

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

March 16, 1999 LB 179

but is not a person in need, I don't think by anybody's standard, of this exemption. And I think, if you think about what the various permanent disabilities are, you'll discover that there are some very wealthy people who have some permanent disabilities but have done quite well with them and who would say they have no need of a homestead exemption. So these are the kinds of problems that I think need to be thought deeply about if we're going to restrict spending to those who really need the spending. And I think in order to do that in a rational and fair way we need to put aside some of our natural sympathies and ask, does the disability really result in an increased need? And as the disabilities are more severe, our answer most of the time is, yes, they do. But as we make the disability that qualifies less severe then we make problematic, I think, the possibility that more and more of these people don't really have a need. I think that kind of proposition is problematic in this definition. And I...I invite Senator Wickersham to respond to that. Thank you.

**PRESIDENT MAURSTAD:** Thank you, Senator Beutler. For discussion on part two of the divided committee amendment, Senator Wickersham.

**SENATOR WICKERSHAM:** Thank you, Mr. President. Senator Beutler, the disabilities section contains its own provisions for income level or household income and so it isn't...and also contains a household valuation, so it's not the fact that you have the disability alone that qualifies you for the homestead exemption. It is also that you meet other needs tests that we've discussed in other context. The reason for changing the definition, and I hope that you all did follow along with Senator Beutler and, at the risk of spending a little bit of time, I'm going to read it to you. It says, "are paralyzed in both legs such as to preclude locomotion", that should be a familiar phrase, that's repeated later on, but then it goes on to say without the regular use of braces, crutches, canes, or wheelchairs. Okay, what is special about braces, crutches, canes, or wheelchairs? Should we be reluctant to replace that language with "mechanical aid or prostheses"? The next phrasing says individuals who have gone (sic) "amputation of both lower extremities such as to preclude locomotion without the regular aid of braces, crutches, canes, wheelchairs, or artificial limbs", slightly different