

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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APR 5 8 58 AM '94
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Division of Culture and History TITLE NUMBER: 82-3

AMENDMENT TO AN EXISTING RULE: YES^x , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: CSR 82-3

TITLE OF RULE BEING AMENDED: Standards and Procedures for Granting Permits
to Excavate Archaeological Sites and Unmarked Graves

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

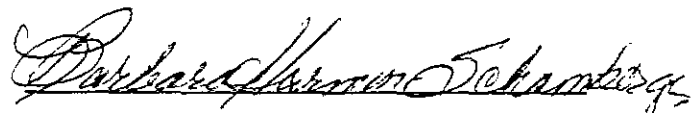
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 161

SECTION 64-6-3(B), PASSED ON 10 March 1994

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: 5 April 1994



Authorized Signature

**Calendar of activities documenting process of revising CSR 82-3
"Standards and Procedures for Granting Permits to Excavate
Archaeological Sites and Unmarked Graves"**

Passage of H.B. 2671 in the 1993 legislative session necessitated revision of CSR 82-3 "Standards and Procedures for Granting Permits to Excavate Archaeological Sites and Unmarked Graves." Passed 10 April 1993, effective 1 July 1993

Revised and modified draft of CSR 82-3 approved by Archives and History Commission, 6 July 1993.

Approved draft of CSR 82-3 filed with Secretary of State 7 July 1993 for public comment and hearing.

Public hearing on CSR 82-3 held on 9 August 1993.

Draft modified slightly in response to written and public hearing comments, 9 August 1993.

Revised draft approved by Archives and History Commission 13 August 1993.

Approved draft filed with Secretary of State' Office and Legislative Rule Making Committee 13 August 1993.

Legislative Rule Making Committee hearing held 16 November 1993 with slight modification to language regarding composition of ad hoc burial committee.

Modified draft filed with Secretary of State's Office and Legislative Rule Making Committee 1 December 1993.

Draft copy of CSR 82-3, as modified by Legislative Rule Making Committee, submitted and accepted by Archives and History Commission, 28 January 1994.

S.B. 161, to amend the Code reflecting the revised rules CSR 82-3, introduced 31 January 1994.

S.B. 161 passed legislature 10 March 1994.

S.B. 161 signed by governor 28 March 1994.

Final draft of CSR 82-3, signed by Secretary of Department of Education of and the Arts and filed with Secretary of State's Office 5 April 1994 with effective date of 5 April 1994.

Apr 5 8 58 AM '94

TITLE 82
LEGISLATIVE RULES
DIVISION OF CULTURE AND HISTORY

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 3
STANDARDS AND PROCEDURES FOR GRANTING PERMITS TO
EXCAVATE ARCHAEOLOGICAL SITES AND UNMARKED GRAVES

10 §82-3-1. General.

11
12 1.1. Scope. -- This legislative rule establishes the procedures by
13 which permits are issued for the excavation of historic and
14 prehistoric ruins and archaeological sites; burial grounds, human
15 skeletal remains and unmarked graves; and the removal or alteration of
16 grave markers. Additionally, it establishes the method by which
17 property tax exemptions for unmarked graves are determined and the
18 methods for disposing of skeletal remains and associated artifacts
19 claimed by descendants and those remains and artifacts not claimed.
20 Not included within the scope of this legislative rule are collections
21 of artifacts from historic or prehistoric ruins, burial grounds,
22 archaeological sites or unmarked graves acquired prior to the
23 effective date of H.B. 4752, June 8, 1990 or of artifacts collected
24 from the surface of the ground through surface survey or activities
25 undertaken in compliance with the federal Archaeological Resources
26 Protection Act (Public Law 96-95 at 16 USC 470(aa)) and regulations
27 promulgated thereunder and projects being undertaken in compliance
28 with §106 of the National Historic Preservation act of 1966, as
29 amended, or subsection a, section five, article one of chapter 29 of
30 the West Virginia Code.

31
32 1.2. Authorization. -- W. Va. Code § 29-1-8(d).

33
34 1.3. Filing Date. -- April 5, 1994.

35
36 1.4. Effective Date. -- April 5, 1994.

37
38 §82-3-2. Definitions.

39
40 2.1. "Archaeology" means the systematic, scientific study of past
41 cultures through examination of material remains.

42
43 2.2. "Ruins" mean the remnants of structures constructed by humans
44 during historic or prehistoric times.

45
46 2.3. "Sites" mean areas occupied for various durations by humans
47 throughout history and prehistory including, but not limited to,
48 campsites, villages, dwellings, rock shelters and industrial
49 complexes.

50
51 2.4. "Cultural Affiliation" means the relationship of shared group
52 identity which can be reasonably traced historically or
53 prehistorically between a present day group and an identifiable
54 earlier group.

55
56 2.5. "Lineal Descendants" means any individuals tracing his or her
57 ancestry directly or by proven kinship.

1951

1951

1951

1 2.6. "Proven Kinship" means the relationship among people that
2 exists because of genetic descent, which includes racial descent.
3

4
5 2.7 "Burial Grounds" mean a location where during history or
6 prehistory human bodies or skeletal remains are entombed in visibly
7 marked or unmarked graves and may include objects or artifacts with
8 them.
9

10 2.8 "Grave Goods" mean artifacts found in association with a human
11 burial.
12

13 2.9 "Professional Archaeologist" means an individual meeting the
14 qualifications specified in the Secretary of the Interior's Standards
15 for the Recovery of Archaeological Data (36 CFR 66).
16

17 2.10. "Avocational Archaeologist" means an individual whose
18 vocation is in a field different than archaeology and who does not
19 have a degree in the subject.
20

21 2.11. "Permit" means a written authorization issued by the Director
22 of Historic Preservation, or designee, to conduct excavations of
23 historic and prehistoric ruins, archaeological sites, burial grounds,
24 human skeletal remains, and unmarked graves, and to remove or alter
25 grave markers. A permit shall be valid for one designated site.
26

27 2.12. "Emergency Condition" means any unforeseen discovery of human
28 remains.
29

30 2.13. "Excavation" means the controlled removal of dirt to uncover
31 and retrieve artifacts or human skeletal remains.
32

33 2.14. "Surface Survey" means an activity that involves traversing
34 the land for the purpose of locating archaeological sites as revealed
35 by artifacts found on the surface of the ground.
36

37 2.15. "Historical or Archaeological Significance" means sites,
38 ruins, burial grounds, or unmarked graves having significance
39 determined by applying the criteria of eligibility for the National
40 Register of Historic Places found in 36 CFR 60.
41

42 2.16. "Director" means Director of Historic Preservation or
43 authorized representative.
44

45 2.17. "Evidence of descent" means evidence of a kin or cultural
46 affiliation between a present-day individual or Indian Tribe and human
47 remains and cultural items which shall be established by using the
48 following types of evidence: Geographical, kinship, biological,
49 archeological, anthropological, linguistic, folklore, oral tradition,
50 historical, or other relevant information or expert opinion.
51

52 §82-3-3. Permits to excavate historic and prehistoric ruins and
53 archaeological sites.
54

55 3.1. Any person proposing to excavate a ruin or site shall request
56 a permit application form from the Director at the Division of Culture
57 and History, The Cultural Center, Capitol Complex, Charleston, W. Va.

1 25305. They may call the Cultural Center at 558-0240 for further
2 information. Permits will be issued on a project by project basis.
3 The form will provide for and require the following information:
4

5 3.1.1. Documentation of the property owner's or property
6 manager's, in the case of publicly owned land, permission to excavate.
7 Recovered artifacts remain the property owner's, except in the case of
8 publicly owned land, unless they forfeit their rights to them in
9 writing.

10
11 3.1.2. The applicant's qualifications. A professional
12 archaeologist will submit a resume, if not already on file at the
13 State Historic Preservation Office. Avocational archaeologists will
14 submit a letter explaining their past accomplishments as an
15 avocationalist.
16

17 3.1.3. An excavation plan detailing the methodologies and
18 techniques by which the excavations will be conducted and the reasons
19 and objectives for excavation or removal and the benefits expected to
20 be obtained from the contemplated work.
21

22 3.1.4. The facility where recovered material and excavation
23 records will be curated.
24

25 3.1.5. A plan to restore the site to its former condition prior
26 to excavations when the site is not intended to altered or destroyed.
27

28 3.2. Upon review of the permit application by the Director, a
29 written response to the applicant will be forwarded within thirty (30)
30 days of receipt of the application. Permits may be issued for up to
31 two (2) years and may be suspended or revoked at any time for failing
32 to meet terms and conditions of the permit. The Director shall be
33 allowed access to any excavation of a site or ruin to observe whether
34 conditions and terms of the permit are being met.
35

36 Permits may be denied for reasons including, but not limited to,
37 failure to provide a completed application form, inadequate
38 justification for excavating a site or ruins, or inability to complete
39 satisfactorily a previous excavation. The reasons for denial shall be
40 written down and forwarded to the applicant within thirty days of
41 receipt of the application. Applicants denied a permit may appeal the
42 decision by requesting a hearing before a regularly scheduled meeting
43 of the Archives and History Commission. Such hearing shall be held in
44 accordance with W. Va. Code §§29A-5-1 et. seq.
45

46 3.3. If a permit is granted, an annual progress report shall be
47 submitted on the anniversary date of the permit, if applicable, and a
48 final report of the excavation will be submitted upon completion of
49 fieldwork. The deadline for final reports will vary depending upon
50 the nature of the project. Professionals will submit reports of the
51 quality recommended in the Secretary of Interior's Standards and
52 Guidelines for Archaeology and Historic Preservation (36 CFR 68).
53 Avocationalists are not expected to submit reports of professional
54 quality, but they shall minimally include information on site location
55 and conditions, relevant background information, all field
56 observations (stratigraphy, features, etc.), and analyses and results.
57 The Director may request that reports be written for publication to be

1 read by the general public, or in other ways disseminate the
2 information recovered through permitted excavations to the general
3 public.

4

5 §82-3-4. Permits to excavate burial grounds, human skeletal remains
6 and unmarked graves.

7

8 4.1. After the Director has been notified of the discovery of
9 skeletal remains, grave artifacts or grave markers, the director shall
10 cause an on-site inspection of the disturbance to be made to determine
11 the potential for archaeological significance of the site. If the
12 director determines that the site has potential historical or
13 archaeological significance and after alternatives to excavation have
14 been examined, a permit application form for the archaeological
15 excavation or removal of the remains must be filed. In cases where
16 discovery is unforeseen, an on-site inspection shall be made within ten
17 (10) working days and the determination of potential historical or
18 archaeological significance shall be made as soon as is reasonable,
19 but shall not exceed sixty (60) days. Permits to excavate burials
20 will be made available for review by the public upon request. When
21 the Director, or designee, determines that emergency conditions exist,
22 a permit may be issued without having received an application form,
23 provided that the terms and conditions for excavating are formally
24 agreed to at a more convenient time. An application form will provide
25 for and require the following information:

26

27 4.1.1. Documentation of the property owner's or property
28 manager's in the case of publicly owned land, permission to excavate.
29 Recovered artifacts remain the property owner's, except in the case of
30 publicly owned land, unless they forfeit their rights to them in
31 writing.

32

33 4.1.2. The applicant's qualifications. A professional
34 archaeologist will submit a resume, if not already on file at the
35 State Historic Preservation Office. Avocational archaeologists will
36 submit a letter explaining their past accomplishments as an
37 avocationalist.

38

39 4.1.3. An excavation plan detailing the methodologies and
40 techniques by which the excavations will be conducted and the reason
41 and object for excavation the burial grounds, human skeletal remains,
42 or unmarked graves and the benefits expected to be obtained from the
43 contemplated work; except when discovered through construction
44 activities.

45

46 4.1.4. The facility where recovered material and excavation
47 records will be curated.

48

49 4.1.5. A plan to restore the site to its former condition prior
50 to excavations when the site is not intended to be altered or
51 destroyed.

52

53 4.2. Prior to the issuance of a permit for the disturbance of human
54 skeletal remains, grave artifacts, or grave markers, the director
55 shall convene and chair an ad hoc committee to develop permit
56 conditions. The committee shall be comprised of the chair and 6 or 8
57 members representing known or presumed lineal descendants, private and

1 public organizations which have cultural affiliation to the presumed
2 contents of the site, the Council for West Virginia Archaeology and
3 the West Virginia Archaeological Society. At least two (2) persons
4 shall represent each group applicable to the site. Any remaining
5 vacancies shall be chosen at the discretion of the director from the
6 applicable groups according to the presumed cultural affiliation of
7 the site. In the case of Native American sites, the ad hoc committee
8 shall be comprised of the chair and 6 or 8 members representing the
9 Council for West Virginia Archaeology, the West Virginia
10 Archaeological Society, and known or presumed lineal descendants,
11 preferably with cultural affiliation to tribes that existed in the
12 geographic area that is now West Virginia. At least two (2) persons
13 shall represent each of these groups with the remaining vacancies to
14 be chosen at the discretion of the director from these groups
15 according to the presumed cultural affiliation of the site. The ad
16 hoc committee must be formed within thirty days of application, must
17 meet within sixty days of application, and must render a decision
18 within ninety days of application.

19
20 All such permits shall at a minimum address the following
21 conditions:

22
23 4.2.1. The methods by which lineal descendants of the deceased
24 are notified prior to the disturbance.

25
26 4.2.2. The respectful manner in which the remains, artifacts or
27 markers are to be removed and handled.

28
29 4.2.3. Scientific analysis of the remains, artifacts or markers
30 and the duration of those studies.

31
32 4.2.4. The way in which the remains may be reburied in
33 consultation with any lineal descendants, when available.

34
35 4.2.5. The methods for the respectful curation of recovered
36 items.

37
38 4.2.6. Such other conditions as the director may deem
39 necessary.

40
41 4.3. Permits shall be issued for two (2) years and may be
42 suspended or revoked at any time due to failure of meeting terms and
43 conditions of the permit. The Director and members of the ad hoc
44 committee shall be allowed access to any excavation of burial grounds,
45 human skeletal remains, or unmarked graves to observe whether
46 conditions and terms of the permit are being met.

47
48 4.3.1. Permits may be renewed for a period of six months if a
49 letter requesting such a renewal and the reasons for the renewal
50 request are submitted to the Director.

51
52 4.4. Permits may be denied from being issued for reasons
53 including, but not limited to, failure to provide a completed
54 application form, inadequate justification for excavating burial
55 grounds, human skeletal remains, or unmarked graves, or inability to
56 complete satisfactorily a previous excavation. The reasons for
57 denying a permit shall be written down and forwarded to the applicant.

1 Applicants denied a permit may appeal the decision by requesting a
2 hearing before a regularly scheduled meeting of the Archives and
3 History Commission. Such hearing shall be held in accordance with W.
4 Va. Code §§29A-5-1 et. seq.
5

6 4.5. If a permit is granted, an annual progress report shall be
7 submitted on the anniversary date of the permit, if applicable, and a
8 final report of the excavations will be submitted upon completion of
9 fieldwork. The deadline for final reports will vary depending upon the
10 nature of the project. Professionals will submit reports of the
11 quality recommended in the Secretary of Interior's Standards and
12 Guidelines for Archaeology and Historic Preservation (36 CFR 68).
13 Avocationalists are not expected to submit reports of professional
14 quality, but they shall minimally include information on site location
15 and conditions, relevant background information, all field
16 observations (stratigraphy, features, etc.), and analyses and results.
17 The Director may request that reports be written for publication to be
18 read by the general public, or in other ways disseminate the
19 information recovered through permitted excavations to the general
20 public.
21

22 **§82-3-5. Permits for the removal or alteration of grave markers.**
23

24 5.1. Any person proposing to remove or alter the appearance of a
25 grave marker shall request a permit application form from the
26 Director. The form will provide for and require the following
27 information:
28

29 5.1.1. When applicable, written authorization from the cemetery
30 authority or caretaker for removal or alteration of a grave marker.
31

32 5.1.2. Evidence of attempts to notify descendents prior to
33 removing or altering the grave marker.
34

35 5.1.3. The purpose for removing or altering the grave marker.
36

37 5.1.4. The methods for recording the grave marker prior to its
38 removal or alteration. They may include, but not be limited to,
39 photographs, rubbings, and maps showing the location of the marker in
40 relationship to surrounding markers or objects.
41

42 **§82-3-6. Disposition of skeletal remains and associated artifacts**
43 **when claimed by lineal descendents.**
44

45 6.1. The lineal descendents of a deceased individual shall file a
46 claim of legitimacy and provide the Director with documentation and/or
47 evidence of descent.
48

49 6.1.1. Based upon evidence submitted by the descendents of a
50 deceased individual pursuant to section 6.1., the Director shall make
51 a written determination of the legitimacy of a claim of descent and
52 state the reasons therefore.
53

54 6.1.2. A descendent may appeal an adverse determination of
55 legitimacy by the Director to the Archives and History Commission by
56 filing notice of appeal with the Commission twenty (20) days prior to
57 the next regularly scheduled meeting.

1 6.1.2.a. The filing of a notice of appeal with the Commission
2 shall stay any action to dispose of or rebury the claimed remains and
3 associated artifacts and grave goods.

4
5 6.1.2.b. Upon receipt of a notice of appeal, the Commission
6 shall provide the descendent with a hearing at the next regularly
7 scheduled meeting of the Commission. Such hearing shall be held in
8 accordance with W. Va. Code §29A-5-1 et. seq.

9
10 6.2. Upon determination of a legitimate claim to the remains and
11 grave goods, a written agreement between the Director in consultation
12 with the ad hoc committee, the permittee and the descendent of the
13 deceased shall be executed detailing the method by which the remains
14 and any associated artifacts and grave goods shall be disposed of or
15 reburied.

16
17 **§82-3-7. Disposition of skeletal remains and associated artifacts**
18 **when not claimed by descendents.**

19
20 7.1. When human skeletal remains are not claimed by descendents,
21 the Director in consultation with the ad hoc committee has the option
22 to rebury the remains after archaeological investigations have been
23 completed, or to accession them into the state museum where they will
24 be cared for with dignity and respect as determined by the Director
25 and interested parties.

26 **§82-3-8. Procedures for establishing property tax exemptions for**
27 **burial grounds and unmarked graves.**

28
29 8.1. When a private property owner has evidence for the presence
30 of a burial ground or unmarked grave on his or her property, they may
31 apply for a tax exemption in the manner outlined below.

32
33 8.1.1. The property owner shall submit a letter to the Director
34 seeking a determination of the suspected burial ground or unmarked
35 graves authenticity and eligibility for tax exemption.

36
37 8.1.2. A response to the letter shall be made within thirty
38 (30) days about the availability of an archaeologist from the Division
39 of Culture and History to make the determination.

40
41 8.1.3. Upon completion of archaeological fieldwork to determine
42 the location and extent of the burial ground, a response shall be
43 prepared, after which, if verifying the presence of the burial ground,
44 a certificate of authenticity will be issued to the property owner.
45 The certificate may then be presented to the county assessor for
46 processing.

47
48 8.1.4. The property owner has the option to establish a
49 protective easement of the burial ground or unmarked grave by making
50 arrangements with officials from the Division of Culture and History.

51
52

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H. B. 4246

(By Delegates Gallagher, Douglas, Compton,
Huntwork, Burk and Faircloth
(Introduced January 31, 1994; referred to the
Committee on the Judiciary)

10 A BILL to amend and reenact section three, article four, chapter
11 sixty-four of the code of West Virginia, one thousand nine
12 hundred thirty-one, as amended, relating to authorizing the
13 division of culture and history to promulgate legislative
14 rules relating to standards and procedures for granting
15 permits to excavate archaeological sites and unmarked graves.

16 Be it enacted by the Legislature of West Virginia:

17 That section three, article four, chapter sixty-four of the
18 code of West Virginia, one thousand nine hundred thirty-one, as
19 amended, be amended and reenacted, to read as follows:

20 ARTICLE 4. AUTHORIZATION FOR DEPARTMENT OF EDUCATION AND THE
21 ARTS TO PROMULGATE LEGISLATIVE RULES.

22 §64-4-3. Division of culture and history.

23 (a) The legislative rules filed in the state register on the
24 eighth day of August, one thousand nine hundred ninety, modified

1 by the division of culture and history to meet the objections of
2 the legislative rule-making review committee and refiled in the
3 state register on the sixteenth day of January, one thousand nine
4 hundred ninety-one, relating to the division of culture and
5 history (standards and procedures for granting permits to
6 excavate archaeological sites and unmarked graves), are
7 authorized.

8 (b) The legislative rules filed in the state register on the
9 sixteenth day of August, one thousand nine hundred ninety-three,
10 modified by the division of culture and history to meet the
11 objections of the legislative rule-making review committee and
12 refiled in the state register on the first day of December, one
13 thousand nine hundred ninety-three, relating to the division of
14 culture and history (standards and procedures for granting
15 permits to excavate archaeological sites and unmarked graves),
16 are authorized.

17
18 NOTE: The purpose of this bill is to authorize the Division
19 of Culture and History to promulgate legislative rules relating
20 to standards and procedures for granting permits to excavate
21 archaeological sites and unmarked graves.

22
23 ~~Strike-throughs indicate language that would be stricken from~~
24 ~~the present law, and underscoring indicates new language that~~
25 ~~would be added.~~

SENATE BILL NO. 161

(By Senators: Manchin, Anderson, Grubb, Macnaughtan
and Board)

1 [Introduced January 31, 1994; referred to the
Committee on

GOVERNMENT ORGANIZATION

2
3
4
5
6
7
8
9
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16 Be it enacted by the Legislature of West Virginia:

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4 hundred ninety-one, relating to the division of culture and
5 history (standards and procedures for granting permits to
6 excavate archaeological sites and unmarked graves), are
7 authorized.

8 (b) The legislative rules filed in the state register on the
9 sixteenth day of August, one thousand nine hundred ninety-three,
10 modified by the division of culture and history to meet the
11 objections of the legislative rule-making review committee and
12 refiled in the state register on the first day of December, one
13 thousand nine hundred ninety-three, relating to the division of
14 culture and history (standards and procedures for granting
15 permits to excavate archaeological sites and unmarked graves),
16 are authorized.

17

18 NOTE: The purpose of this bill is to authorize the Division
19 of Culture and History to promulgate legislative rules relating
20 to standards and procedures for granting permits to excavate
21 archaeological sites and unmarked graves.

22

23 Strike-throughs indicate language that would be stricken from
24 the present law, and underscoring indicates new language that
25 would be added.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

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Executive Assistant

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JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: William M. Drennen

AGENCY: Culture & History

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: April 28, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 3 TITLE: 82 Culture & History

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: [Signature]

TITLE OF PERSON SIGNING: Commissioner

DATE: May 19, 1994

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
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STATE OF WEST VIRGINIA

SECRETARY OF STATE

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JUDY COOPER
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DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

March 15, 1994

W. M. Drennen, Jr.
Culture and History
Cultural Center, Capitol Complex
Charleston, WV 25305

SB 161 authorizing, **Title 82, Series 3, Standards & Procedures for granting permits to excavate archaeological sites & unmarked graves**, passed the Legislature on **March 10, 1994**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 161, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 161** section **64-6-3(b)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division