

22102616D

**SENATE BILL NO. 76**

Offered January 12, 2022

Prefiled January 5, 2022

*A BILL to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries and graves; qualified organization.*

Patrons—Norment, Cosgrove and Spruill

Referred to Committee on General Laws and Technology

**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, or any locality in which a historical African American cemetery is located.

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

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

INTRODUCED

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61	Contrabands and Freedmen Cemetery	631
62	Douglass Cemetery	83
63	Lebanon Union Cemetery	53
64	Methodist Protestant Cemetery	1,134
65	Penny Hill Cemetery	14
66	Charlottesville	
67	Daughters of Zion Cemetery	192
68	Chesapeake	
69	Cuffeytown Cemetery	52
70	Hampton	
71	Bassette's Cemetery	212
72	Elmerton Cemetery	339
73	Good Samaritan Cemetery	37
74	Pleasant Shade Cemetery	29
75	Queen Street Cemetery	14
76	Tucker Family Cemetery	15
77	Union Street Cemetery	125
78	Harrisonburg	
79	Newtown Cemetery	400
80	Martinsville	
81	Matthews Cemetery	8
82	The People's Cemetery	178
83	Smith Street Cemetery	9
84	Portsmouth	
85	Mt. Calvary Cemetery	266
86	Radford	
87	Mountain View Cemetery	91
88	Richmond	
89	Evergreen Cemetery	2,100
90	Suffolk	
91	Oak Lawn Cemetery	468

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

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

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

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

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

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