

20100680D

**HOUSE BILL NO. 210**

House Amendments in [ ] - January 21, 2020

A *BILL to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; Montgomery County and City of Radford.*

Patron Prior to Engrossment—Delegate Hurst

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**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:

"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 in the general appropriation act in favor of the treasurer of a qualified 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 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:

NUMBER:

Henrico

East End Cemetery

4,875

Loudoun

African-American Burial Ground for the Enslaved at Belmont

44

Montgomery

Wake Forest Cemetery

40

[ Westview Cemetery

47 ]

Pulaski

New River Cemetery

33

West Dublin Cemetery

44

IN THE CITY OF:

NUMBER:

Alexandria

Baptist Cemetery of the African American Heritage Park

28

Contrabands and Freedmen Cemetery

631

Douglass Cemetery

83

Lebanon Union Cemetery

53

Methodist Protestant Cemetery

1,134

Penny Hill Cemetery

14

Charlottesville

Daughters of Zion Cemetery

192

Hampton

Bassette's Cemetery

212

Elmerton Cemetery

339

Good Samaritan Cemetery

37

Pleasant Shade Cemetery

29

Queen Street Cemetery

14

Tucker Family Cemetery

15

Union Street Cemetery

125

Martinsville

ENGROSSED

HB210E

62	Matthews Cemetery	8
63	The People's Cemetery	178
64	Smith Street Cemetery	9
65	Portsmouth	
66	Mt. Calvary Cemetery	266
67	<i>Radford</i>	
68	<i>Mountain View Cemetery</i>	[ <del>89</del> 91 ]
69	Richmond	
70	Evergreen Cemetery	2,100
71	Suffolk	
72	Oak Lawn Cemetery	468

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

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

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

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

88 G. The owner of a historical African American cemetery shall reasonably cooperate with a qualified  
 89 organization that receives funds pursuant to subsection B.