



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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The Honorable William A. Hazel, Jr., M.D.
Secretary of Health and Human Resources
Post Office Box 1475
Richmond, Virginia 23219

Dear Secretary Hazel:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

Issue Presented

You ask whether certain line items in the 2013-2014 Appropriations Act¹ are permissible appropriations to charitable institutions under the Constitution of Virginia.²

Response

It is my opinion that some of the appropriations about which you inquire are impermissible and violate Article IV, § 16 of the Constitution of Virginia, while others are permissible because they do not violate the constitutional prohibition on appropriations to charities. It is further my opinion that the constitutionality of the remaining appropriations will depend upon the particular agencies establishing *bona fide* contracts, or the Commonwealth passively distributing non-general funds, or specific facts that have not been presented to me.

Background

Your request pertains to certain appropriations the General Assembly made to the Department of Health (VDH), the Department of Behavioral Health and Developmental Services (DBHDS), the Department for Aging and Rehabilitative Services (DARS), and the Department of Social Services (DSS). You relate that the agencies responsible for administering these appropriations have indicated that they believe the intended recipients are charitable organizations. These appropriations are found in Items 297, 315, 330, 330.05, and 343 of the Appropriations Act.³

¹ 2013 Va. Acts ch. 806.

² One of the appropriations you present, Item 434(E), which provides funds to Volunteer Emergency Families for Children is not addressed here. According to the Department of Social Services, that entity no longer exists, and therefore, that appropriation cannot be made.

³ 2013 Va. Acts ch. 806. The specific appropriations pertinent to your inquiry are referenced by "Item" number in the footnotes that follow. Each appropriation is set forth in its entirety, with its Item number, in the addendum that accompanies this opinion.

Applicable Law and Discussion

I. APPLICATION OF ARTICLE IV, § 16

A. *Scope of the Prohibition on Appropriations to “Charitable Institutions”*

The Virginia Constitution forbids the General Assembly from making “any appropriation of public funds, personal property, or real estate . . . to any charitable institution which is not owned or controlled by the Commonwealth.”⁴ A few exceptions to this rule exist. The General Assembly can make “appropriations to nonsectarian institutions for the reform of youthful criminals and may also authorize counties, cities, or towns to make appropriations to any charitable institution or association.”⁵ Furthermore, the General Assembly may assist non-state educational institutions of higher education with borrowing money for the construction of facilities, provided that the Commonwealth is not liable for the debt.⁶ The term “charitable institution” is not defined in the Constitution.

The Supreme Court of Virginia has not provided express guidance concerning what constitutes a “charity” for purposes of Article IV, § 16. Nevertheless, it appears that the Court would give the term “charitable institution” a broad meaning.⁷ The Court concluded that a fund created for the relief of firefighters and their families was charitable in nature.⁸ Similarly, it invalidated a fund established to provide relief to military veterans and their dependents.⁹ Plainly, the General Assembly’s appropriations to entities providing traditional charitable services -- for education, the relief of disease or suffering, or similar traditional charitable purposes -- are impermissible.

In 2011, this Office issued an opinion articulating this constitutional prohibition in concluding that two proposed budget amendments violated Article IV, § 16.¹⁰ One of those amendments read, “[o]ut of this appropriation, \$500,000 the second year from the general fund shall be provided to Operation Smile.”¹¹ The second amendment was to the Federation of Virginia Food Banks “for the purchase of food through food banks across the Commonwealth.”¹² With each of these amendments, the General Assembly directed a state agency to provide money to a charitable organization, neither owned nor controlled by the Commonwealth, without the Commonwealth receiving goods or services in return. The nature of the amendments was tantamount to a gift for benevolent purposes. Several appropriations in your request are fundamentally no different than the constitutionally impermissible budget amendments considered in the previous opinion.¹³

⁴ VA. CONST. art. IV, § 16.

⁵ *Id.* The General Assembly has enacted enabling legislation that permits localities to make appropriations and donations to charities located within their jurisdiction. VA. CODE ANN. § 15.2-953 (2012).

⁶ VA. CONST. art. VIII, § 11.

⁷ *See* 2011 Op. Va. Att’y Gen. 55.

⁸ *Commonwealth v. Nat’l Fire Ins. Co. of Hartford*, 161 Va. 737, 172 S.E. 448 (1934).

⁹ *Almond v. Day*, 197 Va. 419, 89 S.E.2d 851 (1955).

¹⁰ *See* 2011 Op. Va. Att’y Gen. 52.

¹¹ SB 800, Item 288(W), 2011 Reg. Sess. (Va.).

¹² *Id.*, Item 333(G). This item included a limitation that “[n]o funding shall be used for administrative or overhead expenses.”

¹³ The particular constitutionally impermissible appropriations are those found in Item 297(B-D), (G), (K), (O), (Q), (S); Item 315(G); Item 330(I)(2); and Item 343(G-H) of 2013 Va. Acts ch. 806. These provisions are set out in full in paragraph 1 of the attached addendum.

B. *Contracts Arising from Appropriations to Charitable Institutions*

Article IV, § 16 does not prohibit categorically all State payments to charities. The General Assembly can establish programs to provide services to its residents, and make appropriations to state agencies that, in turn, result in payments to charitable entities for goods purchased or services provided. In another 2011 opinion, this Office discussed the constitutional convention debate on the language contained in Article IV, § 16.¹⁴ That opinion concluded that the historical records support the view that Article IV, § 16 permits *bona fide* contracts with nonprofits.¹⁵

Language in the Appropriations Act may serve as the basis for a state agency to contract with a charitable institution. In the absence of language suspending or superseding the operation of other statutory requirements, the recipient agency must comply with all other applicable laws when contracting with the charitable institution.¹⁶ None of the appropriations mentioned in your request suspend or supersede the operation of other laws. Therefore, these appropriations must be read in harmony with other statutes, such as the Virginia Public Procurement Act (VPPA).¹⁷ Indeed, when language in the Appropriations Act evinces the General Assembly's intention that an agency contract with a charitable institution, the agency is expected to comply with the VPPA, along with other state contracting requirements, to obtain fair and reasonable value, thereby ensuring that a *bona fide* contract results from the appropriation. Several of the appropriations identified in your request fit this paradigm.¹⁸

Several other appropriations also may fall into this category.¹⁹ However, the language of these appropriations does not identify with particularity the goods or services the Commonwealth is supposed to purchase. Absent additional information, I am unable to determine whether these appropriations are prohibited by Article IV, § 16. To be permissible, the several agencies involved must have valid contracts with the named charitable organizations. These must be *bona fide* contracts in accordance with the Virginia Public Procurement Act, meaning that goods or services are received for fair and reasonable value. Without such a contract, these appropriations are nothing more than direct appropriations to a charity for benevolent purposes, and thus would violate Article IV, § 16.

C. *Exemptions from and Exceptions to Article IV, § 16*

There are other appropriations in your request that clearly are not prohibited by Article IV, § 16, because the entity is owned or controlled by the Commonwealth.²⁰ In addition, one appropriation may

¹⁴ See 2011 Op. Va. Att'y Gen. at 54.

¹⁵ *Id.*

¹⁶ “[A] later act does not by implication repeal an earlier act unless there is such a clear, manifest, controlling, necessary, positive, unavoidable, and irreconcilable inconsistency and repugnancy, that the two acts cannot, by a fair and reasonable construction, be reconciled...” S. Norfolk v. Norfolk, 190 Va. 591, 601, 58 S.E.2d 32, 36 (1950) (citation omitted).

¹⁷ See VA. CODE ANN. §§ 2.2-4300 through 2.2-4377 (2012).

¹⁸ See 2013 Va. Acts ch. 806, Item 297(L)(1-5); Item 343(K). These appropriations are set out in their entirety in paragraph 2 of the attached addendum.

¹⁹ *Id.* at Item 297(A)(1-6), (E)(1-3), (F)(1-3), (H), (P); Item 330.05(G); Item 343(A)(2), (C), (D)(1-2), (I-J). These provisions are set out in full in paragraph 3 of the attached addendum.

²⁰ *Id.* at Item 297(J), (M), (R)(1-3). These distributions of funds are set out in their entirety in paragraph 4 of the attached addendum.

not implicate Article IV, § 16, because the recipient, in fact, may not be a charitable organization.²¹ Further, certain appropriations do not appear to require payment to charitable institutions, and therefore, can be implemented in a manner that does not violate Article IV, § 16.²²

D. Non-general Fund Appropriations

I note that some of the appropriations mentioned in your request are from non-general funds.²³ The source of these non-general funds is not indicated for a few items, but other items come from federal funds.

Federal grant programs distribute money in various ways. The Commonwealth's role can vary from distributing funds as a "pass through" to being the entity that determines who receives the federal grant and how much they receive. Without knowing the specifics of each grant, I cannot opine with any certainty whether such appropriated expenditures would violate Article IV, § 16. However, where the Commonwealth passively distributes federal money, distributing funds to charitable organizations would be permissible. The doctrine of preemption dictates that federal law and regulation control the expenditure and use of federal funds. The appropriation of the federal funds is made under conditional spending established by Congress and the federal government, thereby making it an allocation of federal, not state, funds. To the extent that the General Assembly passively appropriates the federal funds in a manner consistent with federal law and regulation, those appropriations would not appear to violate Article IV, § 16.

II. APPLICATION OF ARTICLE IV, § 14

The appropriations you identify also may implicate another section of Article IV. In particular, Article IV, § 14 prohibits the General Assembly from enacting any local, special or private law in certain instances.²⁴ Specific to your request is the prohibition on special laws "[g]ranting to any private corporation, association, or individual any special or exclusive right, privilege, or immunity."²⁵

In analyzing the special laws prohibition, the Supreme Court of Virginia articulated a test for examining a challenged statute.²⁶ The challenged law must have "a reasonable and substantial relation to the object sought to be accomplished by the legislation."²⁷ A reasonable and substantial relation for many of the appropriations in your request can be found in the General Assembly's explanation of what is to be provided in exchange for the funds received.

²¹ *Id.* at Item 297(U). This provision is set out in full in paragraph 5 of the attached addendum. Based on information provided by the Department of Health, the Hampton Roads Proton Beam Therapy Institute at Hampton University, LLC is not a 501(c)(3) entity. However, I have not been provided with any information regarding the members of the LLC. If one or more of the members is a charitable institution, Article IV, § 16 likely is implicated. Given the constitutional prohibition, it is incumbent on the agency disbursing the funds to confirm that the recipient is not a charitable institution.

²² *Id.* at Item 297(I), (N); Item 330.05(F). These appropriations are set out in their entirety in paragraph 4 of the attached addendum.

²³ *Id.* at Item 297(A)(1); Item 343(A)(3), (C), (F), (L). These appropriations are set out in their entirety in paragraph 6 of the attached addendum.

²⁴ See VA. CONST. art. IV, § 14.

²⁵ VA. CONST. art. IV, § 14(18).

²⁶ See *Mandell v. Haddon*, 202 Va. 979, 121 S.E.2d 516 (1961).

²⁷ *Jefferson Green Unit Owners Ass'n v. Gwinn*, 262 Va. 449, 459, 551 S.E.2d 339, 344 (2001) (citations omitted).

Only those appropriations that I have identified as being prohibited by Article IV, § 16 lack an easily discernible relationship to the object of the appropriation. Even those appropriations might survive a special laws challenge if at the time each law was enacted “any state of facts [could have been] reasonably conceived, that would sustain it”²⁸ Having determined these specific appropriations violate the provisions of Article IV, § 16, there is no need to conduct a special laws analysis.

III. ALTERNATIVE PROCUREMENT

The Appropriations Act contains the following clause:

ALTERNATIVE PROCUREMENT: If any payment is declared unconstitutional for any reason or if the Attorney General finds in a formal, written, legal opinion that a payment is unconstitutional, in circumstances where a good or service can constitutionally be the subject of a purchase, the administering agency of such payment is authorized to use the affected appropriation to procure, by means of the Commonwealth’s Procurement Act, goods and services, which are similar to those sought by such payment in order to accomplish the original legislative intent.^[29]

For the appropriations violating Article IV, § 16, the subject agencies may rely upon this provision to procure goods or services similar to those covered in the unconstitutional appropriations, assuming a discernible legislative intent is apparent from the Appropriations Act’s language.

Conclusion

Accordingly, it is my opinion that some of the appropriations about which you inquire are appropriations to a charitable institution for benevolent purposes, and thus, are impermissible because they violate Article IV, § 16 of the Constitution of Virginia. Some other appropriations you identify are permissible, because the language of the appropriation explicitly or implicitly authorizes a state agency to enter into a *bona fide* contract with the charitable entity. Other appropriations may be permissible, but because the appropriation’s language does not articulate clearly the goods or services to be purchased, the agencies administering those appropriations must be able to enter into *bona fide* contracts in order to comply with Article IV, § 16. Other appropriations comport with Article IV, § 16 because the entity receiving funds is owned or controlled by the Commonwealth or the Commonwealth is passively distributing federal funds. Finally, I am unable to determine whether certain appropriations violate Article IV, § 16 without knowing the specific terms of the grant or other particularized facts related to those appropriation.

With kindest regards, I am

Very truly yours,



Kenneth T. Cuccinelli, II
Attorney General

²⁸ *Id.*

²⁹ 2013 Va. Acts ch. 806, § 4-5.04(I).

Addendum

1. Appropriations Impermissible under Article IV, § 16 (footnote 13)

2013 Va. Acts ch. 806, Item 297:

B. Out of this appropriation \$69,496 the first year and \$34,748 the second year from the general fund shall be provided to the Alexandria Neighborhood Health Services, Inc. The organization shall pursue raising funds and in-kind contributions from the local community.

C. Out of this appropriation \$7,653 the first year and \$3,904 the second year from the general fund shall be provided to the Louisa County Resource Council. The council shall continue to pursue raising funds and in-kind contributions from the local community.

D. Out of this appropriation, \$10,230 the first year and \$5,115 the second year from the general fund shall be provided to the Olde Towne Medical Center.

...

G. Out of this appropriation, \$38,250 the first year and \$19,125 the second year from the general fund shall be provided to expand services at the Jeanie Schmidt Free Clinic.

...

K. Out of this appropriation, \$13,919 the first year and \$6,959 the second year from the general fund shall be provided to the Fan Free Clinic for AIDS related services.

...

O. Out of this appropriation, \$76,712 the first year and ~~\$38,356~~ \$76,712 the second year from the general fund shall be provided to the St. Mary's Health Wagon.

...

Q. Out of this appropriation, \$20,825 the first year and \$10,625 the second year from the general fund shall be provided to the Virginia Dental Health Foundation for the Mission of Mercy (M.O.M.) dental project.

...

S. Out of this appropriation, \$42,500 the first year and \$21,250 the second year from the general fund shall be provided to the Community Health Center of the Rappahannock Region.

2013 Va. Acts ch. 806, Item 315:

G. Out of this appropriation \$190,000 the first year and \$190,000 the second year from the general fund shall be provided to Grafton School for the continued operation and expansion of the Virginia Autism Resource Center.

2013 Va. Acts ch. 806, Item 330:

I. 2. Of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to Didlake for vocational services for people with disabilities.

2013 Va. Acts ch. 806, Item 343:

G. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund shall be provided for dementia-specific training of long-term care workers dealing with

Alzheimer's disease and related disorders through the Virginia Alzheimer's Association Chapters.

H. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to Northern Virginia Family Services to provide comprehensive safety net services for children and families.

2. Permissible Appropriations under Article IV, § 16 Based on a Bona Fide Contract (footnote 18)

2013 Va. Acts ch. 806, Item 297

L.1. Out of this appropriation, \$4,080,571 the first year and \$4,080,571 the second year from the general fund shall be provided to the Virginia Health Care Foundation. These funds shall be matched with local public and private resources and shall be awarded to proposals which enhance access to primary health care for Virginia's uninsured and medically underserved residents, through innovative service delivery models. The foundation, in coordination with the Virginia Department of Health, the Area Health Education Centers program, the Joint Commission on Health Care, and other appropriate organizations, is encouraged to undertake initiatives to reduce health care workforce shortages. The foundation shall account for the expenditure of these funds by providing the Governor, the Secretary of Health and Human Resources, the Chairmen of the House Appropriations and Senate Finance Committees, the State Health Commissioner, and the Chairman of the Joint Commission on Health Care with a certified audit and full report on the foundation's initiatives and results, including evaluation findings, not later than October 1 of each year for the preceding fiscal year ending June 30.

2. On or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation since its inception. The report shall include certification that an amount equal to the state appropriation for the preceding fiscal year ending June 30 has been matched from private and local government sources during that fiscal year.

3. Of this appropriation, from the amounts in paragraph L.1., \$125,000 the first year and \$125,000 the second year from the general fund shall be provided to the Virginia Health Care Foundation to expand the Pharmacy Connection software program to unserved or underserved regions of the Commonwealth.

4. Of this appropriation, from the amounts in paragraph L.1., \$105,000 the first year and \$105,000 the second year from the general fund shall be provided to the Virginia Health Care Foundation for the Rx Partnership to improve access to free medications for low-income Virginians.

5. Of this appropriation, from the amounts in paragraph L.1., \$1,850,000 the first year and \$1,850,000 the second year from the general fund shall be provided to the Virginia Health Care Foundation to increase the capacity of the Commonwealth's health safety net providers to expand services to unserved or underserved Virginians. Of this amount, (i) \$850,000 the first year and \$850,000 the second year shall be used to underwrite service expansions and/or increase the number of patients served at existing sites or at new sites, (ii) \$850,000 the first year and \$850,000 the second year shall be used for Medication Assistance Coordinators who provide outreach assistance, and (iii) \$150,000 the first year and \$150,000 the second year shall be made available for locations with existing medication assistance programs. . . .

K. Out of this appropriation, \$250,000 the second year from the general fund shall be provided to Elevate Early Education for the purpose of implementing a pilot program for a kindergarten readiness assessment. The contract with Elevate Early Education to administer this program shall require the submission of a final report from the organization detailing the assessment method(s) utilized, actual expenditures for the program, and outcome analysis and evaluation. This report shall be submitted to the Governor, Chairmen of the House Appropriations and Senate Finance Committees, and the Secretaries of Health and Human Resources and Education no later than November 1, 2013. Prior to the receipt of any state funding for this purpose, Elevate Early Education must provide evidence of private matching funds secured for this purpose.

3. Permissible Appropriations under Article IV, § 16 upon Establishment of a Bona Fide Contract (footnote 19)

2013 Va. Acts. ch. 806, Item 297

A.1. Out of this appropriation, \$1,910,574 the first year and ~~\$1,182,946~~ \$1,382,946 the second year from the general fund and \$400,000 the second year from the federal Temporary Assistance for Needy Families (TANF) block grant is provided to the Comprehensive Health Investment Project (CHIP) of Virginia.

2. In addition, the CHIP of Virginia shall receive \$100,000 the first year and \$100,000 the second year from other nongeneral funds subject to the availability of foster care prevention funding transferred from the Department of Social Services.

3. The purpose of the program is to develop, expand, and operate a network of local public-private partnerships providing comprehensive care coordination, family support and preventive medical and dental services to low-income, at-risk children.

4. The general fund appropriation in this Item for the CHIP of Virginia projects shall not be used for administrative costs.

5. CHIP of Virginia shall continue to pursue raising funds and in-kind contributions from local communities. It is the intent of the General Assembly that the CHIP program increases its efforts to raise funds from local communities and other private or public sources with the goal of reducing reliance on general fund appropriations in the future.

6. Of this appropriation, from the amounts in paragraph A.1., \$48,371 the first year and \$24,679 the second year from the general fund is provided to the CHIP of Roanoke and shall be used as matching funds to add three full-time equivalent public health nurse positions to expand services in the Roanoke Valley and Allegheny Highlands.

...

E.1. Out of this appropriation, \$433,750 the first year and \$433,750 the second year from the general fund shall be provided to the Virginia Community Healthcare Association for the purchase of pharmaceuticals and medically necessary pharmacy supplies, and to provide pharmacy services to low-income, uninsured patients of the Community and Migrant Health Centers throughout Virginia. The uninsured patients served with these funds shall have family incomes no greater than 200 percent of the federal poverty level. The amount allocated to each Community and Migrant Health Center shall be determined through an allocation methodology developed by the Virginia Community Healthcare Association. The allocation methodology shall ensure that funds are distributed such that the Community and Migrant Health Centers are able to serve the pharmacy needs of the greatest number of low-income, uninsured persons. The Virginia

Community Healthcare Association shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.

2. Out of this appropriation, \$175,000 the first year and \$175,000 the second year from the general fund shall be provided to the Virginia Community Healthcare Association to expand access to care provided through community health centers.

3. Out of this appropriation, \$1,800,000 the first year and \$1,800,000 the second year from the general fund shall be provided to the Virginia Community Healthcare Association to support community health center operating costs for services provided to uninsured clients. The amount allocated to each Community and Migrant Health Center shall be determined through an allocation methodology developed by the Virginia Community Healthcare Association. The allocation methodology shall ensure that funds are distributed such that the Community and Migrant Health Centers are able to serve the needs of the greatest number of uninsured persons. The Virginia Community Healthcare Association shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.

F.1. Out of this appropriation, \$1,321,400 the first year and \$1,321,400 the second year from the general fund shall be provided to the Virginia Association of Free Clinics for the purchase of pharmaceuticals and medically necessary pharmacy supplies, and to provide pharmacy services to low-income, uninsured patients of the Free Clinics throughout Virginia. The amount allocated to each Free Clinic shall be determined through an allocation methodology developed by the Virginia Association of Free Clinics. The allocation methodology shall ensure that funds are distributed such that the Free Clinics are able to serve the pharmacy needs of the greatest number of low-income, uninsured adults. The Virginia Association of Free Clinics shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.

2. Out of this appropriation, \$175,000 the first year and \$175,000 the second year from the general fund shall be provided to the Virginia Association of Free Clinics to expand access to health care services.

3. Out of this appropriation, \$1,700,000 the first year and \$1,700,000 the second year from the general fund shall be provided to the Virginia Association of Free Clinics to support free clinic operating costs for services provided to uninsured clients. The amount allocated to each free clinic shall be determined through an allocation methodology developed by the Virginia Association of Free Clinics. The allocation methodology shall ensure that funds are distributed such that the free clinics are able to serve the needs of the greatest number of uninsured persons. The Virginia Association of Free Clinics shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.

...

H. Out of this appropriation, \$210,759 the first year and \$107,530 the second year from the general fund shall be provided to the Southwest Virginia Graduate Medical Education Consortium to create and support medical residency preceptor sites in rural and underserved communities in Southwest Virginia.

...

P. Out of this appropriation, \$88,200 the first year and ~~\$90,000~~ *\$105,000* the second year from the general fund shall be provided to the Statewide Sickle Cell Chapters of Virginia (SSCCV) for grants to community-based programs that provide patient assistance, education, and family-centered support for individuals suffering from sickle cell disease. The SSCCV shall develop criteria for distributing these funds including specific goals and outcome measures. A report shall

be submitted to the Chairmen of the House Appropriations and Senate Finance Committees detailing program outcomes by October 1 of each year. . . .

2013 Va. Acts ch. 806, Item 330.05:

G. Out of this appropriation, \$215,500 the second year from the general fund shall be provided for the Pharmacy Connect Program in Southwest Virginia, administered by Mountain Empire Older Citizens, Inc. . . .

2013 Va. Acts ch. 806, Item 343:

A.2. Out of this appropriation, \$185,725 the first year and \$185,725 the second year from the general fund shall be provided to the Virginia Community Action Partnership to support the Virginia Earned Income Tax Coalition (EITC) and provide grants to local organizations to provide outreach, education and tax preparation services to citizens who may be eligible for the federal Earned Income Tax Credit. The Virginia Community Action Partnership shall report on its efforts to expand the number of Virginians who are able to claim the federal EITC, including the number of individuals identified who could benefit from the credit, the number of individuals counseled on the availability of the federal EITC, and the number of individuals assisted with tax preparation to claim the federal EITC. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees and the Chairman of the Joint Legislative Audit and Review Commission by December 1 each year.

C. Out of this appropriation, \$760,000 the first year and ~~\$760,000~~ \$951,896 the second year from the general fund and \$2,475,501 the first year and ~~\$2,475,501~~ \$2,833,605 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to Healthy Families Virginia. These funds shall be used at the discretion of local sites for obtaining matching Title IV-E nongeneral funds when available. The Department of Social Services shall continue to allocate funds from this item to the statewide office of Prevent Child Abuse Virginia for providing the coordination, technical support, quality assurance, training and evaluation of the Healthy Families Virginia program.

D.1. Out of ~~the~~ *this* appropriation, \$1,500,000 the first year and ~~\$750,000~~ \$1,250,000 the second year from the general fund shall be provided to the Virginia Early Childhood Foundation (*VECF*). These funds shall be matched with local public and private resources with a goal of leveraging a dollar for each state dollar provided. Funds shall be awarded to proposals that seed and foster community programs that enhance the health, safety and well-being of Virginia's youth. The Foundation shall account for the expenditure of these funds by providing the Governor, Secretary of Health and Human Resources, and the Chairmen of the House Appropriations and Senate Finance Committees with a certified audit and full report on Foundation initiatives and results not later than October 1 of each year for the preceding fiscal year ending June 30.

2. On or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation.

. . .

I. Out of this appropriation, \$931,000 the first year and \$931,000 the second year from the general fund shall be used to sustain statewide services provided through child advocacy centers. The department shall develop a request for proposal to (i) distribute 67 percent of the allocated funds for accredited child advocacy centers and 30 percent for associate/developing child advocacy centers, as recognized and in good standing with the National Children's Alliance, with

input from Children's Advocacy Centers of Virginia (CACVA); (ii) allocate three percent to Children's Advocacy Centers of Virginia, the recognized chapter of National Children's Alliance for Virginia's child advocacy centers, for the purpose of assisting and supporting the development, continuation and sustainability of community-coordinated, child-focused services delivered by children's advocacy centers; and (iii) distribute any non-allocated funding equally to accredited and associate/developing child advocacy centers awarded funding in section (i) of this paragraph.

J. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to ~~the County of Prince William to establish a pilot program that improves services and performance at facilities located within the county that are licensed residential treatment centers for children eligible for pool funding under the Comprehensive Services Act. The objectives of these grants shall be to assist facilities to improve practices with a goal of implementing a "system of care" model, resulting in placement of children in the least restrictive environment. Desired outcomes shall include, but not be limited to, improved patient scores on the Child and Adolescent Needs and Strengths instrument; and, appropriate lengths of stay based on identified reasons for referral to the facility. Of this amount, up to \$10,000 per year may be retained by Prince William County for grant administration. Youth for Tomorrow (YFT) to provide comprehensive residential, education and counseling services to at-risk adolescents and youth. The department shall include in the contract with YFT specific goods and services that will be delivered to adolescents and youth of the Commonwealth as a result of this appropriation. The department shall report outcomes to the Chairmen of the Senate Finance and House Appropriations Committees on October 1, 2013 and each year thereafter.~~

4. Appropriations Not Implicated by Article IV, § 16 (footnotes 20, 22)

2013 Va. Acts ch. 806, Item 297:

I. Out of this appropriation, \$454,828 the first year and \$232,055 the second year from the general fund shall be provided to the regional AIDS resource and consultation centers and one local early intervention and treatment center.

J. Out of this appropriation, \$75,660 the first year and \$37,830 the second year from the general fund shall be provided to the Arthur Ashe Health Center in Richmond. [Note: The Arthur Ashe Health Center is part of the Hayes E. Willis Health Center, a satellite clinic of the Virginia Commonwealth University Health System's Ambulatory Care Center.]

...

M. Out of this appropriation, \$17,371 the first year and \$8,685 the second year from the general fund shall be provided to the Chesapeake Adult General Medical Clinic.

N. Out of this appropriation, \$242,367 the first year and \$247,313 the second year from the general fund is provided to support the administration of the patient level data base, including the outpatient data reporting system.

...

R.1. Out of this appropriation, \$500,000 the first year *and \$1,000,000 the second year* from the general fund shall be provided to fund ~~two~~ *three* Poison Control Centers. *The appropriation of general fund amounts the second year shall be divided between the three poison control centers in proportion to the Virginia population served by the centers.*

2. The State Health Commissioner shall report to the Chairmen of the Senate Finance and House Appropriations Committees by November 1, 2012 on the level of funding needed to support the operations and services of Poison Control Centers. The commissioner shall assess the level of funding needed to provide statewide coverage of poison control services by two centers and the services that are required to be provided.

3. *The State Health Commissioner shall work with the poison control centers to ensure continued statewide coverage of poison control services through the existing centers.* [Note: The Board of Health is obligated by VA. CODE ANN. § 32.1-111.15 to establish poison control centers.]

2013 Va. Acts ch. 806, Item 330.05:

F. Out of this appropriation, \$201,875 the second year from the general fund shall be provided to support the distribution of comprehensive health and aging information to Virginia's senior population, their families and caregivers.

5. Appropriations that May Not Implicate Article IV, § 16 (footnote 21)

2013 Va. Acts ch. 806, Item 297

U. Out of this appropriation, \$2,010,000 the first year and \$500,000 ~~\$510,000~~ the second year from the general fund is designated to the Hampton Roads Proton Beam Therapy Institute at Hampton University, LLC to support efforts for proton therapy in the treatment of cancerous tumors with fewer side effects.

6. Appropriations Potentially Distributed Passively by the General Assembly (footnote 23)

2013 Va. Acts ch. 806, Item 297:

A.1. Out of this appropriation, \$1,910,574 the first year and ~~\$1,182,946~~ *\$1,382,946* the second year from the general fund *and \$400,000 the second year from the federal Temporary Assistance for Needy Families (TANF) block grant* is provided to the Comprehensive Health Investment Project (CHIP) of Virginia.

2013 Va. Acts ch. 806, Item 343:

A.3. Out of this appropriation, \$500,000 the first year *from the general fund* and \$500,000 the second year *from the general fund the Temporary Assistance for Needy Families (TANF) block grant* shall be provided to Community Action Agencies.

...

C. Out of this appropriation, \$760,000 the first year and ~~\$760,000~~ *\$951,896* the second year from the general fund and \$2,475,501 the first year and ~~\$2,475,501~~ *\$2,833,605* the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to Healthy Families Virginia. These funds shall be used at the discretion of local sites for obtaining matching Title IV-E nongeneral funds when available. The Department of Social Services shall continue to allocate funds from this item to the statewide office of Prevent Child Abuse Virginia for providing the coordination, technical support, quality assurance, training and evaluation of the Healthy Families Virginia program.

...

Honorable William A. Hazel, Jr., M.D.

June 28, 2013

Addendum Page 8

F. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds shall be provided for the Child Abuse Prevention Play administered by Theatre IV of Richmond.

...

L. Out of this appropriation, \$25,000 the second year from the federal Temporary Assistance to Needy Families block grant shall be provided to the Visions of Truth Community Development Corporation to support self-sufficiency programs for at-risk youth. The Department of Social Services shall require that an update on the use of these funds to promote self-sufficiency be provided to the department by January 1, 2014.