

2014 SESSION

INTRODUCED

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SENATE BILL NO. 417

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend and reenact § 63.2-317 of the Code of Virginia, relating to the authority of local boards of social services to employ in-house counsel.*

Patron—Hanger

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-317 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-317. Employment of counsel for local boards and employees; payment of expenses.

Except in those cases in which the attorney for the Commonwealth or county or city attorney represents the local board, a local board may employ legal counsel in civil matters to give advice to or represent the local board or any of its members or the employees of the local department and may pay court costs and other expenses involved in the conduct of such civil matters from funds appropriated by the local governing body for the administration of the local department. Such counsel may be employed on a part-time basis for any particular action or actions. *A local board may employ in-house counsel to provide general legal advice and representation and advice related to specific actions.* However, prior approval of the Department shall be obtained by the local board before counsel is employed except in instances where legal counsel is necessary for the provision of services or assistance to eligible recipients under this title.

The Department may reimburse the local board for all or any part of such expenditures at the same rate in effect for all other administrative costs at the time of the expenditure. However, the Department shall not reimburse the local board for any expenses for which payment was available through an insurance policy currently in force.

Where such counsel is employed by the local board, the attorney for the Commonwealth or city attorney or county attorney may be relieved of his responsibility to represent the local board or local department in that matter.

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