

WEST VIRGINIA LEGISLATURE

FISCAL
NOTE

2024 REGULAR SESSION

Introduced

House Bill 5640

By Delegates Kelly and Rowe

[Introduced February 12, 2024; Referred to the
Committee on Jails and Prisons then the Judiciary]

1 A BILL to amend and reenact §15A-8-2 and §15A-8-3 of the Code of West Virginia, 1931, as
 2 amended, relating to the West Virginia Regional Jail and Correctional Facility Authority
 3 Board; composition; and scheduled meetings.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY BOARD.

**§15A-8-2. West Virginia Regional Jail and Correctional Facility Authority Board;
 composition; appointment; terms; compensation and expenses.**

1 The West Virginia Regional Jail and Correctional Facility Authority Board is continued. The
 2 members of the board in office on the date this section takes effect shall, unless sooner removed,
 3 continue to serve until their respective terms expire and until their successors have been
 4 appointed and qualified.

5 The authority shall be governed by a board of ~~nine~~ 11 members, ~~seven~~ nine of whom are
 6 entitled to vote on matters coming before the authority. The complete governing board shall
 7 consist of the Commissioner of the Division of Corrections; the Assistant Commissioner for the
 8 Bureau of Juvenile Services; the Secretary of the Department of ~~Military Affairs and Public Safety~~
 9 Homeland Security; the Secretary of the Department of Administration, or his or her designated
 10 representative; ~~two~~ four county commissioners and one sheriff appointed by the Governor, no
 11 more than two of which may be of the same political party; and two citizens appointed by the
 12 Governor to represent the areas of law and medicine. The Commissioner of the Division of
 13 Corrections and Rehabilitation and the Assistant Commissioner for the Bureau of Juvenile
 14 Services shall serve in an advisory capacity and are not entitled to vote on matters coming before
 15 the authority. Members of the Legislature are not eligible to serve on the board.

16 The Governor shall nominate and, by and with the advice and consent of the Senate,
 17 appoint the five appointed members of the authority for staggered terms of four years.

18 Any appointed member whose term has expired shall serve until his or her successor has
 19 been duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for the

20 unexpired term. Any appointed member is eligible for reappointment. Members of the board are
21 not entitled to compensation for services performed as members, but are entitled to
22 reimbursement for all reasonable and necessary expenses actually incurred in the performance of
23 their duties.

24 All members of the board shall execute an official bond in a penalty of \$10,000, conditioned
25 as required by law. Premiums on the bond shall be paid from funds accruing to the Division of
26 Corrections and Rehabilitation. The bond shall be approved as to form by the Attorney General
27 and as to sufficiency by the Governor and, when fully executed and approved, shall be filed in the
28 office of the Secretary of State.

§15A-8-3. Governing body; organization and meetings; quorum; administrative expenses.

1 (a) The board shall consist of the voting members of the board as provided for in §15A-8-2
2 of this code and shall exercise all the powers given to the authority in this article. On the second
3 Monday of July of each odd-numbered year, the board shall meet to elect a chairman and a
4 secretary from among its own members. The Secretary of the Department of Administration or his
5 or her designated representative shall serve as treasurer of the board. The board shall otherwise
6 meet ~~two~~ four times a year, unless a special meeting is called by its chairman.

7 (b) A majority of the members of the board constitute a quorum, and a quorum must be
8 present for the board to conduct business. Unless the bylaws require a larger number, action may
9 be taken by majority vote of the members present.

10 (c) The board shall prescribe, amend, and repeal bylaws and rules governing the manner
11 in which the business of the authority is conducted and shall review and approve the budget
12 prepared by the executive director annually.

13 (d) All costs incidental to the administration of the board shall be paid from the jail operation
14 fund by the Commissioner of Corrections and Rehabilitation.

NOTE: The purpose of this bill is to increase the composition of the West Virginia Regional

Jail and Correctional Facility Authority Board to 11 members, add additional county commissioners, and increase meetings to four times per year.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.