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**HOUSE BILL NO. 2303**

Offered January 12, 2005

Prefiled January 11, 2005

*A BILL to amend and reenact §§ 2.2-2702, 29.1-101, 58.1-344.3, and 58.1-546 of the Code of Virginia and to repeal §§ 30-19.1:10, 58.1-345, 58.1-345.1, 58.1-346, 58.1-346.1:1, 58.1-346.2:1, 58.1-346.3:1, and 58.1-346.4:1 through 58.1-346.24 of the Code of Virginia, relating to income tax voluntary contribution checkoffs.*

Patron—Purkey

Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2702, 29.1-101, 58.1-344.3, and 58.1-546 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-2702. Virginia Arts Foundation Fund.

A. There is created the Virginia Arts Foundation Fund, a special nonreverting trust fund on the books of the Comptroller, to be administered by the Foundation.

B. The Fund shall include such funds as may be appropriated by the General Assembly; revenues transferred to the Fund from the special license plates for Virginians for the Arts program pursuant to § 46.2-749.2:2; voluntary contributions collected through the income tax checkoff for the arts pursuant to ~~§ 58.1-346.6 subdivision B 8 of § 58.1-344.3~~; and designated gifts, contributions and bequests of money, securities, or other property of whatsoever character.

C. All money, securities, or other property designated for the Fund and any interest or income therefrom shall remain in the Fund and shall not revert to the general fund. The Fund's principal shall not be subject to expenditure by the Foundation.

§ 29.1-101. Game Protection Fund.

The amount received by the State Treasurer from the collection of admittance, parking, or other use fees, the sale of hunting, trapping and fishing licenses, revenue generated from the sales and use tax pursuant to subsection E of § 58.1-638, and such other items as may accrue to the Board shall be set aside and shall constitute the Game Protection Fund. The income and principal of this Fund, including any unexpended balance, shall be a separate fund in the state treasury and shall only be used for the payment of the salaries, allowances, wages, and expenses incident to carrying out the provisions of the hunting, trapping and inland fish laws and for no other purpose, except as provided in §§ 29.1-101.01, 29.1-701, ~~58.1-345 subdivision B 1 of § 58.1-344.3~~, and 58.1-1410.

§ 58.1-344.3. Voluntary contributions of refunds requirements.

A. 1. For taxable years beginning on and after January 1, 2004 2005, all entities entitled to voluntary contributions of tax refunds ~~legislation shall satisfy the requirements in § 30-19.1:10 listed in subsections B and C must have received at least \$10,000 in contributions in each of the three previous taxable years for which there is complete data and in which such entity was listed on the individual income tax return.~~

2. In the event that an entity listed in subsections B and C does not satisfy the requirement in subdivision 1 of this subsection, such entity shall no longer be listed on the individual income tax return.

3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual income tax return until their addition to the individual income tax return results in a maximum of 25 contributions listed on the return. Such contributions shall be added in the order that they are listed in subsections B and C.

b. Each entity added to the income tax return shall appear on the return for at least three consecutive taxable years before the requirement in subdivision 1 of this subsection is applied to such entity.

4. The Department of Taxation shall report annually by the first day of each General Assembly Regular Session to the chairmen of the House and Senate Finance Committees the amounts collected for each entity listed under subsections B and C for the three most recent taxable years for which there is complete data. Such report shall also identify the entities, if any, that will be removed from the individual income tax return because they have failed the requirements in subdivision 1 of this subsection, the entities that will remain on the individual income tax return, and the entities, if any, that will be added to the individual income tax return.

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59 *B. Subject to the provisions of subsection A, the following entities entitled to voluntary contributions*  
60 *shall appear on the individual income tax return and are eligible to receive tax refund contributions of*  
61 *not less than \$1:*

62 *1. Nongame wildlife voluntary contribution.*

63 *a. All moneys contributed shall be used for the conservation and management of endangered species*  
64 *and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened*  
65 *wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks,*  
66 *crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.*

67 *b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which*  
68 *shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All*  
69 *moneys so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland*  
70 *Fisheries for the purposes set forth herein.*

71 *2. Open space recreation and conservation voluntary contribution.*

72 *a. All moneys contributed shall be used by the Department of Conservation and Recreation to*  
73 *acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve*  
74 *state park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia*  
75 *Outdoor Fund Grants Program.*

76 *b. All moneys shall be deposited into a special fund known as the Open Space Recreation and*  
77 *Conservation Fund . The moneys in the fund shall be allocated one-half to the Department of*  
78 *Conservation and Recreation for the purposes stated in subdivision 2 a of this subsection and one-half*  
79 *to local public bodies pursuant to the Virginia Outdoor Fund Grants Program.*

80 *3. Voluntary contribution to political party. All moneys contributed shall be paid to the State Central*  
81 *Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the*  
82 *previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the*  
83 *case of a joint return of husband and wife, each spouse may designate that the maximum contribution*  
84 *allowable be paid.*

85 *4. United States Olympic Committee voluntary contribution. All moneys contributed shall be paid to*  
86 *the United States Olympic Committee.*

87 *5. Housing program voluntary contribution.*

88 *a. All moneys contributed shall be used by the Department of Housing and Community Development*  
89 *to provide assistance for emergency, transitional, and permanent housing for the homeless; and to*  
90 *provide assistance to housing for the low-income elderly for the physically or mentally disabled.*

91 *b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for*  
92 *Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and*  
93 *Community Development for the purposes set forth in this subdivision. Funds made available to the*  
94 *Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the*  
95 *Virginia Housing Partnership Revolving Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of*  
96 *Title 36 or those of the Virginia Housing Development Authority.*

97 *6. Voluntary contributions to the Department for the Aging.*

98 *a. All moneys contributed shall be used by the Department for the Aging for the enhancement of*  
99 *transportation services for the elderly and disabled.*

100 *b. All moneys shall be deposited into a special fund known as the Transportation Services for the*  
101 *Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for the*  
102 *Aging for the enhancement of transportation services for the elderly and disabled. The Department for*  
103 *the Aging shall conduct an annual audit of the moneys received pursuant to this subdivision and shall*  
104 *provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary of*  
105 *Health and Human Resources.*

106 *7. Voluntary contribution to the Community Policing Fund.*

107 *a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the*  
108 *purchase of equipment or the support of services, as approved by the Criminal Justice Services Board,*  
109 *relating to community policing.*

110 *b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All*  
111 *moneys deposited in such fund shall be used by the Department of Criminal Justices Services for the*  
112 *purposes set forth herein.*

113 *8. Voluntary contribution to promote the arts. All moneys contributed shall be used by the Virginia*  
114 *Arts Foundation to assist the Virginia Commission for the Arts in its statutory responsibility of*  
115 *promoting the arts in the Commonwealth. All moneys shall be deposited into a special fund known as*  
116 *the Virginia Arts Foundation Fund.*

117 *9. Voluntary contribution to the Historic Resources Fund. All moneys contributed shall be deposited*  
118 *in the Historic Resources Fund established pursuant to § 10.1-2202.1.*

119 *10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy. All*  
120 *moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All*

121 moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

122 11. Voluntary contribution to the Center for Governmental Studies. All moneys contributed shall be  
123 paid to the Center for Governmental Studies, a public service and research center of the University of  
124 Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.

125 12. Voluntary contribution to the Law and Economics Center. All moneys contributed shall be paid  
126 to the Law and Economics Center, a public service and research center of George Mason University.  
127 All moneys shall be deposited into a special fund known as the Law and Economics Fund.

128 13. Voluntary contribution to Children of America Finding Hope. All moneys contributed shall be  
129 used by Children of America Finding Hope (CAFH) in its programs which are designed to reach  
130 children with emotional and physical needs.

131 14. Voluntary contribution to 4-H Educational Centers. All moneys contributed shall be used by the  
132 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and  
133 camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to  
134 the Virginia 4-H Foundation in Blacksburg, Virginia.

135 15. Voluntary contribution to promote organ and tissue donation.

136 a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory  
137 responsibility of promoting and coordinating educational and informational activities as related to the  
138 organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

139 b. All moneys shall be deposited into a special fund known as the Virginia Transplant Council  
140 Education Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for  
141 the purposes set forth herein.

142 16. Voluntary contributions to the Virginia War Memorial Foundation and the National D-Day  
143 Memorial Foundation. All moneys contributed shall be used by the Virginia War Memorial Foundation  
144 and the National D-Day Memorial Foundation in their work through each of their respective memorials.  
145 The State Treasurer shall divide the moneys into two equal portions and pay one portion to the Virginia  
146 War Memorial Foundation and the other portion to the National D-Day Memorial Foundation.

147 17. Voluntary contribution to the Virginia Federation of Humane Societies. All moneys contributed  
148 shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring  
149 for, and finding homes for homeless animals.

150 18. Voluntary contribution to the Tuition Assistance Grant Fund.

151 a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing  
152 monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate  
153 programs in private Virginia colleges.

154 b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All  
155 moneys so deposited in the Fund shall be administered by the State Council of Higher Education for  
156 Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act  
157 (§ 23-38.11 et seq.).

158 19. Voluntary contribution to the Spay and Neuter Fund. All moneys contributed shall be paid to the  
159 Spay and Neuter Fund for use in its mission of providing monetary assistance for spay and neuter  
160 surgeries for dogs and cats.

161 20. Voluntary contribution to the Virginia Commission for the Arts. All moneys contributed shall be  
162 paid to the Virginia Commission for the Arts.

163 21. Voluntary contribution for the Office of Commonwealth Preparedness. All moneys contributed  
164 shall be paid to the Department of Emergency Management for the Office of Commonwealth  
165 Preparedness.

166 22. Voluntary contribution for the cancer centers in the Commonwealth. All moneys contributed shall  
167 be paid equally to all entities in the Commonwealth that officially have been designated as cancer  
168 centers by the National Cancer Institute.

169 C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on  
170 the individual income tax return and are eligible to receive tax refund contributions or by making  
171 payment to the Department if the individual is not eligible to receive a tax refund pursuant to  
172 § 58.1-309 or if the amount of such tax refund is less than the amount of the voluntary contribution:

173 1. Voluntary contribution to the Family and Children's Trust Fund of Virginia. All moneys  
174 contributed shall be paid to the Family and Children's Trust Fund of Virginia.

175 2. Voluntary Chesapeake Bay Restoration Contribution.

176 a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration  
177 activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of  
178 Chapter 2 of Title 2.2.

179 b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and  
180 shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund  
181 to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall be

182 *used for the purposes of providing grants for the implementation of tributary plans developed pursuant*  
183 *to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2.*

184 3. *Voluntary Jamestown-Yorktown Foundation Contribution. All moneys contributed shall be used by*  
185 *the Jamestown-Yorktown Foundation for the Jamestown 2007 quadricentennial celebration. All moneys*  
186 *shall be deposited into a special fund known as the Jamestown Quadricentennial Fund. This subdivision*  
187 *shall be effective for taxable years beginning before January 1, 2008.*

188 4. *State forests voluntary contribution.*

189 a. *All moneys contributed shall be used for the development and implementation of conservation and*  
190 *education initiatives in the state forests system.*

191 b. *All moneys shall be deposited into a special fund known as the State Forests System Fund,*  
192 *established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State*  
193 *Forester for the purposes set forth herein.*

194 5. *Voluntary contributions to Uninsured Medical Catastrophe Fund. All moneys contributed shall be*  
195 *paid to the Uninsured Medical Catastrophe Fund established pursuant to § 32.1-324.2, such funds to be*  
196 *used for the treatment of Virginians sustaining uninsured medical catastrophes.*

197 6. *Voluntary contribution to local school divisions.*

198 a. *All moneys contributed shall be used by a specified local public school foundation as created by*  
199 *and for the purposes stated in § 22.1-212.2:2.*

200 b. *All moneys collected pursuant to subdivision 6 a of this subsection or through voluntary payments*  
201 *by taxpayers designated for a local public school foundation over refundable amounts shall be deposited*  
202 *into the state treasury. The Tax Commissioner shall determine annually the total amounts designated on*  
203 *all returns for each public school foundation and shall report the same to the State Treasurer. The State*  
204 *Treasurer shall pay the appropriate amount to the respective public school foundation.*

205 c. *In order for a public school foundation to be eligible to receive contributions under this section,*  
206 *school boards must notify the Department during the taxable year in which they want to participate*  
207 *prior to the deadlines and according to procedures established by the Tax Commissioner.*

208 7. *Voluntary contribution to Home Energy Assistance Fund. All moneys contributed shall be paid to*  
209 *the Home Energy Assistance Fund established pursuant to § 63.2-805, such funds to be used to assist*  
210 *low-income Virginians in meeting seasonal residential energy needs.*

211 D. *Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected*  
212 *for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner*  
213 *shall determine annually the total amount designated for each entity in subsections B and C on all*  
214 *individual income tax returns and shall report the same to the State Treasurer, who shall credit that*  
215 *amount to each entity's respective special fund.*

216 § 58.1-546. Refund of overpayment; credits against tax.

217 A. *If the amount of local income tax computed is less than the amount theretofore paid, the excess*  
218 *shall be refunded out of the state treasury on the order of the Tax Commissioner upon the Comptroller.*  
219 *Refunds issued hereunder shall not be reduced by any of the voluntary contributions permitted under*  
220 *§§ 58.1-345, 58.1-345.1, 58.1-346, 58.1-346.1 or § 58.1-346.2 subdivisions B 1 through B 5 of*  
221 *§ 58.1-344.3.*

222 B. *The tax credits provided in Articles 3 (§ 58.1-330 et seq.) and 13 (§ 58.1-430 et seq.) of this*  
223 *chapter shall not apply to the local income tax.*

224 2. *That §§ 30-19.1:10, 58.1-345, 58.1-345.1, 58.1-346, 58.1-346.1:1, 58.1-346.2:1, 58.1-346.3:1, and*  
225 *58.1-346.4:1 through 58.1-346.24 of the Code of Virginia are repealed.*