

March 13, 1980

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SENATOR JOHNSON: Mr. Speaker.

SPEAKER MARVEL: I am referring now, do you have your Rule Book handy? I will read it, and if that isn't satisfactory...

SENATOR JOHNSON: No, I have it here.

SPEAKER MARVEL: It is on page 40. I guess we are using the same book. It is Rule 7, (d). I am sorry. It is Rule 7, (3) d.

SENATOR JOHNSON: Yes, sir.

SPEAKER MARVEL: It is on page 40.

SENATOR JOHNSON: All right.

SPEAKER MARVEL: It says, "No motion, proposition or subject different from that under consideration shall be admitted under color of amendment." It would be my contention that with this language that your amendment in effect is attempting to do something other than what the committee amendment was trying to do, and in that respect, you are out of order.

SENATOR JOHNSON: Okay, I can appreciate that point. May I respond, Mr. Speaker?

SPEAKER MARVEL: Yes, sir. I would not want to argue it without letting you respond, Senator Johnson.

SENATOR JOHNSON: Yes. I will respond simply, Mr. Speaker, and I appreciate your showing me the rule, is this, the committee amendment is dealing with the subject of the amount of tax to be imposed on taxable gallonage. That is what it is dealing with. My amendment is dealing with the calculation of taxable gallonage. They have the same subject, one, the tax on taxable gallonage and the other, the calculation of taxable gallonage. That is what shrinkage deals with. So I, Mr. Speaker, will continue with humility to assert that it is a germane amendment.

SPEAKER MARVEL: Well, I continue with humility to disagree with you. The question before the House is shall the Chair be overruled? All those in favor vote aye, opposed vote no. Senator Johnson. Record the vote.

CLERK: 10 ayes, 18 nays on the motion to overrule the Chair, Mr. President.

SPEAKER MARVEL: Motion lost.

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