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**HOUSE BILL NO. 1615**

Offered January 12, 2011

Prefiled January 7, 2011

*A BILL to amend and reenact §§ 10.1-2202 and 10.1-2211 of the Code of Virginia, relating to cemeteries and graves of historic significance.*

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 Patron—Ward
 

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 Referred to Committee on Agriculture, Chesapeake and Natural Resources
 

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

**1. That §§ 10.1-2202 and 10.1-2211 of the Code of Virginia are amended and reenacted as follows:**  
 § 10.1-2202. Powers and duties of the Director.

In addition to the powers and duties conferred upon the Director elsewhere and in order to encourage, stimulate, and support the identification, evaluation, protection, preservation, and rehabilitation of the Commonwealth's significant historic, architectural, archaeological, and cultural resources; in order to establish and maintain a permanent record of those resources; and in order to foster a greater appreciation of these resources among the citizens of the Commonwealth, the Director shall have the following powers and duties which may be delegated by the Director:

1. To employ such personnel as may be required to carry out those duties conferred by law;
2. To make and enter into all contracts and agreements necessary or incidental to the performance of his duties and the execution of his powers, including but not limited to contracts with private nonprofit organizations, the United States, other state agencies and political subdivisions of the Commonwealth;
3. To apply for and accept bequests, grants and gifts of real and personal property as well as endowments, funds, and grants from the United States government, its agencies and instrumentalities, and any other source. The Director shall have the authority to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;
4. To perform acts necessary or convenient to carry out the duties conferred by law;
5. To promulgate regulations, in accordance with the Virginia Administrative Process Act (§ 2.2-4000 et seq.) and not inconsistent with the National Historic Preservation Act (P.L. 89-665) and its attendant regulations, as are necessary to carry out all responsibilities incumbent upon the State Historic Preservation Officer, including at a minimum criteria and procedures for submitting nominations of properties to the National Park Service for inclusion in the National Register of Historic Places or for designation as National Historic Landmarks;
6. To conduct a broad survey and to maintain an inventory of buildings, structures, districts, objects, and sites of historic, architectural, archaeological, or cultural interest which constitute the tangible remains of the Commonwealth's cultural, political, economic, military, or social history;
7. To publish lists of properties, including buildings, structures, districts, objects, and sites, designated as landmarks by the Board, to inspect designated properties from time to time, and periodically publish a complete register of designated properties setting forth appropriate information concerning those properties;
8. With the consent of the landowners, to provide appropriately designed markers for designated buildings, structures, districts, objects and sites;
9. To acquire and to administer designated landmarks, or easements or interests therein;
10. To aid and to encourage counties, cities and towns to establish historic zoning districts for designated landmarks and to adopt regulations for the preservation of historical, architectural, archaeological, or cultural values;
11. To provide technical advice and assistance to individuals, groups and governments conducting historic preservation programs and regularly to seek advice from the same on the effectiveness of Department programs;
12. To prepare and place, in cooperation with the Department of Transportation, highway historical markers approved by the Board of Historic Resources on or along the highway or street closest to the location which is intended to be identified by the marker;
13. To develop a procedure for the certification of historic districts and structures within the historic districts for federal income tax purposes;
14. To aid and to encourage counties, cities, and towns in the establishment of educational programs and materials for school use on the importance of Virginia's historic, architectural, archaeological, and cultural resources;
15. To conduct a program of archaeological research with the assistance of the State Archaeologist

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59 which includes excavation of significant sites, acquisition and maintenance of artifact collections for the  
 60 purposes of study and display, and dissemination of data and information derived from the study of sites  
 61 and collections;

62 16. To manage and administer the Historic Resources Fund as provided in § 10.1-2202.1; and

63 17. ~~Expired.~~ *To develop a procedure for the certification of slave grave sites for the purpose of*  
 64 *assisting groups interested in maintaining such sites to verify the accuracy of information indicating that*  
 65 *slaves are buried at such sites. The Department shall consult with the National Association for the*  
 66 *Advancement of Colored People, the Black History Museum and Cultural Center of Virginia, the*  
 67 *Afro-American Historical and Genealogical Society, and the Burying Ground Preservation Society of*  
 68 *Virginia in developing the procedure.*

69 § 10.1-2211. Disbursement of funds appropriated for caring for Confederate cemeteries and graves.

70 A. At the direction of the Director, the Comptroller of the Commonwealth is instructed and  
 71 empowered to draw annual warrants upon the State Treasurer from any sums that may be provided in  
 72 the general appropriation act, in favor of the treasurers of the ~~Confederate memorial associations and~~  
 73 ~~chapters of the United Daughters of the Confederacy~~ *organizations* set forth in subsection B of this  
 74 section. Such sums shall be expended by the ~~associations and~~ organizations for the routine maintenance  
 75 of their respective ~~Confederate~~ cemeteries and graves and for the graves of ~~Confederate soldiers and~~  
 76 ~~sailors~~ *historic significance* not otherwise cared for in other cemeteries, and in erecting and caring for  
 77 markers, memorials, and monuments to the ~~memory of such soldiers and sailors of historic significance.~~  
 78 All such ~~associations and~~ organizations, through their proper officers, are required after July 1 of each  
 79 year to submit to the Director a certified statement that the funds appropriated to the ~~association or~~  
 80 organization in the preceding fiscal year were or will be expended for the routine maintenance of *such*  
 81 *cemeteries specified in this section and the, graves of Confederate soldiers and sailors and in erecting*  
 82 *and caring for, markers, memorials and or monuments to the memory of such soldiers and sailors of*  
 83 *historic significance.* An ~~association or~~ organization failing to comply with any of the requirements of  
 84 this section shall be prohibited from receiving moneys allocated under this section for all subsequent  
 85 fiscal years until the ~~association or~~ organization fully complies with the requirements.

86 B. Allocation of appropriations made pursuant to this section shall be based on the number of graves,  
 87 monuments and markers as set forth opposite the ~~association's or~~ organization's name, or as documented  
 88 by each ~~association or~~ organization multiplied by the rate of \$5 or the average actual cost of routine  
 89 maintenance, whichever is greater, for each grave, monument or marker in the care of a ~~Confederate~~  
 90 ~~memorial association or chapter of the United Daughters of the Confederacy~~ *the organization.* For the  
 91 purposes of this section, the "average actual cost of care" shall be determined by the Department in a  
 92 biennial survey of at least four properly maintained cemeteries, each located in a different geographical  
 93 region of the Commonwealth.

94 IN THE COUNTIES OF:

NUMBER:

95 Accomack

96 Robert E. Lee Chapter, U.D.C., Belle Haven ..... 10

97 Albemarle

98 Albemarle Chapter, U.D.C ..... 50

99 Mountain Plain Cemetery, Crozet ..... 15

100 Mt. Zion United Methodist Church, Esmont ..... 10

101 Scottsville Chapter, U.D.C ..... 40

102 Westerly Chapel Cemetery, Free Union ..... 15

103 Amelia

104 Grub Hill Church ..... 10

105 Appomattox

106 Appomattox Chapter, U.D.C ..... 50

107 Augusta

108 Augusta Stone Presbyterian Church Cemetery ..... 40

109 Salem Lutheran Church Cemetery ..... 37

110 Trinity Lutheran Church Cemetery ..... 13

111 Botetourt

112 Fairview Cemetery Association, Inc ..... 20

113 Glade Creek Cemetery Corporation ..... 10

114 Buchanan

115 Ratliff ..... 30

116 Carroll

117 Floyd Webb Cemetery ..... 16

118	Robinson Cemetery .....	10
119	Worrell Cemetery .....	10
120	Charles City County .....	
121	Salem Church Cemetery .....	35
122	Chesterfield .....	
123	Ettrick Cemetery .....	47
124	Skinquarter Baptist Church Cemetery .....	12
125	Craig .....	
126	Archibald A. Caldwell Cemetery .....	4
127	Culpeper .....	
128	Culpeper Chapter, U.D.C .....	10
129	Dinwiddie .....	
130	Dinwiddie Confederate Memorial Association .....	15
131	Fairfax .....	
132	Fairfax Chapter, U.D.C .....	15
133	Robert E. Lee Chapter No. 56 .....	36
134	Fauquier .....	
135	Black Horse Chapter, U.D.C .....	10
136	Marshall Cemetery .....	10
137	Piedmont Chapter, U.D.C .....	10
138	Upperville Methodist Church Cemetery .....	10
139	Floyd .....	
140	Floyd County Confederate Memorial Association .....	20
141	Southward Cemetery .....	10
142	Giles .....	
143	McComas Chapter, U.D.C .....	15
144	Goochland .....	
145	Goochland Chapter, U.D.C .....	15
146	Grayson .....	
147	A. B. Cox Cemetery .....	10
148	Atkins Memorial Cemetery .....	10
149	Bethel Church Cemetery .....	10
150	Bridlecreek Cemetery .....	10
151	Camet B. Cox Cemetery .....	10
152	Comer's Rock Cemetery .....	10
153	Cox's Chapel .....	10
154	Fellowship Baptist Cemetery .....	10
155	Fries Ridge Cemetery .....	10
156	Forest Cemetery .....	10
157	Fox Creek Cemetery .....	10
158	Funk Cemetery .....	10
159	Gold Hill Cemetery .....	10
160	Grubbs Chapel Cemetery .....	10
161	Hale Cemetery .....	15
162	Hines Branch Cemetery .....	10
163	Independence Cemetery .....	10
164	Jerusalem Methodist Episcopal Church Cemetery .....	10
165	Lebanon Cemetery .....	10
166	Liberty Hill Cemetery .....	15
167	Long Branch Cemetery .....	10
168	McKenzie Cemetery .....	10
169	New Hope Cemetery .....	10
170	Oak Grove Cemetery .....	10
171	Potato Creek Cemetery .....	10
172	Pugh Cemetery .....	10
173	Rhudy Cemetery .....	10

174	Round Meadows Cemetery .....	10
175	Rugby Cemetery .....	10
176	Saddle Creek Cemetery .....	10
177	Sawyers Family Cemetery .....	10
178	Spring Valley Cemetery .....	10
179	Whitetop Cemetery .....	10
180	Greene	
181	Gentry Methodist Church Cemetery .....	10
182	Halifax	
183	Grace Churchyard, Inc., Seaton .....	3
184	Halifax Chapter, U.D.C .....	20
185	St. John's Episcopal Church .....	31
186	Hanover	
187	Hanover Chapter, U.D.C .....	20
188	Henrico	
189	Emmanuel Episcopal Church at Brook Hill .....	86
190	Isle of Wight	
191	Isle of Wight Chapter, U.D.C .....	20
192	Lee	
193	Light Horse Harry Lee Chapter, U.D.C .....	100
194	Ely Cemetery .....	30
195	Loudoun	
196	Ebenezer Cemetery .....	15
197	Lakeview Cemetery, Hamilton .....	15
198	Lee Chapter No. 179 .....	10
199	Leesburg Union Cemetery .....	15
200	Sharon Cemetery, Middleburg .....	20
201	Louisa	
202	Oakland Cemetery .....	70
203	Lunenburg	
204	Sons of the Confederate Veterans Old Free State Camp #1746 .....	141
205	Madison	
206	Madison Chapter, U.D.C .....	10
207	Mecklenburg	
208	Boydton Chapter, U.D.C .....	10
209	Armistead-Goode Chapter, U.D.C .....	10
210	Montgomery	
211	Doctor Harvey Black Chapter, U.D.C .....	10
212	White Cemetery, Inc .....	10
213	Nelson	
214	Nelson County Confederate Memorial Association .....	10
215	Nottoway	
216	Confederate Memorial Board .....	15
217	Orange	
218	Maplewood Cemetery, Gordonsville .....	696
219	Preddys Creek Cemetery .....	10
220	13th Virginia Regiment Chapter, U.D.C .....	30
221	Patrick	
222	Confederate Memorial Association .....	40
223	Pittsylvania	
224	Rawley Martin Chapter, U.D.C .....	30
225	Powhatan	
226	Huguenot Springs Cemetery .....	130
227	Prince Edward	
228	Farmville Chapter, U.D.C .....	50
229	Prince George	
230	City Point Chapter, U.D.C., for use at Old Town Cemetery .....	20

231	Pulaski	
232	Pulaski Chapter, U.D.C	10
233	Roanoke	
234	Southern Cross Chapter, U.D.C	10
235	Old Tombstone Cemetery	20
236	Rockbridge	
237	New Monmouth Presbyterian Church	80
238	New Providence Presbyterian Church	98
239	Rockingham	
240	Cedar Grove Cemetery	68
241	Cooks Creek Presbyterian Church Cemetery	39
242	Singers Glen Cemetery	19
243	St. Johns Lutheran Cemetery	10
244	Scott	
245	Prospect Community Cemetery	20
246	McKenney-Carter Cemetery Association	20
247	Confederate Memorial Branch, Wolfe Cemetery Association, Yuma	15
248	Estill Memorial Cemetery Association	35
249	Lawson Confederate Memorial Cemetery	10
250	Mount Pleasant Cemetery	20
251	Salling Memorial, Slant	20
252	Rollins Cemetery	10
253	Daugherty Cemetery	20
254	Nickelsville Baptist Church Cemetery	20
255	Shenandoah	
256	New Market Confederate Memorial Association	40
257	Stover Camp Chapter, U.D.C	10
258	Mt. Jackson-Old Soldier Cemetery	100
259	Smyth	
260	Aspenvale Cemetery	10
261	Blue Springs Cemetery, Sugar Grove	10
262	Centenary Cemetery	10
263	Chatham Hill Cemetery	10
264	Greenwood Cemetery	10
265	Holston Chapter, U.D.C	20
266	Keesling Cemetery, Rural Retreat	10
267	Middle Fork Cemetery	10
268	Morgan Cemetery, Sugar Grove	10
269	Mt. Carmel Cemetery	20
270	Mountain View Cemetery, Chilhowie	10
271	Mt. Zion Cemetery	10
272	Pleasant Hill Cemetery, Groseclose	12
273	Ridgedale Cemetery, Rich Valley	10
274	Riverside Cemetery in Rich Valley	10
275	Round Hill Cemetery	20
276	Slemp Cemetery, Sugar Grove	10
277	St. James Cemetery, Chilhowie	10
278	South Fork Baptist Cemetery	10
279	Steffey Cemetery, Groseclose	10
280	Wassum Cemetery, Atkins	10
281	Zion Methodist Cemetery, Rich Valley	14
282	Riverside Cemetery on South Fork	10
283	Royal Oak Cemetery	10
284	St. Clairs Bottom Cemetery, Chilhowie	10
285	Sulphur Springs Cemetery	10
286	Southampton	

287	Southampton Chapter, U.D.C .....	40
288	Spotsylvania	
289	Ladies Confederate Memorial Association .....	300
290	Surry	
291	General William Mahone Chapter, U.D.C .....	40
292	Tazewell	
293	Maplewood Cemetery .....	20
294	Hankins Cemetery .....	20
295	Warren	
296	Warren Rifles Chapter, U.D.C .....	25
297	Washington	
298	Anna Stonewall Jackson Chapter, U.D.C .....	20
299	Emory and Henry Cemetery .....	203
300	Greendale Cemetery .....	20
301	Warren Cemetery .....	20
302	Wise	
303	Big Stone Gap Chapter, U.D.C .....	20
304	Wythe	
305	Asbury Cemetery, Rural Retreat .....	10
306	Fairview Cemetery, Rural Retreat .....	10
307	Galilee Christian Church Cemetery .....	10
308	Grubbs Cemetery .....	10
309	Kemberling Cemetery .....	10
310	Marvin Cemetery .....	30
311	Mt. Ephraim Cemetery .....	10
312	Mount Mitchell Cemetery .....	10
313	Mountain View Cemetery .....	46
314	Murphysville Cemetery .....	10
315	St. John's Cemetery .....	10
316	St. Mary's Cemetery .....	10
317	St. Paul's Cemetery .....	14
318	St. Peter's Lutheran Church Cemetery .....	12
319	Speedwell Methodist Cemetery .....	10
320	Wythe-Gray Chapter, U.D.C .....	20
321	Zion Cemetery .....	10
322	York	
323	Bethel Memorial Association .....	20
324	IN THE CITIES OF:	
325	Alexandria	
326	Old Dominion Rifles Confederate Memorial Association .....	160
327	Bristol	
328	Bristol Confederate Memorial Association .....	60
329	Charlottesville	
330	Effort Baptist Church .....	10
331	Clifton Forge	
332	Julia Jackson Chapter, U.D.C .....	15
333	Chesapeake	
334	Norfolk County Grays Chapter 2535, U.D.C .....	8
335	Covington	
336	Alleghany Chapter, U.D.C .....	30
337	Danville	
338	Eliza Johns Chapter, U.D.C .....	201
339	Fredericksburg	
340	Fredericksburg Confederate Memorial Association .....	200
341	Hampton	
342	Hampton Chapter, U.D.C .....	60
343	Harrisonburg	

344	Turner Ashby Chapter, U.D.C	60
345	Woodbine Cemetery	140
346	Lexington	
347	Rockbridge Chapter, U.D.C	126
348	Lynchburg	
349	Lynchburg Confederate Memorial Association	30
350	Manassas	
351	Ladies Confederate Memorial Association of Manassas	15
352	Martinsville	
353	Mildred Lee Chapter, U.D.C	10
354	Newport News	
355	Bethel Chapter, U.D.C	50
356	Norfolk	
357	Hope Maury Chapter, U.D.C	10
358	Pickett-Buchanan Chapter, U.D.C	20
359	Petersburg	
360	Petersburg Chapter, U.D.C., for Prince George County	15
361	Ladies Memorial Association of Petersburg	140
362	Portsmouth	
363	Ladies Confederate Memorial Association	15
364	Radford	
365	New River Gray's Chapter, U.D.C	15
366	Radford Chapter, U.D.C	15
367	Richmond	
368	Barton Heights Cemeteries	1877
369	Centennial Chapter, U.D.C	20
370	Elliott Grays Chapter, U.D.C	15
371	Janet Randolph Chapter, U.D.C	15
372	Lee Chapter, U.D.C	20
373	Mt. Olivet Cemetery	4622
374	Sons of Confederate Veterans - Virginia Division	2294
375	Richmond-Stonewall Jackson Chapter, U.D.C	110
376	Roanoke	
377	Roanoke Chapter, U.D.C	40
378	William Watts Chapter, U.D.C	40
379	Salem	
380	Southern Cross Chapter, U.D.C	271
381	Staunton	
382	Confederate Section, Thornrose Cemetery	600
383	Vinton	
384	Major Wm. F. Graves Chapter, U.D.C	40
385	Williamsburg	
386	Williamsburg Chapter, U.D.C	125
387	Winchester	
388	Stonewall Confederate Memorial Association	2112

389 C. In addition to funds that may be provided pursuant to subsection B of this section, any of the  
 390 Confederate memorial associations and chapters of the United Daughters of the Confederacy  
 391 organizations set forth in subsection B may apply to the Director for grants to perform extraordinary  
 392 maintenance, renovation, repair or reconstruction of any of their respective Confederate the cemeteries  
 393 and graves and for the graves of Confederate soldiers and sailors in their care. These grants shall be  
 394 made from any appropriation made available by the General Assembly for such purpose. In making such  
 395 grants, the Director shall give full consideration to the assistance available from the United States  
 396 Department of Veterans Affairs, or other agencies, except in those instances where such assistance is  
 397 deemed by the Director to be detrimental to the historical, artistic or architectural significance of the  
 398 site.

399 D. Local matching funds shall not be required for grants made pursuant to this section.

400 E. For the purposes of this section, graves, cemeteries, markers, memorials and monuments "of

**401** *historic significance" include those of Confederate soldiers and sailors, and slaves.*