

FILED

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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

House Bill No. 4402

(By Delegate Amores)



Passed March 9, 2002

In Effect Ninety Days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 4402

(BY DELEGATE AMORES)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend article thirteen, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a; and to amend and reenact section seven of said article, all relating to procedures to be used whenever development on privately owned lands may disturb graves; and providing certain exemptions.

Be it enacted by the Legislature of West Virginia:

That article thirteen, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section one-a; and that section seven of said article be amended and reenacted, all to read as follows:

**ARTICLE 13. REMOVAL, TRANSFER AND DISPOSITION OF REMAINS
IN GRAVES LOCATED UPON PRIVATELY OWNED
LANDS.**

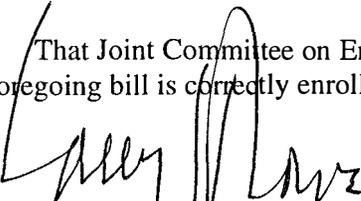
§37-13-1a. Improvement, construction or development upon privately owned lands containing graves.

1 No improvement, construction or development shall
2 commence upon privately owned lands on which a cemetery or
3 graves are located if such improvement, construction or
4 development would destroy or otherwise physically disturb the
5 cemetery or graves located on the land unless the owner first
6 files a petition in accordance with the provisions of section two
7 of this article and an order is entered pursuant to article five of
8 this article providing for the disposition of the remains.

§37-13-7. Remedy herein provided cumulative.

1 This article and the rights and remedies herein provided for
2 shall be cumulative and in addition to other existing rights. The
3 right of eminent domain and the remedy of condemnation of
4 lands shall not be affected hereby. This article shall not apply
5 to burial grounds governed by the provisions of article five,
6 chapter thirty-five of this code or by the provisions of section
7 eight-a, article one, chapter twenty-nine of this code.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



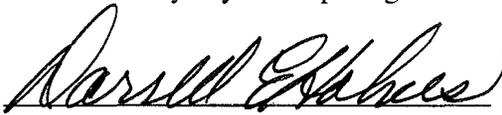
Chairman Senate Committee



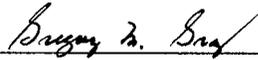
Chairman House Committee

Originating in the House.

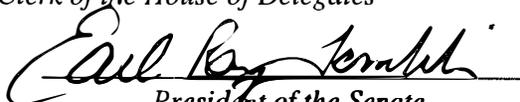
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Clerk of the Senate



Clerk of the House of Delegates

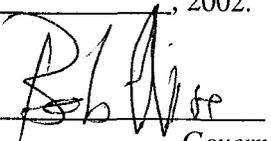


President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd
day of April, 2002.



Governor

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