

1 SENATE BILL NO. 1062

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the Senate Committee on General Laws and Technology

4 on _____)

5 (Patron Prior to Substitute--Senator Spruill)

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

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African**
11 **American cemeteries and graves.**

12 A. For purposes of this section:

13 "Fund" means the Historical African American Cemeteries and Graves Fund created pursuant to
14 § 10.1-2211.3.

15 "Historical African American cemetery" means a cemetery that was established prior to January
16 1, 1948, for interments of African Americans.

17 "Qualified organization" means a charitable corporation, charitable association, or charitable trust
18 that has been granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and whose primary
19 purpose is the preservation of historical cemeteries and graves, any person or locality that owns a historical
20 African American cemetery, or any locality whose purpose for applying for funding pursuant to this
21 section is to maintain a neglected historical African American cemetery, or a portion thereof, that is located
22 within its jurisdictional bounds.

23 B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual
24 warrant upon the State Treasurer from any sum that may be provided to the Department in the general

25 appropriation act for the purpose of maintaining qualifying cemeteries and graves pursuant to this section.
26 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~~ bases
29 of both (i) the number of graves, monuments, and markers in a cemetery of African Americans who were
30 interred in such cemetery prior to January 1, 1948, alive prior to January 1, 1900, regardless of the date of
31 interment, and (ii) the number of graves, monuments, and markers in a cemetery of African Americans
32 who were born on or after January 1, 1900, and interred in such cemetery prior to January 1, 1948, the
33 dates to be determined by reference to grave markers or, at the discretion of the Director, other historical
34 records. Such number of graves, monuments, and markers, as documented by the qualified organization,
35 shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave,
36 monument, or marker, whichever is greater, to determine the amount of the allocation. The Department
37 shall determine the average actual cost of routine maintenance of a grave, monument, or marker in a
38 biennial survey of at least four properly maintained cemeteries, each located in a different geographical
39 region of the Commonwealth. The Director shall deposit any appropriated funds that are not disbursed
40 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
o	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

41 C. In addition to any sum provided to a qualified organization as set forth in subsection B, the
42 Director may disburse funds to any qualified organization to fund maintenance and care of additional
43 historical African American graves in the Commonwealth that have been certified by the Department and

44 documented in the Department's cultural resources database. Funds disbursed under this subsection shall
45 be disbursed at the rate set forth in subsection B.

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

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

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

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

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

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Schultz, Rebecca

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