

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

Committee Substitute for
SENATE BILL NO. 438

(By Senator *Chapin*)



PASSED *March 7,* 1990

In Effect *July 1, 1990* Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 438

(By SENATOR CHAFIN, BY REQUEST, *original sponsor*)

[Passed March 7, 1990; to take effect July 1, 1990.]

AN ACT to amend and reenact sections thirteen and fourteen, article five-b, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the maximum amount allowed on deposit in the prison industries account; and appropriation for buildings, equipment, etc.

Be it enacted by the Legislature of West Virginia:

That sections thirteen and fourteen, article five-b, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5B. PRISON-MADE GOODS.

§28-5B-13. Appropriation for buildings, equipment, etc.; self-liquidating contracts.

1 In order to carry out the provisions of this article
2 there is hereby appropriated out of the moneys in the
3 state general revenue fund, not otherwise appropri-
4 riated, the sum of fifty thousand dollars, and the
5 commissioner of the division of corrections is autho-

6 rized to expend such moneys from such appropriation
7 as may be necessary to erect buildings, to purchase
8 equipment, to procure tools, supplies and materials, to
9 purchase, install or replace equipment, to employ
10 personnel, and otherwise to defray the necessary
11 expenses incident to the employment of convicts as
12 herein provided, and further to aid in the above
13 purposes the commissioner of the division of correc-
14 tions is empowered to enter into contracts and agree-
15 ments with any person or persons upon a self-
16 liquidating basis respecting the acquisition and pur-
17 chase of any such equipment, tools, supplies and
18 materials, to the end that the same may be paid for
19 over a period of not exceeding three years, and the
20 aggregate amount of such purchases or acquisitions
21 not to exceed one million dollars, such amounts to be
22 payable solely out of the revenues derived from the
23 activities authorized by this article. Nothing in this
24 section shall be so construed or interpreted as to
25 authorize or permit the incurring of a state debt of
26 any kind or nature as contemplated by the constitution
27 of this state in relation to such debt.

§28-5B-14. Prison industries account.

1 All moneys collected by the commissioner of the
2 division of corrections from the sale or disposition of
3 articles and products manufactured or produced by
4 convict labor in accordance with the provisions of this
5 article, shall be forthwith deposited with the state
6 treasurer to be there kept and maintained as a special
7 revolving account designated the "prison industries
8 account" and such moneys so collected and deposited
9 shall be used solely for the purchase of manufacturing
10 supplies, equipment, machinery and materials used to
11 carry out the purposes of this article, as well as for the
12 payment of the necessary personnel in charge thereof
13 and to otherwise defray the necessary expenses
14 incident thereto, all of which are under the direction
15 and subject to the approval of the commissioner:
16 *Provided*, That the "prison industries account" shall
17 never be maintained in excess of the amount neces-
18 sary to efficiently and properly carry out the inten-

19 tions of this article, and in no event may the “prison
20 industries account” be maintained in excess of the
21 sum of one million dollars. When, in the opinion of the
22 governor, the “prison industries account” has reached
23 a sum in excess of the requirements of this article, the
24 excess shall be transferred by the commissioner of the
25 division of corrections to the state fund, general
26 revenue, and if the governor does not make such
27 determination, any excess above one million dollars
28 shall be transferred to the state fund, general revenue,
29 by the commissioner of the division of corrections at
30 the end of each fiscal year.

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

Frederick L. Rosen
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1990.

Harrell E. Adams
.....
Clerk of the Senate

Donald J. Kopp
.....
Clerk of the House of Delegates

Walter Burdette
.....
President of the Senate

Paul Abner
.....
Speaker House of Delegates

The within *is approved* this the *19th*
day of *March* 1990.

Lauston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/13/90

Time 8:51 AM

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1990 MAR 19 PM 4:49

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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LETTERS
SECRETARY OF STATE
IN THE OFFICE OF

3/19/90

THIS DATE