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**SENATE BILL NO. 1263**

Offered January 12, 2011

Prefiled January 12, 2011

*A BILL to amend and reenact §§ 2.2-200, 2.2-221, 2.2-2004, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2666.1, 2.2-2666.2, 2.2-2666.3, 2.2-2705, 2.2-2715, 15.2-7302, and 58.1-344.3 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 2 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-230, 2.2-231, and 2.2-232; and to repeal Chapter 3.1 (§§ 2.2-304, 2.2-305, and 2.2-306) and Article 9 (§§ 2.2-2732 and 2.2-2733) of Chapter 27 of Title 2.2 and Chapter 12 (§ 9.1-1200) of Title 9.1 of the Code of Virginia, relating to establishment of the Secretary of Veterans Affairs and Homeland Security.*

Patron—Vogel

Referred to Committee on General Laws and Technology

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

**1. That §§ 2.2-200, 2.2-221, 2.2-2004, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2666.1, 2.2-2666.2, 2.2-2666.3, 2.2-2705, 2.2-2715, 15.2-7302, and 58.1-344.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-230, 2.2-231, and 2.2-232, as follows:**

§ 2.2-200. Appointment of Governor's Secretaries; general powers; severance.

A. The Governor's Secretaries shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when the appointment is made, and if not in session, then at its next succeeding session. Each Secretary shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until a successor is appointed and qualified. Before entering upon the discharge of duties, each Secretary shall take an oath to faithfully execute the duties of the office.

B. Each Secretary shall be subject to direction and supervision by the Governor. Except as provided in Article 5 (§ 2.2-208 et seq.) of this chapter, the agencies assigned to each Secretary shall:

1. Exercise their respective powers and duties in accordance with the general policy established by the Governor or by the Secretary acting on behalf of the Governor;

2. Provide such assistance to the Governor or the Secretary as may be required; and

3. Forward all reports to the Governor through the Secretary.

C. Unless the Governor expressly reserves such power to himself and except as provided in Article 5 (§ 2.2-208 et seq.) of this chapter, each Secretary may:

1. Resolve administrative, jurisdictional, operational, program, or policy conflicts between agencies or officials assigned;

2. Direct the formulation of a comprehensive program budget for the functional area identified in § 2.2-1508 encompassing the services of agencies assigned for consideration by the Governor;

3. Hold agency heads accountable for their administrative, fiscal and program actions in the conduct of the respective powers and duties of the agencies;

4. Direct the development of goals, objectives, policies and plans that are necessary to the effective and efficient operation of government;

5. Sign documents on behalf of the Governor that originate with agencies assigned to the Secretary; and

6. Employ such personnel and to contract for such consulting services as may be required to perform the powers and duties conferred upon the Secretary by law or executive order.

D. Severance benefits provided to any departing Secretary shall be publicly announced by the Governor prior to such departure.

E. As used in this chapter, "Governor's Secretaries" means the Secretary of Administration, the Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Finance, the Secretary of Health and Human Resources, the Secretary of Natural Resources, the Secretary of Public Safety, the Secretary of Technology, and the Secretary of Transportation, and the Secretary of Veterans Affairs and Homeland Security.

§ 2.2-221. Position established; agencies for which responsible.

The position of Secretary of Public Safety (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Alcoholic Beverage Control, Department of Corrections, Department of Juvenile Justice, Department of Correctional Education,

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SB1263

59 Department of Criminal Justice Services, Department of Forensic Science, Virginia Parole Board,  
60 Department of Emergency Management, Department of Military Affairs, ~~Department of Veterans~~  
61 ~~Services, Virginia Veterans Services Foundation,~~ Department of State Police, Department of Fire  
62 Programs and the Commonwealth's Attorneys' Services Council. The Governor may, by executive order,  
63 assign any other state executive agency to the Secretary, or reassign any agency listed above to another  
64 Secretary.

65 *Article 11.*

66 *Secretary of Veterans Affairs and Homeland Security.*

67 § 2.2-230. *Position established; agencies for which responsible; additional duties.*

68 *The position of Secretary of Veterans Affairs and Homeland Security (the Secretary) is created. The*  
69 *Secretary shall be responsible to the Governor for the following agencies: Department of Veterans*  
70 *Services, Secure Commonwealth Panel, Veterans Services Foundation, Virginia Military Advisory*  
71 *Council, and Virginia War Memorial Foundation. The Governor may, by executive order, assign any*  
72 *other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.*

73 *The Secretary shall by reason of professional background have knowledge of veterans affairs,*  
74 *military affairs, law enforcement, public safety, or emergency management and preparedness issues, in*  
75 *addition to familiarity with the structure and operations of the federal government and of the*  
76 *Commonwealth.*

77 § 2.2-231. *Powers and duties of the Secretary.*

78 *Unless the Governor expressly reserves such power to himself, the Secretary shall:*

79 1. *Work with and through others, including federal, state, and local officials as well as the private*  
80 *sector, to develop a seamless, coordinated security and preparedness strategy and implementation plan.*

81 2. *Serve as the point of contact with the federal Department of Homeland Security.*

82 3. *Provide oversight, coordination, and review of all disaster, emergency management, and terrorism*  
83 *management plans for the state and its agencies in coordination with the Virginia Department of*  
84 *Emergency Management and other applicable state agencies.*

85 4. *Work with federal officials to obtain additional federal resources and coordinate policy*  
86 *development and information exchange.*

87 5. *Coordinate working relationships between state agencies and the Governor's Cabinet.*

88 6. *Designate an Commonwealth Interoperability Coordinator to review all communications-related*  
89 *grant requests from state agencies and localities to ensure federal grants are used to enhance*  
90 *interoperability and conduct the annual review and update of the statewide interoperability strategic*  
91 *plan as required in § 2.2-232. The Commonwealth Interoperability Coordinator shall establish an*  
92 *advisory group consisting of representatives of state and local government and constitutional offices,*  
93 *broadly distributed across the Commonwealth, who are actively engaged in activities and functions*  
94 *related to communications interoperability.*

95 7. *Serve as the Governor's representative on regional efforts to develop a coordinated security and*  
96 *preparedness strategy, including the National Capital Region security group organized as part of the*  
97 *federal Urban Areas Security Initiative.*

98 8. *Serve as a direct liaison between the Governor and local governments and first responders on*  
99 *issues of emergency prevention, preparedness, response, and recovery.*

100 9. *Educate the public on homeland security and overall preparedness issues in coordination with*  
101 *applicable state agencies.*

102 10. *Serve as chairman of the Secure Commonwealth Panel.*

103 11. *Encourage homeland security volunteer efforts throughout the state.*

104 12. *Serve as vice-chairman of the Virginia Military Advisory Council to establish a working*  
105 *relationship with Virginia's active duty military bases.*

106 13. *Coordinate the development of an allocation formula for State Homeland Security Grant*  
107 *Program funds to localities and state agencies in compliance with federal grant guidance and*  
108 *constraints. The formula shall be, to the extent permissible under federal constraints, based on actual*  
109 *risk and threat.*

110 14. *Work with the appropriate state agencies to ensure that regional working groups are meeting*  
111 *regularly and focusing on regional initiatives in training, equipment, and strategy to ensure ready*  
112 *access to response teams in times of emergency and facilitate testing and training exercises for*  
113 *emergencies and mass casualty preparedness.*

114 15. *Provide oversight and review of the Virginia Department of Emergency Management's annual*  
115 *statewide assessment of local and regional capabilities, including equipment, training, personnel,*  
116 *response times, and other factors.*

117 16. *Take all actions necessary to ensure that available federal and state resources are directed*  
118 *toward safeguarding Virginia and its citizens.*

119 17. *Monitor and enhance efforts to provide assistance and support for veterans living in Virginia and*  
120 *members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in*

active federal service in the areas of (i) medical care, (ii) mental health and rehabilitative services, (iii) housing, (iv) homelessness prevention, (v) job creation, and (vi) education.

18. Seek additional federal resources to support veterans services.

19. Monitor efforts to provide services to veterans, those members of the Virginia National Guard, and Virginia residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family members, including the dissemination of relevant materials and the rendering of technical or other advice.

20. Serve as the Governor's liaison and provide active outreach to localities of the Commonwealth and veterans support organizations in the development, implementation, and review of local veterans services programs as part of the state program.

21. Foster and promote business, technology, transportation, education, economic development, and other efforts in support of the mission, execution, and transformation of the United States government military and national defense activities located in the Commonwealth.

22. Promote the industrial and economic development of localities included in or adjacent to United States government military and other national defense activities and those of the Commonwealth because the success of such activities depends on cooperation between the localities, the Commonwealth, and the United States military and national defense activities.

23. Provide technical assistance and coordination between the Commonwealth, its political subdivisions, and the United States government military and national defense activities located within the Commonwealth.

24. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available for that purpose.

25. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth and receive and accept from the Commonwealth or any state, any municipality, county, or other political subdivision thereof, and from any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.

26. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.

27. Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.

28. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of this Commonwealth.

§ 2.2-232. Additional duties related to review of statewide interoperability strategic plan; state and local compliance.

The Secretary through the Commonwealth Interoperability Coordinator shall ensure that the annual review and update of the statewide interoperability strategic plan is accomplished and implemented to achieve effective and efficient communication between state, local, and federal communication systems.

All state agencies and localities shall achieve consistency with and support the goals of the statewide interoperability strategic plan by July 1, 2015, in order to remain eligible to receive state or federal funds for communications programs and systems.

§ 2.2-2004. Additional powers and duties of Commissioner.

The Commissioner shall have the following powers and duties related to veterans services:

1. Perform cost-benefit and value analysis of (i) existing programs and services, and (ii) new programs and services before establishing and implementing them;

2. Seek alternative funding sources for the Department's veterans service programs;

3. Cooperate with all relevant entities of the federal government, including, but not limited to, the United States Department of Veterans Affairs, the United States Department of Housing and Urban Development, and the United States Department of Labor in matters concerning veterans benefits and services;

4. Appoint a full-time coordinator to collaborate with the Joint Leadership Council of Veterans Service Organizations created in § 2.2-2681 on ways to provide both direct and indirect support of ongoing veterans programs, and to determine and address future veterans needs and concerns;

5. Initiate, conduct, and issue special studies on matters pertaining to veterans needs and priorities, as determined necessary by the Commissioner;

6. Evaluate veterans service efforts, practices, and programs of the agencies, political subdivisions or other entities and organizations of the government of the Commonwealth and make recommendations to the Secretary of Public Safety, Veterans Affairs and Homeland Security, the Governor, and the General

Assembly on ways to increase awareness of the services available to veterans or improve veterans services;

7. Assist entities of state government and political subdivisions of the Commonwealth in enhancing their efforts to provide services to veterans, those members of the Virginia National Guard, Virginia residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family members, including the dissemination of relevant materials and the rendering of technical or other advice;

8. Assist counties, cities, and towns of the Commonwealth in the development, implementation, and review of local veterans services programs as part of the state program and establish as necessary, in consultation with the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations, volunteer local and regional advisory committees to assist and support veterans service efforts;

9. Review the activities, roles, and contributions of various entities and organizations to the Commonwealth's veterans services programs and report on or before December 1 of each year in writing to the Governor and General Assembly on the status, progress, and prospects of veterans services in the Commonwealth, including performance measures and outcomes of veterans services programs;

10. Recommend to the Secretary of ~~Public Safety~~ *Veterans Affairs and Homeland Security*, the Governor, and the General Assembly any corrective measures, policies, procedures, plans, and programs to make service to Virginia-domiciled veterans and their eligible spouses, orphans, and dependents as efficient and effective as practicable;

11. Design, implement, administer, and review special programs or projects needed to promote veterans services in the Commonwealth;

12. Integrate veterans services activities into the framework of economic development activities in general;

13. Manage operational funds using accepted accounting principles and practices in order to provide for a sum sufficient to ensure continued, uninterrupted operations;

14. Engage Department personnel in training and educational activities aimed at enhancing veterans services;

15. Develop a strategic plan to ensure efficient and effective utilization of resources, programs, and services;

16. Certify eligibility for the Virginia Military Survivors and Dependents Education Program and perform other duties related to such Program as outlined in § 23-7.4:1; and

17. Establish and implement a compact with Virginia's veterans, which shall have a goal of making Virginia America's most veteran-friendly state. The compact shall be established in conjunction with the Board of Veterans Services and supported by the Joint Leadership Council of Veterans Service Organizations and shall (i) include specific provisions for technology advances, workforce development, outreach, quality of life enhancement, and other services for veterans and (ii) provide service standards and goals to be attained for each specific provision in clause (i). The provisions of the compact shall be reviewed and updated annually. The Commissioner shall include in the annual report required by this section, the progress of veterans services established in the compact.

§ 2.2-2101. (Effective until July 1, 2013) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be appointed as provided for in § 2.2-2621; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Board of Visitors of the Virginia School for the Deaf and

the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided for in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-306; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Open Education Curriculum Board, who shall be appointed as provided in § 2.2-2463; or to members of the Southwest Virginia Cultural Heritage Commission, who shall be appointed as provided in § 2.2-2533.

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§ 2.2-2666.1. Council created; composition; compensation and expenses; meetings; chairman's executive summary.

A. The Virginia Military Advisory Council (the Council) is hereby created as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government, to maintain a cooperative and constructive relationship between the Commonwealth and the leadership of the several Armed Forces of the United States and the military commanders of such Armed Forces stationed in the Commonwealth, and to encourage regular communication on continued military facility viability, the exploration of privatization opportunities and issues affecting preparedness, public safety and security.

B. The Council shall be composed of 27 members as follows: the Lieutenant Governor, the Attorney General, the Secretary of Public Safety, the Adjutant General, the Chairman of the House Committee on Militia, Police and Public Safety and the Chairman of the Senate Committee on General Laws, or their designees; four members, one of whom shall be a representative of the Virginia State Defense Force, to be appointed by and serve at the pleasure of the Governor; and 17 members, including representatives of major military commands and installations located in the Commonwealth or in jurisdictions adjacent thereto, who shall be appointed by the Governor after consideration of the persons nominated by the Secretaries of the Armed Forces of the United States and who shall serve at the pleasure of the

305 Governor. However, any legislative member who is appointed by the Governor shall serve a term  
306 coincident with his term of office. The provisions of § 49-1 shall not apply to federal civilian officials  
307 and military personnel appointed to the Council.

308 C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12,  
309 and nonlegislative members shall receive such compensation as provided in § 2.2-2813 for the  
310 performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses  
311 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the  
312 costs of compensation and expenses of the members shall be provided by the Department of Military  
313 Affairs.

314 D. The Council shall elect a chairman from among its membership. The vice-chairman of the  
315 Council shall be the ~~Assistant to the Governor for Commonwealth Preparedness~~ *Secretary of Veterans*  
316 *Affairs and Homeland Security*. The meetings of the Council shall be held at the call of the chairman or  
317 whenever the majority of members so request. A majority of the members shall constitute a quorum.

318 E. The chairman of the Council shall submit to the Governor and the General Assembly an annual  
319 executive summary of the interim activity and work of the Council no later than the first day of each  
320 regular session of the General Assembly. The executive summary shall be submitted as provided in the  
321 procedures of the Division of Legislative Automated Systems for the processing of legislative documents  
322 and reports and shall be posted on the General Assembly's website.

323 § 2.2-2666.2. Duties of Council; staff support.

324 The Council shall identify and study and provide advice and comments to the Governor on issues of  
325 mutual concern to the Commonwealth and the Armed Forces of the United States, including exclusive  
326 and concurrent jurisdiction over military installations, educational quality and the future of federal  
327 impact aid, preparedness, public safety and security concerns, transportation needs, alcoholic beverage  
328 law enforcement, substance abuse, social service needs, possible expansion and growth of military  
329 facilities in the Commonwealth and such other issues as the Governor or the Council may determine to  
330 be appropriate subjects of joint consideration.

331 Such staff support as is necessary for the conduct of the Council's business shall be furnished by the  
332 Office of the Governor, the Office of the Secretary of ~~Public Safety~~ *Veterans Affairs and Homeland*  
333 *Security*, the Department of Military Affairs, and such other executive agencies as the Governor may  
334 designate. The Governor shall designate the chairman from among the members.

335 § 2.2-2666.3. (For contingent expiration - see Editor's note) Oceana/Fentress Military Advisory  
336 Council created; composition; duties; staff support.

337 A. The Oceana/Fentress Military Advisory Council (the Oceana/Fentress Council) is hereby created  
338 as a subunit of the Virginia Military Advisory Council. The Oceana/Fentress Council shall be composed  
339 of two members of the Chesapeake City Council, two members of the Virginia Beach City Council,  
340 those members of the Virginia General Assembly whose districts encompass Naval Air Station Oceana  
341 and Naval Auxiliary Landing Field Fentress, the Commander, Navy Mid-Atlantic Region or his  
342 representative, the Commanding Officer of Naval Air Station Oceana or his representative, and the  
343 Executive Director of the Virginia National Defense Industrial Authority.

344 B. The Oceana/Fentress Council shall identify and study and provide advice and comments to the  
345 Virginia Military Advisory Council on issues of mutual concern to the Commonwealth and the Navy  
346 concerning Naval Air Station Oceana and Naval Auxiliary Landing Field Fentress and address such  
347 other issues as the Governor or the Virginia Military Advisory Council may determine to be appropriate  
348 subjects of consideration.

349 C. Such staff support as is necessary for the conduct of the Oceana/Fentress Council's business shall  
350 be furnished by the Office of ~~Commonwealth Preparedness~~ *the Secretary of Veterans Affairs and*  
351 *Homeland Security*.

352 § 2.2-2705. Virginia War Memorial Foundation; purpose; membership; terms; compensation and  
353 expenses; staff; chairman's executive summary.

354 A. The Virginia War Memorial Foundation (the Foundation) is established to serve as a policy  
355 foundation, within the meaning of § 2.2-2100, in the executive branch of state government. The  
356 Foundation shall be governed and administered by a board of trustees for the purpose of honoring  
357 patriotic Virginians who rendered faithful service and sacrifice in the cause of freedom and liberty for  
358 the Commonwealth and the nation in time of war.

359 B. The board of trustees shall have a total membership of 22 members that shall consist of 10  
360 legislative members, 10 nonlegislative citizen members, and two ex officio members as follows: six  
361 members of the House of Delegates to be appointed by the Speaker of the House of Delegates in  
362 accordance with the principles of proportional representation contained in the Rules of the House of  
363 Delegates; four members of the Senate to be appointed by the Senate Committee on Rules; 10  
364 nonlegislative citizen members appointed by the Governor, subject to confirmation by the General  
365 Assembly; and the Secretary of ~~Public Safety~~ *Veterans Affairs and Homeland Security* and the  
366 Commissioner of Veterans Services, who shall serve ex officio with voting privileges. A majority of the

trustees shall be members or veterans of the armed forces of the United States or the Virginia National Guard. Members appointed should include representatives of some or all of the various veterans organizations active in Virginia, as the Governor deems appropriate.

C. Except for initial appointments, all nonlegislative citizen member appointments shall be for terms of three years. Legislative members, the Secretary of ~~Public Safety~~ *Veterans Affairs and Homeland Security* and the Commissioner of Veterans Services shall serve terms coincident with their terms of office. All members may be reappointed. However, no nonlegislative citizen member shall be eligible to serve for more than four successive three-year terms. No Senate member shall be eligible to serve more than three successive four-year terms and no member of the House of Delegates shall be eligible to serve more than six successive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. Trustees appointed by the Governor shall serve at his pleasure.

D. Legislative members of the Foundation shall receive such compensation as is set forth in § 30-19.12. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation of legislative members shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates, as appropriate. Funding for the costs of expenses of all members shall be provided by the Foundation.

E. The Department of Veterans Services shall provide the Foundation with administrative and other services.

F. The trustees shall adopt bylaws governing their organization and procedures and may amend the same. The trustees shall elect from their number a chairman, vice-chairman, and such other officers as their bylaws may provide. They shall also appoint an executive committee, composed of not less than five trustees, which committee shall exercise the powers and duties imposed on the Foundation by this section to the extent permitted by the trustees in their bylaws. Meetings of the board of trustees shall be held at the call of the chairman or whenever a majority of the members so request. A majority of members shall constitute a quorum.

G. The chairman of the board of trustees shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 2.2-2715. Veterans Services Foundation; purpose; membership; terms; compensation; staff.

A. The Veterans Services Foundation (the Foundation) is established as a body politic and corporate supporting the Department of Veterans Services in the executive branch of state government. The Foundation shall be governed and administered by a board of trustees. The Foundation shall (i) administer the Veterans Services Fund (the Fund), (ii) provide funding for veterans services and programs in the Commonwealth through the Fund, and (iii) raise revenue from all sources including private source fundraising to support the Fund. The Foundation shall submit a quarterly report to the Commissioner of Veterans Services on the Foundation's funding levels and services.

B. The board of trustees of the Foundation shall consist of the Commissioner of Veterans Services and the Chairmen of the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations or their designees, who shall serve as ex officio voting members, and 16 members to be appointed as follows: (i) eight nonlegislative citizens appointed by the Governor; five nonlegislative citizens appointed by the Speaker of the House of Delegates; and three nonlegislative citizens appointed by the Senate Committee on Rules. A majority of the trustees shall be active or retired chairmen, chief executive officers, or chief financial officers for large private corporations or nonprofit organizations or individuals who have extensive fundraising experience in the private sector. Trustees appointed shall, insofar as possible, be veterans. Each appointing authority shall endeavor to ensure a balanced geographical representation on the Board to facilitate fundraising efforts across the state.

After initial appointments, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments. Any member of the Board of Trustees may be removed at the pleasure of the appointing authority.

C. Trustees shall be reimbursed for their actual expenses incurred while attending meetings of the

trustees or performing other duties. However, such reimbursement shall not exceed the per diem rate established for members of the General Assembly pursuant to § 30-19.12.

D. The Secretary of ~~Public Safety~~ *Veterans Affairs and Homeland Security* shall designate a state agency to provide the Foundation with administrative and other services.

E. The trustees shall adopt bylaws governing their organization and procedures and may amend the same. The trustees shall elect from their number a chairman and such other officers as their bylaws may provide.

F. Any person designated by the board of trustees to handle the funds of the Foundation or the Fund shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the faithful discharge of his duties. Any premium on the bond shall be paid from funds available to the Foundation.

§ 15.2-7302. Board of Trustees; membership.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth of Virginia to be known as the Fort Monroe Authority, to be governed by a Board of Trustees consisting of 11 voting members appointed as follows: the Secretary of Natural Resources and the Secretary of Commerce and Trade, or their successor positions if those positions no longer exist, from the Governor's ~~cabinet~~ *Cabinet*; the member of the Senate of Virginia and the member of the House of Delegates representing the district in which Fort Monroe lies; two members appointed by the Hampton City Council; and five nonlegislative citizen members appointed by the Governor, four of whom shall have expertise relevant to the implementation of the Fort Monroe Reuse Plan, including but not limited to the fields of historic preservation, tourism, environment, real estate, finance, and education, and one of whom shall be a citizen representative from the Hampton Roads region. Cabinet members and elected representatives shall serve terms commensurate with their terms of office. Citizen appointees shall initially be appointed for staggered terms of either one, two, or three years, and thereafter shall serve for four-year terms. Cabinet members shall be entitled to send their deputies or other ~~cabinet~~ *Cabinet* member, and legislative members another legislator, to meetings as full voting members in the event that official duties require their presence elsewhere. ~~The Governor's Assistant for Commonwealth Preparedness may serve as an ex officio, nonvoting member of the board.~~

The Board so appointed shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its members as chairman and another as vice-chairman, and shall also elect annually a secretary or secretary-treasurer who need not be a member of the Board. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board, and in the absence of both the chairman and vice-chairman, the Board shall elect a chairman pro tempore who shall preside at such meetings. Six Trustees shall constitute a quorum, and all action by the Board shall require the affirmative vote of a majority of the Trustees present and voting, except that any action to amend or terminate the existing Reuse Plan, or to adopt a new Reuse Plan, shall require the affirmative vote of 75 percent or more of the Trustees present and voting. The members of the Board shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise engaged in the discharge of their duties. Such expenses shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority.

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

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

2. Open space recreation and conservation voluntary contribution.

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

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

3. Voluntary contribution to political party.

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

4. United States Olympic Committee voluntary contribution.

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

5. Housing program voluntary contribution.

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

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

6. Voluntary contributions to the Department for the Aging.

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

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

7. Voluntary contribution to the Community Policing Fund.

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

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

8. Voluntary contribution to promote the arts.

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

9. Voluntary contribution to the Historic Resources Fund.

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

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

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

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

554 All moneys contributed shall be paid to the Center for Governmental Studies, a public service and  
555 research center of the University of Virginia. All moneys shall be deposited into a special fund known  
556 as the Governmental Studies Fund.

557 12. Voluntary contribution to the Law and Economics Center.

558 All moneys contributed shall be paid to the Law and Economics Center, a public service and  
559 research center of George Mason University. All moneys shall be deposited into a special fund known  
560 as the Law and Economics Fund.

561 13. Voluntary contribution to Children of America Finding Hope.

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

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

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

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

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

572 b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and  
573 Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant  
574 Council for the purposes set forth herein.

575 16. Voluntary contributions to the Virginia War Memorial Foundation and the National D-Day  
576 Memorial Foundation.

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

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

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

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

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

588 b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund.  
589 All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for  
590 Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act  
591 (§ 23-38.11 et seq.).

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

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

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

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

602 21. Voluntary contribution for the Office of ~~Commonwealth Preparedness~~ *the Secretary of Veterans*  
603 *Affairs and Homeland Security*.

604 All moneys contributed shall be paid to the ~~Department of Emergency Management~~ *for the Office of*  
605 *Commonwealth Preparedness Secretary of Veterans Affairs and Homeland Security*.

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

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

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

610 a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program  
611 Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education  
612 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.

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

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

25. Voluntary contribution to the Virginia Caregivers Grant Fund.

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

26. Voluntary contribution to public library foundations.

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

27. Voluntary contribution to Celebrating Special Children, Inc.

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

28. Voluntary contributions to the Department for the Aging.

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

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

29. Voluntary contribution to community foundations.

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

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

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

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

31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access Authority to be used for the purposes described in § 15.2-6601.

32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment Fund established pursuant to § 32.1-368.

33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use in its mission to increase the public's knowledge and appreciation of Virginia's marine environment and inspire commitment to preserve its existence.

34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol and Capitol Square.

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

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

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

675 2. Voluntary Chesapeake Bay Restoration Contribution.

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

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

684 3. Voluntary Jamestown-Yorktown Foundation Contribution.

685 All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown  
686 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the  
687 Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before  
688 January 1, 2008.

689 4. State forests voluntary contribution.

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

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

695 5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

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

699 6. Voluntary contribution to local school divisions.

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

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

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

710 7. Voluntary contribution to Home Energy Assistance Fund.

711 All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to  
712 § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy  
713 needs.

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

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

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

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

725 2. That Chapter 3.1 (§§ 2.2-304, 2.2-305, and 2.2-306) and Article 9 (§§ 2.2-2732 and 2.2-2733) of  
726 Chapter 27 of Title 2.2 and Chapter 12 (§ 9.1-1200) of Title 9.1 of the Code of Virginia are  
727 repealed.