

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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FILED
1988 MAY -9 AM 11:15
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: REGIONAL JAIL AND PRISON AUTHORITY TITLE NUMBER: 94

RULE TYPE: PROCEDURAL; CITE AUTHORITY 31-20-10(h)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

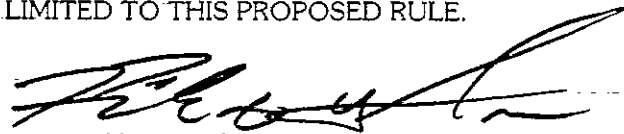
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 3

TITLE OF RULE BEING PROPOSED: Criteria and Procedures for
Determination of Cost per Day for Inmates Incarcerated in
Regional Jails Operated by the Authority

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 10, 1988 AT 5:00 pm. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Regional Jail and Prison Authority
307 Jefferson St. Capitol Complex
Charleston, WV 25305
Attn: John L. King

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Rich O. Hartman for John L. King

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

STATE OF WEST VIRGINIA



REGIONAL JAIL and PRISON AUTHORITY

307 JEFFERSON STREET — CAPITOL COMPLEX
CHARLESTON, WV 25305
(304) 348-2110

ARCH A. MOORE, JR.
Governor

JOHN L. KING
Executive Director

June 27, 1988

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- L. J. TRUPO
North Central Region

Mr. Richard O. Hartman
Director, Administrative Law
Secretary of State's Office
State Capitol
Charleston, West Virginia 25305

Dear Mr. Hartman:

As you know, the period for public comment upon our proposed procedural rules for the determination of cost per inmate day in regional jails (title 94, series 3) ended on June 10, 1988.

No comments were received concerning these proposed rules and no changes are proposed for them.

Therefore, please accept the procedural rules for final filing in their present form.

Should you have any questions or need additional information, please feel free to contact me.

Sincerely,

John L. King
John L. King
Executive Director

JLK:FGS/vj

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STATE OF WEST VIRGINIA



REGIONAL JAIL and PRISON AUTHORITY

307 JEFFERSON STREET — CAPITOL COMPLEX
CHARLESTON, WV 25305
(304) 348-2110

ARCH A. MOORE, JR.
Governor

JOHN L. KING
Executive Director

May 2, 1988

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North Central Region

Mr. Richard O. Hartman
Director, Administrative Law
Secretary of State's Office
State Capitol
Charleston, West Virginia

Dear Mr. Hartman:

On April 22, 1988, the Regional Jail and Prison Authority adopted the attached procedural rules for the determination of cost per inmate day in regional jails, as required by section ten, article twenty, chapter thirty-one of the West Virginia Code.

Pursuant to other provisions of that section, I am hereby filing the adopted procedural rules for publication in the state register and for an appropriate period of public comment.

If additional information is needed, or if there are other actions we need to take, please contact me.

Sincerely,

John L. King
John L. King
Executive Director

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1988 MAY -9 AM 11:15
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE 94
PROCEDURAL RULE
WEST VIRGINIA REGIONAL JAIL AND PRISON
AUTHORITY

SERIES 3
CRITERIA AND PROCEDURES FOR DETERMINATION OF COST
PER DAY FOR INMATES INCARCERATED IN REGIONAL JAILS
OPERATED BY THE WEST VIRGINIA REGIONAL JAIL AND
PRISON AUTHORITY

Title 94, Series 3
(1988)

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TITLE 94
PROCEDURAL RULE
WEST VIRGINIA REGIONAL JAIL AND PRISON
AUTHORITY

SERIES 3
CRITERIA AND PROCEDURES FOR DETERMINATION OF COST
PER DAY FOR INMATES INCARCERATED IN REGIONAL JAILS
OPERATED BY THE WEST VIRGINIA REGIONAL JAIL AND
PRISON AUTHORITY
PROCEDURAL RULE

94-3-1. General

1.1. Scope. -- Chapter 31, Article 20, Section 10, Subsection (h) of the West Virginia Code of 1931, as amended, requires the West Virginia Regional Jail and Prison Authority to develop an operational cost per day for inmates incarcerated in regional jails. The Authority is required to develop criteria and procedures for the development of these operational per diem costs through the mechanism of regulations pursuant to article 3, of chapter twenty-nine-a of the code. Counties are required by the statute to make payments to the regional jail and prison development fund in an amount sufficient to cover the costs of operating such regional jail facilities and to maintain inmates incarcerated therein.

1.2. Authority. -- West Virginia Code 31-20-10(h)

1.3. Filing Date. --

1.4. Effective Date. --

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1.5. Repeal of Former Rule. -- Not applicable; This filing is the original effort to develop per diem costs as required by 31-20-10(h) West Virginia Code.

94-3-2. Application and Enforcement.

2.1. These procedural rules apply to the Regional Jail and Prison Authority, regional jail facilities operated by the Authority, and to counties, municipalities, the West Virginia Department of Corrections, the United States Marshal's Service and any other entity by whose authority inmates are incarcerated and maintained in regional jails operated by the West Virginia Regional Jail and Prison Authority.

2.2. The enforcement of these regulations rests with the Executive Director of the Regional Jail and Prison Authority.

94-3-3. Annual schedule of operational expenditures.

3.1. The Regional Jail and Prison Authority shall develop and approve a schedule of anticipated operational expenditures for each regional jail. Such schedules shall include funds for personal services and fringe benefits for personnel necessary to the operation of the facility as well as allocations of funds for food, clothing, utilities, supplies, transportation and all other costs necessary to operate and maintain the facility.

3.2. The operational expenditure schedule shall include all costs, both direct and indirect, for operating and maintaining the regional jail.

3.3. The operational expenditure schedule shall not include any costs, either direct or indirect, for construction or acquisition of a regional jail.

3.4. The Authority shall develop and approve an operational expenditure schedule for each regional jail on an annual basis, consistent with the state fiscal year.

94-3-4. Annual statement of cost per inmate day.

4.1. The Authority shall, on an annual basis, prepare an estimate of the cost of operating each regional jail and maintaining inmates therein. This estimate of cost will be expressed as the cost of maintaining one inmate for one day. This estimate shall include all costs of operating a regional jail.

4.2. The annual statement of cost per inmate day will be forwarded to both the sheriff and the county commission of each county, the Commissioner of the Department of Corrections, the United States Marshal's Service and the mayor of each municipality served by the regional jail to provide notice of per diem costs and for their use in preparing their own budgets.

4.3. The annual statement of cost per inmate day for each regional jail may be provided, upon request, to any other entity on whose behalf an inmate may be incarcerated in a regional jail.

94-3-5. Calculation of cost per inmate day.

5.1. The Authority shall divide the total of each schedule of anticipated operational expenditures by the anticipated number of inmate days to yield the cost per inmate day as the quotient.

5.1.1. If the Authority has revenue available for use as operational funds, the Authority may apply such revenue to the total of the schedule of operational expenditures before calculating the cost per inmate day. In such case, the net operational costs shall become the dividend.

5.1.2. The anticipated number of inmate days to be provided in a fiscal year shall be the product of the bed capacity of the regional jail multiplied by a capacity factor of .85 (85%), multiplied by the number of days in the fiscal year.

5.2. The Authority shall collect the cost per inmate day from each entity for which an inmate is maintained in a regional jail.

94-3-6. Preparation and distribution of monthly statements of costs incurred.

6.1. The Authority shall prepare a monthly statement of charges for each entity for which an inmate is maintained in a regional jail. Each monthly statement of charges will include the name of any inmate maintained in the regional jail, the number of days during the billing month any inmate was maintained, and the total charges for inmate maintenance during the billing month.

6.2. The monthly statements of costs incurred shall be due and payable upon receipt by the responsible entity .

6.3. The Executive Director, on behalf of the Authority may initiate legal action to collect any debts resulting from the failure of a responsible entity to make prompt payment of billed charges.

94-3-7. Extraordinary costs.

7.1. If the actual operational costs exceed the approved schedule of operational expenditures by more than ten per centum in a line item, a temporary surcharge will be added to the cost per inmate day in an amount sufficient to cover the actual expenditures.

94-3-8. Settlement statement.

8.1. At the end of each fiscal year, a settlement statement shall be prepared.

8.1.1. If collected revenues exceed the total operational expenditures, any remaining balance shall be credited to the responsible entity on the same basis as payments were received.

8.1.2. If collected revenues are less than total operational expenditures, the settlement statement shall reflect a balance due and payable to the Authority from the responsible entity.