

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

Com. Sub. For  
HOUSE BILL No. 4497

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

Passed March 9, 1996

In Effect Ninety Days From Passage

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COMMITTEE SUBSTITUTE

FOR

## H. B. 4497

(BY MR. SPEAKER, MR. CHAMBERS, AND DELEGATE ASHLEY)  
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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.**

**§20-13-1. Short title.**

- 1 This article shall be known and cited as the "West
- 2 Virginia Stream Partners Program Act."

**§20-13-2. Legislative findings and purpose.**

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

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

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

1 There is hereby created the West Virginia stream  
2 partners program and within the division of natural  
3 resources there is hereby created the West Virginia stream  
4 partners program fund. Subject to annual appropriation  
5 of the Legislature into the West Virginia stream partners  
6 program fund, the program shall be jointly administered  
7 by the division of natural resources, the division of  
8 environmental protection, the division of forestry, and the  
9 West Virginia state soil conservation agency. The director  
10 or commissioner of each of these administering agencies  
11 or his or her designee shall collectively constitute an  
12 executive committee to oversee the program. The  
13 governor shall designate a member of the executive  
14 committee to serve as chair. The committee may  
15 designate a staff member from the existing staff of one of  
16 the administering agencies to coordinate the program on  
17 behalf of the executive committee. Pursuant to the  
18 provisions of article ten, chapter four of this code, the  
19 stream partners program and stream partners program  
20 fund shall continue to exist until the first day of July, one  
21 thousand nine hundred ninety-nine, to allow for the  
22 completion of a preliminary performance review and to

23 allow for further review by the joint committee on  
24 government operations.

**§20-13-4. Stream partners program fund.**

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

**§20-13-5. Grant qualifications.**

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

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

10 (b) Identify the representatives of groups applying  
11 for funds and the financially responsible entity to receive  
12 funds, all from the geographic area immediatly  
13 surrounding the stream or streams. These identified  
14 individuals shall represent the general public, industry,  
15 environmental groups, sportsmen, forestry, agriculture,  
16 local government, tourism, recreation and affected  
17 landowners, all located in the geographic area immediatly  
18 surrounding the stream or streams;

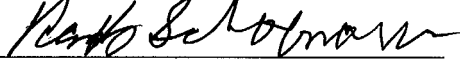
19 (c) Demonstrate an ability to achieve within the grant  
20 year a specific improvement project that enhances the  
21 identified stream or streams; and

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

**§20-13-6. Administering agency support.**

1 The administering agencies may provide staff and  
2 other resources as necessary to address the technical  
3 assistance and administrative needs of the West Virginia  
4 stream partners program and West Virginia stream  
5 partners program fund. This support may include the  
6 utilization of resources and formulation of policies to  
7 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.



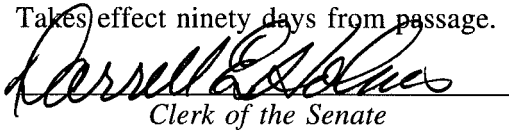
Chairman Senate Committee



Chairman House Committee

Originating in the House.

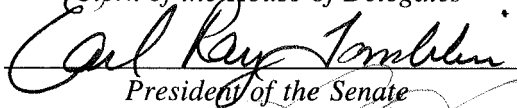
Takes effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

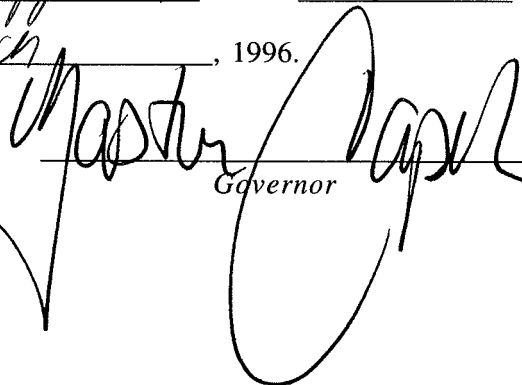


President of the Senate



Speaker of the House of Delegates

The within is approved this the 25<sup>th</sup>  
day of March, 1996.



Governor

PRESENTED TO THE  
GOVERNOR

Date 3/19/96

Time 3:26 pm