WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

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ENROLLED

House Bill No. 4402

(By Delegate Amores)

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Passed March 9, 2002

In Effect Ninety Days from Passage
ENROLLED

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 commence upon privately owned lands on which a cemetery or graves are located if such improvement, construction or development would destroy or otherwise physically disturb the cemetery or graves located on the land unless the owner first files a petition in accordance with the provisions of section two of this article and an order is entered pursuant to article five of 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 shall be cumulative and in addition to other existing rights. The right of eminent domain and the remedy of condemnation of lands shall not be affected hereby. This article shall not apply to burial grounds governed by the provisions of article five, chapter thirty-five of this code or by the provisions of section 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.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor