

SENATE BILL NO. 23

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology

on _____)

(Patron Prior to Substitute--Senator Locke)

A BILL to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries; disbursement of funds; qualified organization.

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 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

27 maintenance of qualifying cemeteries and graves pursuant to this section shall submit an application to
 28 the Department on or before May 30 each year. Such appropriations shall be allocated on the basis of the
 29 number of graves, monuments, and markers in a cemetery of African Americans who lived at any time
 30 between January 1, 1800, and January 1, 1900, the dates to be determined by reference to grave markers
 31 or, at the discretion of the Director, other historical records. Such number of graves, monuments, and
 32 markers, as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average
 33 actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine
 34 the amount of the allocation. The Department shall determine the average actual cost of routine
 35 maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained
 36 cemeteries, each located in a different geographical region of the Commonwealth. The Director shall
 37 deposit any appropriated funds that are not disbursed during the same fiscal year into the Fund.

a	IN THE COUNTY OF:	NUMBER:
b	Arlington	
c	Calloway Cemetery	29
d	Lomax Cemetery	66
e	Mount Salvation Cemetery	29
f	Buckingham	
g	Stanton Family Cemetery	36
h	Henrico	
i	East End Cemetery	4,875
j	Loudoun	
k	African-American Burial Ground for the Enslaved at Belmont	44
l	Mt. Zion Old School Baptist Church Cemetery	33
m	Montgomery	
n	Wake Forest Cemetery	40

0	Westview Cemetery	47
p	Pulaski	
q	New River Cemetery	33
r	West Dublin Cemetery	44
s	IN THE CITY OF:	
t	Alexandria	
u	Baptist Cemetery of the African American Heritage Park	28
v	Contrabands and Freedmen Cemetery	631
w	Douglass Cemetery	83
x	Lebanon Union Cemetery	53
y	Methodist Protestant Cemetery	1,134
z	Penny Hill Cemetery	14
aa	Charlottesville	
ab	Daughters of Zion Cemetery	192
ac	Chesapeake	
ad	Cuffeytown Cemetery	52
ae	Hampton	
af	Bassette's Cemetery	212
ag	Elmerton Cemetery	339
ah	Good Samaritan Cemetery	37
ai	Pleasant Shade Cemetery	29
aj	Queen Street Cemetery	14
ak	Tucker Family Cemetery	15
al	Union Street Cemetery	125

am	Harrisonburg	
an	Newtown Cemetery	400
ao	Martinsville	
ap	Matthews Cemetery	8
aq	The People's Cemetery	178
ar	Smith Street Cemetery	9
as	Portsmouth	
at	Mt. Calvary Cemetery	266
au	Radford	
av	Mountain View Cemetery	91
aw	Richmond	
ax	Evergreen Cemetery	2,100
ay	Suffolk	
az	Oak Lawn Cemetery	468

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

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

47 E. Each qualified organization, through its proper officer, shall after July 1 of each year submit to
48 the Director a certified statement that the funds appropriated to the organization during the preceding
49 fiscal year were or will be expended for the purposes set forth in subsection D. No organization that fails

50 to comply with any of the requirements of this section shall receive moneys allocated under this section
51 for any subsequent fiscal year until the organization fully complies with the requirements.

52 F. In addition to funds that may be provided pursuant to subsection B or C, any organization that
53 receives funds pursuant to subsection B or C may apply to the Director for a grant to perform extraordinary
54 maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries
55 and graves. However, a locality that is eligible for funding pursuant to subsection B or C may apply to the
56 Director for such a grant without having received funding pursuant to subsection B or C. A locality's
57 application for the grant shall not preclude another qualified organization from applying for funding
58 pursuant to subsection B or C for the same cemetery or grave. ~~Such a~~ A grant made pursuant to this
59 subsection shall be made from any appropriation made available by the General Assembly for such
60 purpose or from the Fund.

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

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

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