

H. B. 3017

(By Delegates Manypenny, Eldridge and Canterbury)
[Introduced March 21, 2013; referred to the
Committee on Government Organization then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-20; and to amend said code by adding thereto a new section, designated §29-22-9b, all relating to requiring the State Fire Marshal to propose rules for legislative approval to set standards for minimum acceptable fire company on-duty staffing levels at full-time paid fire departments; creating a firefighters instant lottery scratch-off game and a Firefighters Lottery Fund; and requiring the State Fire Marshal to propose rules for legislative approval to set standards and procedures to award grants and disperse funds from the Firefighters Lottery Fund.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §29-3-20; and that said

1 code be amended by adding thereto a new section, designated §29-22-
2 9b, all to read as follows:

3 **ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

4 **§29-3-20. Minimum acceptable fire company staffing levels at full-**
5 **time paid fire departments; dispersals from**
6 **Firefighters Lottery Fund; rules.**

7 The State Fire Marshal shall propose rules for legislative
8 approval in accordance with the provisions of article three,
9 chapter twenty-nine-a of this code to implement the following:

10 (1) Standards for minimum acceptable fire company on-duty
11 staffing levels at full-time paid fire departments which will
12 provide an adequate number of personnel to safely and adequately
13 conduct emergency scene fire suppression and rescue operations,
14 taking into consideration such factors as the National Fire
15 Protection Standards for fire company staffing, city size or
16 classification, potential for high risk fire hazards, general
17 funding resources available to full-time paid departments and other
18 factors the State Fire Marshall considers relevant; and

19 (2) Standards and procedures for awarding grants and
20 dispensing funds from the Firefighters Lottery Fund created in
21 section nine-b, article twenty-two of this chapter to assist full-
22 time paid fire departments in hiring additional firefighters to
23 meet minimum staffing requirements adopted pursuant to subdivision

1 (1) of this section.

2 **ARTICLE 22. STATE LOTTERY ACT.**

3 **§29-22-9b. Firefighters instant lottery scratch-off game.**

4 (a) Beginning September 1, 2013, the commission shall
5 establish an instant lottery scratch-off game designated as the
6 Firefighters Benefit Game, which shall be offered by the lottery.

7 (b) Notwithstanding the provisions of section eighteen of this
8 article, and subject to the provisions of subsections (c) and (d)
9 of this section, all net profits received from the sale of
10 Firefighters Benefit Game lottery tickets, materials and games
11 shall be deposited with the State Treasurer into the Firefighters
12 Lottery Fund created under this section, and the State Fire Marshal
13 may make expenditures from this fund to assist full-time paid fire
14 departments in meeting minimum on-duty fire company staffing
15 requirements adopted pursuant to section twenty, article three of
16 this chapter.

17 (c) Before appropriation of any of the net profits derived
18 from the Firefighters Benefit Game for the uses set forth in this
19 section, the Legislature shall first determine that the state has
20 met all debt obligations for which lottery profits have been
21 pledged for that fiscal year.

22 (d) There is hereby created in the State Treasury a special
23 revenue fund designated and known as the Firefighters Lottery Fund
24 which shall consist of all revenues derived from the Firefighters

1 Benefit Game, all interest earned from investment of the fund, any
2 appropriations to the fund by the Legislature and any gifts, grants
3 or contributions received by the fund. Revenues received by the
4 Firefighters Lottery Fund shall be deposited in the West Virginia
5 consolidated investment pool with the West Virginia investment
6 management board, with the interest income a proper credit to all
7 such funds.

8 (e) The commission shall change the design or theme of the
9 Firefighters Benefit Game regularly so that the game remains
10 competitive with the other instant lottery scratch-off games
11 offered by the commission. The tickets for the instant lottery
12 game created in this section shall clearly state that the profits
13 derived from the game are being used to help provide more on-duty
14 firefighters in this state.

NOTE: The purpose of this bill is to require the State Fire Marshal to propose rules for legislative approval to set standards for minimum acceptable fire company on-duty staffing levels at full-time paid fire departments which will provide an adequate number of personnel to safely and adequately conduct emergency scene fire suppression and rescue operations. A firefighters instant lottery scratch-off game is created, with net profits going to the Firefighters Lottery Fund to provide funding to assist full-time paid fire departments in hiring additional firefighters.

§29-3-20 and §29-22-9b are new; therefore, they have been completely underscored.