

**Senate Bill No. 349**

(By Senators Kessler, Unger, Beach, Facemire, Kirkendoll, Laird, Miller, Palumbo, Plymale,  
Prezioso, Romano, Snyder, Stollings, Williams, Woelfel and Yost)

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[Introduced January 28, 2015; referred to the Committee on Economic Development; and then to  
the Committee on Finance.]

A BILL to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended, relating  
to providing funds for the Tourism Promotion Fund; requiring annual deposit from general  
revenue into the Tourism Promotion Fund; creating subaccounts of the Tourism Promotion  
Fund; setting parameters for spending money in subaccounts; detailing certain transfers of  
funds; and requiring Division of Tourism to conduct study.

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

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

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

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

(a) There is hereby continued in the State Treasury the special revenue fund known as the  
Tourism Promotion Fund created under prior enactment of section nine, article one of this chapter.  
In addition to the funds deposited into the Tourism Promotion Fund pursuant to provisions of this  
code, the Governor shall annually allocate no less than \$5,000,000 into the Tourism Promotion Fund

1 from general revenue in the annual budget. Of the funds allocated to the Tourism Promotion Fund  
2 in the annual budget forty percent shall be placed into sub-account "A" of the Tourism Promotion  
3 Fund, established by this subsection, and sixty percent shall be placed into sub-account "B" of the  
4 Tourism Promotion Fund, established by this subsection, both of which are nonexpiring accounts.

5 Notwithstanding any provision of this code to the contrary:

6 (1) All funds in sub-account "A" of the Tourism Promotion Fund shall be used by the  
7 Commissioner of the Division of Tourism solely to fund the "Tourism Matching Advertising  
8 Partnership Program," as detailed in West Virginia Code of State Rules Title 144, Series 1.

9 (2) All funds in sub-account "B" of the Tourism Promotion Fund shall be used by the  
10 Commissioner of the Division of Tourism solely to fund tourist promotion and direct advertising  
11 promoting West Virginia travel and tourism. For the purposes of this section, "direct advertising"  
12 means advertising which is limited to television, radio, mailings, newspaper, magazines, the Internet  
13 and outdoor billboards or any combination thereof.

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

1           ~~(b)~~ (c) If there are funds remaining after the transfers required in ~~subdivision (a)~~ subsections  
 2 (a) and (b) of this section, a minimum of five percent of the moneys ~~deposited~~ remaining in the ~~fund~~  
 3 Tourism Promotion Fund each year shall be ~~used solely for direct advertising for West Virginia travel~~  
 4 ~~and tourism~~; transferred to sub-account "B" of the Tourism Promotion Fund: *Provided*, That no less  
 5 than twenty percent of these funds be expended, with the approval of the Secretary of Commerce, to  
 6 effectively promote and market the state's parks, state forests, state recreation areas and wildlife  
 7 recreational resources. ~~“Direct advertising” means advertising which is limited to television, radio,~~  
 8 ~~mailings, newspaper, magazines, the Internet and outdoor billboards or any combination thereof.~~

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

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

18           (f) The Division of Tourism shall perform a study on how the funds from the Tourism  
 19 Promotion Fund are being spent and submit a report summarizing the study to the Joint Committee  
 20 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 ensure that the Division of Tourism is able to successfully promote West Virginia and participate in the Tourism Matching Advertising Partnership Program. 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.