



INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: ☐ ADULT Operations Only ☐ JUVENILE Operations Only ☒ DEPARTMENT-WIDE

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ADMINISTRATION: Establishment, Maintenance, Disposition, Inventory, and Audit of Facility Real Estate and Building Projects

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Approved By: , Secretary

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POLICY

The warden/superintendent of each facility shall ensure that all real estate held by the facility, whether owned or leased, is accurately documented, recorded, and inventoried in accordance with the policy and procedures set forth in this document, and that such documentation is maintained in concert with the pertinent provisions of both the Kansas State Records Board's Schedule for Public Records Retention and Disposition and K.S.A. 75-3515 and 75-3516. Additionally, such inventory requirements as are established by the Director of Accounts and Reports pursuant to K.S.A. 75-3516(c) shall be met by each warden/superintendent or designee. Wardens/superintendents shall designate a specific staff member to develop, coordinate, and maintain this information, and to meet any reporting or auditing requirements related to land.

All planning activities related to real estate and building projects are to be based on considerations of the Department's Pathways for Success guiding document, resident, offender and facility needs and fiscal limitations.

The approval of the Secretary of Corrections or his/her designee is to be obtained prior to the implementation, modification, or termination of any significant real estate or building projects. Once approval is obtained each step of the implementation, modification, or termination process is to be documented in a structured manner to ensure that all significant issues have been addressed.

DEFINITIONS

Renovation: Remodeling projects which exceed the in-kind replacement of existing equipment, fixtures and/or materials which require modification to the physical plant and/or integrity of any facility structure.

PROCEDURES

I. Establishment and Maintenance

- A. The warden/superintendent of each facility shall be responsible for any and all real estate, whether the land is owned or leased, held by that particular facility, and shall ensure that appropriate real estate records are established and maintained as required by statute, Kansas Department of Administration regulations, this document, and local ordinance.

II. Disposition

- A. The warden/superintendent of each facility shall ensure that all real estate records secured under their purview are properly retained and correctly disposed of in accordance with Kansas State

Records Board's Schedule for Public Records Retention and Disposition, K.S.A. 75-3515 and 75-3516, and all applicable provisions of this document.

- B. For land, which is owned by the Department (or which is owned by the state and under the Department's direct control), the affected warden/superintendent or his/her designee shall ensure that the following state agency requirements contained in K.S.A. 75-3516 are met.
 - 1. Maintain custody of real estate deeds, abstracts of title, title insurance policies, and all other original instruments (such as easements, covenants, severed mineral rights, etc.) relating to real estate transactions.
 - 2. Ensure that all real estate deeds are recorded with the register of deeds of the county where the real estate is located, as well as other instruments required by law to be recorded.
- C. For each lot, tract, or parcel which is owned, controlled or leased/subleased by the Department, wardens/superintendents or their designees shall maintain basic inventory information, including: acreage, legal description, maps/drawings, use and purpose, statutory citations that are specific to individual parcels (for land owned by the Department, also maintain any other information required by Accounts and Reports for meeting its land inventory responsibilities under 75-3516.)
- D. Wardens/superintendents or their designees shall maintain other documentation which has a bearing on KDOC land use or land management practices, including, but not limited to:
 - 1. Known environmental problem areas;
 - 2. Flood plain management requirements;
 - 3. Any applicable zoning requirements/restrictions;
 - 4. Permits issued by local, state or federal agencies that impact land use (such as water use rights);
 - 5. Any studies or reports which assess KDOC land-related resources and that have land use implications; and,
 - 6. The real property tax status, including tax payments or exemptions from taxes.
- E. The warden/superintendent or designee shall maintain all land-related lease or interagency agreements to which the Department is a party.
 - 1. Lease/use agreements should include acreages involved and, wherever possible, include descriptions that can be correlated in whole or in part with legal descriptions of land parcels.
 - 2. In those cases where the department leases land to a private entity, documentation shall also be maintained on the RFP and bid award process, taxes owed and paid by the lessee, lease proceeds, etc.
 - 3. Examples of agreements to be maintained include: KDFA lease/sublease agreements; agreements with other local, state or federal agencies that specifically involve use of land; lease agreements with farmers; and lease agreements with private industries for use of buildings on state-owned property.

III. Inventory and Audit

- A. The warden/superintendent of each facility or designee shall ensure that all real estate under their charge is properly inventoried in accordance with any existing directives, regulations and/or policies issued by the Secretary of Administration, and/or the Director of Accounts and Reports.
- B. Audits of real estate shall occur in compliance with appropriate schedules established by the Secretary of Administration and the Director of Accounts and Reports.

IV. Proposals to Erect, Construct, Raze or Demolish Facility Structures

- A. No project which involves the erection, construction, renovation, razing, or demolition of any structure at a departmental facility shall commence without the prior written approval of the Secretary of Corrections or his/her designee.
 - 1. New construction, renovation, or expansion of a facility shall comply with recognized professional correctional standards and applicable to federal and state statutes, rules and regulations. This shall include the Prison Rape Elimination Act (PREA) standards and consideration of the effect of such changes to protect offenders from sexual abuse.
- B. Wardens/superintendents are to submit to the appropriate Deputy Secretary, in writing, all proposals which require the erection, construction, razing or demolition of any facility structure.
 - 1. The proposal to erect or demolish a structure is to be submitted to the appropriate Deputy Secretary in advance of any direct action with regard to the facility structure although the assessment of the proposal may be advanced.
 - 2. The written proposal or project description shall include detailed information regarding:
 - a. The scope of the project;
 - b. The schedule to complete the project; and,
 - c. The estimated cost of the project.
- C. The Deputy Secretary shall submit the proposal to the Secretary of Corrections who must consult with the Joint Committee on State Building Construction (hereinafter, the Building Committee), if required, for such construction or demolition to accommodate the proposal.
 - 1. The razing or demolition of any facility structure cannot occur without specific legislative authorization in the annual appropriations bill and must be submitted to the Building Committee.
 - 2. All construction projects over \$15,000 shall be submitted to the Building Committee.
- D. The Secretary is to advise the warden/superintendent when/if such approval is obtained and grant written authorization to proceed with the action, as approved by the Building Committee.
 - 1. No preparatory work shall be initiated, and no funds shall be expended on such projects until written approval/acceptance of the proposal is provided by the Secretary or designee.
 - 2. Code footprint plans meeting the requirements of the Department of Administration are required on all construction and renovation projects.
 - 3. No project involving the renovation, razing, or demolition of a building shall be initiated until there has been an assessment made regarding the presence of asbestos or other hazardous materials and any necessary abatement or remediation procedures completed.
- E. Any project that is proposed pursuant to a public-private partnership for renovating or building for education programs or spiritual services pursuant to K.S.A. 75-52,167, et seq. shall be managed in accordance with those statutes.

V. Implementation of Approved Projects

- A. Copies of the approved project description shall be distributed to all pertinent parties.

- B. Once written authorization to proceed has been issued by the Secretary or his/her designee, no modifications or changes shall be made to the approved project without the prior written approval of the Secretary or designee.
 - 1. Requests or proposals to revise the project scope, schedule or cost, as originally approved, shall be submitted in writing to the Secretary or his/her designee.
 - 2. If written approval is granted for specific changes in the project, copies of the amended project description shall be distributed to all pertinent parties.
- C. In no event shall any verbal discussion of the scope, schedule or costs of any construction or renovation projects be construed as authorization to revise or modify the written approval issued by the Secretary or designee.

VI. General Orders

- A. As required, the warden/superintendent of each facility shall issue General Orders to carry out the provisions of this IMPP.
- B. At a minimum, such orders shall, consistent with the requirements of this document, set forth procedures specifying the types of documents to be established and maintained, the staff person or persons assigned the responsibility for the establishment and maintenance of those documents, and any other specifics required to fulfill the requirements of this IMPP.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff, residents and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents or offenders, or an independent duty owed by the Department of Corrections to employees, residents, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure are not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

None.

REFERENCES

K.S.A. 75-3515, 75-3516, 75-52, 167, 75-5205

HISTORY

07-01-22 Original
10-04-22 Revision 1

ATTACHMENTS

None.