

October 27, 2005

Kirk Mlinek, Director
Colorado Legislation Council Staff
State Capitol Building, Room 029
Denver, Co 80203

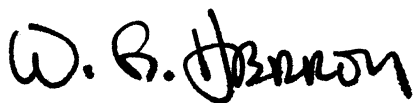
Dear Mr. Mlinek:

I hereby submit a proposed Colorado Constitutional Amendment for the 2005-2006 Initiative cycle. You will note that this proposal is identical to 2003-2004 Initiative #88, which was granted final title before the Title Setting Board on 03-17-04 and then subsequently affirmed by the Colorado Supreme Court on 05-06-05 when challenged by the opposition. The delays caused by our opposition's action terminated our 2004 effort.

We stand ready to meet with Legal Services and Council Staff, if required. For your information, I was the spokesman during the final review and comment meeting in 2004, which addressed this same language as presented in this submittal.

For purposes of representing all matters related to the submitted proposal, I identify myself and one other.

Best regards,

A handwritten signature in black ink that reads "W. G. Herron". The signature is stylized with a large, looped "H" and a cursive "on" at the end.

William G. Herron, Ph.D
31448 Banff Court
Evergreen, CO 80439
303-674-4955
wgherron@comcast.net

Janice M. Herron
3448 Banff Court
Evergreen, CO 80439
303-674-4955
janherron@comcast.net

Attachment: Proposed Colorado Constitutional Amendment for 2006

Attachment: Proposed Colorado Constitutional Amendment for 2006
[same as 2003-2004 Initiative #88]

The Colorado Constitutional Amendment is as follows:

Be it Enacted by the People of the State of Colorado:

SECTION 1. Article V of the Colorado constitution is amended BY THE ADDITION OF A NEW SECTION to read:

SECTION 51. Restrictions on Non-Emergency Services

- (1) EXCEPT AS MANDATED BY FEDERAL LAW, THE PROVISION OF NON-EMERGENCY SERVICE BY THE STATE OF COLORADO OR ANY CITY, COUNTY OR OTHER POLITICAL SUBDIVISION THEREOF, IS RESTRICTED TO CITIZENS OF AND ALIENS LAWFULLY PRESENT IN THE UNITED STATES OF AMERICA.
- (2) ANY PERSON LAWFULLY RESIDING IN THE STATE OF COLORADO SHALL HAVE STANDING TO SUE THE STATE OF COLORADO OR ANY COUNTY, CITY, OR OTHER POLITICAL SUBDIVISION OF THE STATE OF COLORADO, TO ENFORCE THIS SECTION.
 - (a) COURTS OF RECORD OF THE STATE OF COLORADO SHALL HAVE JURISDICTION TO HEAR CASES BROUGHT TO ENFORCE THIS SECTION.
 - (b) THE GENERAL ASSEMBLY MAY PROVIDE REASONABLE AND APPROPRIATE LIMITS ON THE TIME AND MANNER OF SUITS BROUGHT UNDER THIS SECTION.
- (3) THE GENERAL ASSEMBLY SHALL HAVE THE AUTHORITY TO IMPLEMENT THIS SECTION BY DEFINITIONS AND OTHER APPROPRIATE LEGISLATION.

SECTION 2. Effective date – applicability. THIS SECTION SHALL TAKE EFFECT THIRTY DAYS FROM THE DATE OF ADJOURNMENT OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY FOLLOWING THE PROCLAMATION OF THE VOTE BY THE GOVERNOR, AND SHALL APPLY TO CAUSES OF ACTION ACCRUING ON OR AFTER SAID DATE.

FOR ADDED IMFORMATION, THE TITLE BELOW WAS SET BY THE TSB (03-17-04) AND AFFRIMED BY THE COLORADO SUPREME COURT (05-06-04)

The title as designated and fixed by the Title Setting Board is as follows:

An amendment to the Colorado constitution concerning the restriction of non-emergency government services to certain persons who are lawfully present in the United States, and, in connection therewith, restricting the provision of non-emergency services by the State and local governments to United States citizens and aliens lawfully present in the United States, except as mandated by federal law; and providing for the implementation and enforcement of this restriction.

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