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HOUSE BILL NO. 464

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact §§ 2.2-714, 2.2-715, 2.2-716, and 58.1-344.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-714.1, relating to the Virginia Respite Care Registry.

Patron—Herring

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-714, 2.2-715, 2.2-716, and 58.1-344.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-714.1 as follows:

Article 3. Virginia Respite Care Registry and Grant Program.**§ 2.2-714. Definitions.**

As used in this article, unless the context requires otherwise:

"Adult day care services" means the provision of supplementary care and protection during a part of the day only to aged, infirm, or disabled adults. Such services may be in or away from the residence of the aged, infirm, or disabled adult.

"Community respite care organization" means a local subdivision of the Commonwealth, a combination of political subdivisions, a separate public agency or a private nonprofit agency exempt under § 501 (c) (3) of the Internal Revenue Code, which has the authority under its applicable charter, laws or articles of organization to receive funds to support respite care activities.

"Department" means the Department for the Aging.

"Fund" means the Virginia Respite Care Grant Fund established by § 2.2-716.

"Respite care" means the provision of supplementary care and protection for aged, infirm, or disabled adults. Respite care includes, but is not limited to, adult day care services.

§ 2.2-714.1. Virginia Respite Care Registry and Respite Care Registry Fund established; powers and duties of the Department.

A. The Department shall establish, maintain, and make available to the public the Virginia Respite Care Registry. The Registry shall include information about adult day services providers, community respite care organizations, and other providers of respite care services for the aged, infirmed, and disabled available to the public as may seek to be included in the Registry. The Department shall promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) to implement the provisions of this section. Such regulations shall include provisions for a registration process whereby adult day services providers, community respite care organizations, and other providers of respite care services may apply for inclusion in the Registry, qualifications for inclusion on the Registry, and a procedure for removing an organization or provider from the Registry.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Respite Care Registry Fund, which shall be established on the books of the Comptroller and shall be administered by the Director of the Department for the Aging. All revenues received by the Commonwealth pursuant to the provisions of § 58.1-344.3 shall be paid into the state treasury and credited to the Respite Care Registry Fund. Interest earned on moneys in the Respite Care Registry Fund shall remain in the Respite Care Registry Fund and be credited to it. Any moneys remaining in the Respite Care Registry Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Respite Care Registry Fund. Moneys in the Respite Care Registry Fund shall be used solely for the purposes of supporting the Respite Care Registry established pursuant to this section. Expenditures and disbursements from the Respite Care Registry Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department for the Aging.

§ 2.2-715. Respite Care Grant Program established.

Beginning January 1, 2001, any community respite care organization shall be eligible to receive an annual respite care grant in the amount of up to \$100,000 for the development, expansion, or start-up operation of adult day care services or other services that provide respite care to aged, infirm, or disabled adults. The grants under this article shall be paid from the *Virginia Respite Care Grant Fund*, as provided in this article, to the community respite care organization. As a condition of a grant, money appropriated from such fund shall be matched by community respite care organization funds (in-kind or

INTRODUCED

HB464

59 cash) earmarked for the development or expansion of respite care services. The total amount of grants to
60 be paid under this chapter for any year shall not exceed the amount appropriated by the General
61 Assembly to the *Virginia Respite Care Grant* Fund for payment to community respite care organizations
62 for such year. Only one grant shall be allowed annually for each community respite care organization
63 under the provisions of this section.

64 § 2.2-716. Virginia Respite Care Grant Fund established.

65 There is hereby established a special fund in the state treasury to be known as the Virginia Respite
66 Care Grant Fund, which shall be administered by the Department. The *Virginia Respite Care Grant*
67 Fund shall include such moneys as may be appropriated by the General Assembly from time to time and
68 designated for the *Virginia Respite Care Grant* Fund. The *Virginia Respite Care Grant* Fund shall be
69 used solely for the payment of grants to community respite care organizations pursuant to this article.
70 Unallocated moneys in the *Virginia Respite Care Grant* Fund in any year shall remain in the *Virginia*
71 *Respite Care Grant* Fund and be available for allocation for grants under this article in ensuing fiscal
72 years.

73 § 58.1-344.3. Voluntary contributions of refunds requirements.

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

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

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

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

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

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

98 1. Nongame wildlife voluntary contribution.

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

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

107 2. Open space recreation and conservation voluntary contribution.

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

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

116 3. Voluntary contribution to political party.

117 All moneys contributed shall be paid to the State Central Committee of any party that meets the
118 definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum
119 contribution allowable under this subdivision shall be \$25. In the case of a joint return of husband and
120 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.

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

11. Voluntary contribution to the Center for Governmental Studies.

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

12. Voluntary contribution to the Law and Economics Center.

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

13. Voluntary contribution to Children of America Finding Hope.

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

14. Voluntary contribution to 4-H Educational Centers.

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

15. Voluntary contribution to promote organ and tissue donation.

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

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

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

182 Memorial Foundation.

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

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

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

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

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

194 b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund.
195 All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for
196 Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act
197 (§ 23-38.11 et seq.).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

227 All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to
228 § 63.2-2202.

229 26. Voluntary contribution to public library foundations.

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

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

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

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

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

240 b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling Fund.
241 All moneys so deposited shall be used by the Department for the Aging to provide counseling for the
242 elderly and disabled concerning Medicare Part D. The Department for the Aging shall conduct an annual
243 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 Respite Care Registry Fund.*

All moneys contributed shall be paid to the Respite Care Registry Fund established pursuant to § 2.2-714.1.

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.

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

2. Voluntary Chesapeake Bay Restoration Contribution.

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

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

3. Voluntary Jamestown-Yorktown Foundation Contribution.

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

4. State forests voluntary contribution.

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

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

5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

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

6. Voluntary contribution to local school divisions.

a. All moneys contributed shall be used by a specified local public school foundation as created by

305 and for the purposes stated in § 22.1-212.2:2.

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

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

314 7. Voluntary contribution to Home Energy Assistance Fund.

315 All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to
316 § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy
317 needs.

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

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

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

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