Enrolled

Senate Bill 675

By Senators Maynard, Mann, Beach, Cline,
Facemire, Hamilton, Hardesty, Prezioso, Roberts,
Rucker, Smith, Stollings, and Sypolt

[Passed March 6, 2019; in effect from passage]
WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Senate Bill 675

BY SENATORS MAYNARD, MANN, BEACH, CLINE,
FACEMIRE, HAMILTON, HARDESTY, PREZIOSO, ROBERTS,
RUCKER, SMITH, STOLLINGS, AND SYPOLT

[Passed March 6, 2019; in effect from passage]
AN ACT to amend and reenact §22-15A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-15A-3a, all relating to requiring the Department of Environmental Protection to create and implement an Adopt-A-Stream Program; encouraging the removal of litter along West Virginia's rivers and streams by volunteers; and allowing the Litter Control Fund to be used to fund the program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL ACTION PLAN.

§22-15A-3. West Virginia litter control and recycling programs; transfer of programs and employees; additional duties of secretary; grants to counties and municipalities; and rules relating thereto.

(a) After July 1, 2005, the litter control and recycling programs heretofore operated and managed by the Division of Natural Resources shall transfer to the Department of Environmental Protection.

With the transfer of the West Virginia Litter Control and Recycling Programs from the jurisdiction of the Division of Natural Resources to the jurisdiction of the Department of Environmental Protection, all records, assets, and contracts, along with rights and obligations thereunder, obtained or signed on behalf of the Litter Control and Recycling Programs are hereby transferred and assigned to the Department of Environmental Protection.

(b) The Commissioner of the Division of Natural Resources and the Secretary of the Department of Environmental Protection shall determine which employees of the Division of Natural Resources will be transferred to the Department of Environmental Protection. All employees including administrators of the litter control and recycling programs are subject to being transferred to the Department of Environmental Protection. Employees in the classified
service who have gained permanent status as of the effective date of this article, enacted during
the 2005 regular session of the Legislature, will not be subject to further qualifying examination in
their respective classifications by reason of the transfer required by the provisions of this section.
Nothing contained in this section may be construed to either abridge the rights of employees
within the classified service of the state to the procedures and protections set forth in §29-6-1 et
seq. of this code or to preclude the reclassification or reallocation of positions in accordance with
procedures set forth in that article. The Division of Personnel shall work with the commission and
secretary to efficiently transfer employees from the Division of Natural Resources to the
Department of Environmental Protection.

(c) In addition to all other powers, duties, and responsibilities granted and assigned to the
Secretary of the Department of Environmental Protection in this chapter and elsewhere by law,
the secretary, in the administration of the West Virginia Litter Control Program created by this
section, shall:

(1) Coordinate all industry and business organizations seeking to aid in the litter control
and recycling effort;

(2) Cooperate with all local governments to accomplish coordination of local litter control
and recycling efforts;

(3) Encourage, organize, coordinate, and increase public awareness of and participation
in all voluntary litter control and recycling campaigns, including citizen litter watch programs,
seeking to focus the attention of the public on the litter control and recycling programs of the state
and local governments and of private recycling centers;

(4) Recommend to local governing bodies that they adopt ordinances similar to the
provisions of §22-15A-4 of this code;

(5) Investigate the methods and success of techniques of litter control, removal, and
disposal utilized in other states, and develop, encourage, organize, and coordinate local litter
control programs funded by grants awarded pursuant to subsection (d) of this section utilizing such successful techniques;

(6) Investigate the availability of, and apply for, funds available from any and all private or public sources to be used in the litter control program created by this section;

(7) Attract to the state persons or industries that purchase, process, or use recyclable materials;

(8) Contract for the development, production, and broadcast of radio and television messages promoting the West Virginia Litter Control Program. The messages should increase public awareness of and promote citizen responsibility toward the reduction of litter; and

(9) Encourage, organize, coordinate, and increase public awareness of, and participation in, a volunteer litter reporting program statewide.

(d) All authority to promulgate rules pursuant to §29A-3-1 et seq. of this code establishing criteria for awarding direct or matching grants for the study of available research and development in the fields of litter control, removal, and disposal, methods for the implementation of such research and development, and the development of public educational programs concerning litter control is hereby transferred from the Division of Natural Resources to the Secretary of the Department of Environmental Protection as of the effective date of enactment of this section and article during the 2005 session of the Legislature: Provided, That any rule promulgated by the Division of Natural Resources relating to such grants shall remain in force and effect as though promulgated by the Department of Environmental Protection until the Secretary amends the rules in accordance with the provisions of §29A-3-1 et seq. of this code.

(e) All authority to promulgate rules pursuant to §29A-3-1 et seq. of this code designating public areas where litter receptacles shall be placed and the minimum number of litter receptacles in accordance with §22-15A-4(g) of this code is hereby transferred from the Division of Natural Resources to the Secretary of the Department of Environmental Protection as of the effective date of enactment of this section and article during the 2005 session of the Legislature. Any rule
promulgated by the Division of Natural Resources relating to littering receptacles shall remain in
effect as if promulgated by the secretary until amended by the secretary.

(f) Commencing on July 1, 2019, the secretary shall expend annually at least 30 percent
of the moneys credited to the Litter Control Fund in the previous fiscal year for matching grants
to counties and municipalities for the initiation and administration of litter control programs. The
secretary shall promulgate rules pursuant to §29A-3-1 et seq. of this code establishing criteria for
the awarding of matching grants.

(g) The Secretary of the Department of Environmental Protection in cooperation with the
Commissioner of Highways, the Department of Commerce, the West Virginia State Police, the
United States Forestry Service, and other local, state, and federal law-enforcement agencies shall
be responsible for the administration and enforcement of all laws and rules relating to the
maintenance of cleanliness and improvement of appearances on and along highways, roads,
streets, alleys, streams, rivers, and any other private or public areas of the state. These other
agencies shall make recommendations to the secretary, from time to time, concerning means and
methods of accomplishing litter control consistent with the provisions of this chapter. The
cooperation shall include, but not be limited to, contracts with the Commissioner of Highways to
operate a litter control program.

(h) All other state agencies and local governments shall cooperate with the secretary in
effecting the purposes of the litter control program.


(a) The Adopt-A-Highway Program was established in the late 1980s to improve the
quality of the state's environment by encouraging public involvement in the elimination of highway
litter. That program is cosponsored by the Division of Highways and the Department of
Environmental Protection, Rehabilitation Environmental Action Plan. Its objective is to save
taxpayer money by increasing public awareness and to serve as an educational tool by focusing
on the consequences of littering. The program offers volunteers the opportunity to take charge of
their own environment by making a positive effort to create a cleaner, more aesthetic place in which to live.

In West Virginia there are currently 25,000 volunteers who regularly pick up litter on 4,000 miles of highway. They have been responsible for removing more than 40 million pounds of litter since the program began.

(b) As with the Adopt-A-Highway Program, individuals, families, churches, businesses, schools, civic organizations, government agencies, scouting groups, fraternities, and communities may participate in an Adopt-A-Stream Program, which the department shall create and implement. Anyone who is at least 12 years old may participate. Any stream or river that is a part of the West Virginia Stream Partners Program is eligible for adoption, with the exception of streams or rivers considered unsafe. Volunteers may select a stream or river to adopt and then have it approved by the department, or they may ask the department to suggest an adoptable stream or river. Adopted streams must be at least one mile long. The Litter Control Fund may be used to support the Adopt-A-Stream Program.

(c) Adoptions are for a period of one year, during which time one cleanup is required per year. As volunteers pick up litter, bags that have been filled are placed on stream sides for removal and disposal by the program. Garbage bags, safety vests, safety training, traffic warning signs, and gloves are to be furnished by the program.

(d) Adopted streams may be identified by a sign at each end of the section bearing the Adopt-A-Stream logo and the name of the adopter. Volunteers who complete one required litter pickup within the one-year contract period shall be awarded a certificate of accomplishment signed by the secretary.

(e) The secretary may propose legislative rules pursuant to §29A-3-1 et seq. of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, Senate Committee

Chairman, House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within .......... approved .......... this the .......... Day of ____________________________ 2019.

Governor