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SENATE BILL NO. 23

Offered January 12, 2022

Prefiled December 22, 2021

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—Locke, Norment, McClellan 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

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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
Chesapeake	
Cuffeytown Cemetery	52
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
Harrisonburg	
Newtown Cemetery	400
Martinsville	
Matthews Cemetery	8
The People's Cemetery	178
Smith Street Cemetery	9
Portsmouth	
Mt. Calvary Cemetery	266
Radford	
Mountain View Cemetery	91
Richmond	
Evergreen Cemetery	2,100
Suffolk	
Oak Lawn Cemetery	468

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

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

E. Each qualified 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 D. 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.

F. In addition to funds that may be provided pursuant to subsection B or C, any organization that receives funds pursuant to subsection B or C 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 or from the Fund.

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

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