

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

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2009 JUN -4 PM 2:41

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

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

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 RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2222

SECTION 64-6-1, PASSED ON April 8, 2009

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: June 15, 2009

  
Authorized Signature

94CSR7

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TITLE 94  
LEGISLATIVE RULE  
REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY  
WEST VIRGINIA  
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. – June 5, 2009.

1.4. Effective Date. – June 15, 2009.

1.5. 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.

2.2. 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. In calculating the schedule, the Authority may include moneys for

an operational reserve fund: *Provided*, that moneys budgeted for the operational reserve fund may not exceed the amount of actual operational expenditures incurred during a three month period in the preceding fiscal year; *Provided, however*, that such three month period must be the three month period with the lowest operational expenditures for any three month period in the preceding fiscal year.

2.3. 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.

2.4. 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.

### **§94-7-3. 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 Statements.**

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 of 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.