WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5128

By Delegates Criss, Heckert, Mallow, Statler,

Fehrenbacher, Hott, Linville, Rohrbach, Riley, Holstein

and hillenbrand

[Introduced January 25, 2024; Referred to the

Committee on Fire Departments and Emergency

Medical Services then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section

2 designated §29-22-18g, relating to transferring, after the end of each fiscal year from any

3 remaining and available net profits in the State Lottery Fund, the sum of $6 million to the

4 Fire Protection Fund for state distribution to volunteer fire departments, the sum of $3

5 million to the All County Fire Protection Fund for county distribution to fire departments in

6 each county that has in place a countywide excess levy, or a countywide fee dedicated to

7 fire or emergency services, and the sum of $3 million to the County Fire Protection Fund for

8 county distribution to fire departments in each county; and providing reduced pro rata

9 distribution in the event of insufficient remaining and available net profits.

Be it enacted by the Legislature of West Virginia:

ARTICLE   22.   STATE   LOTTERY   ACT.

§29-22-18g. Additional allocation of net profits from the State Lottery Fund to Fire

Protection Fund, County Fire Protection Fund and All County Fire Protection Fund.

1 (a) Notwithstanding any other provision of this code to the contrary, following the end of

2 each fiscal year, after the Lottery Commission has met the requirements for the allocation of net

3 profits from the State Lottery Fund as required under §29-22-18 of this code and any other

4 provisions of this code, and after satisfying the requirements for funds dedicated to pay debt

5 service in accordance with bonds payable from the State Lottery Fund and for other purposes as

6 required by §29-22-18 and §29-22-18f of this code, the Lottery Commission shall annually allocate

7 and transfer from any remaining and available net profits for the fiscal year in the State Lottery

8 Fund the following:

9 (1) The sum of $6 million, or the sum of the remaining and available net profits, whichever

10 is less, to the Fire Protection Fund created in §33-3-33 of this code, which sum transferred shall be

11 distributed in accordance with the provisions of that section;

12   (2) The sum of $3 million, or the sum of the remaining and available net profits, whichever

13   is less, to the County Fire Protection Fund created in §7-5B-1 of this code, which sum transferred

14   shall be distributed in accordance with the provisions of that section; and

15   (3) The sum of $3 million, or the sum of the remaining and available net profits, whichever

16   is less, to the All County Fire Protection Fund created in §7-5B-2 of this code, which sum

17   transferred shall be distributed in accordance with the provisions of that section.

18   (b) In the event that remaining and available net profits for the fiscal year in the State

19   Lottery Fund are not sufficient to meet the allocation and transfer of net profits as directed under

20   subsection (a) of this section, then the amounts allocated and transferred under subsection (a) of

21   this section from any remaining and available net profits for the fiscal year shall be reduced on a

22   pro   rata   basis.

NOTE: The purpose of this bill is to transfer, after the end of each fiscal year from any remaining and available net profits in the State Lottery Fund, the sum of $6 million to the Fire Protection Fund for state distribution to volunteer fire departments; the sum of $3 million to the All County Fire Protection Fund for county distribution to fire departments in each county that has in place a countywide excess levy, or a countywide fee dedicated to fire or emergency services; and the sum of $3 million to the County Fire Protection Fund for county distribution to fire departments in each county.

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