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SENATE BILL NO. 1055

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend and reenact §§ 2.2-1514, as it is currently effective and as it may become effective, 36-137, 36-139, 36-141, 36-142, 36-147, 36-150, 54.1-2113, 55-530.1 and 58.1-344.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 36-147.1, relating to Virginia Housing Trust Fund.

Patrons—Whipple, Howell, Puller and Ticer; Delegates: Amundson, Brink, Ebbin, Eisenberg, Englin, Marsden, Peace, Plum, Sickles, Vanderhuy and Watts

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1514, as it is currently effective and as it may become effective, 36-137, 36-139, 36-141, 36-142, 36-147, 36-150, 54.1-2113, 55-530.1 and 58.1-344.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 36-147.1, as follows:

§ 2.2-1514. (Contingent expiration date - see Editor's notes) Designation of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act. Such term shall not include any expenditures relating to transportation, including but not limited to transportation maintenance.

B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to § 2.2-813 as follows: one-third of the remaining amount of the general fund balance that is not otherwise reserved or designated shall be designated by the Comptroller for nonrecurring expenditures, and two-thirds shall be designated for deposit into the Transportation Trust Fund. No such designation shall be made unless the full amounts required for other reserves or designations including, but not limited to, (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 2.2-5005, and (viii) The Virginia Housing Trust Fund deposit pursuant to §36-142 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii), beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for nonrecurring expenditures and an amount for deposit into the Transportation Trust Fund equal to the amounts designated by the Comptroller for such purposes pursuant to the provisions of subsection B. Such deposit to the Transportation Trust Fund shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

§ 2.2-1514. (Contingent effective date - see Editor's notes) Designation of general fund for nonrecurring expenditures.

A. As used in this section:

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"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land,

58 the acquisition of equipment, or other expenditures of a one-time nature as specified in the general  
59 appropriation act.

60 B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to  
61 § 2.2-813 an amount for nonrecurring expenditures, which shall equal the remaining amount of the  
62 general fund balance that is not otherwise reserved or designated. No such designation shall be made  
63 unless the full amounts required for other reserves or designations including, but not limited to, (i) the  
64 Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement  
65 Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural  
66 Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations  
67 pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the  
68 general appropriation act, and (b) reappropriations of unexpended appropriations to certain public  
69 institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public  
70 institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the  
71 general appropriation act for the end of such fiscal year, ~~and~~ (vii) interest payments on deposits of  
72 certain public institutions of higher education pursuant to § 2.2-5005, *and (viii) Virginia Housing Trust*  
73 *Fund pursuant to §36-142* are set aside. The Comptroller shall set aside amounts required for clauses  
74 (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 2.2-5005 and for all  
75 fiscal years thereafter.

76 C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended  
77 appropriations from the general fund or recommended amendments to general fund appropriations in the  
78 general appropriation act in effect at that time an amount for nonrecurring expenditures equal to the  
79 amount designated by the Comptroller for such purpose pursuant to the provisions of subsection B of  
80 this section.

81 § 36-137. Powers and duties of Board; appointment of Building Code Academy Advisory Committee.

82 The Board shall exercise the following powers and duties, and such others as may be provided by  
83 law:

84 1. Provide a means of citizen access to the Department.

85 2. Provide a means of publicizing the policies and programs of the Department in order to educate  
86 the public and elicit public support for Department activities.

87 3. Monitor the policies and activities of the Department and have the right of access to departmental  
88 information.

89 4. Advise the Governor and the Director on matters relating to housing and community development.

90 5. Make such rules and regulations as may be necessary to carry out its responsibilities and repeal or  
91 amend such rules when necessary.

92 6. Issue a certificate of competence concerning the content, application, and intent of specified  
93 subject areas of the building and fire prevention regulations promulgated by the Board to present or  
94 prospective personnel of local governments and to any other persons seeking to become qualified to  
95 perform inspections pursuant to Chapter 6 (§ 36-97 et seq.) of this title, Chapter 9 (§ 27-94 et seq.) of  
96 Title 27, and any regulations adopted thereunder, who have completed training programs or in other  
97 ways demonstrated adequate knowledge.

98 7. Levy by regulation up to two percent of building permit fees authorized pursuant to § 36-105 to  
99 support training programs of the Building Code Academy established pursuant to § 36-139. Local  
100 building departments shall collect such levy and transmit it quarterly to the Department of Housing and  
101 Community Development. Localities that maintain, individual or regional, training academies accredited  
102 by the Department of Housing and Community Development shall retain such levy. However, such  
103 localities may send employees to training programs of the Building Code Academy upon payment of a  
104 fee calculated to cover the cost of such training. Any unspent balance shall be reappropriated each year  
105 for the continued operation of the Building Code Academy.

106 The Board shall appoint a Building Code Academy Advisory Committee (the Committee) comprised  
107 of representatives of code enforcement personnel and construction industry professions affected by the  
108 provisions of the building and fire prevention regulations promulgated by the Board. Members of the  
109 Committee shall receive no compensation but shall be entitled to be reimbursed for all reasonable and  
110 necessary expenses incurred in the performance of their duties in accordance with § 2.2-2813. The  
111 Committee shall advise the Board and the Director on policies, procedures, operations, and other matters  
112 pertinent to enhancing the delivery of training services provided by the Building Code Academy.

113 8. Establish general policies, procedures, and programs for the Virginia Housing ~~Partnership~~  
114 ~~Revolving Trust~~ Fund established in Chapter 9 (§ 36-141 et seq.) of this title.

115 9. Determine the categories of housing programs, housing sponsors and persons and families of low  
116 and moderate income eligible to participate in grant or loan programs of the Virginia Housing  
117 ~~Partnership~~ ~~Revolving Trust~~ Fund and designate the proportion of such grants or loans to be made  
118 available in each category.

119 10. Advise the Director of the Department on the program guidelines required to accomplish the

- 120 policies and procedures of the Virginia Housing Partnership Revolving Trust Fund.
- 121 11. Advise the Virginia Housing Development Authority on matters relating to the administration and
- 122 management of loans and grants from the Virginia Housing Partnership Revolving Fund.
- 123 12. Establish the amount of the low-income housing credit, the terms and conditions for qualifying
- 124 for such credit, and the terms and conditions for computing any credit recapture amount for the Virginia
- 125 income tax return.
- 126 13. Serve in an advisory capacity to the Center for Housing Research established by § 23-135.7:14.
- 127 14. Advise the Department in the development of the Consolidated Plan Strategy to guide and
- 128 coordinate the housing programs of the Department, the Virginia Housing Development Authority, and
- 129 other state agencies and instrumentalities.
- 130 15. Advise the Governor and the Department on the expansion of affordable, accessible housing for
- 131 older Virginians and Virginians with disabilities, including supportive services.
- 132 16. Establish guidelines for the allocation of private activity bonds to local housing authorities in
- 133 accordance with the provisions of the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et
- 134 seq.) of Title 15.2.
- 135 § 36-139. Powers and duties of Director.
- 136 The Director of the Department of Housing and Community Development shall have the following
- 137 responsibilities:
- 138 1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their
- 139 planning and development activities, boundary changes, changes of forms and status of government,
- 140 intergovernmental agreements and arrangements, and such other information as he may deem necessary.
- 141 2. Making information available to communities, planning district commissions, service districts and
- 142 governmental subdivisions of the Commonwealth.
- 143 3. Providing professional and technical assistance to, and cooperating with, any planning agency,
- 144 planning district commission, service district, and governmental subdivision engaged in the preparation
- 145 of development plans and programs, service district plans, or consolidation agreements.
- 146 4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the
- 147 General Assembly in accordance with § 15.2-4216.
- 148 5. Administering federal grant assistance programs, including funds from the Appalachian Regional
- 149 Commission, the Economic Development Administration and other such federal agencies, directed at
- 150 promoting the development of the Commonwealth's communities and regions.
- 151 6. Developing state community development policies, goals, plans and programs for the consideration
- 152 and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the
- 153 General Assembly.
- 154 7. Developing a Consolidated Plan to guide the development and implementation of housing
- 155 programs and community development in the Commonwealth for the purpose of meeting the housing
- 156 and community development needs of the Commonwealth and, in particular, those of low-income and
- 157 moderate-income persons, families and communities.
- 158 8. Determining present and future housing requirements of the Commonwealth on an annual basis
- 159 and revising the Consolidated Plan, as necessary to coordinate the elements of housing production to
- 160 ensure the availability of housing where and when needed.
- 161 9. Assuming administrative coordination of the various state housing programs and cooperating with
- 162 the various state agencies in their programs as they relate to housing.
- 163 10. Establishing public information and educational programs relating to housing; devising and
- 164 administering programs to inform all citizens about housing and housing-related programs that are
- 165 available on all levels of government; designing and administering educational programs to prepare
- 166 families for home ownership and counseling them during their first years as homeowners; and promoting
- 167 educational programs to assist sponsors in the development of low and moderate income housing as well
- 168 as programs to lessen the problems of rental housing management.
- 169 11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).
- 170 12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).
- 171 13. Establishing and operating a Building Code Academy for the training of persons in the content,
- 172 application, and intent of specified subject areas of the building and fire prevention regulations
- 173 promulgated by the Board of Housing and Community Development.
- 174 14. Administering, in conjunction with the federal government, and promulgating any necessary
- 175 regulations regarding energy standards for existing buildings as may be required pursuant to federal law.
- 176 15. Identifying and disseminating information to local governments about the availability and
- 177 utilization of federal and state resources.
- 178 16. Administering, with the cooperation of the Department of Health, state assistance programs for
- 179 public water supply systems.
- 180 17. Advising the Board on matters relating to policies and programs of the Virginia Housing

181 ~~Partnership Revolving Trust Fund.~~

182 18. Designing and establishing program guidelines to meet the purposes of the Virginia Housing  
183 ~~Partnership Revolving Trust Fund~~ and to carry out the policies and procedures established by the Board.

184 19. Preparing agreements and documents for loans and grants to be made from the Virginia Housing  
185 ~~Partnership Revolving Trust Fund~~; soliciting, receiving, reviewing and selecting the applications for  
186 which loans and grants are to be made from such fund; directing the Virginia Housing Development  
187 Authority as to the closing and disbursing of such loans and grants and as to the servicing and  
188 collection of such loans; directing the Virginia Housing Development Authority as to the regulation and  
189 monitoring of the ownership, occupancy and operation of the housing developments and residential  
190 housing financed or assisted by such loans and grants; and providing direction and guidance to the  
191 Virginia Housing Development Authority as to the investment of moneys in such fund.

192 20. Advising the Board on matters relating to policies for the low-income housing credit and  
193 administering the approval of low-income housing credits as provided in § 36-55.63.

194 21. Establishing and administering program guidelines for a statewide homeless intervention program.

195 22. Administering 15 percent of the Low Income Home Energy Assistance Program (LIHEAP) Block  
196 Grant and any contingency funds awarded and carry over funds, furnishing home weatherization and  
197 associated services to low-income households within the Commonwealth in accordance with applicable  
198 federal law and regulations.

199 23. Developing a strategy concerning the expansion of affordable, accessible housing for older  
200 Virginians and Virginians with disabilities, including supportive services.

201 24. Serving as the Executive Director of the Commission on Local Government as prescribed in  
202 § 15.2-2901 and perform all other duties of that position as prescribed by law.

203 25. Developing a strategy, in consultation with the Virginia Housing Development Authority, for the  
204 creation and implementation of housing programs and community development for the purpose of  
205 meeting the housing needs of persons who have been released from federal, state, and local correctional  
206 facilities into communities.

207 26. Administering the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et seq.) of Title  
208 15.2 jointly with the Virginia Small Business Financing Authority and the Virginia Housing  
209 Development Authority.

210 27. Carrying out such other duties as may be necessary and convenient to the exercise of powers  
211 granted to the Department.

212 ~~VIRGINIA HOUSING PARTNERSHIP REVOLVING FUND.~~

213 § 36-141. Definitions.

214 As used in this chapter, unless the context requires a different meaning:

215 "Board" means the Board of Housing and Community Development.

216 "Fund" means the Virginia Housing ~~Partnership Revolving Trust~~ Fund created by this chapter.

217 "HDA" means the Virginia Housing Development Authority created in Chapter 1.2 (§ 36-55.24 et  
218 seq.) of this title.

219 "Housing development" or "housing project" means any work or undertaking, whether new  
220 construction or rehabilitation, which is designed and financed pursuant to the provisions of this chapter  
221 for the primary purpose of providing affordable sanitary, decent and safe dwelling accommodations for  
222 persons and families of low or moderate income in need of housing; such work or undertaking may  
223 include any buildings, land, equipment, facilities, or other real or personal properties which are  
224 necessary, convenient, or desirable appurtenances, including but not limited to streets, sewers, utilities,  
225 parks, site preparation, landscaping, and such offices, and other nonhousing facilities incidental to such  
226 development or project such as administrative, community, health, educational and recreational facilities  
227 as the Department of Housing and Community Development determines to be necessary. "Low and  
228 moderate income" shall be defined in the program guidelines developed by the Department of Housing  
229 and Community Development.

230 "Housing sponsor" means individuals, joint ventures, partnerships, limited partnerships, public bodies,  
231 trusts, firms, associations, or other legal entities or any combination thereof, corporations, cooperatives  
232 and condominiums, approved by the Department of Housing and Community Development as qualified  
233 either to own, construct, acquire, rehabilitate, operate, manage or maintain a housing development,  
234 whether nonprofit or organized for limited profit subject to the regulatory powers of the Department of  
235 Housing and Community Development and other terms and conditions set forth in this chapter.

236 "Residential housing" means a specific work or improvement within this Commonwealth, whether  
237 multi-family residential housing or single-family residential housing undertaken primarily to provide  
238 dwelling accommodations, including the acquisition, construction, rehabilitation, preservation or  
239 improvement of land, buildings and improvements thereto, for residential housing, and such other  
240 nonhousing facilities as may be incidental, related, or appurtenant thereto.

241 § 36-142. Establishment and management of Fund.

242 There shall be set apart as a permanent and perpetual fund, to be known as the "Virginia Housing

243 Partnership Revolving Trust Fund," sums appropriated to the Fund by the General Assembly, sums as  
 244 may be allocated to the Commonwealth for this purpose by the United States government, all receipts  
 245 by the Fund from loans made by it to housing sponsors and persons and families of low and moderate  
 246 income, all income from the investment of moneys held in the Fund, and any other sums designated for  
 247 deposit to the Fund from any source, public or private. A. *There is hereby established in the state*  
 248 *treasury a special permanent, nonreverting fund, to be known as the "Virginia Housing Trust Fund."*  
 249 *The Fund shall be established on the books of the Comptroller. The Fund shall consist of sums*  
 250 *appropriated to it by the General Assembly which shall include, unless otherwise provided in the*  
 251 *general appropriation act, 10 percent of the annual general fund revenue collections that are in excess*  
 252 *of the official estimates in the general appropriation act and 10 percent of any unreserved general fund*  
 253 *balance at the close of each fiscal year whose reappropriation is not required in the general*  
 254 *appropriation act. The Fund shall also consist of such other sums as may be made available to it from*  
 255 *any other source, public or private, and shall include federal grants solicited and received for the*  
 256 *specific purposes of the Fund and all interest and income from investment of the Fund. Any sums*  
 257 *remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the*  
 258 *general fund but shall remain in the Fund. All moneys designated for the Fund shall be paid into the*  
 259 *state treasury and credited to the Fund. The Fund is created to address the serious shortage in the*  
 260 *Commonwealth of safe and decent residential housing at prices that persons and families of low and*  
 261 *moderate income can afford. Housing developments and housing projects funded through the Fund are*  
 262 *intended to provide additional affordable housing opportunities for low and moderate income Virginians,*  
 263 *by preserving existing housing units, by producing new housing units and by assisting persons with*  
 264 *special needs to obtain adequate housing.*

265 B. The Fund shall be administered and managed by the HDA as prescribed in this chapter. In order to  
 266 carry out the administration and management of the Fund, the HDA is granted the power to employ  
 267 officers, employees, agents, advisers and consultants, including, without limitation, attorneys, financial  
 268 advisers, public accountants, engineers and other technical advisers and, the provisions of any other law  
 269 to the contrary notwithstanding, to determine their duties and compensation without the approval of any  
 270 other agency or instrumentality. The HDA may disburse from the Fund its reasonable costs and  
 271 expenses incurred in the administration and management of the Fund and a reasonable fee to be  
 272 reviewed by the Board for its management services, which fee shall not exceed such amount as would  
 273 be customary and usual for the services rendered.

274 § 36-147. Grants.

275 ~~Subject~~ *Except as provided by § 36-147.1 and subject to any restrictions which may apply to the use*  
 276 *of money in the Fund, the Board in its discretion may approve the use of money in the Fund to make*  
 277 *grants or appropriations (i) to housing sponsors and persons and families of low and moderate income to*  
 278 *provide assistance for the acquisition, construction, improvement, ownership or occupancy of housing*  
 279 *developments and residential housing for persons and families of low and moderate income (ii) to*  
 280 *support innovative housing projects and low and moderate income housing projects that are located in*  
 281 *areas experiencing extreme shortages of such housing and (iii) to support rural affordable housing*  
 282 *initiatives. Grants shall be disbursed from the Fund by the HDA in accordance with the directions of the*  
 283 *Director of the Department of Housing and Community Development.*

284 § 36-147.1. *Special provisions for disbursement of certain funds.*

285 A. ~~An amount equivalent to 25 percent of the moneys transferred to~~ *deposited in the Fund in any*  
 286 *fiscal year pursuant to § 36-142 shall be used by the Department to provide matching funds to localities*  
 287 *that have established a local housing fund and where such localities provide ongoing financial support*  
 288 *to the local housing fund through the appropriation of local moneys. As used in this section, "local*  
 289 *housing fund" means moneys appropriated or otherwise made available from local public sources for*  
 290 *the purpose of directly funding affordable housing programs or projects.*

291 B. *The Department shall establish criteria for the allocation of the matching funds to eligible*  
 292 *localities making application for the matching funds. Such criteria shall provide that federal, state, or*  
 293 *private sources of funding shall not be considered for determining the amount of the funding match and*  
 294 *establish a mechanism for pro rata allocations for each eligible locality based on the amount of local*  
 295 *funds that have been appropriated in the fiscal year for which the matching funds have been requested.*  
 296 *The Department shall require any locality receiving matching funds pursuant to this section to provide*  
 297 *annual assurances that the funds have been used for the purpose of developing or preserving affordable*  
 298 *housing in such locality.*

299 C. *The Director shall establish an advisory committee to assist in the development of criteria for the*  
 300 *allocation of matching funds under this section.*

301 § 36-150. Reports.

302 On or before September 30 of each year, the HDA shall report to the Board on the status of the  
 303 Fund. On or before December 1 of each year, the Board shall report to the Secretary of Commerce and

304 Trade, the Governor and the Chairmen of the House Appropriations and the Senate Finance Committees  
305 on (i) the matters set forth in the report of the HDA, (ii) *allocations made to localities from the Fund*  
306 *pursuant to § 36-147.1*, and ~~on~~ (iii) such other matters regarding the Fund as the Board may deem  
307 appropriate or as may be requested by any of the foregoing persons to whom such report is to be  
308 submitted.

309 § 54.1-2113. Establishment and maintenance of fund, duty of Director, assessments of regulants.

310 A. Each initial regulant at the time of licensure shall be assessed twenty dollars, which shall be  
311 specifically assigned to the fund. Initial payments may be incorporated in any application fee payment  
312 and transferred to the fund by the Director within thirty days.

313 B. All assessments, except initial assessments, for the fund shall be deposited, within three work days  
314 after their receipt by the Director, in one or more federally insured banks, savings and loan associations  
315 or savings banks located in the Commonwealth. Funds deposited in banks, savings and loan associations  
316 or savings banks, to the extent in excess of insurance afforded by the Federal Deposit Insurance  
317 Corporation or other federal insurance agency, shall be secured under the Security for Public Deposits  
318 Act (§ 2.2-4400 et seq.). The deposit of these funds in federally insured banks, savings institutions or  
319 savings banks located in the Commonwealth shall not be considered investment of such funds for  
320 purposes of this section. Funds maintained by the Director may be invested in securities that are legal  
321 investments for fiduciaries under the provisions of § 26-40.01. The Director shall maintain in his office  
322 an accurate record of all transactions involving the fund, which records shall be open for inspection and  
323 copying by the public during the normal business hours of the Director.

324 C. The minimum balance of the fund shall be \$400,000. Whenever the Director determines that the  
325 balance of the fund is or will be less than such minimum balance, the Director shall immediately inform  
326 the Board. At the same time, the Director may recommend that the Board transfer a fixed amount of  
327 interest earnings to the fund to bring the balance of the fund to the amount required by this subsection.  
328 Such transfer of interest shall be considered by the Board within thirty days of the notification of the  
329 Director.

330 D. If available interest earnings are insufficient to bring the balance of the fund to the minimum  
331 amount required by this section, or if a transfer of available interest earnings to the fund has not  
332 occurred, the Board shall assess each regulant within thirty days of notification by the Director, a sum  
333 sufficient to bring the balance of the fund to the required minimum amount. The Board may order an  
334 assessment of regulants at any time in addition to any required assessment. No regulant shall be assessed  
335 a total amount of more than twenty dollars during any biennial license period or part thereof, the  
336 biennial period expiring on June 30 of each even-numbered year. Assessments of regulants made  
337 pursuant to this subsection may be issued by the Board (i) after a determination made by it or (ii) at the  
338 time of license renewal.

339 E. At the close of each fiscal year, whenever the balance of the fund exceeds \$2,000,000, the amount  
340 in excess of \$2,000,000 shall be transferred to the Virginia Housing ~~Partnership Revolving Trust~~ Fund.  
341 Except for transfers pursuant to this subsection, there shall be no transfers out of the fund, including  
342 transfers to the general fund, regardless of the balance of the fund.

343 F. If the Board determines that all regulants will be assessed concurrently, notice to the regulants of  
344 such assessments shall be by first-class mail, and payment of such assessments shall be made by  
345 first-class mail to the Director within forty-five days after the mailing to regulants of such notice.

346 If the Board determines that all regulants will be assessed in conjunction with license renewal, notice  
347 to the regulants may be included with the license renewal notice issued by the Board. The assessment  
348 shall be due with the payment of the license renewal fees. No license shall be renewed or reinstated  
349 until any outstanding assessments are paid.

350 G. If any regulant fails to remit the required payment mailed in accordance with subsection F within  
351 forty-five days of the mailing, the Director shall notify the regulant by first-class mail at the latest  
352 address of record filed with the Board. If no payment has been received by the Director within thirty  
353 days after mailing the second notice, the license shall be automatically suspended. The license shall be  
354 restored only upon the actual receipt by the Director of the delinquent assessment.

355 H. The costs of administering the act shall be paid out of interest earned on deposits constituting the  
356 fund. The remainder of the interest, at the discretion of the Board, may (i) be used for providing  
357 research and education on subjects of benefit to real estate regulants or members of the public, (ii) be  
358 transferred to the Virginia Housing ~~Partnership Revolving Trust~~ Fund, or (iii) accrue to the fund in  
359 accordance with subsection C.

360 § 55-530.1. Common Interest Community Management Recovery Fund.

361 A. There is hereby created the Common Interest Community Management Recovery Fund (the Fund)  
362 to be used in the discretion of the Board to protect the interests of associations.

363 B. Each common interest community manager, at the time of initial application for licensure, and  
364 each association filing its first annual report after the effective date hereof shall be assessed \$25, which  
365 shall be specifically assigned to the Fund. Initial payments may be incorporated in any application fee

366 payment or annual filing fee and transferred to the Fund by the Director within 30 days.

367 All assessments, except initial assessments, for the Fund shall be deposited within three business days  
 368 after their receipt by the Director, in one or more federally insured banks, savings and loan associations,  
 369 or savings banks located in the Commonwealth. Funds deposited in banks, savings institutions, or  
 370 savings banks, to the extent in excess of insurance afforded by the Federal Deposit Insurance  
 371 Corporation or other federal insurance agency, shall be secured under the Security for Public Deposits  
 372 Act (§ 2.2-4400 et seq.). The deposit of these funds in federally insured banks, savings and loan  
 373 associations, or savings banks located in the Commonwealth shall not be considered investment of such  
 374 funds for purposes of this section. Funds maintained by the Director may be invested in securities that  
 375 are legal investments for fiduciaries under the provisions of § 26-40.01.

376 Interest earned on the deposits constituting the Fund shall be used for administering the Fund. The  
 377 remainder of this interest, at the discretion of the Board, may be transferred to the Common Interest  
 378 Community Management Information Fund or accrue to the Fund.

379 C. On and after July 1, 2011, the minimum balance of the Fund shall be \$150,000. Whenever the  
 380 Director determines that the balance of the Fund is or will be less than such minimum balance, the  
 381 Director shall immediately inform the Board. At the same time, the Director may recommend that the  
 382 Board transfer a fixed amount from the Common Interest Community Management Information Fund to  
 383 the Fund to bring the balance of the Fund to the amount required by this subsection. Such transfer shall  
 384 be considered by the Board within 30 days of the notification of the Director.

385 D. If any such transfer of funds is insufficient to bring the balance of the Fund to the minimum  
 386 amount required by this section, or if a transfer to the fund has not occurred, the Board shall assess each  
 387 association and each common interest community manager within 30 days of notification by the  
 388 Director, a sum sufficient to bring the balance of the Fund to the required minimum amount. The  
 389 amount of such assessment shall be allocated among the associations and common interest community  
 390 managers in proportion to the each payor's most recently paid annual assessment, or if an association or  
 391 common interest community manager has not paid an annual assessment previously, in proportion to the  
 392 average annual assessment most recently paid by associations or common interest community managers  
 393 respectively. The Board may order an assessment at any time in addition to any required assessment.  
 394 Assessments made pursuant to this subsection may be issued by the Board (i) after a determination  
 395 made by it or (ii) at the time of license renewal.

396 Notice to common interest community managers and the governing boards of associations of these  
 397 assessments shall be by first-class mail, and payment of such assessments shall be made by first-class  
 398 mail addressed to the Director within 45 days after the mailing of such notice.

399 E. If any common interest community manager fails to remit the required payment within 45 days of  
 400 the mailing, the Director shall notify the common interest community manager by first-class mail at the  
 401 latest address of record filed with the Board. If no payment has been received by the Director within 30  
 402 days after mailing the second notice, the license shall be automatically suspended. The license shall be  
 403 restored only upon the actual receipt by the Director of the delinquent assessment.

404 F. If any association fails to remit the required payment within 45 days of the mailing, the Director  
 405 shall notify the association by first-class mail at the latest address of record filed with the Board. If no  
 406 payment has been received by the Director within 30 days after mailing the second notice, it shall be  
 407 deemed a knowing and willful violation of this section by the governing board of the association.

408 G. At the close of each fiscal year, whenever the balance of the fund exceeds \$5 million, the amount  
 409 in excess of \$5 million shall be transferred to the Virginia Housing ~~Partnership~~ *Revolving Housing Trust*  
 410 Fund, § 36-137. Except for payments of costs as set forth in this chapter and transfers pursuant to this  
 411 subsection, there shall be no transfers out of the fund, including transfers to the general fund, regardless  
 412 of the balance of the fund.

413 H. A claimant may seek recovery from the fund subject to the following conditions:

414 1. A claimant may file a verified claim in writing to the Director for a recovery from the Fund.

415 2. Upon proper application to the Director, in those cases in which there are not sufficient funds to  
 416 pay an award of reasonable fees, costs, and expenses to the receiver or to restore all funds that were or  
 417 ought to have been held in a fiduciary capacity by the subject common interest community manager, the  
 418 Director shall report to the Board the amount of any shortfall to the extent that there are not sufficient  
 419 funds (i) to pay any award of fees, costs, and expenses pursuant to subsection G of § 54.1-2353 by the  
 420 court appointing the receiver; or (ii) to restore all funds that were or ought to have been held in a  
 421 fiduciary capacity by the subject common interest community manager, as certified by the court  
 422 appointing the receiver.

423 3. If the Board finds there has been compliance with the required conditions, the Board shall issue a  
 424 directive ordering payment of the amount of such shortfall to the claimant from the fund; provided that  
 425 in no event shall such payment exceed the balance in the fund. When the fund balance is not sufficient  
 426 to pay the aggregate amount of such shortfall, the Board shall direct payment shall be applied first in

427 satisfaction of any award of reasonable fees, costs, and expenses to the receiver and second to restore  
428 the funds that were or ought to have been held in a fiduciary capacity by the subject common interest  
429 community manager. If the Board has reason to believe that there may be additional claims against the  
430 fund, the Board may withhold any payment(s) from the fund for a period of not more than one year.  
431 After such one-year period, if the aggregate of claims received exceeds the fund balance, the fund  
432 balance shall be prorated by the Board among the claimants and paid in the above payment order from  
433 the fund in proportion to the amounts of claims remaining unpaid.

434 4. The Director shall, subject to the limitations set forth in this subsection, pay to the claimant from  
435 the fund such amount as shall be directed by the Board upon the execution and delivery to the Director  
436 by such claimant of an assignment to the Board of the claimant's rights on its behalf and on behalf of  
437 the associations receiving distributions from the fund against the common interest community manager  
438 to the extent that such rights were satisfied from the fund.

439 5. The claimant shall be notified in writing of the findings of the Board. The Board's findings shall  
440 be considered a case decision as defined in § 2.2-4001, and judicial review of these findings shall be in  
441 accordance with § 2.2-4025 of the Administrative Process Act (§ 2.2-4000 et seq.).

442 6. Notwithstanding any other provision of law, the Board shall have the right to appeal a decision of  
443 any court that is contrary to any distribution recommended or authorized by it.

444 7. Upon payment by the Director to a claimant from the fund as provided in this subsection, the  
445 Board shall immediately revoke the license of the common interest community manager whose actions  
446 resulted in payment from the fund. The common interest community manager whose license was so  
447 revoked shall not be eligible to apply for a license as a common interest community manager until he  
448 has repaid in full the amount paid from the fund on his account, plus interest at the judgment rate of  
449 interest from the date of payment from the fund.

450 8. Nothing contained in this subsection shall limit the authority of the Board to take disciplinary  
451 action against any common interest community manager for any violation of statute or regulation, nor  
452 shall the repayment in full by a common interest community manager of the amount paid from the fund  
453 on such common interest community manager's account nullify or modify the effect of any disciplinary  
454 proceeding against such common interest community manager for any such violation.

455 § 58.1-344.3. Voluntary contributions of refunds requirements.

456 A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary  
457 contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in  
458 contributions in each of the three previous taxable years for which there is complete data and in which  
459 such entity was listed on the individual income tax return.

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

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

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

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

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

480 1. Nongame wildlife voluntary contribution.

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

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

- 489 2. Open space recreation and conservation voluntary contribution.  
 490 a. All moneys contributed shall be used by the Department of Conservation and Recreation to  
 491 acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state  
 492 park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor  
 493 Fund Grants Program.  
 494 b. All moneys shall be deposited into a special fund known as the Open Space Recreation and  
 495 Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of  
 496 Conservation and Recreation for the purposes stated in subdivision 2 a of this subsection and one-half to  
 497 local public bodies pursuant to the Virginia Outdoor Fund Grants Program.  
 498 3. Voluntary contribution to political party.  
 499 All moneys contributed shall be paid to the State Central Committee of any party that meets the  
 500 definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum  
 501 contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and  
 502 wife, each spouse may designate that the maximum contribution allowable be paid.  
 503 4. United States Olympic Committee voluntary contribution.  
 504 All moneys contributed shall be paid to the United States Olympic Committee.  
 505 5. Housing program voluntary contribution.  
 506 a. All moneys contributed shall be used by the Department of Housing and Community Development  
 507 to provide assistance for emergency, transitional, and permanent housing for the homeless; and to  
 508 provide assistance to housing for the low-income elderly for the physically or mentally disabled.  
 509 b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for  
 510 Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and  
 511 Community Development for the purposes set forth in this subdivision. Funds made available to the  
 512 Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the  
 513 Virginia Housing Partnership Revolving Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.)  
 514 of Title 36 or those of the Virginia Housing Development Authority.  
 515 6. Voluntary contributions to the Department for the Aging.  
 516 a. All moneys contributed shall be used by the Department for the Aging for the enhancement of  
 517 transportation services for the elderly and disabled.  
 518 b. All moneys shall be deposited into a special fund known as the Transportation Services for the  
 519 Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for  
 520 the Aging for the enhancement of transportation services for the elderly and disabled. The Department  
 521 for the Aging shall conduct an annual audit of the moneys received pursuant to this subdivision and  
 522 shall provide an evaluation of all programs funded pursuant to this subdivision annually to the Secretary  
 523 of Health and Human Resources.  
 524 7. Voluntary contribution to the Community Policing Fund.  
 525 a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for the  
 526 purchase of equipment or the support of services, as approved by the Criminal Justice Services Board,  
 527 relating to community policing.  
 528 b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All  
 529 moneys deposited in such fund shall be used by the Department of Criminal Justice Services for the  
 530 purposes set forth herein.  
 531 8. Voluntary contribution to promote the arts.  
 532 All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia  
 533 Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All  
 534 moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.  
 535 9. Voluntary contribution to the Historic Resources Fund.  
 536 All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to  
 537 § 10.1-2202.1.  
 538 10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.  
 539 All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public  
 540 Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.  
 541 11. Voluntary contribution to the Center for Governmental Studies.  
 542 All moneys contributed shall be paid to the Center for Governmental Studies, a public service and  
 543 research center of the University of Virginia. All moneys shall be deposited into a special fund known  
 544 as the Governmental Studies Fund.  
 545 12. Voluntary contribution to the Law and Economics Center.  
 546 All moneys contributed shall be paid to the Law and Economics Center, a public service and  
 547 research center of George Mason University. All moneys shall be deposited into a special fund known  
 548 as the Law and Economics Fund.  
 549 13. Voluntary contribution to Children of America Finding Hope.

550 All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its programs  
551 which are designed to reach children with emotional and physical needs.

552 14. Voluntary contribution to 4-H Educational Centers.

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

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

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

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

563 16. Voluntary contributions to the Virginia War Memorial Foundation and the National D-Day  
564 Memorial Foundation.

565 All moneys contributed shall be used by the Virginia War Memorial Foundation and the National  
566 D-Day Memorial Foundation in their work through each of their respective memorials. The State  
567 Treasurer shall divide the moneys into two equal portions and pay one portion to the Virginia War  
568 Memorial Foundation and the other portion to the National D-Day Memorial Foundation.

569 17. Voluntary contribution to the Virginia Federation of Humane Societies.

570 All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in its  
571 mission of saving, caring for, and finding homes for homeless animals.

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

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

576 b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund.  
577 All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for  
578 Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act  
579 (§ 23-38.11 et seq.).

580 19. Voluntary contribution to the Spay and Neuter Fund.

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

588 20. Voluntary contribution to the Virginia Commission for the Arts.

589 All moneys contributed shall be paid to the Virginia Commission for the Arts.

590 21. Voluntary contribution for the Office of Commonwealth Preparedness.

591 All moneys contributed shall be paid to the Department of Emergency Management for the Office of  
592 Commonwealth Preparedness.

593 22. Voluntary contribution for the cancer centers in the Commonwealth.

594 All moneys contributed shall be paid equally to all entities in the Commonwealth that officially have  
595 been designated as cancer centers by the National Cancer Institute.

596 23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

597 a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program  
598 Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education  
599 Scholarship Program.

600 b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund as  
601 established in § 30-231.4.

602 c. All moneys so deposited in the Fund shall be administered by the State Council of Higher  
603 Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of  
604 Title 30.

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

606 All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living  
607 History and Public Policy Center.

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

609 All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to  
610 § 63.2-2202.

611 26. Voluntary contribution to public library foundations.

612 All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The  
613 Tax Commissioner shall determine annually the total amounts designated on all returns for each public  
614 library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the  
615 appropriate amount to the respective public library foundation.

616 27. Voluntary contribution to Celebrating Special Children, Inc.

617 All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited into  
618 a special fund known as the Celebrating Special Children, Inc. Fund.

619 28. Voluntary contributions to the Department for the Aging.

620 a. All moneys contributed shall be used by the Department for the Aging for providing Medicare  
621 Part D counseling to the elderly and disabled.

622 b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund.  
623 All moneys so deposited shall be used by the Department for the Aging to provide counseling for the  
624 elderly and disabled concerning Medicare Part D. The Department for the Aging shall conduct an annual  
625 audit of the moneys received pursuant to this subdivision and shall provide an evaluation of all  
626 programs funded pursuant to the subdivision to the Secretary of Health and Human Resources.

627 29. Voluntary contribution to community foundations.

628 All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The  
629 Tax Commissioner shall determine annually the total amounts designated on all returns for each  
630 community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the  
631 appropriate amount to the respective community foundation. A "community foundation" shall be defined  
632 as any institution that meets the membership requirements for a community foundation established by  
633 the Council on Foundations.

634 30. Voluntary contribution to the Virginia Foundation for Community College Education.

635 a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education  
636 for use in providing monetary assistance to Virginia residents who are enrolled in comprehensive  
637 community colleges in Virginia.

638 b. All moneys shall be deposited into a special fund known as the Virginia Foundation for  
639 Community College Education Fund. All moneys so deposited in the Fund shall be administered by the  
640 Virginia Foundation for Community College Education in accordance with and for the purposes  
641 provided under the Community College Incentive Scholarship Program (§ 23-220.2 et seq.).

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

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

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

648 2. Voluntary Chesapeake Bay Restoration Contribution.

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

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

657 3. Voluntary Jamestown-Yorktown Foundation Contribution.

658 All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown  
659 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the  
660 Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before  
661 January 1, 2008.

662 4. State forests voluntary contribution.

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

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

668 5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

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

672 6. Voluntary contribution to local school divisions.

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

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

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

683 7. Voluntary contribution to Home Energy Assistance Fund.

684 All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to  
685 § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy  
686 needs.

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

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

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

693 D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected  
694 for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner  
695 shall determine annually the total amount designated for each entity in subsections B and C on all  
696 individual income tax returns and shall report the same to the State Treasurer, who shall credit that  
697 amount to each entity's respective special fund.  
698