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SENATE BILL NO. 192

Offered January 10, 2018

Prefiled December 29, 2017

A BILL to amend and reenact §§ 58.1-4026 and 63.2-101 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 6 of Title 63.2 a section numbered 63.2-622, relating to the Virginia Lottery; interception of lottery prizes.

Patron—Peake

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-4026 and 63.2-101 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 63.2 a section numbered 63.2-622 as follows:

§ 58.1-4026. Interception of lottery prizes by the Commonwealth.

A. The Director shall establish by rule and regulation a set-off debt collection program in accordance with the provisions of the Setoff Debt Collection Act, ~~Article 24~~ (§ 58.1-520 et seq.) ~~of Chapter 3 of this title~~, wherein certain prizes shall be subjected to delinquent debts of agencies and institutions of the Commonwealth. The Director shall be responsible for the administration of the program and shall ensure by rule and regulation of the Department that any agency eligible to participate in the Setoff Debt Collection Act, ~~Article 24~~ (§ 58.1-520 et seq.) ~~of Chapter 3 of this title~~, shall be eligible to participate in the lottery prize set-off. The Tax Commissioner shall transmit to the Director, at such intervals as requested by the Director, a listing of claimant agencies and delinquent debts owed thereto.

B. From prizes of \$25,000 or more, and after any delinquent debts owed to the agencies and institutions are collected pursuant to subsection A, the Department of Social Services shall be credited the amount of any cash assistance received by the prize winner through the Temporary Assistance for Needy Families (TANF) program set forth in Chapter 6 (§ 63.2-600 et seq.) of Title 63.2 in the immediately preceding five years. The Director shall subtract such amount from the prize prior to payment to the winner and shall credit such amount to the Department of Social Services. The Director shall be responsible for transmitting the names of prize winners to the Department of Social Services to verify whether the prize winner received cash assistance through the TANF program in the immediately preceding five years and, if so, the amount of such cash assistance to be subtracted from the prize and credited to the Department of Social Services. If the amount to be credited exceeds the amount of the prize, the prize winner shall not be responsible for paying the balance of the cash assistance received. The Director may establish rules and regulations for the administration of the requirements of this subsection.

§ 63.2-101. Authority of Department to request and receive information from other agencies; use of information so obtained; provide access to information for medical assistance eligibility and lottery interception purposes.

A. The Department may request and shall receive from the records of all departments, boards, bureaus or other agencies of this Commonwealth and of other states such information as is necessary for the purpose of carrying out the provisions and programs of this title, and the same are authorized to provide such information; provided that, a written statement from the requesting party stating the reason for seeking such record is submitted and filed with the record sought. The Department may make such information available only to public officials and agencies of this Commonwealth, and other states, and political subdivisions of this Commonwealth and other states, where the request for information relates to administration of the various public assistance or social services programs.

B. The Department shall provide, to the Department of Medical Assistance Services and to certain entities approved by the Board of Medical Assistance Services, access to information regarding a medical assistance applicant's receipt of public assistance from programs administered by the Department. Such access shall be limited to information necessary to determine an individual's eligibility for medical assistance services and to the extent specified in a memorandum of understanding between the Department and the Department of Medical Assistance Services.

C. Notwithstanding any other provision of law, the Department shall provide to the Director of the Virginia Lottery, upon request, any information and records necessary for the Director of the Virginia Lottery to administer the provisions of subsection B of § 58.1-4026. Such access shall be limited to information and records necessary for the Director of the Virginia Lottery to determine if a prize winner has received cash assistance during the immediately preceding five years through TANF or TANF-UP

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59 *and, if so, the amount of the prize winner's prize to be credited to the Department.*

60 ***§ 63.2-622. Lottery prize winnings credited to the Department.***

61 *If the Department is credited any prize winnings pursuant to subsection B of § 58.1-4026, such*
62 *credit shall be used by the Department for programs, and the administration thereof, furthering the*
63 *policies set forth in subsection B of § 63.2-600.*