



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

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

FROM: ALLEN T. WILSON
Assistant Attorney General

DATE: May 30, 2007

SUBJECT: Final Regulation 22 VAC 40-35-10 et seq.
Virginia Independence Program

I have reviewed the attached final regulation to determine if the State Board of Social Services (“State Board”) has the statutory authority to promulgate the final regulation and if this action by the State Board is exempt from the Administrative Process Act (APA).

It appears that the State Board has the authority to promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. The changes to the regulation are necessary to reflect the changes in Code by the adoption of Chapter 568 of the 2007 Acts of Assembly, which amended Virginia Code §§ 63.2-608 and 63.2-609 relating to the Virginia Initiative for Employment Not Welfare. Pursuant to § 2.2-4006(A)(4)(a) of the Virginia Code, this action by the Board is exempt from the requirements of the APA.

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

Attachment