

1 **Senate Bill No. 552**

2 (By Senator D. Hall)

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4 [Introduced February 23, 2015; referred to the Committee on Finance]  
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9 A BILL to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating  
10 to providing funds for Tourism Promotion Fund; requiring annual deposits from general  
11 revenue into Tourism Promotion Fund; creating subaccount of Tourism Promotion Fund;  
12 setting parameters for spending money in subaccount; detailing certain transfers of funds;  
13 and requiring Division of Tourism to conduct a study.

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

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

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

18 **§5B-2-12. Tourism Promotion Fund created; use of funds.**

19 (a) There is hereby continued in the State Treasury the special revenue fund known as the  
20 Tourism Promotion Fund created under prior enactment of section nine, article one of this chapter.  
21 Subaccount "A" of the Tourism Promotion Fund is created. It is a nonexpiring account. In addition  
22 to the funds deposited into the Tourism Promotion Fund pursuant to provisions of this code,

1 \$5 million shall be deposited annually in Subaccount "A" of the Tourism Promotion Fund from  
 2 general revenue. Notwithstanding any provision of this code to the contrary, all funds in Subaccount  
 3 "A" of the Tourism Promotion Fund shall be used by the Commissioner of the Division of Tourism  
 4 solely to fund tourist promotion and direct advertising promoting West Virginia travel and tourism.  
 5 For the purposes of this section, "direct advertising" means advertising which is limited to television,  
 6 radio, mailings, newspaper, magazines, the Internet and outdoor billboards or any combination  
 7 thereof.

8       (a) (b) The Legislature finds that a courtesy patrol program providing assistance to motorists  
 9 on the state's highways is one of the most beneficial methods to introduce a tourist visiting the state  
 10 to the state's hospitality and good will. For that reason, up to \$4,700,000 of the moneys deposited  
 11 in the ~~fund~~ Tourism Promotion Fund each year shall be transferred to a special revenue account in  
 12 the State Treasury known as the Courtesy Patrol Fund. Expenditures from the fund shall be used  
 13 solely to fund the courtesy patrol program providing assistance to motorists on the state's highways.  
 14 Amounts collected in the fund which are found, from time to time, to exceed funds needed for the  
 15 purposes set forth in this ~~subdivision~~ subsection may be transferred to other accounts or funds and  
 16 redesignated for other purposes by appropriation of the Legislature.

17       (b) (c) If there are funds remaining after the transfers required in ~~subdivision (a)~~ subsections  
 18 (a) and (b) of this section, a minimum of five percent of the moneys ~~deposited~~ remaining in the ~~fund~~  
 19 Tourism Promotion Fund each year shall be ~~used solely for direct advertising for West Virginia~~  
 20 ~~travel and tourism:~~ transferred to Subaccount "A" of the Tourism Promotion Fund: *Provided*, That  
 21 no less than twenty percent of these funds be expended, with the approval of the Secretary of  
 22 Commerce, to effectively promote and market the state's parks, state forests, state recreation areas

1 and wildlife recreational resources. ~~“Direct advertising” means advertising which is limited to~~  
2 ~~television, radio, mailings, newspaper, magazines, the Internet and outdoor billboards or any~~  
3 ~~combination thereof.~~

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

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

13       (f) The Division of Tourism shall perform a study on how the funds from the Tourism  
14 Promotion Fund are being spent and submit a report summarizing the study to the Joint Committee  
15 on Government and Finance before January 1, 2017.

NOTE: The purpose of this bill is to provide annual revenue to the Tourism Promotion Fund to fund tourist promotion and direct advertising promoting West Virginia travel and tourism. The bill also requires Division of Tourism to conduct a study on how the funds from the Tourism Promotion Fund are being spent and submit a report summarizing the study to the Joint Committee on Government and Finance before January 1, 2017.

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