



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

eFILED

8/24/2017 12:59:25 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 1)**

AGENCY **Culture And History**  
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **82-06**  
RULE NAME **Archives and History Library Services and Fee Guidelines**

CITE AUTHORITY **§29-1-6**

COMMENTS LIMITED TO  
**Written**

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
**Monday, October 02, 2017 5:00 PM**

WRITTEN COMMENTS MAY BE MAILED TO  
**Joe Geiger**  
**West Virginia Archives and History**  
**1900 Kanawha Blvd., East, Building 9**  
**Charleston, WV 25305-0300**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Melissa D Phalen -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 82-06



Rule Id: 16606



Document: 49793



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

eFILED

8/24/2017 12:59:25 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 2)**

AGENCY **Culture And History**  
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **82-06**  
RULE NAME **Archives and History Library Services and Fee Guidelines**

CITE AUTHORITY **§29-1-6**

**PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL**

The purpose of this proposal is to revise and update the guidelines and fees for access and use of the collections of West Virginia Archives and History. The filing is a repeal and replace version to refine current policies governing what materials may be brought into the library and use of library and archives collections, and to permit limited personal camera use. A fee increase for research requests is included to make the fees more in line with that of similar institutions. At the same time, this proposal creates a separate, lower fee for requests that require little or no research. The fees for audiovisual transfer and duplication are being raised to more accurately reflect associated costs.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Melissa D Phalen -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 82-06



Rule Id: 16606



Document: 49793



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

eFILED

8/24/2017 12:59:25 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY      Culture And History  
RULE TYPE    Procedural                      AMENDMENT TO EXISTING RULE    Yes    TITLE-SERIES    82-06  
RULE NAME   Archives and History Library Services and Fee Guidelines

CITE AUTHORITY    §29-1-6

**PRIMARY CONTACT**

Joseph N. Geiger Jr.  
1900 Kanawha Blvd. East  
Building 9  
Charleston, WV 25305-0300

Melissa D Phalen -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 82-06



Rule Id: 16606



Document: 49793



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

eFILED

8/24/2017 12:59:25 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY **Culture And History**

RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **82-06**

RULE NAME **Archives and History Library Services and Fee Guidelines**

CITE AUTHORITY **§29-1-6**

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.**

**Melissa D Phalen -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 82-06



Rule Id: 16606



Document: 49793



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

eFILED

8/24/2017 12:59:25 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)**

AGENCY **Culture And History**  
RULE TYPE **Procedural** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **82-06**  
RULE NAME **Archives and History Library Services and Fee Guidelines**

CITE AUTHORITY **§29-1-6**

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.

<b>Effect Of Proposal</b>	<b>Current Increase/Decrease (use ' - ')</b>	<b>Next Increase/Decrease (use ' - ')</b>	<b>Fiscal Year (Upon Full Implementation)</b>
<b>ESTIMATED TOTAL COST</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>PERSONAL SERVICES</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CURRENT EXPENSES</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REPAIRS AND ALTERATIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ASSETS</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>OTHER</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ESTIMATED TOTAL REVENUES</b>	<b>0</b>	<b>0</b>	<b>0</b>

Melissa D Phalen -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 82-06



Rule Id: 16606



Document: 49793



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

eFILED

8/24/2017 12:59:25 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)**

AGENCY **Culture And History**  
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **82-06**  
RULE NAME **Archives and History Library Services and Fee Guidelines**

CITE AUTHORITY **§29-1-6**

**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 total revenues.**

**Melissa D Phalen -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 82-06



Rule Id: 16606



Document: 49793



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

eFILED

8/24/2017 12:59:25 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)**

AGENCY **Culture And History**

RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **82-06**

RULE NAME **Archives and History Library Services and Fee Guidelines**

CITE AUTHORITY **§29-1-6**

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**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Melissa D Phalen -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 82-06



Rule Id: 16606



Document: 49793



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

eFILED

8/24/2017 12:59:25 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)**

AGENCY **Culture And History**  
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **82-06**  
RULE NAME **Archives and History Library Services and Fee Guidelines**

CITE AUTHORITY **§29-1-6**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

The proposed changes to the services and fee guidelines reflect a need to refine current policies governing access to and use of library and archives collections in light of experience with existing policies, policies in place at other similar institutions, and changes in the nature of research requests.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Melissa D Phalen -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 82-06



Rule Id: 16606



Document: 49793

**TITLE 82  
PROCEDURAL RULE  
CULTURE AND HISTORY**

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

**§ 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. - ~~November 24, 2009~~

1.4. Effective Date. - ~~January 4, 2010~~

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~~ November 24, 2009, and effective ~~January 15, 2005~~ January 4, 2010.

**§ 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, or if materials in a collection contain confidential information or information that would violate privacy laws. 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~~ paper pads and spiral notebooks, 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; binders of any type; ~~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~~ scanning 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.~~ Cell phones or other personal communication devices 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~~p. 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~~q. 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~~r. 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~~s. All photocopying will be done by staff.

5.2.~~v~~t. 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. Conditions for the use of personal cameras. Refer to Form #12, WVAH-12, “Conditions for the Use of Personal Cameras,” and Form #13, WVAH-13, “Photo Log.”

5.3.~~e~~.f. 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~~.g. 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~~.h. 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~~.i. 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, and 5.3.h.

#### 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 and copy 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. A copy request is defined as one of the following:

6.2.a. Uncertified county record: name on record, specific county record book and page number must be provided.

6.2.b. West Virginia land grant: specific citation from *Sims Index to West Virginia Land Grants* must be provided. Statutory fee is included. Up to two grants may be obtained per fee payment.

6.2.c. Obituary: name, date of death and town, county or newspaper to be searched must be provided for staff to search up to four issues of up to two newspapers per fee payment.

6.2.d. Uncertified state birth or death certificate: name and year of record must be provided. Statutory fee is included.

6.2.e. Newspaper article: subject or title of article, name of town/county or newspaper, and date of event must be provided.

6.2.f. Vertical File article: full citation from West Virginia Memory Project database must be provided. Up to three articles will be copied per fee payment.

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

6.3.4. 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~~ twenty dollars (~~\$15~~ \$20.00) 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, statutory document fees, and/or additional research time are incurred, patrons will be billed.

7.1.b. A fee of ~~five~~ ten dollars (~~\$5~~ \$10.00) 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, statutory document fees, 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. A fee of eight dollars (\$8.00) must accompany each and every out-of-state copy request for a copy of an obituary, newspaper article, land grant, or uncertified county record or state certificate as defined in § 82-6-6.2. For any out-of-state copy request that results in extended research, patron will be billed the difference between the initial copy request fee and the full out-of-state research fee of twenty (\$20.00).

7.1.d. A fee of five dollars (\$5.00) must accompany each and every in-state copy request for a copy of an obituary, newspaper article, land grant, or uncertified county record or state certificate as defined in § 82-6-6.2. For any in-state copy request that results in extended research, patron will be billed the difference between the initial copy request fee and the full in-state research fee of ten dollars (\$10.00).

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

7.1.i. The color photocopying cost for all 8 ½" x 11" and 8 ½" x 14" paper is seventy-five cents (\$.75) per sheet. The color photocopying cost for 11" x 17" paper is one dollar and fifty cents (\$1.50) per sheet.

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

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

7.1.j.m. 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.n. 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.o. Notarization 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 notarized individually. Only copies made by staff can be notarized.

~~7.1.l.p. 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 cannot be copied by Archives and History, which 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.q. 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 (optional) \_\_\_\_\_

**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 (optional) \_\_\_\_\_

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/electronic 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 \_\_\_\_\_

E-Mail \_\_\_\_\_ Telephone \_\_\_\_\_

Permission for reproduction by:

\_\_\_\_\_ Fee Paid \$ \_\_\_\_\_

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
<del>16 x 20</del>	<del>30.00 (black and white only)</del>

**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~~ 11x14, 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><b>Cost per image</b></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**

<b>Duplication</b>	<b>Cost</b>
<u>Preparation</u> Master video tape	\$45.00/hour (\$45 minimum) BETA SP stock extra
1/2" VHS tape (includes tape)	<del>\$20.00</del> <u>30.00</u> /1st hour + <del>\$5.00</del> /each additional hour ( <del>\$20 minimum</del> )
Screener video with time code	\$30.00/hour (\$30.00 minimum)
Audio tape to cassette or similar formats	<del>\$15.00</del> <u>30.00</u> /hour ( <del>\$15.00</del> <u>30.00</u> minimum)
<u>Analog</u> Audio to <del>CD-ROM or similar formats</del> <u>or digital format</u>	\$30.00/hour (\$30.00 minimum)
Video to DVD or similar formats	\$30.00/hour (\$30.00 minimum)
<b>Transfer</b>	
Film to <del>video tape or similar formats</del> <u>video or digital format</u>	\$70.00/1st hour ( <del>includes tape stock</del> ) + <del>\$25.00</del> /each additional 30 minutes ( <del>does not include tape stock</del> ) ( <del>\$70 minimum</del> )
Analog disc to audio tape, CD-ROM or similar formats	\$30.00/hour (\$30.00 minimum)
<b>Other Services</b>	
<b>Cost</b>	
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.**

This sheet for estimation purposes – prices may vary – request quote

*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**

<b>Educational and/or non-profit television broadcast or film</b>	<b>Cost per second</b>
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

<b>Commercial television broadcast or film</b>	<b>Cost per second</b>
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

<b>Website or exhibit</b>	<b>Cost per second</b>
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~~ approved 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.*

WVAH-12  
Form #12

Conditions for the Use of Personal Cameras

1. Use of personal cameras is allowed for photographing printed pages, documents or microfilm images for personal research use only. Images may not be published, reproduced, donated, exhibited, sold or posted on Web sites.
2. Professional photography must be arranged through the Images Archivist.
3. Permission to use camera must be obtained from Reference Desk staff and "Conditions for the Use of Personal Cameras" form must be signed prior to use.
4. Signed "Conditions for the Use of Personal Cameras" form must be visible on table where user is working. Each photograph must be entered in Photo Log as taken. Photo Log must be turned in to the Reference Desk when maximum allowable number of photographs has been reached or upon departure, whichever occurs first.
5. Photography permitted with ambient lighting only. No flash or supplemental lighting equipment (including tripods) is allowed. Patron must take a test shot first to be sure flash is disabled. All sound functions of the camera must be disabled.
6. Patrons are prohibited from standing on chairs, tables, stools or any other item. Furniture may not be rearranged. Staff will move item to a better lighting area if requested and if available.
7. The maximum number of images allowed per published book or pamphlet is 20% of total pages or 20 total pages, whichever is less. The maximum combined number of photographs of printed pages, documents or microfilm images that may be taken in one day by a single user is 25. No images of original photographs, shot sheets or negatives allowed. Sections of maps, architectural drawings or other oversize materials may be photographed. For duplication of a complete oversize item, see Images Archivist.
8. All items must be placed flat on the reading table. Bound volumes may not be flattened and flat items may not be folded to obtain better images.
9. Staff will assist with placement of materials to be photographed if necessary to ensure proper handling, and will determine whether photographs of fragile materials will be allowed on a case by case basis. Staff must handle any document leaves stapled or otherwise fastened together, and any item fastened in a scrapbook, notebook, album or holder of any type. Items in folders must remain in the folders and items in Mylar sleeves must remain in the sleeves.
10. Patrons are responsible for compliance with copyright laws. Disclaimer: User agrees to hold the West Virginia Division of Culture and History, the West Virginia Archives and History and its employees and agents harmless against all claims of copyright infringement or any other legal or regulatory claim arising from use of these photographs.
11. Paper or Mylar flag reading "*Original is housed in West Virginia Archives and History. Reproduction not permitted.*" will be provided, must be placed on materials to be photographed and must appear in each photograph. Staff may ask to view photograph to ensure inclusion of flag.
12. No photographs may be taken of the room, staff, or other patrons.
13. West Virginia Archives and History reserves the right to deny and/or to revoke photographic privileges for any reason.

DECLARATION: I acknowledge that I have received, read, understand and will abide by the Archives and History Library "Conditions for the Use of Personal Cameras" rules as listed. I understand that violation of the rules is grounds for revocation of permission to use my camera and potentially to use the library or Archives and History materials. I agree to show photographs taken in the Archives Library to staff upon request to ensure I have complied with the rules. I agree to complete the Photo Log (Form #13, WVAH-13) on the back of this form and to turn the form in once completed or upon my departure.

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**WVAH-13**  
**Form #13**

**Photo Log**

**Log each photograph as taken. Please show photograph to staff upon request.**

<b><u>Book or Document</u></b> <b><u>(brief title or description)</u></b>	<b><u>Page number</u></b> <b><u>or identifier</u></b>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____
21. _____	_____
22. _____	_____
23. _____	_____
24. _____	_____
25. _____	_____

**RETURN PHOTOGRAPH LOG TO REFERENCE DESK WHEN FULL OR WHEN DEPARTING**

