

BEFORE THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
STATE OF NEBRASKA

In the Matter of 475 NAC 3-002.01G2 and ) PRM01-01  
475 NAC-3-002.01H1 by the Nebraska )  
Appleseed Center for Law in the Public ) DISPOSITION OF  
Interest, Petitioner. ) PETITION FOR RULE MAKING

This matter came before the Department of Health and Human Services on the basis of a Petition for a Rules Change, also known as a Petition for Rule Making, which was filed by the Petitioner, Nebraska Appleseed Center for Law in the Public Interest, and received in the Department on December 6, 2001. A copy of said Petition for Rule Making is attached hereto and incorporated herein by reference.

Now, in response to said Petition for Rule Making, the Director hereby finds and orders as follows:

1. The Petition for Rule Making filed herein is generally meritorious and relief should be granted since it comes before the Department at a time where an initiative was already under way to amend, simplify and make consistent various program regulations relating to motor vehicle valuation relative to eligibility.
2. Amendments to the current Food Stamp Regulations relating to the evaluation of vehicles in eligibility determinations shall be amended as follows:  
For families on Aid to Dependent Children (ADC) such rules shall be identical to those used in the ADC program. For families not on ADC, the following amendments to the Food Stamp Regulations shall be promulgated:
  - (1) Any vehicle used to produce income, as the home, or to transport a disabled household member or household fuel or water, or if it's equity value is \$1,500 or less, is excluded. [required by Federal Food Stamp regulations at 7 CFR 273.8(e)];
  - (2) For vehicles not excluded under paragraph (1) above, the one with greatest market value is tested, and any market value over \$12,000 counts toward the household resource limit; and
  - (3) For other vehicles, market value over \$4,650 or equity value, whichever is greater, counts towards the household resource limit.
3. The \$1,500 equity provision in paragraph (1) of the proposed regulation amendments above, is a new federal mandate which is currently being reviewed for final approval by the Governor in the regulation promulgation process.

WHEREFORE, the Director hereby grants the Petition for Rule Making filed herein to the extent specified in the above findings and hereby orders that said regulatory amendments be initiated in the regulation promulgation process as soon as practicable.

Dated this 4<sup>th</sup> day of February, 2002.

  
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Ron Ross, Director  
Department of Health and Human Services