

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

Introduced

### House Bill 3102

FISCAL  
NOTE

By Delegates Jeffries, Kimble, Dittman, Mazzocchi

and Hillenbrand

[Introduced January 27, 2023; Referred  
to the Committee on Agriculture and Naturel  
Resources then Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §20-5-23, relating to authorizing Adopt-A-Trail volunteer programs for public  
 3 lands under the jurisdiction of the Division of Natural Resources; providing for activities to  
 4 be performed by volunteer groups; requiring volunteer project agreements with the  
 5 division; requiring certain requirements in agreements; establishing minimum  
 6 requirements for volunteer organizations; establishing certain limitations on activities  
 7 performed by volunteer groups; and providing for project coordination and removal and  
 8 disposal of trash and other items.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. PARKS AND RECREATION.**

**§20-5-23. Establishment of Adopt-A-Trail program for paths and trails.**

1 (a) The West Virginia Division of Natural Resources shall establish an Adopt-A-Trail  
 2 program that will allow volunteer groups to assist in maintaining and enhancing trails on state-  
 3 owned land.

4 (b) Subject to subsection (f) of this section, volunteer groups in the Adopt-A-Trail program  
 5 may adopt any available trail or trail segment and may choose any one or more of the following  
 6 activities:

7 (1) Spring cleanups;

8 (2) Litter collection;

9 (3) Accessibility projects;

10 (4) Special events;

11 (5) Trail maintenance, enhancement, or realignment;

12 (6) Public information and assistance; or

13 (7) Training.

14 (c) Volunteer groups that want to participate in the Adopt-A-Trail program shall apply to the  
 15 division on an application provided by the division. Applications shall be reviewed and approved or

16 denied at the division's discretion. Groups may not perform any activity on a trail or trail segment  
17 until approved by the division with an Adopt-A-Trail agreement executed by all parties to the  
18 agreement. The division may provide for more than one volunteer group to adopt an eligible trail or  
19 trail segment.

20 (d) Adopt-A-Trail agreements shall include, but not be limited to, the following provisions:

21 (1) Participating in the program for a term of at least two years;

22 (2) Assisting with trail or path maintenance when applicable; and

23 (3) Complying with all reasonable requirements of the division.

24 (d) Volunteer groups shall consist of people who are 18 years or older. Participants 17  
25 years of age or younger may participate but must be accompanied by an adult who is 18 years of  
26 age or older with a close relationship or connection to any participant 17 years of age or younger.

27 As with the Adopt-A-Highway and the Adopt-A-Stream Programs in this state, groups participating  
28 in the Adopt-A-Trail Program may include, but not be limited to, communities, families, individuals,  
29 members of 4-H or Future Farmers of America, scouting organizations, any faith-based group,  
30 youth group, schools, college organizations, businesses, civic organizations, and government  
31 agencies.

32 (e) Activities performed by volunteer groups may not involve work that:

33 (1) Reduce hours or compensation of department or division employees;

34 (3) Could be performed by a laid-off department or division employee; or

35 (3) Are inconsistent with the terms of a collective bargaining agreement.

36 (f) If the division operates other programs in the vicinity of the trail that allows volunteers to  
37 participate in similar programs, the division shall coordinate these programs to provide for efficient  
38 and effective volunteer programs in the area.

39 (g) Adopted trails may be identified by a sign at a location along the adopted section  
40 bearing the Adopt-A-Trail logo and the name of the volunteer group after the group completes 50  
41 hours of service.

42 (h) The division shall coordinate with the closest solid waste authority so that any tires,  
43 appliances, televisions, or trash may be properly disposed of with proper documentation.

44 (i) Collected litter will be placed at designated locations approved by the division. The  
45 division may coordinate with volunteers, local authorities, and state agencies for removal and  
46 disposal of collected litter. Garbage bags, safety training, and gloves are to be furnished by the  
47 program.

48 (j) The division may propose rules pursuant to §29A-3-1 et seq. of this code to carry out  
49 and implement the Adopt-A-Trail program.

NOTE: The purpose of this bill is to authorize Adopt-A-Trail programs for volunteers to clean up and maintain trails on public lands in this state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.