

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

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2009 OCT 21 PM 12:11

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WEST VIRGINIA DIVISION OF CULTURE AND HISTORY TITLE NUMBER: WV 82CSR6

RULE TYPE: PROCEDURAL CITE AUTHORITY: § 29-1-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6-Repeal/Replace

TITLE OF RULE BEING AMENDED: ARCHIVES AND HISTORY LIBRARY SERVICES AND FEE GUIDELINES

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON 23 NOVEMBER 2009 AT 5:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:


JOE GEIGER

WEST VIRGINIA ARCHIVES AND HISTORY

1900 KANAWHA BOULEVARD EAST

BUILDING 9
CHARLESTON, WV 25305-0300

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

TITLE 82 SERIES 6 ARCHIVES AND HISTORY LIBRARY SERVICES AND FEE GUIDELINES

Rule Title: _____
 Type of Rule: Legislative Interpretive Procedural
 Agency: WEST VIRGINIA DIVISION OF CULTURE AND HISTORY
 Address: ARCHIVES AND HISTORY
 1900 KANAWHA BOULEVARD EAST, BUILDING 9
 CHARLESTON, WV 25305-0300
 Phone Number: (304) 558-0230 Email: joe.geiger@wvculture.org

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This measure will have no impact on costs and revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: TITLE 82 SERIES 6 ARCHIVES AND HISTORY LIBRARY SERVICES AND FEE GUIDELINES

Rule Title: TITLE 82 SERIES 6 ARCHIVES AND HISTORY LIBRARY SERVICES AND FEE
GUIDELINES

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

The measure will have no impact on estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

None

Date: 10/21/09

Signature of Agency Head or Authorized Representative

Alex Gordon

**TITLE 82
PROCEDURAL RULES
CULTURE AND HISTORY**

**SERIES 6
ARCHIVES AND HISTORY LIBRARY
SERVICES AND FEE GUIDELINES**

Brief Summary of Rule:

The purpose of this rule is to revise and update the guidelines and fees for access and use of the collections of the West Virginia Archives and History Library. The filing is a repeal and replace version to address security concerns by defining what materials may be brought into the Library and refining current policies governing use of Library materials and Archives collections. A fee increase for Civil War medal applications is included to reflect extensive staff time spent in researching and verifying claims.

**TITLE 82
PROCEDURAL RULES
CULTURE AND HISTORY**

**SERIES 6
ARCHIVES AND HISTORY LIBRARY
SERVICES AND FEE GUIDELINES**

Statement of circumstances which require the proposed rule:

The proposed changes to the Archives and History Library Services and Fee Guidelines rules reflect a longstanding desire to improve the security of library and archival collections, most of which are irreplaceable. Recent changes in the Culture Center, where the Archives and History Library is located, specifically the addition of patron lockers, permit implementation of security changes that will limit items brought into the library. The proposed changes also reflect the increasing presence of Archives and History materials on the Internet and the need to provide clear guidelines as to use of Archives and History materials, whether they are accessed in the library, on the Internet, or elsewhere, in order to protect copyright, privacy rights, and other rights.

TITLE 82
PROCEDURAL RULE
CULTURE AND HISTORY

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2009 OCT 21 PM 12:11

SERIES 6
ARCHIVES AND HISTORY LIBRARY
SERVICES AND FEE GUIDELINES

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§ 82-6-1. General.

1.1. Scope. - These procedural rules set forth policies and procedures concerning the availability to the public of all records and informational materials generated, developed, or held by Archives and History.

1.2. Authority. - W. Va. Code § 29-1-6

1.3. Filing Date. -

1.4. Effective Date. -

1.5. Repeal of former rule. - This procedural rule repeals and replaces WV 82CSR6 "Archives and History Library Services and Fee Guidelines" filed December 6, 2004, and effective January 15, 2005.

§ 82-6-2. Definitions.

2.1. *Emergency requests* are research inquiries involving the immediate health and well-being of a patron, such as documentation necessary for acquiring or sustaining health benefits.

2.2. *Research requests* are inquiries for information submitted in writing to Archives and History.

2.3. *Rush requests* are research inquiries needed on an immediate basis, but not involving the health and well-being of a patron. These inquiries typically will be responded to within two days.

2.4. *Specialized collections* consist of any one of the following Archives and History collections: archives collections, manuscript collections, special collections, photograph collections, audiovisual archives, maps, state documents, rare books, and other materials requiring staff assistance.

§ 82-6-3. Public Availability and Use.

3.1. Availability of records.

Archives and History's administrative/office records are available to the greatest extent possible in keeping with the spirit and intent of the Freedom of Information Act. Requestors should

address their requests to the state archivist. The person making the request need not have a particular interest in the subject matter, nor provide justification for the request except to the extent necessary to determine the requestor's category for fee assessment purposes. The FOIA requirement that records be available to the public refers only to records in existence when the request is submitted. The act does not require an agency to compile or create information or records in response to an FOIA request.

3.2. Applying exemptions.

The Freedom of Information Act need not be invoked to obtain access to accessioned collections. Archives and History will restrict access to a collection or a portion of a collection on which restrictions have been placed by the donor. To obtain access to a restricted collection, patrons are required to apply directly to the donor. Archives and History will not withhold a record unless there is a compelling or legal reason to do so.

3.3. Records of other agencies.

In some instances, Archives and History maintains on deposit, but does not accession, the records of other state government agencies. If Archives and History receives a request to make available such unaccessioned records on deposit, it shall refer the request to the agency concerned for appropriate action.

§ 82-6-4. Hours of Use.

Hours for the Archives and History Library are established within the operating hours of the Culture Center.

§ 82-6-5. Availability of Records and Donated Historical Materials.

5.1. General provisions.

Researchers will normally use documents in the Archives and History Library. Original documents will not normally be made available when microfilm, photocopies, or other alternative copies of the documents are available.

5.2. Research procedures and rules.

5.2.a. All patrons must sign and complete the guest book in full at the entrance desk each day upon initial entry. All patrons must also complete a library registration form in full. Refer to Form #1, WVAH-01, "Library Registration Form West Virginia Archives and History." Patrons will only have to complete the library registration form on one occasion, but may be asked periodically for updates to registration information.

5.2.b. All researchers using specialized collections will complete a specialized collections use form. Refer to Form #2, WVAH-02, "Specialized Collections Use Form West Virginia Archives and History."

5.2.c. Patrons may bring only the following personal items into the library: pencils, legal-type pads, blank sheets of unbound paper, index cards and loose personal papers (for example: genealogy charts, notes, printouts); necessary medication and personal medical devices; laptop computer with power cord, mouse and memory stick or flash drive; silenced cell phones, pagers or similar devices; money, checkbooks, identification cards and monetary cards; and clear plastic bags to contain allowable items. Coats and other outerwear are permitted, but pockets must be empty. All materials are subject to inspection upon departure from library.

5.2.d. Prohibited items include but are not limited to: all liquids, food, candy, gum, tobacco products, umbrellas, purses, waist packs, tote bags, backpacks, suitcases, computer bags and brief cases; opaque plastic and paper bags; notebooks of any type; pads with wire or plastic comb bindings; pens, mechanical pencils, colored pencils, markers, highlighters and/or marking devices; self-adhesive notes, tape and stickers; scissors, knives and box cutters; file boxes, file folders, envelopes and report covers; and personal reference books.

5.2.e. Patrons will be provided with pencils, blank paper, bookmarks, one-page genealogy charts, tissues and clear plastic self-closing bags.

5.2.f. Division of Culture and History lockers are available on a first-come, first-serve basis. Archives and History is not responsible for items placed in lockers.

5.2.g. All persons and belongings are subject to inspection before departure.

5.2.h. Use of any tobacco products, eating, and drinking are prohibited in all library and collections areas. Prohibition includes candy, gum and all liquids.

5.2.i. Staff is available at the reference desk to assist patrons.

5.2.j. Patrons are responsible for their personal property. Archives and History assumes no responsibility for lost or stolen personal belongings or property.

5.2.k. Use of electronic or mechanized copying equipment by patrons is prohibited in all library and microfilm rooms. Such equipment includes but is not limited to cameras, cell phone cameras, photocopiers and scanning devices.

5.2.l. Use of cellular phones or personal communication devices is prohibited. Phones that are on a silent setting or turned off may be brought into the library, but all calls must be answered and placed outside the library.

5.2.m. Only pencils may be used by researchers. Use of pens, highlighters, and other writing and/or marking devices is prohibited.

5.2.n. Patrons will not apply self-adhesive removable notes, tape, paper clips, staples, or similar objects to any items in the collections.

5.2.o. Patrons may pull books, materials and microfilm in the library and microfilm storage rooms. Call slips, with all requested information printed legibly, must be submitted at the reference desk for materials not shelved in these rooms. Materials may be used in the library and microfilm reading rooms only and may not be removed. Patrons are not to reshelve any materials but are to return them to designated areas.

5.2.p. Patrons are to limit the number of books at their work area to three (3) and the number of reels of microfilm to no more than two (2). Other restrictions apply for specialized collections.

5.2.q. Arrangement of the materials is to be retained and all materials are to be treated with great care so as to avoid marking, folding, or damaging in any way.

5.2.r. Patrons who find damaged materials should inform Archives and History staff immediately so that repair and preservation work can be initiated.

5.2.s. Use of the microfilm readers, reader/printers and on-line public access computers is on a first-come, first-served basis with sign-up required. When other researchers are waiting to use a microfilm reader or reader/printer, a two-hour limit may be imposed. Use of on-line public access computers is limited to thirty minutes. Patrons are not permitted to use personal disks or other storage media on library computers.

5.2.t. During the last one-half hour of operation, no materials will be pulled from the closed stacks or copies made by staff. During the last one-half hour of operation, the microfilm storage room will be closed.

5.2.u. All photocopying will be done by staff.

5.2.v. Some materials at Archives and History are protected by copyright and other restrictions. Archives and History will only photocopy materials within the provisions of "fair use" provided in copyright law of the United States (Title 17, U.S. *Code*). Archives and History reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law. Patrons who copy materials at reader-printers or from the public-access computers in the library are responsible for determining any restrictions that may apply to those materials. Patrons also assume all responsibility for possible infringement of copyright and invasion of privacy or other rights that may arise in the use they make of the materials copied.

5.3. Use of specialized collections.

5.3.a. To provide quality access to the specialized collections, researchers should make an appointment with Archives and History staff at least one week in advance and provide information on research topic.

5.3.b. To access the specialized collections, researchers must complete an application form, which will be kept on file by Archives and History. Refer to Form #2, WVAH-02, "Specialized Collections Use Form West Virginia Archives and History."

5.3.c. Conditions for the use of photographic copies. Refer to Form #3, WVAH-03, "Conditions for the Use of Photographic Copies West Virginia Archives and History," and Form #5, WVAH-05, "Permission for Use of Photographs and Moving Images West Virginia Archives and History."

5.3.d. Conditions for the use of moving images footage. Refer to Form #4, WVAH-04, "Conditions for the Use of Moving Images Footage West Virginia Archives and History," and Form #5, WVAH-05, "Permission for Use of Photographs and Moving Images West Virginia Archives and History."

5.3.e. When material from the specialized collections is used in a publication, broadcast, film, exhibition, website, etc., credit must be given as follows: "West Virginia State Archives." When a specific collection name is provided by Archives and History, that name must also appear in the credit line.

5.3.f. Researchers assume all responsibility for questions of copyright and invasion of privacy or other rights that may arise in the reproduction or use of materials from the specialized collections.

5.3.g. Reproduction by others of photographic copies and moving images footage from the West Virginia State Archives is not permitted. Nor is it permitted to donate these materials, or other copies of specialized collections materials, to other archival institutions without the written permission of the West Virginia State Archives.

5.3.h. Specialized collections materials displayed on the West Virginia Archives and History website are covered by the rules discussed in 5.3.c., 5.3.d, 5.3.e, 5.3.f, and 5.3.g.

5.4. Use of Archives and History website materials.

5.4.a. Materials on the Archives and History website are for research, teaching, and private study purposes only. For such purposes, except as provided in subsection 5.3, users may reproduce (print or download) single copies of materials from this website without prior permission, on the condition that proper attribution of the source is provided in all copies. Users may also make additional photocopies of materials that are not protected by copyright for teaching purposes without prior permission, on the condition that proper attribution of the source is provided in all copies.

5.4.b. For copyrighted materials on the website that are owned by West Virginia Archives and History, such as *West Virginia History*, the making of multiple copies requires the written permission of the director of Archives and History.

5.4.c. For other uses of materials from this website, such as printed or online publications, broadcast, film, exhibition, website, etc., advance written permission from West Virginia Archives and History is required.

5.4.d. Permission to reprint articles from *West Virginia Archives and History News* is granted, provided: (1) The reprint is not used for commercial purposes, and (2) the following notice appears at the end of the reprinted material: "Previously published in *West Virginia Archives and History News*, [Volume and issue numbers], [Month, Year], a publication of the West Virginia Division of Culture and History."

5.4.e. Some materials on the Archives and History website are protected by copyright or other restrictions. Researchers assume all responsibility for questions of copyright and invasion of privacy or other rights that may arise in the reproduction or use of these materials.

§ 82-6-6. Requests for Services.

6.1. Research requests must be submitted in writing to the Archives and History Library and must be accompanied by the applicable minimum research fee as outlined in § 82-6-7. Research requests must be limited to two (2) specific requests for information per letter. Staff research time is set at one-half hour per letter. If more than one-half hour of staff time is required, an additional fee will be assessed. If requests will require excessive research time, a list will be provided of individuals who conduct genealogical and historical research for a fee.

6.2. All research requests are assigned in the order of the date of receipt, with the exception of emergency requests and rush requests.

6.3. Rush and emergency requests may be placed by phone or facsimile transmission, but must be accompanied by confirmation guaranteeing payment prior to any work on the order. A rush request may be denied if staff commitments preclude the completion of said request in the time specified.

§ 82-6-7. Fees.

7.1. Library fees.

7.1.a. A fee of fifteen dollars (\$15.00) must accompany each and every out-of-state research request. This fee is non-refundable and must be paid in advance. This entitles patrons to one-half hour of staff research time and two dollars and fifty cents (\$2.50) in copy work and postage and handling. If additional costs for copies, postage and handling, and/or additional research time are incurred, patrons will be billed.

7.1.b. A fee of five dollars (\$5.00) must accompany each and every in-state research request. This fee is non-refundable and must be paid in advance. This entitles patrons to one-half hour of staff research time and two dollars and fifty cents (\$2.50) in copy work and postage and handling. If additional costs for copies, postage and handling, and/or additional research time are incurred, patrons will be billed. The fee may be adjusted for West Virginia primary and secondary school students.

7.1.c. If emergency requests can be filled, they will be assessed a ten dollar (\$10.00) fee in addition to the applicable minimum research fee, any additional research and copy costs, and

postage and handling. If the response is to be transmitted by facsimile or other electronic means, an additional fee shall be assessed. Emergency requests are limited to single specific requests. Such requests may be subject to review and restrictions.

7.1.d. Rush requests will be assessed a twenty-five dollar (\$25.00) fee in addition to the applicable minimum research fee, any additional research and copy costs, and postage and handling. If the response is to be transmitted by facsimile or other electronic means, an additional fee shall be assessed. Rush requests are limited to single specific requests. Such requests may be subject to review and restrictions.

7.1.e. Requests requiring excessive staff time will be assessed a fee of twenty dollars (\$20.00) per hour for all work exceeding the first half hour, plus all other applicable charges.

7.1.f. The photocopying cost for all 8 ½" x 11" and 8 ½" x 14" paper is twenty-five cents (\$.25) per sheet. The photocopying cost for 11" x 17" paper is fifty cents (\$.50) per sheet.

7.1.g. The microfilm reader/printer copy cost is fifty cents (\$.50) per sheet for 8 ½" x 11" and one dollar (\$1.00) per sheet for 11" x 17" when staff is required to make the copies. When patrons make their own copies, using self-service reader/printers, the cost is twenty-five cents (\$.25) per sheet for 8 ½" x 11" and fifty cents (\$.50) per sheet for 11" x 17".

7.1.h. The computer printer copy cost is twenty-five cents (\$.25) per sheet.

7.1.i. Uncertified Vital Registration birth and death certificates printed by staff are two dollars and fifty cents (\$2.50) per copy.

7.1.j. Land grant records are one dollar and fifty cents (\$1.50) for the first page and one dollar (\$1.00) for each subsequent page of the same grant.

7.1.k. Certification of a copied record, as a true and accurate copy of the said record for historical purposes only, is two dollars and fifty cents (\$2.50) for each use of the seal, each page of a document to be certified individually. Only copies made by staff can be certified.

7.1.l. Oversized items that can be copied at the Capitol Complex will be assessed a ten dollar (\$10.00) fee, plus the cost of copies, and postage and handling, if applicable. Collections that must be copied off the Capitol Complex will be assessed a twenty dollar (\$20.00) fee, plus the cost of copies, and postage and handling, if applicable.

7.1.m. Submission of a claim form for a Union Civil War medal must be accompanied by a fifty dollar (\$50.00) non-refundable payment, which includes the verification process, notification of acceptance or rejection, return of documentation, and certified mailing of the medal to successful claimants. Refer to Form #10, WVAH-10, "How to Apply for a Civil War Medal at West Virginia Archives and History," and Form #11, WVAH-11, "Claim Application for Civil War Medals."

7.1.n. Responses to emergency requests and rush requests may be sent via facsimile transmission. A facsimile transmission fee of one dollar (\$1.00) per page will be added to the costs of those requests.

7.1.o. Digital files that are transmitted electronically will be assessed a five dollar (\$5.00) transmittal fee per file. This fee will be added to the costs of those requests.

7.2. Photograph fees.

7.2.a. The requestor must accept all charges in advance and payment may be required prior to reproduction or use of photographs.

7.2.b. Reproduction fees. Refer to Form #6, WVAH-06, "Photograph Reproduction Fees West Virginia Archives and History."

7.2.c. Use fees. Refer to Form #7, WVAH-07, "Photograph Use Fees West Virginia Archives and History."

7.2.d. Reciprocal arrangements may be considered for state agencies, organizations, institutions, or individuals who are donors to or supporters of Archives and History.

7.3. Audiovisual Archives fees.

7.3.a. The requestor must accept all charges in advance and payment may be required prior to transfer, duplication, or use of moving images, audio or microfilm.

7.3.b. Transfer and duplication fees. Refer to Form #8, WVAH-08, "Audiovisual Archives Transfer & Duplication Fees West Virginia Archives and History."

7.3.c. Use fees. Refer to Form #9, WVAH-09, "Audiovisual Archives Use Fees West Virginia Archives and History."

7.3.d. Reciprocal arrangements may be considered for state agencies, organizations, institutions, or individuals who are donors to or supporters of Archives and History.

7.4. Payment of fees.

Fees may be paid in cash, by check, money order, or credit card. Remittances from outside the United States must be made by credit card, international money order, payable in U.S. dollars, or a check drawn on a U.S. bank.

7.5. Non-Payment of fees.

Non-payment of fees nullifies any additional requests for copies or use of collections until full payment of outstanding obligations has been made.

WVAH-01
Form #1

Library Registration Form
West Virginia Archives and History

Name _____

Affiliation _____

Street Address _____

City _____ State _____ Zip _____

Home Phone _____ Business Phone _____

E-Mail Address _____

DECLARATION:

I acknowledge that I have received, read, understand and will abide by the Archives and History Library rules as listed. I understand that violation of the rules is grounds for revocation of permission to use the library or Archives and History materials.

Signature

Date

WVAH-02
Form #2

Specialized Collections Use Form
West Virginia Archives and History

Name _____

Affiliation _____

Street Address _____

City _____ State _____ Zip _____

Home Phone _____ Business Phone _____

E-Mail Address _____

Purpose of Research (check all that apply)

___ 01 State agency operations

___ 02 Legislation

___ 03 Genealogy

___ 04 Military history

___ 05 Student paper

___ 06 Graduate thesis

___ 07 Community history

___ 08 Historic preservation

___ 09 Archaeology

___ 10 Printed publication

___ 11 Illustrations

___ 12 Legal proceedings

___ 13 Property title search

___ 14 Exhibit

___ 15 Instructional use

___ 16 Audiovisual Archives

___ 17 Other (*please specify*): _____

DECLARATION:

I acknowledge that I have received, read, understand and will abide by the Archives and History Library rules as listed. I understand that violation of the rules is grounds for revocation of permission to use the library or Archives and History materials. For any publication, broadcast, film, exhibition, etc., in which this material is used, I will give credit as follows: "West Virginia State Archives." When a specific collection name is provided by Archives and History, that name will also appear in the credit line.

Signature

Date

WVAH-03

Form #3

**Conditions For the Use of Photographic Copies
West Virginia Archives and History**

1. Permission is granted for the use of photograph(s) from the West Virginia State Archives (WVSA) for a non-exclusive, one time, one edition, one language use only. Photographs may not be altered without permission of the WVSA. To make any additional use of the photograph(s) in another format requires the written permission of the WVSA and may be subject to additional fees. Further use of the photograph(s) must be applied for in writing prior to re-publication, re-broadcast, or re-exhibition.
2. Credit must be given as follows: "West Virginia State Archives." When a specific collection name is provided by the WVSA, that name must also appear in the credit line. In printed materials, the credit line will appear on the same or facing page as the photograph(s) or be included within the credit section. In all other formats, the credit line will be included on the film within the credit section. With exhibitions, including those in digital format, the credit line will be displayed within the exhibit area. Exceptions must be requested in advance.
3. A complimentary copy of any published work, videotape, or other final production format must be provided to the WVSA.
4. Copyrighted material will not be copied without the written permission of the copyright holder. Applicants assume all responsibility for questions of copyright and invasion of privacy that may possibly arise in the reproduction and in the use they make of the images reproduced.
5. Others must not be permitted to reproduce the photographic copy or any facsimile of it.
6. Photograph(s) shall not be donated to other archival institutions without the written permission of the WVSA.
7. The WVSA reserves the right to limit the number of photographic copies; to restrict the use or reproduction of rare or valuable material; to make special quotations on material involving unusual difficulty in copying; and to charge a higher copying fee than specified.
8. The applicant must accept all charges in advance and payment may be required before rights will be granted to use any photograph(s).
9. Any exceptions or additions to the above conditions must appear on, and be considered part of, this agreement.
10. Failure to comply with the above conditions may result in prosecution and/or restricted use of the WVSA collections.

**Conditions For the Use of Moving Images Footage
West Virginia Archives and History**

1. Permission is granted for the use of moving images footage from the West Virginia State Archives (WVSA) for a non-exclusive, one time, one edition, one language use only. Footage may not be altered without permission of the WVSA. The footage will not be used in other media or formats without the written permission of the WVSA and may be subject to additional fees. Further use of the footage must be applied for in writing prior to re-broadcast or re-exhibition. The applicant will not reproduce any still images from the footage for any use.
2. It is the applicant's responsibility to obtain all required releases from persons whose voices or likenesses appear in the footage or from their estates, and from the owners of any music contained in the footage. The applicant shall pay any fees and other payments required in connection with the releases and furnish the WVSA with copies of all such releases.
3. The applicant will indemnify, defend, and hold the WVSA and its officers, directors, agents, employees, representatives, and associates harmless from and against any and all costs, damages, liabilities, and expenses, including reasonable fees arising out of any claim whatsoever regarding use of the footage. At the request of the WVSA, the applicant will agree to defend any such claim at its own expense, which will include the obligations to pay residuals or any other amounts that may be due.
4. Copyrighted material will not be copied without the written permission of the copyright holder. Applicants assume all responsibility for questions of copyright and invasion of privacy that may possibly arise in the reproduction and in the use they make of the images reproduced.
5. Credit must be given as follows: "West Virginia State Archives." When a specific film or collection name is provided by the WVSA, that name must appear in the credit line.
6. A complimentary copy of the final production must be provided to the WVSA within thirty days of completion of project.
7. The applicant may not copy, duplicate, or otherwise use any footage except as provided in the "Intended Use" section of this agreement.
8. Footage shall not be donated to other archival institutions without the written permission of the WVSA.
9. The WVSA is and will remain the owner of the copyright of the footage. The applicant may not assign or sub-license to any third party the rights authorized in this agreement. No waiver of any of the terms of this agreement will be valid without the written permission of the WVSA.
10. The applicant must accept all charges in advance and payment may be required before rights will be granted to use the footage.
11. Any exceptions or additions to the above conditions must appear on, and be considered part of, the licensing agreement.
12. Failure to comply with the above conditions may result in prosecution and/or restricted use of the WVSA collections.

WVAH-05
Form #5

**Permission For Use of Photographs and Moving Images
West Virginia Archives and History**

Use is: _____ Non-Profit _____ Commercial

Intended use of the image(s):

Images will be used for:

____ Printed publication ____ Exhibition ____ Film ____ DVD

____ Video ____ Broadcast ____ CD

____ Private use ____ On-line ____ Other (*please specify*): _____

Description & Fee:

Total Due:

Signature below indicates the attached conditions for the use of image(s) have been read, approved, and agreed to:

Signed _____ Date _____

Printed Name _____ Title _____

Affiliation _____

Mailing Address _____

City _____ State _____ Zip Code _____

Permission for reproduction by:

_____ Fee Paid \$ _____

Archives and History

WVAH-06
Form #6

Photograph Reproduction Fees
West Virginia Archives and History

Photographic prints

5 x 7	\$7.00
8 x 10	10.00
11 x 14	20.00
16 x 20	30.00 (black and white only)

Digital files

File available	\$5.00
No file available	10.00

If additional costs for special services, storage media, postage and handling, and /or additional staff time are incurred, patrons will be billed.

Special orders

Prints larger than 16x20, panoramics, slides, etc., are not reproduced in-house and will be quoted on an individual basis depending on price charged to Archives and History by private vendors.

Reciprocal arrangements may be considered for state agencies, organizations, institutions, or individuals who are donors to or supporters of Archives and History.

**WVAH-07
Form #7**

**Photograph Use Fees
West Virginia Archives and History**

	<u>Cost per image</u>
Educational and/or non-profit website or exhibit	\$5.00
Educational and/or non-profit publication	15.00
Educational and/or non-profit video, DVD-ROM or similar formats	25.00
Educational and/or non-profit television broadcast or film, with home video	35.00
Commercial website or exhibit	20.00
Commercial publication	40.00
Commercial video, DVD-ROM or similar formats	60.00
Commercial television broadcast or film, with home video	80.00

Reciprocal arrangements may be considered for state agencies, organizations, institutions, or individuals who are donors to or supporters of Archives and History.

WVAH-08
Form #8

Audiovisual Archives Transfer & Duplication Fees
West Virginia Archives and History

Duplication

Master video tape

Cost

\$45.00/hour (\$45 minimum) BETA
SP stock extra

1/2" VHS tape (includes tape)

\$20.00/1st hour +\$5.00/each
additional hour (\$20 minimum)

Screener video with time code

\$30.00/hour (\$30.00 minimum)

Audio tape to cassette or similar formats

\$15.00/hour (\$15.00 minimum)

Audio to CD-ROM or similar formats

\$30.00/hour (\$30.00 minimum)

Video to DVD or similar formats

\$30.00/hour (\$30.00 minimum)

Transfer

Cost

Film to video tape or similar formats

\$70.00/1st hour (includes tape stock)
+ \$25.00/each additional 30 minutes
(does not include tape stock) (\$70
minimum)

Analog disc to audio tape, CD-ROM or similar formats

\$30.00/hour (\$30.00 minimum)

Other Services

Cost

Microfilming documents (paper documents to microfilm)

\$1.00 per exposure (\$50.00
minimum) plus the cost of
duplication

Microfilming duplication

Non-profit organizations and institutions

16mm

\$15.00 per roll

35mm

\$30.00 per roll

Individuals and for-profit

16mm

\$50.00 per roll

35mm

\$100.00 per roll

Note: Every effort is made to turn requests around in two to four weeks. Orders needed in less than two weeks may be negotiated at higher rates.

Reciprocal arrangements are considered for state agencies, organizations, institutions, or individuals who are donors to or supporters of Archives and History.

WVAH-09
Form #9

Audiovisual Archives Use Fees
West Virginia Archives and History

Educational and/or non-profit television broadcast or film	Cost per second
Local viewing area or market	\$ 2.00
State viewing area or market	3.00
National viewing area or market	8.00
Worldwide viewing area or market	12.00
Worldwide viewing area or market plus home video and other applications	15.00

Commercial television broadcast or film	Cost per second
Local viewing area or market	3.00
State viewing area or market	5.00
National viewing area or market	20.00
Worldwide viewing area or market	25.00
Worldwide viewing area or market plus home video and other applications	30.00

Home video distribution without broadcast or cable	20.00
CD-ROM, videodisc, and similar formats, and/or on-line applications without broadcast or cable	20.00

Website or exhibit	Cost per second
Educational and/or non-profit	1.00
Commercial	5.00

Reciprocal arrangements may be considered for state agencies, organizations, institutions, or individuals who are donors to or supporters of Archives and History.

Other services not addressed in this document will be evaluated and priced on an individual basis.

WVAH-10
Form #10

**How To Apply For a Civil War Medal
at West Virginia Archives and History**

Many heirs of West Virginia Union veterans of the Civil War may be eligible to claim medals struck to honor their ancestors years ago. Most of the medals were claimed by the veterans themselves, their immediate families, or their descendants, but several thousand medals remain unclaimed. A list of the unclaimed medals is available at Archives and History and on its website.

To claim an ancestor's medal, a claimant must submit his or her line of descent from the veteran along with documentation to support this line of descent. To establish line of descent, claimants must include copies of primary sources, including birth, death, marriage, will, deed, military, census, Bible records, etc. Old letters, diaries, marriage announcements, or obituaries may also prove helpful in supporting a descendant's claim. **Please note that a family chart submitted without primary source documentation is not sufficient.**

The claimant who establishes the most direct relationship to the veteran will be awarded the ancestor's medal six months from the date the fully documented claim is received by Archives and History. The purpose of the six-month waiting period is to allow for sufficient verification of the descendant's claim and for submission of counterclaim(s) by other potential descendant(s). In the case of equal claims, the descendant whose claim was received first will be awarded the medal.

To submit a claim for a remaining medal, please submit the application form with appropriate documentation and a fifty dollar (\$50.00) non-refundable fee to:

Archives and History
The Culture Center
1900 Kanawha Boulevard E.
Charleston, WV 25305-0300

Medal claims may only be submitted by mail or hand-delivered in person. None will be accepted via e-mail or fax.

**WVAH-11
Form #11**

**Claim Application For Civil War Medals
(West Virginia Union Regiments Only)**

Submission of a claim for a Union Civil War medal must be accompanied by a fifty dollar (\$50.00) **non-refundable payment**, which includes the verification process, notification of acceptance or rejection, return of documentation, and certified mailing of the medal to successful claimants. Make checks payable to "Archives and History".

Applications should be returned to: Archives and History; The Culture Center; 1900 Kanawha Boulevard E.; Charleston, WV 25305-0300.

Name of Veteran: _____

Veteran's Service Unit: Company _____ Regiment _____

Names and Address of Claimant: _____

Claimant's Relationship to Veteran: _____

Please list the documents which you have included for verification of your line of descent:

_____	_____
_____	_____
_____	_____
_____	_____

Briefly outline your line of descent from the veteran:

Claimant's signature: _____ Date: _____

FOR USE OF ARCHIVES & HISTORY STAFF. PLEASE DO NOT WRITE IN THIS AREA.

Date Received: _____ Additional documentation needed? _____

If additional documentation needed, date received: _____

Verified: _____ By: _____ Date Due: _____

Medal claims may only be submitted by mail. None will be accepted via e-mail or fax.