

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 2924

BY DELEGATES HOWELL, PACK, C. MARTIN AND HAMRICK

[Originating in the Committee on Government

Organization, January 13, 2020.]

1 A BILL to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating
2 to permitting the West Virginia Tourism Office to contract with the Division of Highways to
3 sell advertising space on the WV511 website to promote in-state tourism and to raise
4 capital for technological improvements to the website; permitting 50 percent of the funds
5 from such sale to be deposited into the Tourism Promotion Fund; and permitting 50
6 percent of the fund from such sale be remitted to the Division of Highways pursuant to the
7 contract.

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:

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) To 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) To take such additional factors as may be necessary to carry out the duties and
54 programs described in this article; and

55 (7) To provide assistance to and assist with retention and expansion of existing tourism-
56 related enterprises in the state and to recruit or assist in the recruitment of new tourism-related
57 enterprises to the state.

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

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

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

92 If the procurement of the services is estimated by the executive director to cost less than
93 \$250,000, the West Virginia Tourism Office shall conduct discussions with three or more firms
94 solicited on the basis of known or submitted qualifications for the assignment prior to the awarding

95 of any contract: *Provided*, That if a judgment is made that special circumstances exist and that
96 seeking competition is not practical, the West Virginia Tourism Office may, with the prior written
97 approval of the Secretary of Commerce, select a firm on the basis of previous satisfactory
98 performance and knowledge of the West Virginia Tourism Office's needs. After selection, the
99 West Virginia Tourism Office and selected firm shall develop the scope of desired services and
100 negotiate a contract.

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

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

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

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

NOTE: The purpose of this bill is to permit the West Virginia Tourism Office to contract with the Division of Highways to sell advertising space on the WV511 website to promote in state tourism and raise capital for technological improvements to the website; permitting 50 percent of the funds from such sale to be deposited in the Tourism Promotion Fund; and requiring 50 percent of the funds from such sale be remitted to the Division of Highways.

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