

LD4961488

HOUSE BILL NO. 2376

Offered January 23, 1995

A BILL to amend and reenact §§ 63.1-87, 63.1-93 and 63.1-109 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.1-109.1, relating to entitlement to public assistance.

 Patron—Wilkins

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.1-87, 63.1-93 and 63.1-109 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.1-109.1, as follows:

§ 63.1-87. Definitions.

The following terms, whenever used or referred to in this chapter shall have the following meaning, unless a different meaning clearly appears from the context:

"Applicant" means a person who applies for public assistance or services, or for whom assistance or service is applied for, under this law;

"Aid to *families with dependent children*" means money payments on behalf of a dependent child to the relative with whom he is living, or vendor payments on behalf of such child or others included in the assistance payment; or money payments to such appropriate person as may be determined by the local board if the relative with whom the child is living by reason of his physical or mental condition has such inability to manage his funds that making an assistance payment to him would be contrary to the welfare of the child, or if such relative refuses to accept employment or training under conditions specified by the Board;

"Assistance" and "public assistance" mean and include aid to *families with dependent children*, auxiliary grants to the aged, blind and disabled, medical assistance, food stamps, general relief, fuel assistance, and social services;

"Auxiliary grants" means money or vendor payments to aged, blind or disabled persons whose needs are not met under the federal Supplemental Security Income Program;

"Commissioner" means the State Commissioner of Social Services;

"Federal Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof which may hereafter be designated as the agency to administer the federal Social Security Act, enacted by the Congress of the United States and approved August 14, 1935, as heretofore or hereafter amended;

"Fuel assistance" means benefits in the form of any material or substance used for home heating, including but not limited to electricity, oil, kerosene, natural gas, L.P. gas, wood or coal and provided under the Virginia Fuel Assistance Program established in accordance with the Low-income Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35).

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.1-106 in accordance with the rules and regulations of the State Board and reimbursable in accordance with § 63.1-92. The establishment of and continued participation in such general relief program shall be optional with the local board. Nothing contained in this section shall restrict the authority of a local board under § 63.1-51;

"*Illegal alien*" means any person entering or residing in this country who cannot verify his legal immigration status through the provision of documents approved by the Board or by verification through the *Alien Status Verification Index (ASVI)*.

"Local board" means the local board of public welfare or social services in each county and city provided for in Article 1 (§ 63.1-38 et seq.) of Chapter 3 of this title;

"Local superintendent" means the local superintendent of public welfare or social services for each county and city provided for in Article 1 (§ 63.1-59 et seq.) of Chapter 4 of this title;

"Merit system plan" means those rules and regulations promulgated by the State Board in the development and operation of a system of personnel administration meeting requirements of the federal Department of Health and Human Services;

"Recipient" means any person who receives assistance or services or for whom money is paid under this law;

"State Board" means the Board of Social Services.

§ 63.1-93. Expenditures by Department.

(a) Such appropriations as are made to the Department of Social Services by the General Assembly

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60 for carrying out the provisions of this law, including funds received from the United States and other
61 sources for such purpose, shall be used for the following purposes:

62 (1) Paying such reasonable portion of the per diem and expenses of the members of the State Board,
63 the expenses of the Commissioner, the salaries and remuneration of agents and employees of the State
64 Board and of the Commissioner, as shall be chargeable for the administration of this law;

65 (2) Paying all costs and expenses incurred by the State Board and the Commissioner in the
66 administration of this law;

67 (3) Reimbursing the counties and cities to the extent provided in § 63.1-92;

68 (3a) Paying assistance to eligible recipients, cost of foster care and expenditures for services and
69 administration, in the event the State Board adopts rules and regulations to provide for state issuance of
70 any or all of such payments;

71 (4) Paying to the United States, for so long as such payment shall be required as a condition for
72 financial participation by the United States in any public assistance program its proportionate share of
73 the net amounts collected by local boards from recipients and estates of recipients;

74 (5) Paying assistance to or in behalf of persons in state-owned nursing or geriatric units or facilities
75 in accordance with the provisions of § 63.1-99.1; and

76 (6) Paying to the Social Security Administration the cost of administering state supplementation of
77 the Supplemental Security Income program if the Commonwealth agrees to such federal administration.

78 (b) Expenditures and disbursements of all amounts appropriated for the foregoing purposes shall be
79 made by the State Treasurer on warrants of the Comptroller issued on vouchers signed by the
80 Commissioner, or by such person or persons as shall be authorized and designated by the Commissioner
81 for such purpose.

82 *(c) For the purposes of this chapter and notwithstanding any other provision of law, no state funds*
83 *shall be expended for the provision of services to illegal aliens as defined in § 63.1-87.*

84 § 63.1-109. Decision of local board that applicant entitled to assistance.

85 Upon completion of the investigation the local board shall determine whether the applicant is eligible
86 for assistance under this law, and, if eligible, the amount of such assistance and the date upon which
87 such assistance shall begin. If the local board approves the payment of assistance, such assistance shall
88 thereupon, until changed, modified, or revoked be paid as hereinafter provided. If the local board does
89 not act upon any such application within the period specified by State Board regulation, or, if the
90 circumstances require immediate assistance to prevent hardship, the local superintendent may provide
91 necessary assistance pending determination by the local board. *However, for the purposes of this chapter*
92 *and notwithstanding any other provision of law, no state funds shall be expended for the provision of*
93 *services to illegal aliens as defined in § 63.1-87.*

94 § 63.1-109.1. Reporting of immigration status by local departments.

95 *When a local board determines, based upon documents presented and after verification through the*
96 *Alien Status Verification Index (ASVI), that an applicant does not legally reside in the United States, the*
97 *local department shall report such information to the Department of Social Services. The Department,*
98 *through regulations promulgated by the Board, shall immediately report the name of such applicant and*
99 *other relevant information to the Immigration and Naturalization Service (INS).*