WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

Committee Substitute for
SENATE BILL NO. 438

(By Senator Chafin)

PASSED March 7, 1990
In Effect July 1, 1990 Passage
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 there is hereby appropriated out of the moneys in the state general revenue fund, not otherwise appropriated, the sum of fifty thousand dollars, and the commissioner of the division of corrections is autho-
rized to expend such moneys from such appropriation as may be necessary to erect buildings, to purchase equipment, to procure tools, supplies and materials, to purchase, install or replace equipment, to employ personnel, and otherwise to defray the necessary expenses incident to the employment of convicts as herein provided, and further to aid in the above purposes the commissioner of the division of corrections is empowered to enter into contracts and agreements with any person or persons upon a self-liquidating basis respecting the acquisition and purchase of any such equipment, tools, supplies and materials, to the end that the same may be paid for over a period of not exceeding three years, and the aggregate amount of such purchases or acquisitions not to exceed one million dollars, such amounts to be payable solely out of the revenues derived from the activities authorized by this article. Nothing in this section shall be so construed or interpreted as to authorize or permit the incurring of a state debt of any kind or nature as contemplated by the constitution of this state in relation to such debt.

§28-5B-14. Prison industries account.

All moneys collected by the commissioner of the division of corrections from the sale or disposition of articles and products manufactured or produced by convict labor in accordance with the provisions of this article, shall be forthwith deposited with the state treasurer to be there kept and maintained as a special revolving account designated the “prison industries account” and such moneys so collected and deposited shall be used solely for the purchase of manufacturing supplies, equipment, machinery and materials used to carry out the purposes of this article, as well as for the payment of the necessary personnel in charge thereof and to otherwise defray the necessary expenses incident thereto, all of which are under the direction and subject to the approval of the commissioner: Provided, That the “prison industries account” shall never be maintained in excess of the amount necessary to efficiently and properly carry out the inten-
tions of this article, and in no event may the "prison industries account" be maintained in excess of the sum of one million dollars. When, in the opinion of the governor, the "prison industries account" has reached a sum in excess of the requirements of this article, the excess shall be transferred by the commissioner of the division of corrections to the state fund, general revenue, and if the governor does not make such determination, any excess above one million dollars shall be transferred to the state fund, general revenue, by the commissioner of the division of corrections at the end of each fiscal year.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1990.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of 1990.

Governor