

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

FILED

1988 JUN 29 PM 9:44

OFFICE OF THE
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: REGIONAL JAIL AND PRISON AUTHORITY TITLE NUMBER: 94

CITE AUTHORITY: WV Code 31-20-10(h)

RULE TYPE: PROCEDURAL XXXX INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____, NO XXX

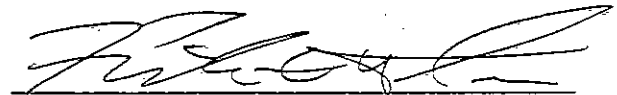
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS July 30, 1988



Rich O. Hartman for John L. King

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)

	INDEX	PAGE
SECTION 1.	General	2
SECTION 2.	Application and Enforcement	3
SECTION 3.	Annual Schedule of Operating Expenditures	3
SECTION 4.	Annual Statement of Cost per Inmate Day	4
SECTION 5.	Calculation of Cost per Inmate Day	5
SECTION 6.	Preparation and Distribution of Monthly Statements of Costs Incurred	6
SECTION 7.	Extraordinary Costs	6
SECTION 8.	Settlement Statement	7

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, Subsec-
tion (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 proce-
dures 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 develop-
ment fund in an amount sufficient to cover the costs of operating
such regional jail facilities and to maintain inmates incarcerat-
ed therein.

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

1.3. Filing Date. --

1.4. Effective Date. --

1981 MAR 10 11:15
FILED
OFFICE OF THE CLERK
WEST VIRGINIA
SECRETARY OF STATE

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.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 342-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

TO: John L. King - Reg. Jail

FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.

DATE: Aug 1, 1988

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

Series 3

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED: John L. King

TITLE OF PERSON SIGNING: Executive Director

DATE: August 5, 1988

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

RECEIVED

AUG 4 1988

WV REGIONAL JAIL
& PRISON AUTHORITY