

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

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OFFICE WEST VIRGINIA
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Form #6

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

AGENCY: West Virginia 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 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) H.B. 4067

SECTION 64-6-3, PASSED ON March 5, 2014

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: April 28, 2014


Authorized Signature

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

**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 27, 2014.

1.4. Effective Date. -- April 28, 2014.

§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, established under W. Va. Code §31-20-3, shall 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 Board may reduce the preliminary projected cost per inmate day based on adopting a fiscally sound annual operating budget.

2.4. The Board's approved cost per inmate day shall then become effective as of July 1st of the next 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.