No. A06-1871

OFFICE OF
APPELLATE COURTS

OCT 16 2006

FILED

STATE OF MINNESOTA
IN SUPREME COURT

Tim Breza, Larry Buboltz, Dan Dorman, Morrie Lanning, Michael Lang, Keith Langseth, Jerry Miller, H. Dan Ness, Tom Rukavina, Kathy Serva, Eric Sorensen, Mark Voxland, Lauri Winterfeldt-Shanks,

Petitioners,

vs.

Mary Kiffmeyer, Minnesota Secretary of State,

Respondent.

PETITION FOR LEAVE TO PARTICIPATE AS AMICUS CURIAE

TO: The Surpeme Court of the State of Minnesota:

Pursuant to Minnesota Civil Appellate Rule 129.01, petitioners Representative Ron Erhardt, the Minnesota Center for Environmental Advocacy, and the Minnesota Chamber of Commerce, request leave to participate in the above-captioned proceeding by filing an amicus brief in support of Respondent, Mary Kiffmeyer.

As author of the proposed constitutional amendment at issue in this litigation, Representative Erhardt's interest is public in nature and he is in a unique position to comment on the constitutionality of the amendment and to help the Court reach its

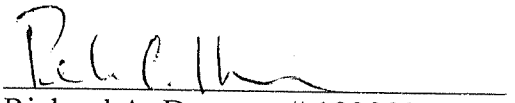
decision in this matter. Representative Erhardt has served in the House of Representatives since 1990 and is currently Chair of the House Transportation Committee. He also serves as a member of the Executive Committee of the University of Minnesota's Center for Transportation Studies. Representative Erhardt will urge the Court to reject Petitioner's request to enjoin the election on the proposed constitutional amendment.

The Minnesota Center for Environmental Advocacy ("MCEA") is one of the leading environmental non-profit organizations in Minnesota. MCEA uses law, science, and research to protect Minnesota's environment and the health of its citizens. The Minnesota Chamber of Commerce ("Chamber") is the state's largest business advocacy organization. As the statewide voice of business, the Chamber represents more that 2,600 businesses of all types and sizes across Minnesota. Since 2001, MCEA and the Chamber have worked closely to advocate for a balanced solution to funding Minnesota's transportation needs. MCEA and the Chamber helped to establish and serve on the steering committee of Minnesotans for Better Roads and Transit, a coalition that has grown to more than 1,000 organizations from throughout Minnesota, to campaign for the ratification of the proposed Transportation Amendment. MCEA and the Chamber support the Transportation Amendment because it represents a balanced and common sense approach to funding Minnesota's transportation needs, and would fulfill a goal established by the Legislature in 1981 to dedicate all of the proceeds from the motor vehicle sales tax to roads and transit.

The respective attorneys for the Petitioners and Respondent were notified that Representative Erhardt, MCEA and the Minnesota Chamber of Commerce would be seeking leave to file an amicus brief, and they have indicated that they are not opposed to this request.

Dated: October 13, 2006

FAEGRE & BENSON LLP



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