

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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An Act to amend and reenact §§ 2.2-2001, 2.2-2004, 2.2-2465, 2.2-2466, 2.2-4002, and 58.1-344.3 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 2.2-2001.2; and to repeal §§ 2.2-2467, 2.2-2468, and 2.2-2469 of the Code of Virginia, relating to Virginia War Memorial; powers and duties.

[H 2146]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2001, 2.2-2004, 2.2-2465, 2.2-2466, 2.2-4002, 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 2.2-2001.2 as follows:

§ 2.2-2001. Administrative responsibilities of the Department.

A. The Department shall be responsible for the establishment, operation, administration, and maintenance of offices and programs related to services for Virginia-domiciled veterans of the armed forces of the United States and their eligible spouses, orphans, and dependents. Such services shall include, but not be limited to, benefits claims processing and all medical care centers and cemeteries for veterans owned and operated by the Commonwealth. ~~The Department shall include the Virginia War Memorial as a division within the Department. The mission of the Virginia War Memorial shall be to honor patriotic Virginians who rendered faithful service and sacrifice in the cause of freedom and liberty for the Commonwealth and the nation in time of war, honor all of Virginia's veterans, preserve their history, educate the public, and inspire patriotism in all Virginians.~~

Subject to the availability of sufficient nongeneral fund revenues, including, but not limited to, private donations and federal funds, the Department shall work in concert with applicable State and Federal agencies to develop and deploy an automated system for the electronic preparation of veterans' disability claims that ensures the collection of the necessary information to expedite processing of Virginia veterans' disability claims. The Department's development and deployment work shall be appropriately phased to minimize risk and shall include an initial replacement of the Department's existing case management technology, which replacement is required to support highly sophisticated electronic claims preparation. The Commissioner shall ensure that the system is efficient and statutorily compliant.

B. From such funds as may be appropriated or otherwise received for such purpose, the Department shall provide burial vaults at cost to eligible veterans and their family members interred at state-operated veterans cemeteries.

C. The Department shall establish guidelines for the determination of eligibility for Virginia-domiciled veterans and their spouses, orphans, and dependents for participation in programs and benefits administered by the Department. Such guidelines shall meet the intent of the federal statutes and regulations pertaining to the administration of federal programs supporting U.S. Armed Forces veterans and their spouses, orphans, and dependents.

D. The Department shall adopt reasonable regulations to implement a program to certify, upon request of the small business owner, that he holds a "service disabled veteran" status.

E. As used in this chapter, unless the context requires otherwise:

"Active military, naval, or air service members" means military service members who perform full-time duty in the armed forces of the United States, or a reserve component thereof, including the National Guard.

"Service-connected" means, with respect to disability that such disability was incurred or aggravated in the line of duty in the active military, naval, or air service.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business concern that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

57 "Veteran" means an individual who has served in the active military, naval or air service, and who
58 was discharged or released therefrom under conditions other than dishonorable.

59 **§ 2.2-2001.2. Virginia War Memorial Division.**

60 A. *The Virginia War Memorial is established as a division within the Department of Veterans*
61 *Services. The Virginia War Memorial, its grounds, and all its contents, furnishings, funds, endowments,*
62 *and other property, now owned or hereafter acquired, are and shall remain property of the*
63 *Commonwealth. The Commissioner shall maintain administrative and financial control of the Virginia*
64 *War Memorial and its subsidiaries, including adopting regulations for the use of and visitation to the*
65 *Memorial. Regulations of the Commissioner shall be exempt from the provisions of the Administrative*
66 *Process Act (§ 2.2-4000 et seq.).*

67 B. *The mission of the Virginia War Memorial shall be to honor patriotic Virginians who rendered*
68 *faithful service and sacrifice in the cause of freedom and liberty for the Commonwealth and the nation*
69 *in time of war, honor all of Virginia's veterans, preserve their history, educate the public, and inspire*
70 *patriotism in all Virginians.*

71 C. *The Department shall, with the advice of the Virginia War Memorial Board, adopt policies*
72 *governing (i) the programs and activities that may and should be carried out at the Memorial, (ii) the*
73 *use of and visitation to the Memorial, and (iii) fees for the use of the Memorial.*

74 D. *The names and homes of record designation of all Virginians "Missing in Action" as a result of*
75 *the Vietnam War and all Virginians "Killed in Action" as a result of military operations against*
76 *terrorism, as a result of a terrorist act, or in any armed conflict after December 6, 1941, shall be*
77 *placed on the Virginia War Memorial.*

78 E. *To preserve the dignity of military medals authorized by the U.S. Department of Defense and the*
79 *memory of those who have rendered faithful service and sacrifice in the cause of freedom and liberty,*
80 *the Virginia War Memorial division of the Department shall be vested with the full authority to take*
81 *possession of military medals, ribbons, or certificates that come into the possession of the*
82 *Commonwealth for which the ownership is unknown until such time as the true owner is able to take*
83 *possession. The Virginia War Memorial division of the Department shall make reasonable efforts, based*
84 *on available resources, to determine the rightful owner and return any military medal, ribbon, or*
85 *certificate that comes into its possession pursuant to this section.*

86 F. *The Commissioner shall provide supervision of the Virginia War Memorial Education Foundation*
87 *and any other nonprofit corporation established as an instrumentality to provide fundraising for the*
88 *Memorial and assist in the details of administering the affairs of the Memorial.*

89 **§ 2.2-2004. Additional powers and duties of Commissioner.**

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

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

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

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

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

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

103 6. Evaluate veterans service efforts, practices, and programs of the agencies, political subdivisions or
104 other entities and organizations of the government of the Commonwealth and make recommendations to
105 the Secretary of Veterans Affairs and Homeland Security, the Governor, and the General Assembly on
106 ways to increase awareness of the services available to veterans or improve veterans services;

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

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

117 9. Review the activities, roles, and contributions of various entities and organizations to the

118 Commonwealth's veterans services programs and report on or before December 1 of each year in writing
 119 to the Governor and General Assembly on the status, progress, and prospects of veterans services in the
 120 Commonwealth, including performance measures and outcomes of veterans services programs;

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

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

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

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

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

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

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

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

145 18. ~~Maintain administrative and financial control of the Virginia War Memorial and its subsidiaries,~~
 146 ~~including adopting regulations for the use of and visitation to the Memorial. Regulations of the~~
 147 ~~Commissioner shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et~~
 148 ~~seq.).~~

149 **§ 2.2-2465. Virginia War Memorial Board; purpose; membership; terms; compensation and**
 150 **expenses; staff; chairman's executive summary.**

151 A. The Virginia War Memorial Board (the Board) is established as a ~~division within the Department~~
 152 ~~of Veterans Services~~ as an advisory board within the meaning of § 2.2-2100 for the purpose of
 153 supporting the Virginia War Memorial.

154 B. The Board shall have a total membership of 24 members that shall consist of 10 legislative
 155 members, 10 nonlegislative citizen members, and four ex officio members as follows: six members of
 156 the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with
 157 the principles of proportional representation contained in the Rules of the House of Delegates; four
 158 members of the Senate to be appointed by the Senate Committee on Rules; 10 nonlegislative citizen
 159 members appointed by the Governor, subject to confirmation by the General Assembly; and the
 160 Commissioner of *the Department of Veterans Services*, the Chairman of the Board of Veterans Services,
 161 the Chairman of the Joint Leadership Council of Veterans Service Organizations, and the Chairman of
 162 the Virginia War Memorial Education Foundation, or their designees, who shall serve ex officio with
 163 voting privileges. A majority of the Board shall be members or veterans of the armed forces of the
 164 United States or the Virginia National Guard. Members appointed should include representatives of some
 165 or all of the various veterans organizations active in Virginia, as the Governor deems appropriate.

166 C. Except for initial appointments, all nonlegislative citizen member appointments shall be for terms
 167 of three years. Legislative members, the Commissioner of Veterans Services, the Chairman of the Board
 168 of Veterans Services, the Chairman of the Joint Leadership Council of Veterans Service Organizations,
 169 and the Chairman of the Virginia War Memorial Education Foundation shall serve terms coincident with
 170 their terms of office. All members may be reappointed. However, no nonlegislative citizen member shall
 171 be eligible to serve for more than four successive three-year terms. No Senate member shall be eligible
 172 to serve more than three successive four-year terms and no member of the House of Delegates shall be
 173 eligible to serve more than six successive two-year terms. The remainder of any term to which a
 174 member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility
 175 for reappointment. Appointments to fill vacancies, other than by expiration of a term, shall be made for
 176 the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.
 177 Members appointed by the Governor shall serve at his pleasure.

178 D. Legislative members of the Board shall receive such compensation as is set forth in § 30-19.12.

179 All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance
 180 of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation of
 181 legislative members shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk
 182 of the House of Delegates, as appropriate. Funding for the costs of expenses of all members shall be
 183 provided by the Virginia War Memorial Division of the Department of Veterans Services.

184 E. The Department of Veterans Services shall provide the Board with administrative and other
 185 services.

186 F. The Board shall adopt bylaws governing their organization and procedures and may amend the
 187 same. The Board shall elect from their number a chairman, vice-chairman, and such other officers as
 188 their bylaws may provide. They shall also appoint an executive committee, composed of not fewer than
 189 five members, which committee shall exercise the powers and duties imposed on the Board by this
 190 section to the extent permitted by the Board in their bylaws. The Board shall meet at least ~~four~~ *three*
 191 times a year. Meetings of the Board and the executive committee shall be held at the call of the
 192 Commissioner of the Department of Veterans Services, the chairman of the Board, or whenever a
 193 majority of the members so request. A majority of members shall constitute a quorum.

194 G. The chairman of the Board shall submit such reports electronically as required by the
 195 Commissioner of Veterans Services.

196 **§ 2.2-2466. Authority of Board.**

197 The Board shall have the power and duty to *advise and make recommendations to the Commissioner*
 198 *of the Department of Veterans Services concerning:*

199 1. ~~Advise and make recommendations to the Commissioner of the Department of Veterans Services~~
 200 ~~concerning the~~ *The* management, control, maintenance, and operation of the Virginia War Memorial,
 201 including the contents, furnishings, grounds, funds, property, and endowments thereof;

202 2. ~~Recommend fees~~ *Fees* for the use of the Memorial;

203 3. ~~Participate with the military forces of the United States and the Commonwealth and with veterans~~
 204 ~~organizations in the planning, development, and execution of appropriate programs and events that~~
 205 ~~further the purposes of the Memorial;~~

206 4. ~~Determine what programs~~ *Programs* and activities *that* may and should be carried out at the
 207 Memorial; *and*

208 5. ~~Provide direct supervision of any nonprofit corporation established as an instrumentality to provide~~
 209 ~~fundraising for the Memorial and assist in the details of administering the affairs of the Memorial; and~~

210 6. ~~Recommend regulations to the Commissioner~~ *4. Regulations* for the use of and visitation to the
 211 Memorial.

212 **§ 2.2-4002. Exemptions from chapter generally.**

213 A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.),
 214 the following agencies shall be exempted from the provisions of this chapter, except to the extent that
 215 they are specifically made subject to §§ 2.2-4024, 2.2-4030, and 2.2-4031:

216 1. The General Assembly.

217 2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly
 218 granted any of the powers of a court of record.

219 3. The Department of Game and Inland Fisheries in promulgating regulations regarding the
 220 management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2
 221 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and
 222 7 (§ 29.1-700 et seq.) of Title 29.1.

223 4. The Virginia Housing Development Authority.

224 5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created
 225 under this Code, including those with federal authorities.

226 6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031,
 227 such educational institutions shall be exempt from the publication requirements only with respect to
 228 regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion and disciplining
 229 of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of
 230 students.

231 7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii)
 232 classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for
 233 producers' milk, time and method of payment, butterfat testing and differential.

234 8. The Virginia Resources Authority.

235 9. Agencies expressly exempted by any other provision of this Code.

236 10. The Department of General Services in promulgating standards for the inspection of buildings for
 237 asbestos pursuant to § 2.2-1164.

238 11. The State Council of Higher Education for Virginia, in developing, issuing, and revising
 239 guidelines pursuant to § 23-9.6:2.

- 240 12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to
 241 subsection B of § 3.2-6002 and in adopting regulations pursuant to § 3.2-6023.
- 242 13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and
 243 Consumer Services in promulgating regulations pursuant to subsections B and D of § 3.2-3601,
 244 subsection B of § 3.2-3701, § 3.2-4002, subsections B and D of § 3.2-4801, §§ 3.2-5121 and 3.2-5206,
 245 and subsection A of § 3.2-5406.
- 246 14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines,
 247 and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of
 248 optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
- 249 15. The Commissioner of the Department of Veterans Services in adopting regulations pursuant to
 250 ~~subdivision 18 of § 2.2-2004~~ § 2.2-2001.2.
- 251 16. The State Board of Education, in developing, issuing, and revising guidelines pursuant to
 252 § 22.1-203.2.
- 253 17. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or
 254 in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual
 255 live horse racing at race meetings licensed by the Commission.
- 256 18. The Virginia Small Business Financing Authority.
- 257 19. The Virginia Economic Development Partnership Authority.
- 258 20. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations
 259 pursuant to subsection A (ii) of § 59.1-156.
- 260 21. The Insurance Continuing Education Board pursuant to § 38.2-1867.
- 261 22. The Board of Health in promulgating the list of diseases that shall be reported to the Department
 262 of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to
 263 subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to
 264 restaurants or food service.
- 265 23. (Expires January 1, 2014) The Secretary of Natural Resources in setting a date of closure for the
 266 Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to
 267 § 28.2-1000.2.
- 268 24. The Board of Pharmacy when specifying special subject requirements for continuing education
 269 for pharmacists pursuant to § 54.1-3314.1.
- 270 25. The Virginia Department of Veterans Services when promulgating rules and regulations pursuant
 271 to § 58.1-3219.7.
- 272 B. Agency action relating to the following subjects shall be exempted from the provisions of this
 273 chapter:
- 274 1. Money or damage claims against the Commonwealth or agencies thereof.
- 275 2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
- 276 3. The location, design, specifications or construction of public buildings or other facilities.
- 277 4. Grants of state or federal funds or property.
- 278 5. The chartering of corporations.
- 279 6. Customary military, militia, naval or police functions.
- 280 7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of
 281 the Commonwealth.
- 282 8. The conduct of elections or eligibility to vote.
- 283 9. Inmates of prisons or other such facilities or parolees therefrom.
- 284 10. The custody of persons in, or sought to be placed in, mental health facilities or penal or other
 285 state institutions as well as the treatment, supervision, or discharge of such persons.
- 286 11. Traffic signs, markers or control devices.
- 287 12. Instructions for application or renewal of a license, certificate, or registration required by law.
- 288 13. Content of, or rules for the conduct of, any examination required by law.
- 289 14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.).
- 290 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent
 291 with duly adopted regulations of the State Lottery Board, and provided that such regulations are
 292 published and posted.
- 293 16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish,
 294 finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
- 295 17. Any operating procedures for review of child deaths developed by the State Child Fatality
 296 Review Team pursuant to § 32.1-283.1.
- 297 18. The regulations for the implementation of the Health Practitioners' Monitoring Program and the
 298 activities of the Health Practitioners' Monitoring Program Committee pursuant to Chapter
 299 25.1 (§ 54.1-2515 et seq.) of Title 54.1.
- 300 19. The process of reviewing and ranking grant applications submitted to the Commonwealth

301 Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title
302 51.5.

303 20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4
304 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

305 21. The Virginia Breeders Fund created pursuant to § 59.1-372.

306 22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

307 23. The administration of medication or other substances foreign to the natural horse.

308 C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia
309 Register Act (§ 2.2-4100 et seq.), made by the Virginia Code Commission pursuant to § 30-150, shall be
310 exempt from the provisions of this chapter.

311 **§ 58.1-344.3. Voluntary contributions of refunds requirements.**

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

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

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

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

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

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

335 1. Nongame wildlife voluntary contribution.

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

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

344 2. Open space recreation and conservation voluntary contribution.

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

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

353 3. Voluntary contribution to political party.

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

358 4. United States Olympic Committee voluntary contribution.

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

360 5. Housing program voluntary contribution.

361 a. All moneys contributed shall be used by the Department of Housing and Community Development

362 to provide assistance for emergency, transitional, and permanent housing for the homeless; and to
 363 provide assistance to housing for the low-income elderly for the physically or mentally disabled.

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

370 6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

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

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

379 7. Voluntary contribution to the Community Policing Fund.

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

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

386 8. Voluntary contribution to promote the arts.

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

390 9. Voluntary contribution to the Historic Resources Fund.

391 All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to
 392 § 10.1-2202.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

418 16. Voluntary contributions to the Virginia War Memorial ~~Board~~ *division of the Department of*
 419 *Veterans Services* and the National D-Day Memorial Foundation.

420 All moneys contributed shall be used by the Virginia War Memorial ~~Board~~ *division of the*
 421 *Department of Veterans Services* and the National D-Day Memorial Foundation in their work through
 422 each of their respective memorials. The State Treasurer shall divide the moneys into two equal portions

423 and pay one portion to the Virginia War Memorial ~~Board~~ *division of the Department of Veterans*
424 *Services* and the other portion to the National D-Day Memorial Foundation.

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

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

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

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

432 b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund.
433 All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for
434 Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act
435 (§ 23-38.11 et seq.).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

465 All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to
466 § 63.2-2202.

467 26. Voluntary contribution to public library foundations.

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

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

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

475 28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

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

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

484 29. Voluntary contribution to community foundations.

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

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

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

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

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

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

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

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

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

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

509 34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

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

513 35. Voluntary contribution for the Secretary of Veterans Affairs and Homeland Security.

514 All moneys contributed shall be paid to the Office of the Secretary of Veterans Affairs and
 515 Homeland Security for related programs and services.

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

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

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

522 2. Voluntary Chesapeake Bay Restoration Contribution.

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

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

531 3. Voluntary Jamestown-Yorktown Foundation Contribution.

532 All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown
 533 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the
 534 Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before
 535 January 1, 2008.

536 4. State forests voluntary contribution.

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

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

542 5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

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

545 medical catastrophes.

546 6. Voluntary contribution to local school divisions.

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

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

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

557 7. Voluntary contribution to Home Energy Assistance Fund.

558 All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to
559 § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy
560 needs.

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

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

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

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

572 **2. That §§ 2.2-2467, 2.2-2468, and 2.2-2469 of the Code of Virginia are repealed.**