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HOUSE BILL NO. 809

Offered January 12, 2022

Prefiled January 12, 2022

A BILL to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries and graves; Isle of Wight, Prince George, and Surry Counties.

Patron—Price

Committee Referral Pending

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, 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, 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
Isle of Wight	
Emmanuel Baptist Church Cemetery	50
First Gravel Hill Baptist Church Cemetery	100
Mount Sinai Baptist Church Cemetery	50
Tynes Family Cemetery	100
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
Prince George County	
Morning Star Baptist Church Cemetery	80

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61	Pulaski	
62	New River Cemetery	33
63	West Dublin Cemetery	44
64	Surry	
65	Abundant Life Outreach Center Cemetery	80
66	Claremont Cemetery	100
67	Hickory Grove Memorial Cemetery	20
68	Johnson Family Cemetery	5
69	Mount Ray Cemetery	100
70	Old Brick Church Cemetery	20
71	Swann's Point Baptist Church Cemetery	50
72	Union Baptist Church Spring Grove Cemetery	50
73	IN THE CITY OF:	
74	Alexandria	
75	Baptist Cemetery of the African American Heritage Park	28
76	Contrabands and Freedmen Cemetery	631
77	Douglass Cemetery	83
78	Lebanon Union Cemetery	53
79	Methodist Protestant Cemetery	1,134
80	Penny Hill Cemetery	14
81	Charlottesville	
82	Daughters of Zion Cemetery	192
83	Chesapeake	
84	Cuffeytown Cemetery	52
85	Hampton	
86	Bassette's Cemetery	212
87	Elmerton Cemetery	339
88	Good Samaritan Cemetery	37
89	Pleasant Shade Cemetery	29
90	Queen Street Cemetery	14
91	Tucker Family Cemetery	15
92	Union Street Cemetery	125
93	Harrisonburg	
94	Newtown Cemetery	400
95	Martinsville	
96	Matthews Cemetery	8
97	The People's Cemetery	178
98	Smith Street Cemetery	9
99	Portsmouth	
100	Mt. Calvary Cemetery	266
101	Radford	
102	Mountain View Cemetery	91
103	Richmond	
104	Evergreen Cemetery	2,100
105	Suffolk	
106	Oak Lawn Cemetery	468

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

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

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

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

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

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

131 **2. That the Department of Historic Resources, in consultation with the relevant qualified**
132 **organizations, shall verify the number of graves, monuments, and markers in the Isle of Wight**
133 **County, Prince George County, and Surry County cemeteries added to the list of African**
134 **American cemeteries and graves pursuant to subsection B of § 10.1-2211.2 of the Code Virginia, as**
135 **amended by this act.**