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SENATE BILL NO. 139

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on January 24, 2006)

(Patron Prior to Substitute—O'Brien and McDougle [SB 385])

A BILL to amend and reenact § 58.1-344.3 of the Code of Virginia and to amend the Code of Virginia by adding in Article 10 of Chapter 1 of Title 44 a section numbered 44-102.2, relating to the Virginia Military Family Relief Fund; contribution of tax refunds.

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-344.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 10 of Chapter 1 of Title 44 a section numbered 44-102.2 as follows:

§ 44-102.2. Virginia Military Family Relief Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Military Family Relief Fund (the Fund). The Fund shall be established on the books of the Comptroller and administered by the Office of the Adjutant General for the purposes set forth herein. All moneys as may be appropriated by the General Assembly, private gifts, grants, or donations contributed to the Fund, and revenues received by the Commonwealth for the Fund pursuant to § 58.1-344.3 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of assisting members of the Virginia National Guard and Virginia residents who are members of the reserves of the armed forces of the United States who have been called to extended active duty for periods in excess of 90 days, and their families, with living expenses including, but not limited to food, housing, utilities, and medical services. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Adjutant General.

B. The Adjutant General shall submit an annual report to the Governor and the chairmen of the House Appropriations Committee and the Senate Committee on Finance of the General Assembly. The report shall detail:

1. The expenditures of the Fund, including the amount of awards provided from the Fund to each branch of service, the amount of individual and family assistance provided, the qualifications of the recipients, and the balance available in the Fund for future disbursements; and

2. The name, address, rank, branch of service, deployment location, and amount of financial assistance provided to each recipient. The information provided under this subdivision that identifies a recipient or members of the recipient's family or the deployment location of any member of the Virginia National Guard or the reserves of the armed forces of the United States shall be confidential and shall not be subject to public disclosure.

§ 58.1-344.3. Voluntary contributions of refunds requirements.

A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary contributions of tax refunds 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

60 will be added to the individual income tax return.

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

64 1. Nongame wildlife voluntary contribution.

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

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

73 2. Open space recreation and conservation voluntary contribution.

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

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

82 3. Voluntary contribution to political party.

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

87 4. United States Olympic Committee voluntary contribution.

88 All moneys contributed shall be paid to the United States Olympic Committee.

89 5. Housing program voluntary contribution.

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

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

99 6. Voluntary contributions to the Department for the Aging.

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

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

108 7. Voluntary contribution to the Community Policing Fund.

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

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

115 8. Voluntary contribution to promote the arts.

116 All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia
117 Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All
118 moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

119 9. Voluntary contribution to the Historic Resources Fund.

120 All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to
121 § 10.1-2202.1.

10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.
All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.
11. Voluntary contribution to the Center for Governmental Studies.
All moneys contributed shall be paid to the Center for Governmental Studies, a public service and research center of the University of Virginia. All moneys shall be deposited into a special fund known as the Governmental Studies Fund.
12. Voluntary contribution to the Law and Economics Center.
All moneys contributed shall be paid to the Law and Economics Center, a public service and research center of George Mason University. All moneys shall be deposited into a special fund known as the Law and Economics Fund.
13. Voluntary contribution to Children of America Finding Hope.
All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs which are designed to reach children with emotional and physical needs.
14. Voluntary contribution to 4-H Educational Centers.
All moneys contributed shall be used by the 4-H Educational Centers throughout the Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.
15. Voluntary contribution to promote organ and tissue donation.
a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory responsibility of promoting and coordinating educational and informational activities as related to the organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.
b. All moneys shall be deposited into a special fund known as the Virginia Transplant Council Education Fund. All moneys deposited in such fund shall be used by the Virginia Transplant Council for the purposes set forth herein.
16. Voluntary contributions to the Virginia War Memorial Foundation and the National D-Day Memorial Foundation.
All moneys contributed shall be used by the Virginia War Memorial Foundation and the National D-Day Memorial Foundation in their work through each of their respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one portion to the Virginia War Memorial Foundation and the other portion to the National D-Day Memorial Foundation.
17. Voluntary contribution to the Virginia Federation of Humane Societies.
All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its mission of saving, caring for, and finding homes for homeless animals.
18. Voluntary contribution to the Tuition Assistance Grant Fund.
a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate programs in private Virginia colleges.
b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund. All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23-38.11 et seq.).
19. Voluntary contribution to the Spay and Neuter Fund.
All moneys contributed shall be paid to the Spay and Neuter Fund for use by the Virginia Federation of Humane Societies in its mission of providing low-cost spay and neuter surgeries through direct provision or contract throughout the Commonwealth.
20. Voluntary contribution to the Virginia Commission for the Arts.
All moneys contributed shall be paid to the Virginia Commission for the Arts.
21. Voluntary contribution for the Office of Commonwealth Preparedness.
All moneys contributed shall be paid to the Department of Emergency Management for the Office of Commonwealth Preparedness.
22. Voluntary contribution for the cancer centers in the Commonwealth.
All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have been designated as cancer centers by the National Cancer Institute.
23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.
a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education Scholarship Program.
b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as established in § 30-231.4.
c. All moneys so deposited in the Fund shall be administered by the State Council of Higher

183 Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.1 et seq.) of Title
184 30.

185 24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center
186 Fund.

187 a. All moneys contributed shall be paid to the Martin Luther King, Jr. Living History and Public
188 Policy Center Fund to support the work of the Martin Luther King, Jr. Living History and Public Policy
189 Center and to generate nonstate funds to maintain the Martin Luther King, Jr. Living History and Public
190 Policy Center.

191 b. All moneys shall be deposited into the Martin Luther King, Jr. Living History and Public Policy
192 Center Fund as established in § 30-192.7.

193 c. All moneys so deposited in the Fund shall be administered by the Board of Trustees of the Martin
194 Luther King, Jr. Living History and Public Policy Center in accordance with and for the purposes
195 provided in Article 8 (§ 2.2-2725 et seq.) of Chapter 27 of Title 2.2 and Chapter 27 (§ 30-192 et seq.)
196 of Title 30.

197 25. Voluntary contribution to the Virginia Caregivers Grant Fund.

198 All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to
199 § 63.2-2202.

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

204 1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

205 All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

206 2. Voluntary Chesapeake Bay Restoration Contribution.

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

210 b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and
211 shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund
212 to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall
213 be used for the purposes of providing grants for the implementation of tributary plans developed
214 pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2.

215 3. Voluntary Jamestown-Yorktown Foundation Contribution.

216 All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown
217 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the
218 Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before
219 January 1, 2008.

220 4. State forests voluntary contribution.

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

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

226 5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

227 All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established
228 pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured
229 medical catastrophes.

230 6. Voluntary contribution to local school divisions.

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

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

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

241 7. Voluntary contribution to Home Energy Assistance Fund.

242 All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to
243 § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy
244 needs.

245 8. *Voluntary contribution to the Virginia Military Family Relief Fund.*
246 *a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in*
247 *providing assistance to military service personnel on active duty and their families for living expenses*
248 *including, but not limited to, food, housing, utilities, and medical services.*
249 *b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief*
250 *Fund, established and administered pursuant to § 44-102.2.*
251 D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected
252 for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner
253 shall determine annually the total amount designated for each entity in subsections B and C on all
254 individual income tax returns and shall report the same to the State Treasurer, who shall credit that
255 amount to each entity's respective special fund.