WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED
Com. Sub. For
HOUSE BILL No. 4197

(By Delegate Mr. Speaker, Mr. Chamber
and Delegate Ashley)
[By Request of the Executive]

Passed March 9, 1996

In Effect Ninety Days From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4497
(By Mr. Speaker, Mr. Chambers, and Delegate Ashley)
[By Request of the Executive]

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article thirteen, relating to creating the West Virginia stream partners program; setting forth legislative findings and purpose; creating the West Virginia stream partners program fund; identifying an executive committee; coordinating the West Virginia stream partners' program; funding the stream partners program; limiting grants; requiring matching moneys or services; stating grant qualifications; and providing for support of administering agencies.

Be it enacted by the Legislature of West Virginia:

That chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article thirteen, to read as follows:

ARTICLE 13. WEST VIRGINIA STREAM PARTNERS PROGRAM.


1 This article shall be known and cited as the "West Virginia Stream Partners Program Act."
§20-13-2. **Legislative findings and purpose.**

The Legislature finds that efforts to restore, protect, and utilize West Virginia's rivers and streams for public health, recreation, commercial and habitat uses are most successful when citizens work in partnership with state agencies to manage the state's rivers and streams by combining community resources, local initiative and state agency support.

It is the purpose of the Legislature, therefore, to establish a program to encourage citizens to work in partnership with appropriate state agencies so that the state's rivers and streams: (a) Are safe for swimming, fishing and other forms of recreation; (b) can support appropriate public and commercial purposes; and (c) can provide habitat for plant and animal life.

§20-13-3. **West Virginia stream partners program created; executive committee identified; program coordination.**

There is hereby created the West Virginia stream partners program and within the division of natural resources there is hereby created the West Virginia stream partners program fund. Subject to annual appropriation of the Legislature into the West Virginia stream partners program fund, the program shall be jointly administered by the division of natural resources, the division of environmental protection, the division of forestry, and the West Virginia state soil conservation agency. The director or commissioner of each of these administering agencies or his or her designee shall collectively constitute an executive committee to oversee the program. The governor shall designate a member of the executive committee to serve as chair. The committee may designate a staff member from the existing staff of one of the administering agencies to coordinate the program on behalf of the executive committee. Pursuant to the provisions of article ten, chapter four of this code, the stream partners program and stream partners program fund shall continue to exist until the first day of July, one thousand nine hundred ninety-nine, to allow for the completion of a preliminary performance review and to
allow for further review by the joint committee on government operations.


Money from the general revenue may be annually appropriated into the West Virginia stream partners program fund. The West Virginia stream partners program fund shall be used solely to provide grants to groups comprised of representatives located in the immediate area of the stream or streams being addressed that are dedicated to achieving the purpose stated in section two of this article. The grants shall be awarded by consensus of the executive committee in accordance with legislative rules promulgated by the division of environmental protection pursuant to article three, chapter twenty-nine-a of this code. Each grant shall be matched by the group of representatives with cash or in-kind services in, at least, an amount equal to twenty percent of the grant: Provided, That no grant shall exceed the amount of five thousand dollars.

§20-13-5. Grant qualifications.

In order to qualify for grants from the West Virginia stream partners program fund a group of representatives located in the immediate area of a stream or streams which qualify under section two of this article shall apply to the executive committee in accordance with the following requirements and in accordance with any other provision of this article or any applicable rule. The application shall:

(a) Identify the stream or streams to be restored, protected, utilized or enhanced;

(b) Identify the representatives of groups applying for funds and the financially responsible entity to receive funds, all from the geographic area immediately surrounding the stream or streams. These identified individuals shall represent the general public, industry, environmental groups, sportsmen, forestry, agriculture, local government, tourism, recreation and affected landowners, all located in the geographic area immediately surrounding the stream or streams;
(c) Demonstrate an ability to achieve within the grant year a specific improvement project that enhances the identified stream or streams; and

(d) Evidence a commitment to educate the citizens in the area of the identified stream or streams about the benefits of restoring, protecting and enhancing the stream or streams in a responsible manner.

§20-13-6. Administering agency support.

The administering agencies may provide staff and other resources as necessary to address the technical assistance and administrative needs of the West Virginia stream partners program and West Virginia stream partners program fund. This support may include the utilization of resources and formulation of policies to achieve the purpose set forth in section two of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 25th day of March, 1996.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR
Date 3/19/46
Time 3:20 PM