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Sequence Number: 08/23/2008
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 File Date: 08/28/2008

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

| | |
|---------------------------------|--|
| Agency/Board/Commission: | Tennessee Department of Human Services |
| Division: | Family Assistance |
| Contact Person: | Phyllis Simpson |
| Address: | Citizens Plaza Building, 10 th Floor 400 Deaderick Street Nashville, Tennessee 37243-1403 |
| Phone: | 615-313-4731 |
| Email: | phyllis.simpson@state.tn.us |

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

| | |
|---------------------|--|
| ADA Contact: | Natasha Webster |
| Address: | Citizens Plaza Building, 10 th Floor 400 Deaderick Street Nashville, Tennessee 37243-1403 |
| Phone: | 615-313-4731 |
| Email: | natasha.webster@state.tn.us |

Hearing Location(s) (for additional locations, copy and paste table)

| | | | |
|----------------|---|---|------------------------------|
| Address 1: | Citizens Plaza Building 2 nd Floor Board Room 400 Deaderick Street | | |
| Address 2: | | | |
| City: | Nashville, Tennessee | | |
| Zip: | 37243-1403 | | |
| Hearing Date : | 10/16/08 | | |
| Hearing Time: | 1:30 PM | <input checked="" type="checkbox"/> CST | <input type="checkbox"/> EST |

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (for additional chapters, copy and paste table)

| | Chapter Number | Chapter Title |
|--|-----------------------|------------------------------------|
| | 1240-01-04 | Financial Eligibility Requirements |
| | Rule Number | Rule Title |
| | 1240-01-04-.05 | Exempt Resources |

Chapter 1240-01-04
Financial Eligibility Requirements

Amendments

Rule 1240-01-04-.05 Exempt Resources, is amended by deleting Paragraphs (6) and (7) in their entirety, and by substituting instead the following, so that as amended Paragraphs (6) and (7) shall read as follows:

- (6) Burial Policies, Burial Agreements, and Burial Plots. These shall be considered exempt for resource purposes.
- (7) Pension Funds. The cash value of pension plans or funds shall be exempt. (Food Stamps Only): Excludes any funds in a plan, contract, or account described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan as provided for in 5 U.S.C. 8439. Also the exclusion of any successor retirement accounts that are exempt from Federal taxes.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105 and 71-5-304; 7 U.S.C.A. § 2014(g); 7 C.F.R. §§ 273.9 and 273.10; and PL 110-246, Title IV § 4104(b), June 18, 2008.

Rule 1240-01-04-.05 Exempt Resources, is amended by adding a new Paragraph to be numbered (20), so that as amended new Paragraph (20) shall read as follows:

- (20) Educational Savings Accounts – Food Stamps
 - (a) Educational savings accounts under Section 529 of the Internal Revenue Code of 1986 qualified tuition programs, shall be exempt.
 - (b) Coverdell Education Savings Accounts (Section 530 of the Internal Revenue Code) shall be exempt.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105 and 71-5-304; 7 U.S.C.A. § 2014(g); 7 C.F.R. §§ 273.9 and 273.10; and PL 110-246, Title IV § 4104(c), June 18, 2008.