

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2002

ENROLLED

SENATE BILL NO. 505

(By Senator TOURBIN, MR. PRESIDENT, AND CRAIGO)

PASSED MARCH 9, 2002

In Effect From Passage

FILED

2002 MAR 21 P b: 44

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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.

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

8 (b) Except as provided in subsection (c) of this section,
9 moneys collected and deposited may only be used for the
10 purchase of manufacturing supplies, equipment, machin-
11 ery and materials used to carry out the purposes of this
12 article, as well as for the payment of the necessary person-
13 nel in charge thereof and to otherwise defray the necessary
14 expenses incident thereto, all of which are under the
15 direction and subject to the approval of the commissioner.

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

25 (d) The "prison industries account" may never be
26 maintained in excess of the amount necessary to efficiently
27 and properly carry out the intentions of this article and in
28 no event may the "prison industries account" be main-
29 tained in excess of the sum of one million five hundred
30 thousand dollars. When, in the opinion of the governor,
31 the "prison industries account" has reached a sum in
32 excess of the requirements of this article, the excess shall
33 be transferred by the commissioner of the division of
34 corrections to the state general revenue fund and if the
35 governor does not make that determination, any amount

36 above one million five hundred thousand dollars shall be
37 transferred to the state fund, general revenue, by the
38 commissioner of the division of corrections at the end of
39 each fiscal year.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
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Chairman House Committee

Originated in the Senate.

In effect from passage.

[Signature]
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Clerk of the Senate

[Signature]
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Clerk of the House of Delegates

[Signature]
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President of the Senate

[Signature]
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Speaker House of Delegates

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

[Signature]
.....
Governor

PRESENTATION

GOVERNANCE

Date

3/15/02

Time

5:35p