



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Assistant Attorney General

DATE: October 8, 2008

SUBJECT: Proposed Repeal of 22 VAC 40-630-10 *et seq.*
General Relief Program Disability Advocacy Project

I have reviewed the above-referenced proposed regulation to determine if the State Board of Social Services (“State Board”) has the statutory authority to repeal it.

Virginia Code § 63.2-217 mandates that the State Board promulgate regulations that are necessary to carry out the provisions of Title 63.2. Virginia Code § 63.2-802 provides for the establishment of a general relief program. On April 16, 2008, the Board approved a proposed regulation for the General Relief Program, 22 VAC 40-411-10 *et seq.* As I noted in my memorandum of April 11, 2008, it appears that the State Board has the authority to repeal this regulation and promulgate the proposed replacement regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 36 (2006), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-0095.