

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

FILE Do Not Mark In This Box

2007 DEC 14 AM 9:39

OFFICE OF THE
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Regional Jail and Correctional Facility Authority TITLE NUMBER: 94

RULE TYPE: Legislative CITE AUTHORITY: W.Va. Code § 31-20-10 (h)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: Criteria and Procedures for Determination of Projected Cost Per Day for Inmates
Incarcerated in Regional Jails and Operated by the Authority.

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

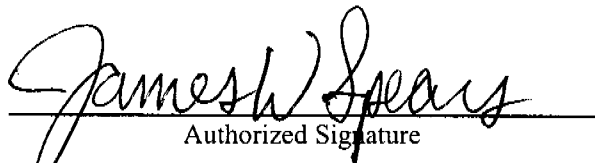
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON January 14, 2007 AT 5:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WV Regional Jail and Correctional Facility Authority

Att: Rule Making
1325 Virginia Street, East

Charleston, WV 25301

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Legislative Rule 94 CSR7

This amendment to the rule clarifies that the per diem set by the West Virginia Regional Jail and Correctional Facility Authority Board shall be one uniform rate for all ten regional jails.

FILED

2007 DEC 14 AM 9:39

TITLE 94
LEGISLATIVE RULE
REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY. GINA
SECRETARY OF STATE

SERIES 7
CRITERIA AND PROCEDURES
FOR DETERMINATION OF PROJECTED COST PER DAY FOR INMATES
INCARCERATED IN REGIONAL JAILS OPERATED BY THE AUTHORITY

§94-7-1. General.

1.1. Scope. -- This legislative rule applies to the Regional Jail and Correctional Facility Authority, and to counties, municipalities, the West Virginia Division of Corrections, and any other entity by whose authority inmates are incarcerated and maintained in regional jails operated by the West Virginia Regional Jail and Correctional Facility Authority. The enforcement of this rule rests with the Executive Director of the Regional Jail and Correctional Facility Authority. W. Va. Code §31-20-10(h) requires the West Virginia Regional Jail and Correctional Facility Authority to develop an operational cost per day for inmates incarcerated in regional jails. This rule allocates resources and services necessary to protect the public safety by properly funding West Virginia's Regional Jail system.

1.2. Authority. -- W. Va. Code §31-20-10(h).

1.3. Filing Date. March 28, 2007.

1.4. Effective Date-- March 28, 2007.

1.5. ~~Repeals and replaces 94CSR3 which was promulgated as a procedural rule on July 1, 1995. Ammends 94-CSR-7 which was effective March 28, 2007.~~

94-7-2. Calculation Of Projected Cost Per Inmate Day

2.1 The Authority shall establish a uniform statewide per diem for housing persons in the Regional Jail System. The per diem shall be established using the Regional Jail System as a whole of all the Regional Jails combined.

2.21. Annually, the Regional Jail and Correctional Facility Authority shall establish an expenditure schedule, consistent with the requirements of W.Va. Code §31-20-10a et.seq. for the operation of the Regional Jail system. This schedule will cover all operational costs including, but not limited to personal services, employee benefits, public employees insurance reserve fund, current expenses, liquidity reassurance reserve, repairs and alterations and assets, as well as budgetary cost adjustments and all requirements of the State Budget Office. Provided, that the operational reserve fund may not exceed the amount of three months of anticipated operational expenditures.

2.32. The projected expenditure schedule will be divided by the previous fiscal year's billed average daily inmate population to yield the projected cost per inmate day.

§94-7-3. Annual Statement of Projected Cost Per Inmate Day.

In October of each year, an annual statement of projected cost per inmate day will be provided, upon request, to any billed entity who has or may have an inmate incarcerated in a regional jail.

§94-7-4. Preparation And Distribution Of Monthly Billing Statement

4.1. The Authority shall prepare a monthly billing statement, which, at a minimum, will include the name of the inmate, incarceration dates, the number days the inmate was housed in a Regional Jail during the billing month, and the total charges per entity for inmate maintenance during the month.

4.2. The monthly billing statement shall be due and payable upon receipt.

4.3. 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 per entity. The projected cost per inmate day shall then become effective as of July 1st of the next physical year's budget following the October projection.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 94CSR7: Legislative Rule Regional Jail and Correctional Facility Authority

Type of Rule: Legislative Interpretive Procedural

Agency: WV Regional Jail and Correctional Facility Authority

Address: 1325 Virginia Street East
Charleston, WV 25301

Phone Number: 304-558-2110 Email: tdavis@wvrja.state.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This rule formulizes a practice that has been in effect for over a decade. As such it will have no fiscal impact on the State of West Virginia and the West Virginia Regional Jail and Correctional Facility Authority.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Title 94CSR7: Legislative Rule Regional Jail and Correctional Facility Authority

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

N/A

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

N/A

Date: _____

Signature of Agency Head or Authorized Representative

James W. Spears