

not germane. The Rule 7 also says no motion, proposition or subject different from that under consideration shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to the details of the specific subject of the bill and must be in a natural, logical sequence to the subject matter of the original proposal. Madam Chairman and members of the body, this does not follow Rule 7 and is not germane. I ask you to overrule the Chair. Thank you.

PRESIDENT MOUL: Thank you, Senator Haberman. Senator Warner.

SENATOR WARNER: Madam President and members of the Legislature, again, let me indicate that the tie to germaneness here rests with the fact that a refund is not available on a sales tax unless the property is paying personal property taxes at the net book value, as proposed in the bill. You can't separate them, they both have to go together, need to be dealt together. I want to raise a question...I'll raise a comment though because I stated this earlier this morning, it's also accurate, in my opinion, that once this amendment is adopted, if it is, then the other amendments dealing with sales tax, and there's two of them, would also be pertinent, by virtue...I don't want anybody to think we're pulling something, but you cannot do the refund without having it tied to personal property tax and that's the basis for its germaneness. It's drafted that way, true, but it doesn't work either unless both are done and that's why I do believe it is germane.

PRESIDENT MOUL: Thank you, Senator Warner. Senator Schmit. Senator Hall, I can't recognize you. Senator Moore. Oh, Senator Schmit, you are there. Okay, I'm sorry.

SENATOR SCHMIT: Madam Chairman, members, I rise in support of the objection to the germaneness issue. Notwithstanding some of the comments made by Senator Hall rela...with reference to the bill that I drafted, I might add it's easier to get them referenced to the Revenue Committee, Senator Hall, than it is to get one out of there. And I would suggest that this...this amendment here is designed exactly as I have designed some of those bills. It is designed to accomplish a purpose and to legitimize the balance of the amendment. I do not know exactly what the amendment refers to when it says the purchaser shall file a claim with the tax commissioner pursuant to Section 77-2708. I did not look that up. But I am concerned