

1 **ENROLLED**

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)

7 \_\_\_\_\_  
8 [Passed May 21, 2014; in effect from passage.]  
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11  
12 AN ACT to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating  
13 to the distribution of funds from the Tourism Promotion Fund; authorizing the transfer of up  
14 to \$4,700,000 of moneys from the Tourism Promotion Fund to the Courtesy Patrol Fund; and  
15 designating the Secretary of Commerce as the approving authority for the expenditure of  
16 certain funds to effectively promote and market the state's parks, state forests, state  
17 recreation areas and wildlife recreational resources.

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 to  
5 the state's hospitality and good will. For that reason, up to \$4,700,000 of the moneys deposited in  
6 the fund each year shall be transferred to a special revenue account in the State Treasury known as  
7 the Courtesy Patrol Fund. Expenditures from the fund shall be used solely to fund the courtesy  
8 patrol program providing assistance to motorists on the state's highways. Amounts collected in the  
9 fund which are found, from time to time, to exceed funds needed for the purposes set forth in this  
10 subdivision may be transferred to other accounts or funds and redesignated for other purposes by  
11 appropriation of the Legislature.

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

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

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