

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Boesenecker

1 Amend reengrossed bill, page 13, line 10, after "rules -" insert  
2 "**legislative declaration -**".

3 Page 15, before line 20, insert:

4       "(6) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT,  
5 CONSISTENT WITH THE DETERMINATION OF THE COLORADO SUPREME  
6 COURT IN NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY, 896 P.2D 859  
7 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT WITH  
8 ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE X OF THE STATE  
9 CONSTITUTION, AND IT IS THE CONCLUSION OF THE GENERAL ASSEMBLY  
10 THAT THE FIREARMS TRAINING AND SAFETY COURSE RECORD FEE IMPOSED  
11 BY THIS BILL IS A FEE, NOT A TAX, BECAUSE THE FEE IS IMPOSED FOR THE  
12 SPECIFIC PURPOSE OF DEFRAYING COSTS OF PROVIDING RECORD-KEEPING  
13 SERVICES TO FEE PAYERS TO ENABLE THEM TO PURCHASE SPECIFIED  
14 SEMIAUTOMATIC FIREARMS PURSUANT TO SECTION 18-12-116 AND IS  
15 COLLECTED AT A RATE THAT IS REASONABLY RELATED TO THE OVERALL  
16 COST OF OPERATING AND MAINTAINING THE FIREARMS TRAINING AND  
17 SAFETY COURSE RECORD SYSTEM CREATED IN SECTION 33-9-115."

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