted evidence was received that Petitioner's adjustment to blindness training services are analogous to those provided by the summer program at the State Academy for the Blind, which the Court funded as a core critical function as set forth in Exhibit A of the Order. The majority of Petitioner's services are provided in a residential setting and are necessary for the recipients to perform essential activities of daily life.

2. Petitioner also provided evidence that the discontinuation of funding may implicate the Supremacy Clause.

3. At this time, the Special Master recommendation to grant Petitioner's request for relief is based on the conclusion that the services should be deemed critical core functions in concert with the Order.

Dated: July 5, 2011


The Honorable Kathleen A. Blatz
Special Master