

095995762

HOUSE BILL NO. 2200**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Finance
on February 2, 2009)

(Patron Prior to Substitute—Delegate Vanderhye)

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 Title 32.1 a chapter numbered 16, consisting of sections numbered 32.1-368 and 32.1-369, relating to the establishment of the Breast and Cervical Cancer Prevention and Treatment Fund.

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 Title 32.1 a chapter numbered 16, consisting of sections numbered 32.1-368 and 32.1-369, as follows:

CHAPTER 16.**BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT FUND.**

§ 32.1-368. Breast and Cervical Cancer Prevention and Treatment Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Breast and Cervical Cancer Prevention and Treatment Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller and shall be administered by the Director of the Department of Medical Assistance Services. Any moneys remaining in the Fund at the end of each fiscal year, including interest earned thereon, shall not revert to the general fund but shall remain in the Fund.

B. The Fund shall consist solely of (i) revenues received by the Commonwealth from voluntary contributions of tax refunds pursuant to the provisions of § 58.1-344.3 that are paid into the state treasury and deposited to the Fund, (ii) specifically designated federal funds, and (iii) any other private grants, donations, gifts, or bequests designated for the Fund.

§ 32.1-369. Uses of Breast and Cervical Cancer Prevention and Treatment Fund.

Moneys deposited to the Breast and Cervical Cancer Prevention and Treatment Fund shall be used to support the treatment of breast and cervical cancer for women under Medicaid pursuant to the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, P.L. 106-354. Up to 10 percent of the Fund may be used annually to conduct screening activities for breast and cervical cancer under the Every Woman's Life Program administered by the Virginia Department of Health.

§ 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 will be added to the individual income tax return.

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

1. Nongame wildlife voluntary contribution.

a. All moneys contributed shall be used for the conservation and management of endangered species

60 and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and threatened
61 wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks,
62 crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.

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

67 2. Open space recreation and conservation voluntary contribution.

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

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

76 3. Voluntary contribution to political party.

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

81 4. United States Olympic Committee voluntary contribution.

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

83 5. Housing program voluntary contribution.

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

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

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

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

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

102 7. Voluntary contribution to the Community Policing Fund.

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

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

109 8. Voluntary contribution to promote the arts.

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

113 9. Voluntary contribution to the Historic Resources Fund.

114 All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to
115 § 10.1-2202.1.

116 10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

117 All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public
118 Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

119 11. Voluntary contribution to the Center for Governmental Studies.

120 All moneys contributed shall be paid to the Center for Governmental Studies, a public service and
121 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 localities in the Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or each locality may make the funds available to any private, nonprofit sterilization program for dogs and cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all returns from each locality in the Commonwealth, based upon the locality that each filer who makes a voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the appropriate amount to each respective locality.

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 Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

- 183 24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.
184 All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living
185 History and Public Policy Center.
- 186 25. Voluntary contribution to the Virginia Caregivers Grant Fund.
187 All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to
188 § 63.2-2202.
- 189 26. Voluntary contribution to public library foundations.
190 All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The
191 Tax Commissioner shall determine annually the total amounts designated on all returns for each public
192 library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the
193 appropriate amount to the respective public library foundation.
- 194 27. Voluntary contribution to Celebrating Special Children, Inc.
195 All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into
196 a special fund known as the Celebrating Special Children, Inc. Fund.
- 197 28. Voluntary contributions to the Department for the Aging.
198 a. All moneys contributed shall be used by the Department for the Aging for providing Medicare
199 Part D counseling to the elderly and disabled.
- 200 b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund.
201 All moneys so deposited shall be used by the Department for the Aging to provide counseling for the
202 elderly and disabled concerning Medicare Part D. The Department for the Aging shall conduct an annual
203 audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all
204 programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.
- 205 29. Voluntary contribution to community foundations.
206 All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The
207 Tax Commissioner shall determine annually the total amounts designated on all returns for each
208 community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the
209 appropriate amount to the respective community foundation. A "community foundation" shall be defined
210 as any institution that meets the membership requirements for a community foundation established by
211 the Council on Foundations.
- 212 30. Voluntary contribution to the Virginia Foundation for Community College Education.
213 a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education
214 for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive
215 community colleges in Virginia.
- 216 b. All moneys shall be deposited into a special fund known as the Virginia Foundation for
217 Community College Education Fund. All moneys so deposited in the Fund shall be administered by the
218 Virginia Foundation for Community College Education in accordance with and for the purposes
219 provided under the Community College Incentive Scholarship Program (§ 23-220.2 et seq.).
- 220 31. *Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.*
221 *All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment*
222 *Fund established pursuant to § 32.1-368.*
- 223 C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on
224 the individual income tax return and are eligible to receive tax refund contributions or by making
225 payment to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309
226 or if the amount of such tax refund is less than the amount of the voluntary contribution:
- 227 1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.
228 All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.
- 229 2. Voluntary Chesapeake Bay Restoration Contribution.
230 a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration
231 activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of
232 Chapter 2 of Title 2.2.
- 233 b. The Tax Commissioner shall annually determine the total amount of voluntary contributions and
234 shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting fund
235 to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited shall
236 be used for the purposes of providing grants for the implementation of tributary plans developed
237 pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2.
- 238 3. Voluntary Jamestown-Yorktown Foundation Contribution.
239 All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown
240 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the
241 Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before
242 January 1, 2008.
- 243 4. State forests voluntary contribution.
244 a. All moneys contributed shall be used for the development and implementation of conservation and

education initiatives in the state forests system.

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

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

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

6. Voluntary contribution to local school divisions.

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

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

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

7. Voluntary contribution to Home Energy Assistance Fund.

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

8. Voluntary contribution to the Virginia Military Family Relief Fund.

a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in providing assistance to military service personnel on active duty and their families for living expenses including, but not limited to, food, housing, utilities, and medical services.

b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief Fund, established and administered pursuant to § 44-102.2.

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

2. Moneys deposited in the Breast and Cervical Cancer Prevention and Treatment Fund (the Fund) pursuant to this act shall not be utilized by the Department of Medical Assistance Services until such time as the General Assembly authorizes the Virginia Department of Health and the Virginia Department of Medical Assistance Services to increase access to services under the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000 (BCCPTA), P.L. 106-354, by allowing additional providers who diagnose women with breast cancer or cervical cancer to refer such women to the State Title XV Grantee (Every Woman's Life Program) for eligibility verification and referral to Medicaid for treatment under the BCCPTA, consistent with "Option 3" of the National Breast and Cervical Cancer Early Detection Program.