



***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:** February 12, 2003

**SUBJECT:** Proposed Regulation 22 VAC 40-293-10 et seq.  
Locality Groupings

I have reviewed the proposed emergency regulation to determine if the State Board of Social Services (“State Board”) has the statutory authority to promulgate the attached proposed emergency regulation and if the proposed emergency regulation comports with applicable state law.

Item 353, Chapter 899 of the 2002 Acts of Assembly mandated that the State Board Promulgate emergency regulations to allow local boards of social services to request changes in their locality grouping. It appears that the State Board has the authority to promulgate the proposed emergency regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-3890.