

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 255

## 94TH GENERAL ASSEMBLY

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### INTRODUCED BY REPRESENTATIVE BRUNS.

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

Read 2nd time January 8, 2007 and referred to the Special Committee on Government Affairs February 5, 2007.

Reported from the Special Committee on Government Affairs February 21, 2007 with recommendation that the bill Do Pass.  
Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 27, 2007 with recommendation that the bill Do Pass.

Taken up for Perfection March 6, 2007. Bill ordered Perfected and printed.

D. ADAM CRUMBLISS, Chief Clerk

0982L.01P

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## 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.

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*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Section A. Sections 8.294, 37.005, 37.452, and 253.510, RSMo, are repealed and five  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

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.

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  
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  
2 Fund", which shall be administered by the commissioner of administration.**

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

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

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

10 **(3) Any amounts received from the sale of state surplus vehicles under section**  
11 **37.452; and**

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

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

**37.452.** Provisions of section 37.090 notwithstanding, all proceeds generated by the sale  
2 of a surplus vehicle, except proceeds generated from the department of transportation, the  
3 department of conservation, the Missouri state highway patrol and all state colleges and  
4 universities may be deposited in the state treasury to the credit of the [office of administration  
5 revolving administrative trust] **fleet management fund established in section 37.451** and  
6 credited to the state agency owning the vehicle at the time of sale. Upon appropriation, moneys  
7 credited to agencies from the sale of surplus state fleet vehicles shall be used solely for the  
8 purchase **or repair** of vehicles for the respective agency **subject to the approval of the fleet**  
9 **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  
2 five thousand one hundred twenty-two acres accepted pursuant to the acceptance authorized by  
3 subdivision (1) of section 253.500 shall be sold as provided in this section. An additional two

4 hundred acres may be sold if such sale is approved by the committee established by the  
5 provisions of subsection 2.

6         2. Title to those lands shall vest in the governor. All or portions of the one thousand  
7 seven hundred thirty-two acres shall be sold upon the recommendation of a committee composed  
8 of one member of the house of representatives, appointed by the speaker, one member of the  
9 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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