

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2603**

BY DELEGATES MALLOW, CONLEY, FORSHT, BRUCE,

HORST, MILLER, AND PRITT

[Introduced February 19, 2021; Referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating  
 2 to the West Virginia Tourism Office; and providing that the office may limit the number of  
 3 visitor bureaus in the counties of the state in order to maximize effectiveness of one main  
 4 visitors bureau in smaller populated counties.

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

**ARTICLE 2I. WEST VIRGINIA TOURISM OFFICE.**

**§5B-2I-4. Powers and duties of the West Virginia Tourism Office.**

1 (a) The West Virginia Tourism Office, under the direction and charge of the Executive  
 2 Director of the West Virginia Tourism Office, shall develop and implement a comprehensive  
 3 tourism advertising, promotion, and development strategy for West Virginia. “Comprehensive  
 4 tourism advertising, promotion and development strategy” means a plan that outlines strategies  
 5 and activities designed to continue, diversify and expand the tourism base of the state as a whole;  
 6 create tourism jobs; develop a highly skilled tourism workforce; facilitate business access to  
 7 capital for tourism; advertise and market the resources offered by the state with respect to tourism  
 8 advertising, promotion and development; facilitate cooperation among local, regional and private  
 9 tourism enterprises; improve infrastructure on a state, regional and community level in order to  
 10 facilitate tourism development; improve the tourism business climate generally; and leverage  
 11 funding from sources other than the state, including local, federal and private sources. In addition  
 12 to all other power and duties of the West Virginia Tourism Office by other provisions of this code,  
 13 the West Virginia Tourism Office shall:

14 (1) Coordinate media events to promote a positive image of West Virginia and new  
 15 investment in the tourist industry;

16 (2) Provide comprehensive strategic planning services to existing tourism enterprises;

17 (3) Promote attractions of West Virginia in other states;

18 (4) Provide advertising, marketing and communications goods and services, including,  
 19 without limitation, a cooperative advertising program to facilitate and allow participation in the

20 West Virginia Tourism Office's advertising and marketing campaigns and activities, to state  
21 agencies, departments, units of state or local government, private tourism enterprises and other  
22 persons, entities, or private enterprises, including, without limitation, convention, and visitors'  
23 bureaus; and

24 (5) Distribute West Virginia informational publications and manage the West Virginia  
25 Welcome Centers.

26 (b) In developing its strategies, plans and campaigns, the West Virginia Tourism Office  
27 shall consider the following:

28 (1) Improvement and expansion of existing tourism marketing and promotion activities;

29 (2) Promotion of cooperation among municipalities, counties and the West Virginia  
30 Infrastructure and Jobs Development Council in funding physical infrastructure to enhance the  
31 potential for tourism development.

32 (c) The West Virginia Tourism Office ~~shall have the power and duty~~ may:

33 (1) ~~To~~ Acquire for the state in the name of the West Virginia Tourism Office by purchase,  
34 lease, or agreement, or accept or reject for the state, in the name of the West Virginia Tourism  
35 Office, gifts, donations, contributions, bequests or devises of money, security or property, both  
36 real and personal, and any interest in such property, to effectuate or support the purposes of this  
37 article;

38 (2) ~~To~~ Make recommendations to the Governor and the Legislature of any legislation  
39 deemed necessary to facilitate the carrying out of any of the foregoing powers and duties and to  
40 exercise any other power that may be necessary or proper for the orderly conduct of the business  
41 of the West Virginia Tourism Office and the effective discharge of the duties of the West Virginia  
42 Tourism Office;

43 (3) ~~To~~ Cooperate and assist in the production of motion pictures and television and other  
44 communications;

45 (4) ~~To~~ Purchase advertising time or space in or upon any medium generally engaged or

46 employed for said purpose to advertise and market the resources of the state or to inform the  
47 public at large or any specifically targeted group or industry about the benefits of living in, investing  
48 in, producing in, buying from, contracting with, or in any other way related to, the State of West  
49 Virginia or any business, industry, agency, institution, or other entity therein;

50 (5) ~~¶~~ Promote and disseminate information related to the attractions of the state through  
51 the operation of the state's telemarketing initiative, which telemarketing initiative shall include a  
52 centralized reservation and information system for state parks and recreational facilities;

53 (6) ~~¶~~ Take such additional factors as may be necessary to carry out the duties and  
54 programs described in this article: Provided, That the West Virginia Tourism Office may limit the  
55 number of visitor bureaus in the counties of the state in order to maximize effectiveness of one  
56 main visitors bureau in smaller populated counties; and

57 (7) ~~¶~~ Provide assistance to and assist with retention and expansion of existing tourism-  
58 related enterprises in the state and to recruit or assist in the recruitment of new tourism-related  
59 enterprises to the state.

60 (d) The West Virginia Tourism Office may contract with the Division of Highways to sell  
61 advertising space on the WV511 website to promote in-state tourism and raise capital for  
62 technological improvements to the website: *Provided, That 50 percent of the money collected for*  
63 *sale of advertising space is deposited into the Tourism Promotion Fund and the other 50 percent*  
64 *of the money collected from the sale of advertising space is remitted to the Division of Highways*  
65 *pursuant to the contract.*

66 (e) The West Virginia Tourism Office may charge and collect reasonable fees for goods  
67 and services it provides to state agencies, departments, units of state or local government or other  
68 person, entity, or enterprise. All moneys collected by the West Virginia Tourism Office shall be  
69 deposited in the Tourism Promotion Fund and used in accordance with the provisions of this  
70 article.

71 (f) The West Virginia Tourism Office may engage and retain one or more advertising and

72 marketing agencies, consultants, enterprises, firms, or persons, as deemed by the Executive  
73 Director of the West Virginia Tourism Office, in his or her sole discretion, necessary or advisable  
74 to assist the West Virginia Tourism Office in carrying out its powers and duties as set forth in this  
75 article. In the procurement of advertising agencies, consultants, enterprises, or persons, from  
76 time to time, estimated to cost \$250,000 or more, the Executive Director of the West Virginia  
77 Tourism Office shall encourage such advertising and marketing agencies, consultants,  
78 enterprises, firms or persons to submit an expression of interest, which shall include a statement  
79 of qualifications, including anticipated concepts and proposed advertising, marketing and  
80 advertising campaigns. All potential contracts shall be announced by public notice published as  
81 a Class II legal advertisement in compliance with the provisions of §59-3-3 of this code. A  
82 committee of three to five representatives of the West Virginia Tourism Office or the Tourism  
83 Commission, as selected by the chair of the Tourism Commission, shall evaluate the statements  
84 of qualifications and other materials submitted by interested firms and select three firms which, in  
85 their opinion, are best qualified to perform the desired service. The committee shall then rank, in  
86 order of preference, the three firms selected and shall commence scope of service and price  
87 negotiations with the first ranked firm. If the West Virginia Tourism Office is unable to negotiate a  
88 satisfactory contract with the first ranked firm, at a fee determined to be fair and reasonable, price  
89 negotiations with the firm of second choice shall commence. Failing accord with the second  
90 ranked firm, the committee shall undertake price negotiations with the third ranked firm. If the  
91 West Virginia Tourism Office is unable to negotiate a satisfactory contract with any of the selected  
92 firms, the office shall select additional firms in order of their competence and qualifications and it  
93 shall continue negotiations in accordance with this section until an agreement is reached.

94         If the procurement of the services is estimated by the executive director to cost less than  
95 \$250,000, the West Virginia Tourism Office shall conduct discussions with three or more firms  
96 solicited on the basis of known or submitted qualifications for the assignment prior to the awarding  
97 of any contract: *Provided*, That if a judgment is made that special circumstances exist and that

98 seeking competition is not practical, the West Virginia Tourism Office may, with the prior written  
99 approval of the Secretary of Commerce, select a firm on the basis of previous satisfactory  
100 performance and knowledge of the West Virginia Tourism Office's needs. After selection, the  
101 West Virginia Tourism Office and selected firm shall develop the scope of desired services and  
102 negotiate a contract.

103 (g) The Executive Director of the West Virginia Tourism Office may, in order to carry out  
104 the powers and duties of the West Virginia Tourism Office described in this article, employ  
105 necessary personnel, contract with professional or technical experts or consultants and purchase  
106 or contract for the necessary equipment or supplies.

107 (h) The Executive Director of the West Virginia Tourism Office may designate, in writing,  
108 with the written consent of the Secretary of Commerce, a list of positions within the West Virginia  
109 Tourism Office that shall be exempt from coverage under the state's classified service.

110 (i) The West Virginia Tourism Office shall submit a report annually to the Governor,  
111 Secretary of Commerce, and the Legislature about the development of the tourism industry in the  
112 state and the necessary funding required by the state to continue the development of the tourism  
113 industry.

114 (j) The West Virginia Tourism Office and the Executive Director of the West Virginia  
115 Tourism Office shall engage, collaborate, assist, and cooperate with the West Virginia  
116 Development Office, when and as appropriate, to facilitate retention, expansion, recruitment, and  
117 location of existing and new tourism-related enterprises.

NOTE: The purpose of this bill is to authorize the West Virginia Tourism Office to limit the number of visitor bureaus in the counties of the state in order to maximize effectiveness of one main visitors bureau in smaller populated counties.

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