WEST VIRGINIA LEGISLATURE
REGULAR SESSION 2002

ENROLLED

SENATE BILL NO. 575

(By Senator Tomlin, President and Chairman)

PASSED March 9, 2002

In Effect from Passage
ENROLLED

Senate Bill No. 565

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND CRAIGO)

[Passed March 9, 2002; in effect from passage.]

AN ACT to amend and reenact section fourteen, article five-b, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the prison industries account; allowing money from the account to be used to pay wages due inmates for services provided under a contract between a state spending unit, political subdivision or other governmental entity and the division of corrections pending receipt of the amounts owed for the services under the contract; providing for reimbursement of the account; and increasing the amount that may be maintained in the account.

Be it enacted by the Legislature of West Virginia:

That section 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-14. Prison industries account.

(a) 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 immediately deposited with the state treasurer to be kept and maintained in a special revolving account designated the "prison industries account".

(b) Except as provided in subsection (c) of this section, moneys collected and deposited may only be used 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.

(c) Moneys in the account may also be used to pay wages due inmates for services provided under a contract between a state spending unit, political subdivision or other governmental entity and the division of corrections, pending receipt of the amounts owed for the services under the contract. The account shall be reimbursed within twenty-four hours of receipt of the amounts due under the contract from the state spending unit, political subdivision or other governmental entity.

(d) The "prison industries account" may never be maintained in excess of the amount necessary to efficiently and properly carry out the intentions of this article and in no event may the "prison industries account" be maintained in excess of the sum of one million five hundred thousand 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 general revenue fund and if the governor does not make that determination, any amount
above one million five hundred thousand 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.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 21st Day of March, 2002.

Governor