

FIRST REGULAR SESSION

HOUSE BILL NO. 255

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRUNS.

Read 1st time January 4, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0982L.01I

AN ACT

To repeal sections 8.294, 37.005, 37.452, and 253.510, RSMo, and to enact in lieu thereof five new sections relating to the office of administration, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 8.294, 37.005, 37.452, and 253.510, RSMo, are repealed and five
2 new sections enacted in lieu thereof, to be known as sections 8.294, 37.005, 37.451, 37.452, and
3 253.510, to read as follows:

8.294. There is hereby created within the state treasury the "State Facility Maintenance
2 and Operation Fund", which shall be funded annually by appropriation, and which shall contain
3 moneys transferred or paid to the office of administration or the board of public buildings as
4 operating expenses and for-rent expenses of state-owned facilities operated by the office of
5 administration. The state treasurer shall be custodian of the fund and shall approve
6 disbursements from the fund for maintenance, repair, and operating expenses of the facilities.
7 The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund
8 shall not lapse, unless and only to the extent to which the unencumbered balance at the close of
9 any fiscal year exceeds [one-twelfth] **one-fourth** of the total amount appropriated, paid, or
10 transferred to the fund during such fiscal year.

37.005. 1. Except as provided herein, the office of administration shall be continued as
2 set forth in house bill 384, seventy-sixth general assembly and shall be considered as a
3 department within the meaning used in the Omnibus State Reorganization Act of 1974. The

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 commissioner of administration shall appoint directors of all major divisions within the office
5 of administration.

6 2. The commissioner of administration shall be a member of the governmental
7 emergency fund committee as ex officio comptroller and the director of the department of
8 revenue shall be a member in place of the chief of the planning and construction division.

9 3. The office of administration is designated the "Missouri State Agency for Surplus
10 Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for
11 disposal of surplus federal property. All the powers, duties and functions vested by sections
12 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration
13 as well as all property and personnel related to the duties. The commissioner shall integrate the
14 program of disposal of federal surplus property with the processes of disposal of state surplus
15 property to provide economical and improved service to state and local agencies of government.
16 The governor shall fix the amount of bond required by section 37.080. All employees transferred
17 shall be covered by the provisions of chapter 36, RSMo, and the Omnibus State Reorganization
18 Act of 1974.

19 4. The commissioner of administration shall replace the director of revenue as a member
20 of the board of fund commissioners and assume all duties and responsibilities assigned to the
21 director of revenue by sections 33.300 to 33.540, RSMo, relating to duties as a member of the
22 board and matters relating to bonds and bond coupons.

23 5. All the powers, duties and functions of the administrative services section[, section
24 33.580, RSMo,] and others, are transferred by a type I transfer to the office of administration and
25 the administrative services section is abolished.

26 6. The commissioner of administration shall, in addition to his or her other duties, cause
27 to be prepared a comprehensive plan of the state's field operations, buildings owned or rented
28 and the communications systems of state agencies. Such a plan shall place priority on improved
29 availability of services throughout the state, consolidation of space occupancy and economy in
30 operations.

31 7. The commissioner of administration shall from time to time examine the space needs
32 of the agencies of state government and space available and shall, with the approval of the board
33 of public buildings, assign and reassign space in property owned, leased or otherwise controlled
34 by the state. Any other law to the contrary notwithstanding, upon a determination by the
35 commissioner that all or part of any property is in excess of the needs of any state agency, the
36 commissioner may lease such property to a private or government entity. Any revenue received
37 from the lease of such property shall be deposited into the fund or funds from which moneys for
38 rent, operations or purchase have been appropriated. The commissioner shall establish by rule
39 the procedures for leasing excess property.

40 8. [The commissioner of administration shall make the selection of a personnel director
41 from the names of the three highest ranking available eligibles as provided in section 36.080,
42 RSMo. The personnel advisory board, the personnel division and the personnel director in the
43 office of administration shall retain the functions, duties and powers prescribed in chapter 36,
44 RSMo. Members of the personnel advisory board shall be nominated by the commissioner of
45 administration and appointed by the governor with the advice and consent of the senate.

46 9.] The commissioner of administration is hereby authorized to coordinate and control
47 the acquisition and use of electronic data processing (EDP) and automatic data processing (ADP)
48 in the executive branch of state government. For this purpose, the office of administration will
49 have authority to:

50 (1) Develop and implement a long-range computer facilities plan for the use of EDP and
51 ADP in Missouri state government. Such plan may cover, but is not limited to, operational
52 standards, standards for the establishment, function and management of service centers,
53 coordination of the data processing education, and planning standards for application
54 development and implementation;

55 (2) Approve all additions and deletions of EDP and ADP hardware, software, and
56 support services, and service centers;

57 (3) Establish standards for the development of annual data processing application plans
58 for each of the service centers. These standards shall include review of post-implementation
59 audits. These annual plans shall be on file in the office of administration and shall be the basis
60 for equipment approval requests;

61 (4) Review of all state EDP and ADP applications to assure conformance with the state
62 information systems plan, and the information systems plans of state agencies and service
63 centers;

64 (5) Establish procurement procedures for EDP and ADP hardware, software, and support
65 service;

66 (6) Establish a charging system to be used by all service centers when performing work
67 for any agency;

68 (7) Establish procedures for the receipt of service center charges and payments for
69 operation of the service centers. The commissioner shall maintain a complete inventory of all
70 state-owned or -leased EDP and ADP equipment, and annually submit a report to the general
71 assembly which shall include starting and ending EDP and ADP costs for the fiscal year
72 previously ended, and the reasons for major increases or variances between starting and ending
73 costs. The commissioner shall also adopt, after public hearing, rules and regulations designed
74 to protect the rights of privacy of the citizens of this state and the confidentiality of information

75 contained in computer tapes or other storage devices to the maximum extent possible consistent
76 with the efficient operation of the office of administration and contracting state agencies.

77 [10.] **9.** Except as provided in subsection [13] **12** of this section, the fee title to all real
78 property now owned or hereafter acquired by the state of Missouri, or any department, division,
79 commission, board or agency of state government, other than real property owned or possessed
80 by the state highways and transportation commission, conservation commission, state department
81 of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor.
82 The governor may not convey or otherwise transfer the title to such real property, unless such
83 conveyance or transfer is first authorized by an act of the general assembly. The provisions of
84 this subsection requiring authorization of a conveyance or transfer by an act of the general
85 assembly shall not, however, apply to the granting or conveyance of an easement to any rural
86 electric cooperative [as defined] in chapter 394, RSMo, municipal corporation,
87 quasi-governmental corporation owning or operating a public utility, or a public utility, except
88 railroads, as defined in chapter 386, RSMo. The governor, with the approval of the board of
89 public buildings, may, upon the request of any state department, agency, board or commission
90 not otherwise being empowered to make its own transfer or conveyance of any land belonging
91 to the state of Missouri which is under the control and custody of such department, agency, board
92 or commission, grant or convey without further legislative action, for such consideration as may
93 be agreed upon, easements across, over, upon or under any such state land to any rural electric
94 cooperative, as defined in chapter 394, RSMo, municipal corporation, or quasi-governmental
95 corporation owning or operating a public utility, or a public utility, except railroad, as defined
96 in chapter 386, RSMo. The easement shall be for the purpose of promoting the general health,
97 welfare and safety of the public and shall include the right of ingress or egress for the purpose
98 of constructing, maintaining or removing any pipeline, power line, sewer or other similar public
99 utility installation or any equipment or appurtenances necessary to the operation thereof, except
100 that railroad as defined in chapter 386, RSMo, shall not be included in the provisions of this
101 subsection unless such conveyance or transfer is first authorized by an act of the general
102 assembly. The easement shall be for such consideration as may be agreed upon by the parties
103 and approved by the board of public buildings. The attorney general shall approve the form of
104 the instrument of conveyance. The commissioner of administration shall prepare management
105 plans for such properties in the manner set out in subsection 7 of this section.

106 [11.] **10.** The commissioner of administration shall administer a revolving
107 "Administrative Trust Fund" which shall be established by the state treasurer which shall be
108 funded annually by appropriation and which shall contain moneys transferred or paid to the
109 office of administration in return for goods and services provided by the office of administration
110 to any governmental entity or to the public. The state treasurer shall be the custodian of the fund,

111 and shall approve disbursements from the fund for the purchase of goods or services at the
112 request of the commissioner of administration or the commissioner's designee. The provisions
113 of section 33.080, RSMo, notwithstanding, moneys in the fund shall not lapse, unless and then
114 only to the extent to which the unencumbered balance at the close of any fiscal year exceeds
115 [one-twelfth] **one-fourth** of the total amount appropriated, paid, or transferred to the fund during
116 such fiscal year. The commissioner shall prepare an annual report of all receipts and
117 expenditures from the fund.

118 [12.] **11.** All the powers, duties and functions of the department of community affairs
119 relating to statewide planning are transferred by type I transfer to the office of administration.

120 [13.] **12.** The titles which are vested in the governor by or pursuant to this section to real
121 property assigned to any of the educational institutions referred to in section 174.020, RSMo, on
122 June 15, 1983, are hereby transferred to and vested in the board of regents of the respective
123 educational institutions, and the titles to real property and other interests therein hereafter
124 acquired by or for the use of any such educational institution, notwithstanding provisions of this
125 section, shall vest in the board of regents of the educational institution. The board of regents
126 may not convey or otherwise transfer the title to or other interest in such real property unless the
127 conveyance or transfer is first authorized by an act of the general assembly, except as provided
128 in section 174.042, RSMo, and except that the board of regents may grant easements over, in and
129 under such real property without further legislative action.

130 [14.] **13.** Notwithstanding any provision of subsection [13] **12** of this section to the
131 contrary, the board of governors of Missouri Western State University, Central Missouri State
132 University, Missouri State University, or Missouri Southern State University; or the board of
133 regents of Southeast Missouri State University, Northwest Missouri State University, or Harris-
134 Stowe State University; or the board of curators of Lincoln University may convey or otherwise
135 transfer, except in fee simple, the title to or other interest in such real property without
136 authorization by an act of the general assembly. The provisions of this subsection shall expire
137 August 28, 2011.

138 [15.] **14.** All county sports complex authorities, and any sports complex authority located
139 in a city not within a county, in existence on August 13, 1986, and organized under the
140 provisions of sections 64.920 to 64.950, RSMo, are assigned to the office of administration, but
141 such authorities shall not be subject to the provisions of subdivision (4) of subsection 6 of
142 section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

143 [16.] **15.** All powers, duties, and functions vested in the administrative hearing
144 commission, sections 621.015 to 621.205, RSMo, and others, are transferred to the office of
145 administration by a type III transfer.

37.451. 1. There is hereby created in the state treasury the "Fleet Management Fund", which shall be administered by the commissioner of administration.

2. The state treasurer shall be the custodian of the fund. In accordance with sections 30.120 and 30.180, RSMo, the state treasurer may approve disbursements. The state treasurer shall credit to and deposit in the fleet management funds the following:

(1) All amounts received from agencies for the state vehicle fleet fee under subsection 7 of section 37.450;

(2) Funds recovered for damage done to state fleet vehicles from a third party or their insurer;

(3) Any amounts received from the sale of state surplus vehicles under section 37.452; and

(4) Any other funds appropriated by the general assembly for the purposes of administering sections 37.450 to 37.452.

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and money earned on such investments shall be credited to the fund.

37.452. Provisions of section 37.090 notwithstanding, all proceeds generated by the sale of a surplus vehicle, except proceeds generated from the department of transportation, the department of conservation, the Missouri state highway patrol and all state colleges and universities may be deposited in the state treasury to the credit of the [office of administration revolving administrative trust] fleet management fund established in section 37.451 and credited to the state agency owning the vehicle at the time of sale. Upon appropriation, moneys credited to agencies from the sale of surplus state fleet vehicles shall be used solely for the purchase or repair of vehicles for the respective agency subject to the approval of the fleet manager and for the purposes of administering sections 37.450 to 37.452.

253.510. 1. At least one thousand five hundred thirty-two acres of the total amount of five thousand one hundred twenty-two acres accepted pursuant to the acceptance authorized by subdivision (1) of section 253.500 shall be sold as provided in this section. An additional two hundred acres may be sold if such sale is approved by the committee established by the provisions of subsection 2.

2. Title to those lands shall vest in the governor. All or portions of the one thousand seven hundred thirty-two acres shall be sold upon the recommendation of a committee composed of one member of the house of representatives, appointed by the speaker, one member of the senate, appointed by the president pro tem of the senate, and the governor or his representative.

10 Specific authorization is hereby given for the sale of such lands, and, the provisions of subsection
11 [10] 9 of section 37.005, RSMo, the contrary notwithstanding, the governor, after
12 recommendation by the committee, may transfer title to such land without specific legislative
13 approval for each individual parcel sold. Any such conveyance shall be signed by the governor,
14 and the form of the instrument of conveyance shall be approved by the attorney general.

Section B. Because immediate action is necessary to ensure the transfer of state services,
2 section A of this act is deemed necessary for immediate preservation of the public health,
3 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
4 the constitution, and section A of this act shall be in full force and effect upon its passage and
5 approval.

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