

HOUSE BILL NO. 2244

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources  
on January 25, 2023)

(Patron Prior to Substitute--Delegate Cordoza)

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.

**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

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<br>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<br>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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