

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

Form #3

Do Not Mark In This Box

2006 JAN 18 AM 9:30

SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Regional Jail and Correctional Facility Authority TITLE NUMBER: 94

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

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

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: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: January 18, 2007

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* West Virginia Regional Jail & Correctional Facility Authority  
1325 Virginia Street, East  
Charleston, WV 25301  
558-2110

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

1. Authorizing statute(s) citation W.Va. Code §31-20-10 (h)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
December 14, 2007

b. What other notice, including advertising, did you give of the hearing?  
N/A There was no Public Hearing.

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
Public Comment Period ended January 14, 2008 @ 5:00 pm

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

N/A

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Chad M. Cardinal, Esq.

West Virginia Regional Jail and Correctional Facility

1325 Virginia Street, East

Charleston, WV 25301

ccardinal@wvrja.state.wv.us

558-2110

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

N/A

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

Comment Period - Dec. 14, 2007 - Jan. 14, 2007

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

January 18, 2008

d. Attach findings and determinations and reasons:

Attached N/A no comments were received

**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.

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 formalizes 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.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	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
<b>2. Estimated Total Revenues</b>	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

2006 JAN 18 AM 9:35

**TITLE 94  
LEGISLATIVE RULE  
REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY**

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.~~ Amends 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.

2.24. 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 1<sup>st</sup> of the next physical year's budget following the October projection.

**94-CSR-7**

There were no public comments received for this rule. Attached is a copy of the legal advertisements that was sent to newspapers across the state.

# STATE OF WEST VIRGINIA



## WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

**JOE MANCHIN III**  
Governor

1325 Virginia Street, East  
Charleston, WV 25301-3011  
(304) 558-2110  
FAX: (304) 558-2115

**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**The Parkersburg News**  
PO Box 1787  
Parkersburg, WV 26101

**Attn: Legal Ad Department**

Please publish the enclosed "LEGAL NOTICE" as a Class I Legal Advertisement to run as soon as possible.

Upon completion of this advertisement, please render invoice as follows:

1. Invoice-Original and one copy, showing dates or dates published, number of words and the rate per word on the original and each copy. You must show federal Employment Identification Number.
2. Certificate of Publication- Original and one copy with a newspaper clipping attached to the original and the copy. All certificates must be full executed.

The above steps must be complied with before your invoice can be paid.

Please submit invoice promptly to the West Virginia Regional Jail and Correctional Facility Authority, 1325 Virginia Street, East Charleston, West Virginia 25301. It is needed as evidence of publication.

Sincerely,

A handwritten signature in cursive script that reads "Lavana Harvey".

Lavana Harvey  
Legal Assistant

enclosure

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1325 Virginia Street, East  
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Governor

**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**The Dominion Post**  
1251 Earl L. Core  
Morgantown, WV 26505-6298

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Lavana Harvey  
Legal Assistant

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**Weirton Daily Times**  
114 Lee Avenue  
Weirton, WV 26062

**Attn: Legal Ad Department**

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**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**Wheeling News-Register**  
1500 Main Street  
Wheeling, WV 26003

**Attn: Legal Ad Department**

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Interim Executive Director

December 18, 2007

**Logan Banner**  
**Post Office 720**  
**Logan, WV 25601**

**Attn: Legal Ad Department**

Please publish the enclosed "LEGAL NOTICE" as a Class I Legal Advertisement to run as soon as possible.

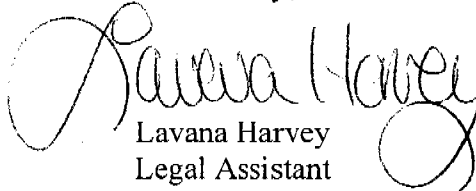
Upon completion of this advertisement, please render invoice as follows:

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Interim Executive Director

December 18, 2007

Charleston Gazette  
1001 Virginia Street, East  
Charleston, WV 25301

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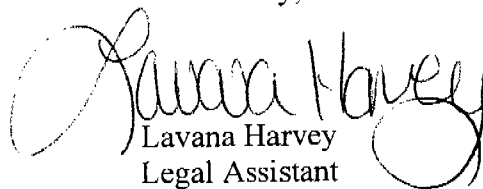
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Interim Executive Director

December 18, 2007

The Register-Herald  
PO Box 2398  
Beckley, WV 25802

Attn: Legal Ad Department

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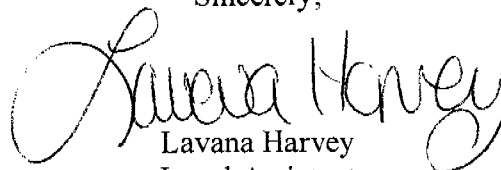
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Governor

**TERRY L. MILLER**  
Interim Executive Director

December 18, 2007

**The Herald Dispatch**  
**PO Box 2017**  
**Huntington, WV 25720**

**Attn: Legal Ad Department**

Please publish the enclosed "LEGAL NOTICE" as a Class I Legal Advertisement to run as soon as possible.

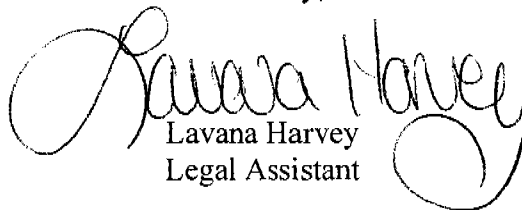
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## LEGAL ADVERTISEMENT

The West Virginia Regional Jail and Correctional Facility Authority is soliciting public comment on a proposed Rule 94CSR7. The rule concerns with regulations for the establishment of regular meetings by the West Virginia Regional Jail and Correctional Facility Authority. A copy of the proposed rule may be obtained from the Secretary of State office or online at (<http://www.wvsos.com>).

Written comments must be received no later than 8:00 am on January 14, 2008. Comments must be directed to:  
West Virginia Regional Jail and  
Correctional Facility Authority  
1325 Virginia Street, East  
Charleston, WV 25301  
Att: Rule Making Committee