



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

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

**FROM:** ALLEN T. WILSON  
Senior Assistant Attorney General

**DATE:** July 22, 2009

**SUBJECT:** Proposed Regulation 22 VAC 40-601-10 et seq.  
Supplemental Nutrition Assistance Program

I have reviewed the above-referenced proposed regulation to determine if the State Board of Social Services (“State Board”) has the statutory authority to promulgate the proposed regulation and if this action by the State Board comports with applicable state law.

Virginia Code § 63.2-217 mandates that the State Board promulgate regulations that are necessary to carry out the provisions of Title 63.2, which includes the provision of public assistance. 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 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 786-0095.