

1 ENGROSSED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 2004**

5 (By Senators Kessler (Mr. President) and M. Hall,

6 By Request of the Executive)

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8 [Originating in the Committee on Finance;
9 reported May 19, 2014.]

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13 A BILL to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating
14 to the distribution of Excess Lottery Revenue funds from the Tourism Promotion Fund to the
15 Courtesy Patrol Fund; authorizing up to \$4,700,000 of moneys deposited into the Tourism
16 Promotion Fund be deposited in the Courtesy Patrol Fund; and clarifying the authority of the
17 Secretary of Commerce under article.

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

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

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

22 **§5B-2-12. Tourism Promotion Fund created; use of funds.**

1 There is hereby continued in the State Treasury the special revenue fund known as the
2 Tourism Promotion Fund created under prior enactment of section nine, article one of this chapter.

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

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

22 (c) The balance of the moneys deposited in the fund shall be used for direct advertising

1 within the state's travel regions as defined by the commission. The funds shall be made available
2 to these districts beginning July 1, 1995, according to legislative rules authorized for promulgation
3 by the Tourism Commission.

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