

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **ENROLLED**

## **House Bill 5128**

BY DELEGATES CRISS, HECKERT, MALLOW, STATLER,  
FEHRENBACHER, HOTT, LINVILLE, ROHRBACH, RILEY,  
HOLSTEIN, AND HILLENBRAND

[Passed March 5, 2024; in effect ninety days from  
passage.]



1 AN ACT 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  
8 for 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  
11 be 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.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect ninety days from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2024.

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*Governor*