

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries.

[H 140]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.

A. For purposes of this section:

"Fund" means the Historical African American Cemeteries and Graves Fund created pursuant to § 10.1-2211.3.

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900 1948, for interments of African Americans.

"Qualified organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves or any person or locality that owns a historical African American cemetery.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided to the Department in the general appropriation act for the purpose of maintaining qualifying cemeteries and graves pursuant to this section. Any representative of a qualified organization desiring to receive funding from such appropriation for the maintenance of qualifying cemeteries and graves pursuant to this section shall submit an application to the Department on or before May 30 each year. Such appropriations shall be allocated on the basis of the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time between January 1, 1800, and January 1, 1900 were interred in such cemetery prior to January 1, 1948, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth. The Director shall deposit any appropriated funds that are not disbursed during the same fiscal year into the Fund.

IN THE COUNTY OF:**NUMBER:**

| | |
|--|-------|
| Arlington | |
| Calloway Cemetery | 29 |
| Lomax Cemetery | 66 |
| Mount Salvation Cemetery | 29 |
| Buckingham | |
| Stanton Family Cemetery | 36 |
| Henrico | |
| East End Cemetery | 4,875 |
| Loudoun | |
| African-American Burial Ground for the Enslaved at Belmont | 44 |
| Mt. Zion Old School Baptist Church Cemetery | 33 |
| Montgomery | |
| Wake Forest Cemetery | 40 |
| Westview Cemetery | 47 |
| Pulaski | |
| New River Cemetery | 33 |
| West Dublin Cemetery | 44 |
| IN THE CITY OF: | |
| Alexandria | |
| Baptist Cemetery of the African American Heritage Park | 28 |
| Contrabands and Freedmen Cemetery | 631 |
| Douglass Cemetery | 83 |
| Lebanon Union Cemetery | 53 |

ENROLLED

HB140ER

| | | |
|----|-------------------------------|-------|
| 59 | Methodist Protestant Cemetery | 1,134 |
| 60 | Penny Hill Cemetery | 14 |
| 61 | Charlottesville | |
| 62 | Daughters of Zion Cemetery | 192 |
| 63 | Chesapeake | |
| 64 | Cuffeytown Cemetery | 52 |
| 65 | Hampton | |
| 66 | Bassette's Cemetery | 212 |
| 67 | Elmerton Cemetery | 339 |
| 68 | Good Samaritan Cemetery | 37 |
| 69 | Pleasant Shade Cemetery | 29 |
| 70 | Queen Street Cemetery | 14 |
| 71 | Tucker Family Cemetery | 15 |
| 72 | Union Street Cemetery | 125 |
| 73 | Harrisonburg | |
| 74 | Newtown Cemetery | 400 |
| 75 | Martinsville | |
| 76 | Matthews Cemetery | 8 |
| 77 | The People's Cemetery | 178 |
| 78 | Smith Street Cemetery | 9 |
| 79 | Portsmouth | |
| 80 | Mt. Calvary Cemetery | 266 |
| 81 | Radford | |
| 82 | Mountain View Cemetery | 91 |
| 83 | Richmond | |
| 84 | Evergreen Cemetery | 2,100 |
| 85 | Suffolk | |
| 86 | Oak Lawn Cemetery | 468 |

87 C. In addition to any sum provided to a qualified organization as set forth in subsection B, the
88 Director may disburse funds to any qualified organization to fund maintenance and care of additional
89 historical African American graves in the Commonwealth that have been certified by the Department
90 and documented in the Department's cultural resources database. Funds disbursed under this subsection
91 shall be disbursed at the rate set forth in subsection B.

92 D. A qualified organization receiving funds shall expend the funds for the routine maintenance of its
93 historical African American cemetery, associated graves, and graves certified by the Department and
94 documented in the Department's cultural resources database and the erection of and caring for markers,
95 memorials, and monuments to the memory of such African Americans.

96 E. Each qualified organization, through its proper officer, shall after July 1 of each year submit to
97 the Director a certified statement that the funds appropriated to the organization during the preceding
98 fiscal year were or will be expended for the purposes set forth in subsection D. No organization that
99 fails to comply with any of the requirements of this section shall receive moneys allocated under this
100 section for any subsequent fiscal year until the organization fully complies with the requirements.

101 F. In addition to funds that may be provided pursuant to subsection B or C, any organization that
102 receives funds pursuant to subsection B or C may apply to the Director for a grant to perform
103 extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American
104 cemeteries and graves. Such a grant shall be made from any appropriation made available by the
105 General Assembly for such purpose or from the Fund.

106 G. Any locality may receive and hold funds drawn pursuant to subsection B or C on behalf of any
107 qualified organization until such time as the organization is able to receive or utilize such funds. No
108 local matching funds shall be required for any grants made pursuant to this section.

109 H. The owner of a historical African American cemetery shall reasonably cooperate with a qualified
110 organization that receives funds pursuant to subsection B or C.