

H. B. 2047

1
2
3
4
5
6
7
8
9

(By Delegates Butcher, Stowers, Barker and Moore)
[Introduced January 12, 2011; referred to the
Committee on the Judiciary then Finance.]

10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §29-22-9b, relating
12 to establishing a lottery scratch-off game for the benefit of
13 West Virginia firefighters; creating a fund; and providing for
14 legislative rule and expenditures from the fund.

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

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §29-22-9b, to read as
18 follows:

19 **ARTICLE 22. STATE LOTTERY ACT.**

20 **§29-22-9b. Firefighters instant lottery scratch-off game.**

21 (a) Beginning September 1, 2011, the commission shall
22 establish an instant lottery scratch-off game designated as the
23 West Virginia firefighters benefit game, which is offered by the

1 lottery.

2 (b) Notwithstanding the provisions of section eighteen of this
3 article, all net profits received from the sale of the West
4 Virginia firefighters game lottery tickets, materials and games are
5 deposited with the State Treasurer into the West Virginia
6 Firefighters Game Lottery Fund created under subsection (d) of this
7 section. Funds from the West Virginia Firefighters Game Lottery
8 Fund shall be divided evenly between, and shall be used, as
9 follows: (1) As an incentive for the recruitment and retention of
10 West Virginia volunteer firefighters, to provide recognition of
11 West Virginia volunteer firefighters and to provide higher
12 education as provided herein; and (2) to enhance the municipal
13 firefighter pension and relief funds created pursuant to article
14 twenty-two, chapter eight of this code.

15 (c) The State Fire Commission shall oversee the tuition
16 reimbursement portion of the game and shall propose rules for
17 legislative approval in accordance with the provisions of article
18 three, chapter twenty-nine-a of this code for the incentive for the
19 recruitment and retention of West Virginia volunteer firefighters,
20 to provide recognition of West Virginia volunteer firefighters and
21 to provide higher education with respect to tuition. These
22 proposed rules shall provide that any West Virginia resident
23 volunteer firefighter and junior firefighter, as defined by the
24 State Fire Commission, who is an active member of a fire department

1 recognized by the State Fire Commission, may be eligible to receive
2 tuition to attend any national or state credentialed program within
3 the State of West Virginia. These rules shall provide for one
4 semester of tuition for each two years of service provided by the
5 firefighter: *Provided, That tuition may not exceed \$2500 a*
6 recipient: *Provided, however, That a person may not receive*
7 tuition for more than three semesters under this program. These
8 proposed rules shall also require that applicants must apply in
9 advance and that they will be placed upon a list. Applicants must
10 reapply for each semester he or she seeks tuition. The proposed
11 rule shall also require an applicant applying for his or her first
12 semester meet all requirements of the institution and that an
13 applicant applying for his or her second or third semester of
14 tuition assistance must show proof that he or she has a grade point
15 average of at least two on a scale of four. Applicants shall be
16 required to complete an application form verifying affiliation with
17 their volunteer fire department and have the application signed by
18 the chief of the department with the chief's signature notarized.

19 (d) There is hereby created in the State Treasury a special
20 revenue fund designated and known as the West Virginia Firefighters
21 Game Fund which shall consist of all revenues derived from the West
22 Virginia firefighters game and any appropriations to the fund by
23 the Legislature and all interest or other returns earned from
24 investment of the fund. The State Treasurer shall pay out one-half

1 the revenues on the order of the State Fire Commission for the
2 incentive for the recruitment and retention of West Virginia
3 volunteer firefighters, to provide recognition of West Virginia
4 volunteer firefighters and to provide higher education with respect
5 to tuition. The State Treasurer shall distribute the other one
6 half of the revenues to the municipal firefighter pension and
7 relief funds created pursuant to article twenty-two, chapter eight
8 of this code each December, beginning with December, 2011. This
9 distribution shall be divided equally among each of the municipal
10 firefighter pension and relief funds in this state.

11 (e) The commission shall change the design or theme of the
12 West Virginia firefighters benefit game regularly so that the game
13 remains competitive with the other instant lottery scratch-off
14 games offered by the commission. The tickets for the instant
15 lottery game created in this section shall clearly state that the
16 profits derived from the game are being used to benefit
17 firefighters in this state.

NOTE: The purpose of this bill is to establish a lottery scratch-off game for the benefit of West Virginia firefighters for tuition to attend institutions of higher education.

§29-22-9b is new; therefore, it has been completely underscored.