

**H. B. 204**

(By Mr. Speaker, (Mr. Miley) and Delegate Armstead)

[By Request of the Executive]

[Introduced May 19, 2014; referred to the  
Committee on Finance.]

A BILL to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating to the distribution of Excess Lottery Revenue Funds from the Tourism Promotion Fund to the Courtesy Patrol Fund; authorizing up to \$4,700,000 of moneys deposited into the Tourism Promotion Fund be deposited in the Courtesy Patrol Fund; and providing that the expenditure schedule for these funds be set by the state Budget Office in consultation with the Division of Tourism; and clarifying the authority of the Secretary of Commerce under this article.

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

That §5B-2-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.**

**§5B-2-12. Tourism Promotion Fund created; use of funds.**

There is hereby continued in the State Treasury the special revenue fund known as the

1 Tourism Promotion Fund created under prior enactment of section nine, article one of this chapter.

2 (a) The Legislature finds that a courtesy patrol program providing assistance to motorists on  
3 the state's highways is one of the most beneficial methods to introduce a tourist visiting the state of  
4 the state's hospitality and good will. For that reason, up to \$4,700,000 of the moneys deposited in  
5 the fund each year shall be ~~deposited in~~ transferred to a special revenue account in the State Treasury  
6 ~~to be~~ known as the Courtesy Patrol Fund ~~according to the following schedule: On July 31 of each~~  
7 ~~year, \$850,000, and on the last day of each month thereafter, \$350,000~~ in accordance with  
8 appropriations from the state Excess Lottery Revenue Fund and based on an expenditure schedule  
9 set by the state Budget Office. Expenditures from the fund shall be used solely to fund the courtesy  
10 patrol program providing assistance to motorists on the state's highways. Amounts collected in the  
11 fund which are found, from time to time, to exceed funds needed for the purposes set forth in this  
12 subdivision may be transferred to other accounts or funds and redesignated for other purposes by  
13 appropriation of the Legislature.

14 (b) If there are funds remaining after the ~~monthly distribution~~ transfers required in  
15 subdivision (a) of this section, a minimum of five percent of the moneys deposited remaining in the  
16 fund each year shall be used solely for direct advertising for West Virginia travel and tourism:  
17 *Provided,* That no less than twenty percent of these funds be expended, with the approval of the  
18 ~~Director of the Division of Natural Resources~~ Secretary of Commerce to effectively promote and  
19 market the state's parks, state forests, state recreation areas and wildlife recreational resources.  
20 Direct advertising means advertising which is limited to television, radio, mailings, newspaper,  
21 magazines, the Internet and outdoor billboards or any combination thereof.

1           (c) The balance of the moneys deposited in the fund shall be used for direct advertising  
2 within the state's travel regions as defined by the commission. The funds shall be made available  
3 to these districts beginning July 1, 1995, according to legislative rules authorized for promulgation  
4 by the Tourism Commission.

5           (d) All advertising expenditures over \$25,000 from the Tourism Promotion Fund require  
6 prior approval by recorded vote of the commission. No member of the commission or of any  
7 committee created by the commission to evaluate applications for advertising or other grants may  
8 participate in the discussion of, or action upon, an application for or an award of any grant in which  
9 the member has a direct financial interest.

NOTE: The purpose of the bill is to authorize up to \$4,700,000 of moneys deposited into the Tourism Promotion Fund be deposited in the Courtesy Patrol Fund according to an expenditure schedule set by the state Budget Office in consultation with the Division of Tourism and to make technical corrections.

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