

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

Form #4

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia 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

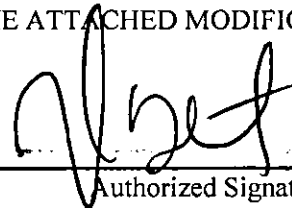
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

TITLE OF RULE BEING AMENDED: CRITERIA AND PROCEDURES FOR DETERMINATION OF
PROJECTED COST PER DAY FOR INMATES INCARCERATED IN
REGIONAL JAILS 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.



10/30/13

Authorized Signature

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TITLE 94
LEGISLATIVE RULE
REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

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

OFFICE WEST VIRGINIA
SECRETARY OF STATE**§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 94CSR7 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 preliminary projected cost per inmate day. The West Virginia Regional Jail and Correctional Facility Board, as defined in W. Va. Code §31-20-1, et. seq. (hereinafter "RJA Board"), will evaluate the preliminary projected cost per inmate day to determine if reductions can be implemented based on other revenues, cash reserves, and cost efficiency efforts. The RJA Board will have discretionary authority to reduce the preliminary projected cost per inmate day based on adopting a

fiscally sound annual operating budget.

2.4. The RJA Board approved cost per inmate day shall then become effective as of July 1st of the next ~~physical~~ fiscal 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.