

FILED

2015 MAR 26 P 1:48

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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ENROLLED

Senate Bill No. 581

(BY SENATORS M. HALL, WALTERS, BLAIR, BOLEY, BOSO,
FACEMIRE, KESSLER, LAIRD, MULLINS, PLYMALE, STOLLINGS,
SYPOLT, TAKUBO, UNGER AND YOST)

[PASSED MARCH 13, 2015; IN EFFECT JULY 1, 2015.]

SB 581

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[Passed March 13, 2015; in effect July 1, 2015.]

AN ACT to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-1-3 of said code, all relating to transferring administration of the courtesy patrol program and the Courtesy Patrol Fund from Division of Tourism to Division of Highways; authorizing expenditures to fund the courtesy patrol program to be made pursuant to appropriation of the Legislature from the State Road Fund; eliminating requirement that moneys be transferred from the Tourism Promotion Fund to the Courtesy Patrol Fund; providing for the disposition of balances in the fund upon transfer; providing sources of funding for the program; and providing for the uses of moneys in the fund.

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; and that §17-1-3 of said code be amended and reenacted, all to read as follows:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

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

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

5 (b) Seventy-five percent of the moneys deposited in the
6 fund each year shall be used solely for marketing, advertising
7 and public relations efforts for building the brand identity of
8 Wild, Wonderful, West Virginia and promoting travel and
9 tourism within the state at the discretion and direction of the
10 Commissioner of the Division of Tourism: *Provided*, That no
11 less than one percent of these funds be expended, with the
12 approval of the Secretary of Commerce, to effectively
13 promote and market the state's parks, state forests, state
14 recreation areas and wildlife recreational resources. "Direct
15 advertising" means advertising which includes, but is not
16 limited to, television, radio, mailings, newspaper, magazines,
17 digital marketing, including the Internet and social media,
18 and outdoor billboards or any combination thereof.

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

25 (d) No member of the commission or of any committee
26 created by the commission to evaluate applications for
27 advertising or other grants may participate in the discussion
28 of, or action upon, an application for or an award of any grant
29 in which the member has a direct financial interest.

ARTICLE 1. DEFINITIONS.

§17-1-3. "Road"; "public road"; "highway".

1 The words or terms "road", "public road" or "highway"
2 shall be deemed to include, but shall not be limited to, the
3 right-of-way, roadbed and all necessary culverts, sluices,
4 drains, ditches, waterways, embankments, slopes, retaining
5 walls, bridges, tunnels and viaducts necessary for the
6 maintenance of travel, dispatch of freight and communication
7 between individuals and communities; and such public road
8 or highway shall be taken to include any road to which the
9 public has access and which it is not denied the right to use,
10 or any road or way leading from any other public road over
11 the land of another person, and which shall have been
12 established pursuant to law. Any road shall be conclusively
13 presumed to have been established when it has been used by
14 the public for a period of ten years or more, and public
15 moneys or labor have been expended thereon, whether there
16 be any record of its conveyance, dedication or appropriation
17 to public use or not. In the absence of any other mark or
18 record, the center of the traveled way shall be taken as the
19 center of the road and the right-of-way shall be designated
20 therefrom an equal distance on each side, but a road may be
21 constructed on any part of the located right-of-way when it is
22 deemed advisable so to do.

23 The Legislature notes that there are public highways that
24 run over the surface of this land, over and through the
25 navigable streams, rivers and waterways on this earth and
26 above the surface of this earth in the form of highways in the
27 sky, commonly known as airways. The Legislature finds that
28 each of these types of public highways are essential to the
29 development of this state and that the health and safety of
30 each of the citizens of this state are affected daily by the
31 availability of each of these three types of public highways,
32 and that it is the best interests of the people of this state that
33 each of these be recognized and included within the meaning

34 of public highways. The Legislature further recognizes that
35 airports are an important and integral part of the public
36 highways existing above the surface of this state, and that
37 airports are necessary to access such highways, and therefore
38 airports, including runways, taxiways, parking ramps, access
39 roads and air traffic control facilities located at airports, are
40 hereby declared to be part of the public highway system of
41 this state.

42 The Legislature finds that a courtesy patrol program
43 providing assistance to motorists on the state's highways is
44 one of a most beneficial public safety service to residents of
45 the state using public highways and serves as a showing of
46 the state's hospitality and good will to tourists visiting the
47 state. For that reason, on July 1, 2015:

48 (1) The administration of the courtesy patrol program
49 shall be transferred to the Division of Highways and
50 expenditures made by the division to fund the courtesy patrol
51 program providing assistance to motorists on the state's
52 highways shall be made pursuant to appropriation of the
53 Legislature from the State Road Fund or as otherwise
54 provided by law; and

55 (2) The administration of the special revenue account in
56 the State Treasury known as the Courtesy Patrol Fund shall
57 be transferred to the Division of Highways: *Provided*, That
58 any balances remaining in the Courtesy Patrol Fund at the
59 end of fiscal year 2015 shall be transferred and deposited into
60 the Tourism Promotion Fund. After the June 30, 2015,
61 expenditures from the Courtesy Patrol Fund shall be used
62 solely to fund the courtesy patrol program providing
63 assistance to motorists on the state's highways. Amounts
64 collected in the Courtesy Patrol Fund which are found, from
65 time to time, to exceed funds needed for the purposes set
66 forth in this subdivision may be transferred to other accounts

67 or funds and redesignated for other purposes by appropriation
68 of the Legislature. Moneys paid into the fund may be derived
69 from the following sources:

70 (A) Any gifts, grants, bequests, transfers, appropriations
71 or other donations which may be received from any
72 governmental entity or unit or any person, firm, foundation,
73 corporation or other private entity;

74 (B) Any appropriations by the Legislature which may be
75 made for the purposes of this section; and

76 (C) All interest or other return accruing to the fund.

77 Any moneys remaining in the fund at the end of a fiscal
78 year shall remain in the fund and be available for expenditure
79 during the ensuing fiscal year.

A handwritten signature in black ink, appearing to be the initials 'MB' with a flourish, is written below the text.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Paul DeLoach
.....
Chairman Senate Committee

John B. McCl
.....
Chairman House Committee

Originated in the Senate.

In effect July 1, 2015.

Clark A. Bunker
.....
Clerk of the Senate

Steph J. Armitage
.....
Clerk of the House of Delegates

Millie P. Hale
.....
President of the Senate

[Signature]
.....
Speaker of the House of Delegates

The within *is approved* this the *26th*
March
Day of, 2015.

Carl Roy Tomblin
.....
Governor