

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 270

An Act to amend and reenact § 2.2-1505 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-2211.2, relating to historical African American cemeteries and graves.

[H 1547]

Approved March 3, 2017

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1505 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-2211.2 as follows:

§ 2.2-1505. Estimates by nonstate agencies of amounts needed.

A. Except as provided in §§ 10.1-2211, 10.1-2211.1, 10.1-2211.2, 10.1-2212, and 10.1-2213, no state funds shall be appropriated or expended for, or to, nonstate agencies unless:

1. A request for state aid is filed by the organization with the Department of Planning and Budget, as required by § 2.2-1504.

2. The nonstate agency certifies to the satisfaction of the Department that matching funds are available in cash from local or private sources in an amount at least equal to the amount of the request. These matching funds shall be concurrent with the purpose for which state funds are requested. Contributions received and spent prior to the state grant shall not be considered in satisfying the requirements of this subdivision.

3. The nonstate agency provides documentation of its tax exempt status under § 501(c)(3) of the United States Internal Revenue Code.

B. (Effective until October 1, 2016) Except as provided in §§ 23-38.11 through 23-38.18, no state funds shall be appropriated to, or expended for, a private institution of higher education or religious organization.

B. (Effective October 1, 2016) Except as provided in §§ 23.1-628 through 23.1-635, no state funds shall be appropriated to, or expended for, a private institution of higher education or religious organization.

C. For the purposes of this section, a "nonstate agency" means any public or private foundation, authority, institute, museum, corporation or similar organization that is not a unit of state government or a political subdivision of the Commonwealth as established by general law or special act. It shall not include any such entity that receives state funds as a subgrantee of a state agency or through a state grant-in-aid program authorized by law.

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

A. For purposes of this section:

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1900, for interments of African Americans and is owned by a public body or qualified charitable organization.

"Qualified charitable 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.

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 in the general appropriation act in favor of the treasurer of a qualified charitable organization caring for any cemetery set forth in this subsection. 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 set forth opposite the cemetery name or as documented by the qualified charitable 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.

IN THE COUNTY OF:

Henrico

East End Cemetery

IN THE CITY OF:

NUMBER:

4,875

NUMBER:

Richmond

Evergreen Cemetery

2,100

C. An organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery and its graves and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

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

E. In addition to funds that may be provided pursuant to subsection B, any organization set forth in subsection B may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. Such a grant shall be made from any appropriation made available by the General Assembly for such purpose.

F. No local matching funds shall be required for any grants made pursuant to this section.