

January 21, 1976

No one Our standard in the Statute now says "permanent". According to federal doctors, as I understand Mr. Warnholtz, no one would qualify under that so we should apparently change it anyway.

SENATOR DWORAK: So that I understand this then, the federal guidelines have actually made it more restrictive as far as disability. They changed it from six months. Anybody disabled ... or would be disabled for six months would be considered permanently disabled. Now the federal government said that anybody disabled for a year would be deemed permanently disabled, in an effort to pin down this sort of gray area as to what is permanent disability. In other words, they're defining permanent disability.

Now as I read the bill, if I'm reading it correct, I don't see where we're in compliance on a year basis. We're saying "have a duration of not less than 90 days from the date of onset". So it appears to me that, with this bill, the State of Nebraska is going into exactly the opposite direction that the federal government is. The federal government has changed the waiting period, or the qualifying period, from six months to 12 months. This bill is changing the qualifying period from six months to not less than 90 days. As I understand it it seems to me that we're taking an opposite course than the federal government has taken. I can't understand why we would do that.

SENATOR CAVANAUGH: The amendment was for six months. The Committee amendment that was adopted is for six months. It changes the 90 days to six months.

SENATOR DWORAK: I don't have a copy of that Committee amendment.

SENATOR CAVANAUGH: OK, well that's what we did though.

SENATOR DWORAK: The Committee amendment changes it to six months?

SENATOR CAVANAUGH: Right.

SENATOR DWORAK: From "not less than 90 days" to "six months"?

SENATOR CAVANAUGH: That's correct. So we would be establishing a standard here, in the State of Nebraska, of disability anticipated to extend for a period of six months. You're correct, the federal standard is one year. What I'm trying to explain is that the standard prior to the acceptance of SSI, or the initiation of SSI in Nebraska, was six months as a practical matter. That's how we administered our age, blind, disabled program. The federal government changed that standard, resulting in a great number of Nebraskans being not eligible for the assistance that they were priorly eligible for. All of this was done without the acquisition ... acquiescence of the Legislature.

I think it's a jurisdictional matter that that is wrong. I think, as a practical matter, that the former standard is the correct and appropriate one and one that we should continue.