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HOUSE BILL NO. 2244

Offered January 11, 2023

Prefiled January 11, 2023

A BILL to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to Department of Historic Resources; appropriations for historical African American cemeteries and graves.

Patrons—Cordoza, Anderson, Edmunds and Wiley

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:

"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, 1948, 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, any person or locality that owns a historical African American cemetery, or any locality whose purpose for applying for funding pursuant to this section is to maintain a neglected historical African American cemetery, or a portion thereof, that is located within its jurisdictional bounds.

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 ~~bases~~ of both (i) the number of graves, monuments, and markers in a cemetery of African Americans who were born after January 1, 1900, and interred in such cemetery prior to January 1, 1948, and (ii) the number of graves, monuments, and markers in a cemetery of African Americans who lived at any time on or after January 1, 1800, but not after 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

INTRODUCED

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60	West Dublin Cemetery	44
61	IN THE CITY OF:	
62	Alexandria	
63	Baptist Cemetery of the African American Heritage Park	28
64	Contrabands and Freedmen Cemetery	631
65	Douglass Cemetery	83
66	Lebanon Union Cemetery	53
67	Methodist Protestant Cemetery	1,134
68	Penny Hill Cemetery	14
69	Charlottesville	
70	Daughters of Zion Cemetery	192
71	Chesapeake	
72	Cuffeytown Cemetery	52
73	Hampton	
74	Bassette's Cemetery	212
75	Elmerton Cemetery	339
76	Good Samaritan Cemetery	37
77	Pleasant Shade Cemetery	29
78	Queen Street Cemetery	14
79	Tucker Family Cemetery	15
80	Union Street Cemetery	125
81	Harrisonburg	
82	Newtown Cemetery	400
83	Martinsville	
84	Matthews Cemetery	8
85	The People's Cemetery	178
86	Smith Street Cemetery	9
87	Portsmouth	
88	Mt. Calvary Cemetery	266
89	Radford	
90	Mountain View Cemetery	91
91	Richmond	
92	Evergreen Cemetery	2,100
93	Suffolk	
94	Oak Lawn Cemetery	468

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

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

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

109 F. In addition to funds that may be provided pursuant to subsection B or C, any organization that
 110 receives funds pursuant to subsection B or C may apply to the Director for a grant to perform
 111 extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American
 112 cemeteries and graves. However, a locality that is eligible for funding pursuant to subsection B or C
 113 may apply to the Director for such a grant without having received funding pursuant to subsection B or
 114 C. A locality's application for the grant shall not preclude another qualified organization from applying
 115 for funding pursuant to subsection B or C for the same cemetery or grave. A grant made pursuant to
 116 this subsection shall be made from any appropriation made available by the General Assembly for such
 117 purpose or from the Fund.

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

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