

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

Form #4

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**FILED**

2007 JAN 18 PM 4:45

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

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 RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

  
Authorized Signature

Office  
of The Secretary  
JAN 17 2007  
Dept. of MAPS

#280

TITLE 94  
LEGISLATIVE RULE  
REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

FILED

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

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**§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. --

1.4. Effective Date. --

1.5. Repeals and replaces 94CSR3 which was promulgated as a procedural rule on July 1, 1995.

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

2.1. Annually, the Regional Jail and Correctional Facility Authority establishes an expenditure schedule, consistent with the requirements of W. Va. Code §31-20-1 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.

2.2. 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.**

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

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

4.1. The Authority prepares a monthly billing statement. This statement, at 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 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.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

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

Type of Rule:  Legislative  Interpretive  Procedural

Agency: WV Regional Jail & Correctional Facility Authority

Address: 1325 Virginia St. E.  
Chas., 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.

The WV Regional Jail and Correctional Facility Authority Board, a body corporate and government instrumentality, approved this rule at the May, 2006 Board meeting to define the formula for determining the projected cost per day for inmates incarcerated in the WV Regional Jail system. The Board voted not to increase the per diem rate prior to July 1, 2007. It is projected that the per diem rate will generate revenue equaling the current anticipated jail expenditures and maintain an operational reserve fund to cover four months of anticipated operational expenditures.

**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 & 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.

Will not increase or decrease fees for Fiscal Year 2006 or Fiscal Year 2007, as approved by the West Virginia Regional Jail and Correctional Facility Authority.

### MEMORANDUM

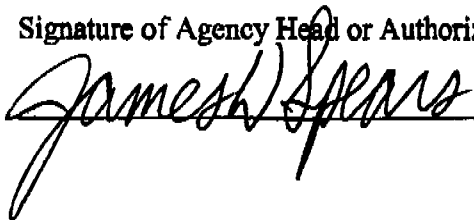
Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

This rule will not increase or decrease fees for Fiscal year 2006 or Fiscal Year 2007, as approved by the WV Regional Jail and Correctional Facility Board in the May 2006 meeting.

The WV Regional Jail and Correctional Facility Authority had promulgated a procedural rule to determine the per diem rate. The rule had not been brought up to date since 1995. Legislation changed and new facilities were brought on line that were not in the previous rule.

Date: June 28, 2006

Signature of Agency Head or Authorized Representative

  
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