

May 10, 1983

LB 17

CLERK: Mr. President, Senator Newell would move to amend the bill. Senator Newell would move to amend the DeCamp amendment just adopted. (Read Newell amendment as found on page 2161, Legislative Journal.)

PRESIDENT: Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, I know that there is some people that are getting tired of LB 17 and because of that I am going to offer this compromise. It is, in fact, a legitimate compromise but there is a slight little bit of difference between the compromise that Senator DeCamp offers and the one that I am offering. The compromise that I offer will do this. If you have the DeCamp...for those of you who have the DeCamp amendment, it leaves in the first part of the DeCamp amendment which talks about "Gross receipts shall not include the amount charged for training customers in the use of, or to maintain the service computer software, including charges for future enhancements, charges (sic), and modifications to all (sic) the extensions of any warranties covered (sic) such computer software,...". That basically is left in so you are very clear as to the fact that not everything is going to be taxed. It does, however, reinsert "custom" software to be taxed but it says very specifically that all these additional charges that are clearly services, that are clearly services will not be taxed. Now frankly it will raise more money than Senator DeCamp's amendment does but that is what makes it a compromise. It will not raise as much as we originally had intended from LB 17 but this is as good a compromise as I can offer in order to pick up the two votes that we didn't have the last time. With that in mind, I would urge this Legislature to adopt it. It is reasonable. It reinstates us to where we were before. Frankly it raises just a little more money, and if the industry doesn't like this compromise, they can always come in with a bill of their own next year and try to amend it as opposed to trying to gut legislation on the floor that they never even had the courage to oppose in the committee.

PRESIDENT: The Chair recognizes Senator Carsten. (Gavel.) Senator Carsten.

SENATOR CARSTEN: Mr. President, and members of the Legislature, I hurriedly looked over this and as I read it Senator Newell explained it as I understand it that it does protect services, that we are not going to tax them, and I think that that has really been the crux of the whole difficulty and I at least at this point believe that I support this. Eventhough as I understand Senator DeCamp does