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**SENATE BILL NO. 949**

Offered January 14, 2009

Prefiled January 7, 2009

A *BILL to amend and reenact §§ 32.1-292.2, 32.1-297.1, 46.2-342, and 58.1-344.3 of the Code of Virginia, relating to the Virginia Donor Registry.*

Patrons—Howell; Delegate: O'Bannon

Referred to Committee on Education and Health

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

**1. That §§ 32.1-292.2, 32.1-297.1, 46.2-342, and 58.1-344.3 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-292.2. The Virginia Donor Registry.

A. In order to save lives by reducing the shortage of organs and tissues for transplantation and to implement cost savings for patients and various state agencies by eliminating needless bureaucracy, there is hereby established the Virginia Donor Registry (hereinafter referred to as the Registry), which shall be created, compiled, *operated*, maintained, and modified as necessary by the Virginia Transplant Council in accordance with the regulations of the Board of Health and the administration of the Department of Health. *At its sole discretion, the Virginia Transplant Council may contract with a third party or parties to create, compile, operate, maintain or modify the Registry.* Pertinent information on all Virginians who have indicated a willingness to donate organs and tissues in accordance with the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) shall be compiled, maintained, and modified as necessary in the Registry by the Virginia Transplant Council.

B. The Registry and all information therein shall be confidential and subject to access only by personnel of the Department of Health and designated organ procurement organizations, eye banks, and tissue banks, operating in or serving Virginia that are members of the Virginia Transplant Council, for the purpose of identifying and determining the suitability of a potential donor according to the provisions of subdivision B 4 of § 32.1-127 or subsection F of § 46.2-342.

C. The purpose of the Registry shall include, but not be limited to:

1. Providing a means of recovering an anatomical gift for transplantation, therapy, education or research as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) and subsection F of § 46.2-342; and

2. Collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ, eye, and tissue donation that are conducted or coordinated by the Virginia Transplant Council or its members.

D. The Board, in consultation with the Virginia Transplant Council, shall promulgate regulations necessary to create, compile, *operate*, maintain, modify as necessary, and administer the Virginia Donor Registry. The regulations shall include, but not be limited to:

1. Recording the data subject's full name, address, sex, birth date, age, driver's license number or unique identifying number, and other pertinent identifying personal information;

2. Authorizing the Virginia Transplant Council to analyze Registry data under research protocols that are designed to identify and assess the effectiveness of mechanisms to promote and increase organ, eye, and tissue donation within the Commonwealth; and

3. Providing that any Virginian whose name has been placed in the registry may have his name deleted by filing an appropriate form with the Virginia Transplant Council or in accordance with the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) or subsection G of § 46.2-342.

§ 32.1-297.1. The Virginia Transplant Council.

A. The Virginia Transplant Council (hereinafter referred to as the "Council") is hereby established to fulfill the following duties:

1. To create, compile, maintain, and modify as necessary the Virginia Donor Registry established in § 32.1-292.2 in accordance with the regulations of the Board of Health and the administration of the Department of Health;

2. To conduct public education and information services relating to organ, tissue, and eye donation in the Commonwealth;

3. To coordinate organ, tissue, and eye donation activities in the Commonwealth;

4. To provide a forum for discussion among its members of any issues of which it may be apprised that could impact the effectiveness of its activities and the relationship between the public and its members; and

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59 5. To advise the Board and Department of Health concerning organ, tissue, and eye donation  
60 activities, procurement, and transplantation efforts in Virginia.

61 The Council shall establish such bylaws as may be necessary for its operation, consistent with state  
62 and federal law.

63 B. The membership of the Council shall consist of the following organizations, each of whom shall  
64 have one vote: INOVA Fairfax Hospital, Henrico Doctors' Hospital, LifeNet *Health*, Lion's Medical Eye  
65 Bank and Research Center of Eastern Virginia, Mountain Regional Donor Services, Old Dominion Eye  
66 Foundation, Inc., Sentara Norfolk General Hospital, ~~South-Eastern Organ Procurement Foundation,~~  
67 University of Virginia Health System, Virginia Commonwealth University Health System, Washington  
68 Regional Transplant ~~Consortium~~ *Community*, and any successor organization thereof which remains  
69 directly involved in activities related to organ, tissue, or eye donation, procurement, or transplantation in  
70 Virginia, and one representative of donor families and one representative of transplant recipients. The  
71 Council shall elect, from among its membership, such officers as its bylaws require to serve for the  
72 terms established in such bylaws.

73 The Council shall also elect the representatives of donor families and transplant recipients who shall  
74 serve for terms established in the bylaws.

75 C. In order to provide flexibility and coordination and to prevent duplication of efforts, the Council  
76 may agree to extend nonvoting, associate membership on the Council to representatives of other  
77 organizations, agencies, or experts, public or private, who (i) are directly involved in or (ii) provide  
78 education or information on organ, tissue, or eye donation, procurement, or transplantation. Such  
79 membership shall (a) be extended to the Virginia Departments of Education, Health Professions, and  
80 Motor Vehicles, and the Virginia Hospital and Healthcare Association; (b) ~~shall~~ *may* include at least one  
81 representative of the faith community and one representative of local public schools; and (c) may be  
82 extended to other organizations, agencies, or experts as the Council deems appropriate.

83 D. In addition to the duties assigned in subsection A, the Council shall (i) inform the Board  
84 regarding the Council's activities; (ii) conduct and coordinate professional education and informational  
85 activities as they relate to organ, tissue, and eye donation, procurement, and transplantation efforts; and  
86 (iii) *as appropriate, may* conduct its activities in ~~consultation, coordination, and cooperation~~  
87 organizations whose goals are related to organ, tissue, or eye donation, procurement, or transplantation  
88 including, but not limited to, the End Stage Renal Disease Network of the Virginias, the North  
89 American Transplant Coordinators' Organization, the National Kidney Foundation of Virginia, the  
90 American Liver Foundation, the United Network for Organ Sharing, the Virginia Heart Association, and  
91 successor organizations thereof. To achieve its purposes efficiently and effectively, the Council may  
92 conduct its activities in partnership with its member organizations or may contract for services with  
93 appropriate parties.

94 E. The State Board of Health shall be designated the budgetary administrator of the Council and  
95 shall receive such funds as may be provided by the General Assembly in the appropriation act for the  
96 operation and administration of the Council. The Board, in consultation with the Commissioner, shall  
97 oversee the activities and programs of the Council and shall require the fiscal and substantive reports of  
98 the Council to be submitted on or before June 30 of each year.

99 F. To enable the Council to further its purposes, the Board may, on behalf of the Council, apply for,  
100 accept, and expend gifts, grants, or donations from public or private sources. There is hereby created in  
101 the state treasury a special nonreverting fund to be known as the Virginia ~~Transplant Council~~  
102 ~~Education~~ *Donor Registry and Public Awareness* Fund (the Fund) which shall be administered by the  
103 Board, in consultation with the Commissioner. The Fund shall be established on the books of the  
104 Comptroller as a revolving fund and shall consist of such gifts, grants, or donations as may be received  
105 pursuant to this subsection and any moneys appropriated by the General Assembly to support the  
106 Council's education and information programs. Moneys remaining in the Fund at the end of each fiscal  
107 year shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds  
108 shall remain in the Fund and be credited to it.

109 G. In addition to such other reports as may be required by the Commissioner or the Board, on or  
110 before September 30 of each year, the Council shall submit a report on its activities, programs, and  
111 funding in the previous fiscal year to the Board.

112 § 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

113 A. Every license issued under this chapter shall bear:

114 1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned  
115 by the Department to the licensee and shall not be the same as the licensee's social security number;

116 2. A color photograph of the licensee;

117 3. The licensee's full name, year, month, and date of birth;

118 4. The licensee's address, subject to the provisions of subsection A1 of this section;

119 5. A brief description of the licensee for the purpose of identification;

120 6. A space for the signature of the licensee; and

7. Any other information deemed necessary by the Commissioner for the administration of this title. No abbreviated names or nicknames shall be shown on any license.

A1. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia. However, regardless of which address is shown on the license, the licensee shall supply the Department with his residence address, which shall be an address in Virginia. This residence address shall be maintained in the Department's records. Whenever the licensee's address shown either on his license or in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

B. The license shall be made of a material and in a form to be determined by the Commissioner.

C. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

D. The Department shall establish a method by which an applicant for a driver's license or an identification card may designate his willingness to ~~be an organ donor~~ *make an anatomical gift for transplantation, therapy, research, and education* as provided in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1 and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ, *tissue, and eye* donation with a minimum of effort on the part of the donor and the Department.

E. If an applicant designates his willingness to be a donor pursuant to subsection D, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record.

F. The donor designation authorized in subsection E shall be sufficient legal authority for the removal, following death, of the subject's organs or tissues without additional authority from the donor, or his family or estate. No family member, guardian, agent named pursuant to an advance directive or person responsible for the decedent's estate shall refuse to honor the donor designation or, in any way, seek to avoid honoring the donor designation.

G. The donor designation provided pursuant to subsection D may be rescinded by notifying the Department. *In addition, the Department shall remove from the driver's license or identification card any donor designation made pursuant to subsection D, if, at the time the applicant renews or replaces the license or identification card, the applicant does not again designate his willingness to be a donor pursuant to subsection D.*

H. ~~With the written consent of his parent or legal guardian,~~ *A minor may make a donor designation pursuant to subsection D without the consent of a parent or legal guardian* as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

I. *The Department shall establish a method by which an applicant for a new or renewed driver's license or identification card may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall include in the application or renewal form information advising each applicant of the existence of the Fund and asking whether the applicant wishes to make a voluntary contribution of one dollar to the Fund. The applicant shall also be informed that contributing to the Fund is voluntary.*

J. *The Department shall collect all moneys contributed pursuant to subsection I and transmit the moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.*

K. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant is (i) an insulin-dependent diabetic, or (ii) hearing or speech impaired.

~~L.~~ *In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.*

~~M.~~ *Notwithstanding the foregoing provisions of this section, the Department shall continue to use the uniform donor document, as formerly set forth in subsection D above, for organ donation designation until such time as a new method is fully implemented, which shall be no later than July 1, 1994. Any such uniform donor document shall, when properly executed, remain valid and shall continue to be subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1.*

~~N.~~ *The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document information describing the bone marrow donation program*

182 and instructions for registration in the National Bone Marrow Registry. The Department shall include a  
183 copy of such brochure with every driver's license renewal notice or application mailed to licensed  
184 drivers in Virginia.

185 § 58.1-344.3. Voluntary contributions of refunds requirements.

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

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

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

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

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

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

210 1. Nongame wildlife voluntary contribution.

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

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

219 2. Open space recreation and conservation voluntary contribution.

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

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

228 3. Voluntary contribution to political party.

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

233 4. United States Olympic Committee voluntary contribution.

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

235 5. Housing program voluntary contribution.

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

239 b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for  
240 Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and  
241 Community Development for the purposes set forth in this subdivision. Funds made available to the  
242 Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the  
243 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 Justices 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 Transplant Council Education 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 Memorial Foundation.

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

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

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

18. Voluntary contribution to the Tuition Assistance Grant Fund.

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

305 programs in private Virginia colleges.

306 b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund.  
307 All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for  
308 Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act  
309 (§ 23-38.11 et seq.).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

339 All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant to  
340 § 63.2-2202.

341 26. Voluntary contribution to public library foundations.

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

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

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

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

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

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

357 29. Voluntary contribution to community foundations.

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

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

365 a. All moneys contributed shall be paid to the Virginia Foundation for Community College Education  
366 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.).

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

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

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

7. Voluntary contribution to Home Energy Assistance Fund.

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

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

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

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

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