Kansas Administrative Regulations

Department of Corrections

Article 11.—Community Corrections

44-11-130. Use of grant funds for real estate acquisition and capital construction; use of grant funds for the purchase of property and supplies.

(a) Real estate acquisition and capital construction.

(1) Grant funds may be used for the purchase of real estate, land, or buildings, or for capital construction with the approval of the secretary of corrections. This approval may be granted only upon receipt and concurrence by the secretary of an amortization schedule covering the costs of purchase or construction, or both. The amortization schedule shall be such that the annual payments shall not exceed the cost of rent or lease payments for comparable space in the same market. Notification of completion of the acquisition or capital construction shall be filed by the program director in writing with the secretary. The prior approval of the secretary shall be required to cease use of the property for community corrections purposes. If the property ceases to be used for community corrections purposes during the period of amortization, the secretary shall have the option of either of the following:

(A) Requiring the county to refund the total amount of community corrections funds expended for purchase or construction, or both, to date including previous years; or

(B) assuming any remaining indebtedness and acquiring title to the property.

(2) Once the amortization period is completed, if the secretary has not exercised either option described above, title shall rest with the county, and any claim to the property shall be relinquished by the secretary. At no time shall the department of corrections or the state of Kansas be responsible for indebtedness for these transactions except as provided under paragraph (a)(1)(B).

(3) The governing authority shall not charge rent to a community corrections agency for lease of real estate acquired with state community corrections funds, unless only a portion of the real estate was purchased with state community corrections funds. If only a portion of the real estate was acquired using community corrections funds, any rent

charged to a community corrections agency shall be commensurate with space occupied by the community corrections agency and the percentage of real estate not paid by state community corrections. Nothing in these regulations shall prevent a governing authority for charging a community corrections agency for maintenance and utilities for real estate purchased with state community corrections funds.

(b) Purchase of property and supplies.

(1) State community corrections grant funds may be used to purchase property with an expected service life of one year or more. Property and supplies purchased with community corrections grant funds shall remain with the community corrections program for its use. An inventory shall be maintained of all property purchases at a cost of $1,000.00 or more as prescribed by the secretary, including amortization amounts of real estate purchases, renovations, and capital improvements. If property is acquired using more than one funding source, the amount of each contribution and the source of the contribution shall be recorded on the agency's inventory.

(2) If a community correction program ceases using property or supplies for community corrections purposes and the property and supplies have an aggregate value of over $75.00, the community corrections agency shall have the option of one of the following:

(A) Transferring the property or supplies to the county and requiring the county to refund to the community corrections agency or state, if the agency has ceased operations, the fair market value of the property;

(B) transferring the property or supplies to the state; or

(C) selling the property or supplies and receiving compensation, in cash, services, or goods, in the amount of the fair market value of the property.

(3) Transfers of property or aggregate supplies purchased for over $1,000 shall require prior notice to the secretary. All funds received by a community corrections agency as a result of property disposal shall be used as an offset to the expenses in that line item in the agency's current fiscal year budget.

(4) If a community correction program ceases using for community corrections purposes any property or supplies that have an aggregate value of $75.00 or less, the property shall be deleted from the agency's inventory as unusable, and the agency shall

adhere to local county policy to dispose of the property or supplies. Such property or supplies may be transferred to the inventory of a non-profit agency.

(5) If a community corrections program with property or supplies acquired by using funds from multiple funding sources ceases using the property or supplies or disbands to form more than one program, the value of the property and supplies in proportion to the contribution to its purchase price by community corrections grant funds, minimally, shall be the value retained by the agency, through sale, reimbursement by the other fund, or trade or barter.

(Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 2000 Supp. 75-5291, K.S.A. 75-5296; effective March 5, 1990; amended March 29, 2002.)