

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

HOUSE BILL NO. 255

1 AN ACT

2 To repeal sections 3.070, 8.110, 8.120, 8.180, 8.200,
3 8.250, 8.260, 8.291, 8.294, 8.310, 8.316, 8.320, 8.325,
4 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843,
5 26.220, 26.225, 27.095, 27.100, 28.305, 28.310, 29.405,
6 29.410, 30.505, 30.510, 33.710, 34.010, 34.031, 34.032,
7 34.040, 34.042, 34.044, 34.065, 34.130, 37.005, 37.010,
8 37.452, 44.237, 217.575, 251.240, 253.320, 253.510,
9 261.010, 285.025, 311.650, 313.210, 320.260, 334.125,
10 361.010, 414.410 and 630.525, RSMo, and to enact in
11 lieu thereof fifty-four new sections relating to the
12 office of administration, with penalty provisions and
13 an emergency clause.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
15 AS FOLLOWS:

16 Section A. Sections 3.070, 8.110, 8.120, 8.180, 8.200,
17 8.250, 8.260, 8.291, 8.294, 8.310, 8.316, 8.320, 8.325, 8.330,
18 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 26.220, 26.225, 27.095,
19 27.100, 28.305, 28.310, 29.405, 29.410, 30.505, 30.510, 33.710,
20 34.010, 34.031, 34.032, 34.040, 34.042, 34.044, 34.065, 34.130,
21 37.005, 37.010, 37.452, 44.237, 217.575, 251.240, 253.320,
22 253.510, 261.010, 285.025, 311.650, 313.210, 320.260, 334.125,
23 361.010, 414.410, and 630.525, RSMo, are repealed and fifty-four
24 new sections enacted in lieu thereof, to be known as sections

1 3.070, 8.110, 8.180, 8.200, 8.250, 8.260, 8.291, 8.294, 8.310,
2 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830,
3 8.843, 26.220, 26.225, 27.095, 27.100, 28.305, 28.310, 29.405,
4 29.410, 30.505, 30.510, 33.710, 34.010, 34.031, 34.032, 34.040,
5 34.042, 34.044, 37.005, 37.010, 37.451, 37.452, 44.237, 217.575,
6 251.240, 253.320, 253.510, 261.010, 285.025, 311.650, 313.210,
7 320.260, 334.125, 361.010, 414.410, and 630.525, to read as
8 follows:

9 3.070. The committee shall appoint and fix the compensation
10 of a revisor of statutes and other attorneys and assistants
11 necessary to the performance of its duties under this chapter.
12 The compensation of the revisor of statutes and his assistants
13 and expenses incurred in connection with the performance of their
14 duties shall be paid from appropriations made for the committee
15 on legislative research. The revisor of statutes shall be duly
16 licensed to practice law in this state and serves at the pleasure
17 of the committee. The revisor of statutes shall perform all
18 duties required by the committee in connection with its duties
19 under this chapter. He shall conform to all regulations
20 prescribed for the internal operation of the committee and shall
21 render such assistance to the general assembly in connection with
22 pending or proposed legislation as required by the committee or
23 by any law imposing duties on the committee. He is subject also
24 in all respects to the law governing other persons appointed or
25 employed by the committee. The division of facilities
26 management, design and construction shall provide adequate office
27 space in the capitol building for the revisor of statutes and the
28 attorneys and employees associated with him.

1 8.110. There is hereby created within the office of
2 administration a "Division of Facilities Management, Design and
3 Construction", which shall supervise the design, construction,
4 renovations, maintenance and repair of state facilities, except
5 as provided in sections 8.015 and 8.017, and except facilities
6 belonging to the institutions of higher education, the highways
7 and transportation commission, and the conservation commission,
8 and which shall be responsible to review all requests for
9 appropriations for capital improvements. Except as otherwise
10 provided by law, the director of the division of facilities
11 management, design and construction shall be responsible for the
12 management and operation of office buildings titled in the name
13 of the governor. The director shall exercise all diligence to
14 ensure that all facilities within his management and control
15 comply with the designated building codes; that they are clean,
16 safe and secure, and in proper repair; and that they are
17 adequately served by all necessary utilities.

18 8.180. In all cases where a court or other officer performs
19 any lawful service, at the instance of any director of the
20 division of facilities management, design and construction in and
21 about the collection of debts due the state, and the costs have
22 not nor cannot be made out of the defendant, the director of the
23 division of facilities management, design and construction shall
24 pay the same fees that other plaintiffs are bound to pay for
25 similar services, and no other.

26 8.200. The director of the division of facilities
27 management, design and construction shall proceed against any
28 sheriff or peace officer who refuses to perform any duty, in the

1 name of the state, in the same way and to the full extent that
2 any other plaintiff in an action might or could do.

3 8.250. 1. "Project" for the purposes of this chapter means
4 the labor or material necessary for the construction, renovation,
5 or repair of improvements to real property so that the work, when
6 complete, shall be ready for service for its intended purpose and
7 shall require no other work to be a completed system or
8 component.

9 2. All contracts for projects, the cost of which exceeds
10 twenty-five thousand dollars, entered into by any [officer or
11 agency of this state or of any] city containing five hundred
12 thousand inhabitants or more shall be let to the lowest,
13 responsive, responsible bidder or bidders after notice and
14 publication of an advertisement for five days in a daily
15 newspaper in the county where the work is located, or at least
16 twice over a period of ten days or more in a newspaper in the
17 county where the work is located, and in two daily newspapers in
18 the state which do not have less than fifty thousand daily
19 circulation, and by such other means as are determined to be most
20 likely to reach potential bidders.

21 3. All contracts for projects, the cost of which exceeds
22 one hundred thousand dollars, entered into by any officer or
23 agency of this state shall be let to the lowest, responsive,
24 responsible bidder or bidders based on pre-established criteria,
25 after notice and publication of an advertisement for five days in
26 a daily newspaper in the county where the work is located, or at
27 least twice over a period of ten days or more in a newspaper in
28 the county where the work is located, and in one daily newspaper

1 in the state which does not have less than fifty thousand daily
2 circulation, and by such other means as are determined to be most
3 likely to reach potential bidders. For all contracts for
4 projects between twenty-five thousand dollars and one hundred
5 thousand dollars, a minimum of three contractors will be
6 solicited with the award being made to the lowest, responsive,
7 responsible bidder based on the pre-established criteria.

8 4. The number of such public bids shall not be restricted
9 or curtailed, but shall be open to all persons complying with the
10 terms upon which the bids are requested or solicited unless
11 debarred for cause. No contract shall be awarded when the amount
12 appropriated for same is not sufficient to complete the work
13 ready for service.

14 [4.] 5. Dividing a project into component labor or material
15 allocations for the purpose of avoiding bidding or advertising
16 provisions required by this section is specifically prohibited.

17 8.260. All appropriations made by the general assembly
18 amounting to one hundred thousand dollars or more for the
19 construction, renovation, or repair of facilities shall be
20 expended in the following manner:

21 (1) The agency requesting payment shall provide the
22 commissioner of administration with satisfactory evidence that a
23 bona fide contract, procured in accordance with all applicable
24 procedures, exists for the work for which payment is requested;

25 (2) All requests for payment shall be approved by the
26 architect or engineer registered to practice in the state of
27 Missouri who designed the project or who has been assigned to
28 oversee it;

1 (3) In order to guarantee completion of the contract, the
2 agency or officer shall retain a portion of the contract value in
3 accordance with the provisions of section 34.057, RSMo;

4 (4) A contractor may be paid for materials delivered to the
5 site or to a storage facility approved by the director of the
6 division of facilities management, design and construction as
7 having adequate safeguards against loss, theft or conversion.

8 In no case shall the amount contracted for exceed the amount
9 appropriated by the general assembly for the purpose.

10 8.291. 1. The agency shall list three highly qualified
11 firms. The agency shall then select the firm considered best
12 qualified and capable of performing the desired work and
13 negotiate a contract for the project with the firm selected.

14 2. For a basis for negotiations the agency shall prepare a
15 written description of the scope of the proposed services.

16 3. If the agency is unable to negotiate a satisfactory
17 contract with the firm selected, negotiations with that firm
18 shall be terminated. The agency shall then undertake
19 negotiations with another of the qualified firms selected. If
20 there is a failing of accord with the second firm, negotiations
21 with such firm shall be terminated. The agency shall then
22 undertake negotiations with the third qualified firm.

23 4. If the agency is unable to negotiate a contract with any
24 of the selected firms, the agency shall reevaluate the necessary
25 architectural, engineering or land surveying services, including
26 the scope and reasonable fee requirements, again compile a list
27 of qualified firms and proceed in accordance with the provisions

1 of sections 8.285 to 8.291.

2 5. The provisions of sections 8.285 to 8.291 shall not
3 apply to any political subdivision which adopts a formal
4 qualifications-based selection procedure commensurate with state
5 policy for the procurement of architectural, engineering and land
6 surveying services.

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

22 8.310. Any other provision of law to the contrary
23 notwithstanding, no contracts shall be let for design, repair,
24 renovation or construction without approval of the director of
25 the division of facilities management, design and construction,
26 and no claim for design, repair, construction or renovation
27 projects under contract shall be accepted for payment by the
28 commissioner of administration without approval by the director

1 of the division of facilities management, design and
2 construction; except that the department of conservation, the
3 boards of curators of the state university and Lincoln
4 University, the several boards of regents of the state colleges
5 and the boards of trustees of the community junior colleges may
6 contract for architectural and engineering services for the
7 design and supervision of the construction, repair, maintenance
8 or improvement of buildings or institutions and may contract for
9 construction, repair, maintenance or improvement. The director
10 of the division of facilities management, design and construction
11 shall not be required to review any claim for payment under any
12 such contract not originally approved by him. No claim under any
13 contract executed by the department of conservation or an
14 institution of higher learning, as provided above, shall be
15 certified by the commissioner of administration unless the entity
16 making the claim shall certify in writing that the payment sought
17 is in accordance with the contract executed by the entity and
18 that the underlying construction, repair, maintenance or
19 improvement conforms with applicable regulations promulgated by
20 the director pursuant to section 8.320.

21 8.316. The division of facilities management, design and
22 construction shall promulgate a method to accurately calculate
23 the replacement cost of all buildings owned by public
24 institutions of higher education. The method shall be developed
25 in cooperation with such institutions and shall include the
26 necessary components and factors to accurately calculate a
27 replacement cost. The division shall utilize a procedure to
28 allow differences to be resolved and may include an alternative

1 calculation where the original cost plus an inflation factor is
2 utilized to determine a replacement cost value.

3 8.320. The director of the division of facilities
4 management, design and construction shall set forth reasonable
5 conditions to be met and procedures to be followed in the repair,
6 maintenance, operation, construction and administration of state
7 facilities. The conditions and procedures shall be codified and
8 filed with the secretary of state in accordance with the
9 provisions of the constitution. No payment shall be made on
10 claims resulting from work performed in violation of these
11 conditions and procedures, as certified by the director of the
12 division of facilities management, design and construction.

13 8.325. 1. In addition to providing the general assembly
14 with estimates of the cost of completing a proposed capital
15 improvement project, the division of facilities management,
16 design and construction shall provide the general assembly, at
17 the same time as the division submits the estimate of the capital
18 improvement costs for the proposed capital improvement project,
19 an estimate of the operating costs of such completed capital
20 improvement project for its first full year of operation. Such
21 estimate shall include, but not be limited to, an estimate of the
22 cost of:

23 (1) Personnel directly related to the operation of the
24 completed capital improvement project, such as janitors,
25 security, and other persons who would provide necessary services
26 for the completed project or facility;

27 (2) Utilities for the completed project or facility; and

28 (3) Any maintenance contracts which would be entered into

1 in order to provide services for the completed project or
2 facility, such as elevator maintenance, boiler maintenance, and
3 other similar service contracts with private contractors to
4 provide maintenance services for the completed project or
5 facility.

6 2. The costs estimates required by this section shall
7 clearly indicate the additional operating costs of the building
8 or facility due to the completion of the capital improvement
9 project where such proposed project is for an addition to an
10 existing building or facility.

11 3. Any agency of state government which removes from rental
12 quarters or state-owned buildings because of defective conditions
13 or any other state personnel shall be prevented from reoccupation
14 of those quarters for a period of three years unless such
15 defective conditions are renovated within a reasonable time
16 before reoccupation.

17 8.330. The director of the division of facilities
18 management, design and construction may secure information and
19 data relating to state facilities from all departments and
20 agencies of the state and each department and agency shall
21 furnish information and data when requested by the director of
22 the division of facilities management, design and construction.
23 All information and data collected by the director of the
24 division of facilities management, design and construction is
25 available at all times to the general assembly upon request.

26 8.340. The director of the division of facilities
27 management, design and construction shall assemble and maintain
28 complete files of information on the repair, utilization, cost

1 and other data for all state facilities, including power plants,
2 pump houses and similar facilities. He shall also assemble and
3 maintain files containing a full legal description of all real
4 estate owned by the state and blueprints of all state facilities.

5 8.350. The director of the division of facilities
6 management, design and construction shall deliver to his
7 successor all property and papers of every kind in his
8 possession, relative to the affairs of state, make an inventory
9 thereof, upon which he shall take a receipt of his successor, and
10 deliver the same to the secretary of state.

11 8.360. The director of the division of facilities
12 management, design and construction shall inspect all facilities
13 and report to the general assembly at the commencement of each
14 regular session on their condition, maintenance, repair and
15 utilization.

16 8.800. As used in sections 8.800 to 8.825, the following
17 terms mean:

18 (1) "Builder", the prime contractor that hires and
19 coordinates building subcontractors or if there is no prime
20 contractor, the contractor that completes more than fifty percent
21 of the total construction work performed on the building.
22 Construction work includes, but is not limited to, foundation,
23 framing, wiring, plumbing and finishing work;

24 (2) "Department", the department of natural resources;

25 (3) "Designer", the architect, engineer, landscape
26 architect, builder, interior designer or other person who
27 performs the actual design work or is under the direct
28 supervision and responsibility of the person who performs the

1 actual design work;

2 (4) "District heating and cooling systems", heat pump
3 systems which use waste heat from factories, sewage treatment
4 plants, municipal solid waste incineration, lighting and other
5 heat sources in office buildings or which use ambient thermal
6 energy from sources including temperature differences in rivers
7 to provide regional heating or cooling;

8 (5) "Division", the division of facilities management,
9 design and construction;

10 (6) "Energy efficiency", the increased productivity or
11 effectiveness of energy resources use, the reduction of energy
12 consumption, or the use of renewable energy sources;

13 (7) "Gray water", all domestic wastewater from a state
14 building except wastewater from urinals, toilets, laboratory
15 sinks, and garbage disposals;

16 (8) "Life cycle costs", the costs associated with the
17 initial construction or renovation and the proposed energy
18 consumption, operation and maintenance costs over the useful life
19 of a state building or over the first twenty-five years after the
20 construction or renovation is completed;

21 (9) "Public building", a building owned or operated by a
22 governmental subdivision of the state, including, but not limited
23 to, a city, county or school district;

24 (10) "Renewable energy source", a source of thermal,
25 mechanical or electrical energy produced from solar, wind,
26 low-head hydropower, biomass, hydrogen or geothermal sources, but
27 not from the incineration of hazardous waste, municipal solid
28 waste or sludge from sewage treatment facilities;

1 (11) "State agency", a department, commission, authority,
2 office, college or university of this state;

3 (12) "State building", a building owned by this state or an
4 agency of this state.

5 8.830. For purposes of sections 8.830 to 8.851, the
6 following terms mean:

7 (1) "Department", the department of natural resources;

8 (2) "Director", the director of the department of natural
9 resources;

10 (3) "Division", the division of facilities management,
11 design and construction;

12 (4) "Public building", a building owned or operated by a
13 governmental subdivision of the state, including, but not limited
14 to, a city, county or school district;

15 (5) "State building", a building owned or operated by the
16 state, a state agency or department, a state college or a state
17 university.

18 8.843. There is hereby established an interagency advisory
19 committee on energy cost reduction and savings. The committee
20 shall consist of the commissioner of administration, the director
21 of the division of facilities management, design and
22 construction, the director of the department of natural
23 resources, the director of the environmental improvement and
24 energy resources authority, the director of the division of
25 energy, the director of the department of transportation, the
26 director of the department of conservation and the commissioner
27 of higher education. The committee shall advise the department
28 on the development of the minimum energy efficiency standard and

1 state building energy efficiency rating system and shall assist
2 the office of administration in implementing sections 8.833 and
3 8.835.

4 26.220. The transition period shall begin on the [fifteenth
5 day of November] first day following the election of a governor
6 or lieutenant governor who is not an incumbent and shall end when
7 that governor-elect or lieutenant governor-elect has taken the
8 oath of office. Expenses incurred during the transition period
9 may be paid after the actual end of the transition period.

10 26.225. 1. The commissioner of administration shall
11 provide office space and equipment for the governor-elect and the
12 lieutenant governor-elect and their staff during the transition
13 period. The facilities provided shall be located at the seat of
14 government and shall be suitable for the purpose and capable of
15 adequately housing the transition staff of the governor-elect and
16 the lieutenant governor-elect. The facilities provided for the
17 staffs of the governor-elect and the lieutenant governor-elect
18 shall be separate facilities.

19 2. The commissioner of administration shall furnish the
20 transition facilities with adequate telephone service, office
21 furniture and office [machines including but not limited to
22 typewriters, adding machines and duplicating] equipment. The
23 commissioner of administration shall request separate funding to
24 cover the estimated costs of setting up the transition facilities
25 so they are operational the day following the election. These
26 funds are limited to the set-up of the transition facilities and
27 shall not cover expenses incurred during the official transition
28 period.

1 3. The transition period office space may be located in
2 state-owned buildings or in leased property. All salaries,
3 expenses, [rentals] and equipment [purchase and] repairs during
4 the official transition period shall be made only from funds
5 appropriated for the purpose of these transitions.

6 4. Under no circumstances shall more than one transaction
7 office be established under the provisions of this section.

8 27.095. The "transition period" shall begin on the
9 [fifteenth day of November] first day following the election of
10 an attorney general who is not an incumbent and shall end when
11 that attorney general-elect has taken the oath of office.
12 Expenses incurred during the transition period may be paid after
13 the actual end of the transition period.

14 27.100. 1. The commissioner of administration shall
15 provide office space and equipment for the attorney general-elect
16 and his staff during the transition period. The facilities
17 provided shall be located at the seat of government and shall be
18 suitable for the purpose and capable of adequately housing the
19 attorney general-elect and his staff.

20 2. The commissioner of administration shall furnish the
21 transition facility with adequate telephone service, office
22 furniture and office [machines including but not limited to
23 typewriters, adding machines and duplicating] equipment. The
24 commissioner of administration shall request separate funding to
25 cover the estimated costs of setting up the transition facilities
26 so they are operational the day following the election. These
27 funds are limited to the set-up of the transition facilities and
28 shall not cover expenses incurred during the official transition

1 period.

2 3. The transition period office space may be located in
3 state-owned buildings or in leased property. All salaries,
4 expenses, [rentals] and equipment [purchase and] repairs during
5 the official transition period shall be made only from funds
6 appropriated for the purpose of this transition.

7 4. Under no circumstances shall more than one transaction
8 office be established under the provisions of this section.

9 28.305. The "transition period" shall begin on the
10 [fifteenth day of November] first day following the election of a
11 secretary of state who is not an incumbent and shall end when
12 that secretary of state-elect has taken the oath of office.
13 Expenses incurred during the transition period may be paid after
14 the actual end of the transition period.

15 28.310. 1. The commissioner of administration shall
16 provide office space and equipment for the secretary of
17 state-elect and his staff during the transition period. The
18 facilities provided shall be located at the seat of government
19 and shall be suitable for the purpose and capable of adequately
20 housing the secretary of state-elect and his staff.

21 2. The commissioner of administration shall furnish the
22 transition facility with adequate telephone service, office
23 furniture and office [machines including but not limited to
24 typewriters, adding machines and duplicating] equipment. The
25 commissioner of administration shall request separate funding to
26 cover the estimated costs of setting up the transition facilities
27 so they are operational the day following the election. These
28 funds are limited to the set-up of the transition facilities and

1 shall not cover expenses incurred during the official transition
2 period.

3 3. The transition period office space may be located in
4 state-owned buildings or in leased property. All salaries,
5 expenses, [rentals] and equipment [purchase and] repairs during
6 the official transition period shall be made only from funds
7 appropriated for the purpose of this transition.

8 4. Under no circumstances shall more than one transaction
9 office be established under the provisions of this section.

10 29.405. The transition period shall begin on the [fifteenth
11 day of November] first day following the election of an auditor
12 who is not an incumbent and shall end when that auditor-elect has
13 taken the oath of office. Expenses incurred during the
14 transition period may be paid after the actual end of the
15 transition period.

16 29.410. 1. The commissioner of administration shall
17 provide office space and equipment for the auditor-elect and his
18 staff during the transition period. The facilities provided
19 shall be located at the seat of government and shall be suitable
20 for the purpose and capable of adequately housing the
21 auditor-elect and his staff.

22 2. The commissioner of administration shall furnish the
23 transition facility with adequate telephone service, office
24 furniture and office [machines including but not limited to
25 typewriters, adding machines and duplicating] equipment. The
26 commissioner of administration shall request separate funding to
27 cover the estimated costs of setting up the transition facilities
28 so they are operational the day following the election. These

1 funds are limited to the set-up of the transition facilities and
2 shall not cover expenses incurred during the official transition
3 period.

4 3. The transition period office space may be located in
5 state-owned buildings or in leased property. All salaries,
6 expenses, [rentals] and equipment [purchase and] repairs during
7 the official transition period shall be made only from funds
8 appropriated for the purpose of this transition.

9 4. Under no circumstances shall more than one transaction
10 office be established under the provisions of this section.

11 30.505. The transition period shall begin on the [fifteenth
12 day of November] first day following the election of a treasurer
13 who is not an incumbent and shall end when that treasurer-elect
14 has taken the oath of office. Expenses incurred during the
15 transition period may be paid after the actual end of the
16 transition period.

17 30.510. 1. The commissioner of administration shall
18 provide office space and equipment for the treasurer-elect and
19 his staff during the transition period. The facilities provided
20 shall be located at the seat of government and shall be suitable
21 for the purpose and capable of adequately housing the
22 treasurer-elect and his staff.

23 2. The commissioner of administration shall furnish the
24 transition facility with adequate telephone service, office
25 furniture and office [machines including but not limited to
26 typewriters, adding machines and duplicating] equipment. The
27 commissioner of administration shall request separate funding to
28 cover the estimated costs of setting up the transition facilities

1 so they are operational the day following the election. These
2 funds are limited to the set-up of the transition facilities and
3 shall not cover expenses incurred during the official transition
4 period.

5 3. The transition period office space may be located in
6 state-owned buildings or in leased property. All salaries,
7 expenses, [rentals] and equipment [purchase and] repairs during
8 the official transition period shall be made only from funds
9 appropriated for the purpose of this transition.

10 4. Under no circumstances shall more than one transaction
11 office be established under the provisions of this section.

12 33.710. 1. There is created "The Governmental Emergency
13 Fund Committee" consisting of the governor, the commissioner of
14 administration, the chairman and ranking minority member of the
15 senate appropriations committee, the chairman and ranking
16 minority member of the house appropriations committee and the
17 director of the division of facilities management, design and
18 construction who shall serve as consultant to the committee
19 without vote.

20 2. The members of the committee shall serve without
21 compensation but shall be reimbursed for actual and necessary
22 expenses incurred by them in the performance of their official
23 duties.

24 3. The committee shall elect from among its members a
25 chairman and vice chairman and such other officers as it deems
26 necessary.

27 34.010. 1. The term "department" as used in this chapter
28 shall be deemed to mean department, office, board, commission,

bureau, institution, or any other agency of the state, except the legislative and judicial departments.

2. The term "lowest and best" [in] as used in this chapter means determining the lowest and best award, cost, and other factors [are to be] considered in the evaluation process. Factors may include, but are not limited to, value, performance, and quality of a product.

3. The term "Missouri product" refers to goods or commodities which are manufactured, mined, produced, or grown by companies in Missouri, or services provided by such companies.

4. The term "negotiation" as used in this chapter means the process of selecting a contractor by the competitive methods described in this chapter, whereby the commissioner of administration can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

5. The term "purchase" as used in this chapter shall include the rental or leasing of any equipment, articles or things.

6. The term "supplies" used in this chapter shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except for utility services regulated under chapter 393, RSMo, or as in this chapter otherwise provided.

7. The term "value" includes but is not limited to price, performance, and quality. In assessing value, the state purchaser may consider the economic impact to the state of Missouri for Missouri products versus the economic impact of

1 products generated from out of state. This economic impact may
2 include the revenues returned to the state through tax revenue
3 obligations.

4 34.031. 1. The commissioner of administration, in
5 consultation with the environmental improvement and energy
6 resources authority of the department of natural resources, shall
7 give full consideration to the purchase of products made from
8 materials recovered from solid waste and to the reduction and
9 ultimate elimination of purchases of products manufactured in
10 whole or in part of thermoformed or other extruded polystyrene
11 foam manufactured using any fully halogenated chlorofluorocarbon
12 (CFC). Products that utilize recovered materials of a price and
13 quality comparable to products made from virgin materials shall
14 be sought and purchased, with particular emphasis on recycled
15 oil, retread tires, compost materials and recycled paper
16 products. The commissioner shall exercise a preference for such
17 products if their use is technically feasible and, where a bid is
18 required, their price is equal to, or less than, the price of
19 items which are manufactured or produced from virgin materials.
20 Products that would be inferior, violate safety standards or
21 violate product warranties if the provisions of this section are
22 followed may be excluded from the provisions of this section.

23 2. The commissioner of administration shall:

24 (1) Review the procurement specifications in order to
25 eliminate discrimination against the procurement of recycled
26 products;

27 (2) Review and modify the contract specifications for paper
28 products and increase the minimum required percentage of recycled

1 paper in each product as follows:

2 (a) Forty percent recovered materials for newsprint;

3 (b) Eighty percent recovered materials for paperboard;

4 (c) Fifty percent waste paper in high grade printing and
5 writing paper;

6 (d) Five to forty percent in tissue products;

7 (3) Support federal incentives and policy guidelines
8 designed to promote these goals;

9 (4) Develop and implement a cooperative procurement policy
10 to facilitate bulk order purchases and to increase availability
11 of recycled products. The policy shall be distributed to all
12 state agencies and shall be made available to political
13 subdivisions of the state[;

14 (5) Conduct a survey using existing staff of those items
15 customarily required by the state that are manufactured in whole
16 or part from polystyrene plastic, and report its findings,
17 together with an analysis of environmentally acceptable
18 alternatives thereto, prepared in collaboration with the
19 department of natural resources, to the general assembly and
20 every state agency within six months of August 28, 1995].

21 3. Notwithstanding the provisions of this section, no state
22 agency may purchase any food or beverage containers or wrapping
23 manufactured from any polystyrene foam manufactured using any
24 fully halogenated chlorofluorocarbon (CFC) found by the United
25 States Environmental Protection Agency (EPA) to be an
26 ozone-depleting chemical.

27 4. No state agency may purchase any items made in whole or
28 part of thermoformed or other extruded polystyrene foam

1 manufactured using any fully halogenated chlorofluorocarbon (CFC)
2 found by the United States Environmental Protection Agency (EPA)
3 to be an ozone-depleting chemical without approval from the
4 commissioner of administration. Approval shall not be granted
5 unless the purchasing agency demonstrates to the satisfaction of
6 the director of the department of natural resources and the
7 commissioner that there is no environmentally more acceptable
8 alternatives or the quality of such alternatives is not adequate
9 for the purpose intended.

10 5. For each paper product type and corresponding recycled
11 paper content standard pursuant to subdivision (2) of subsection
12 2 of this section, attainment goals for the percentage of paper
13 products to be purchased that utilize post-consumer recovered
14 materials shall be[:

- 15 (1) Ten percent in 1991 and 1992;
- 16 (2) Twenty-five percent in 1993 and 1994;
- 17 (3) Forty percent in 1995; and
- 18 (4)] sixty percent by 2000.

19 6. In the review of capital improvement projects for
20 buildings and facilities of state government, the commissioner of
21 administration shall direct the division of facilities
22 management, design and construction to give full consideration to
23 alternatives which use solid waste, as defined in section
24 260.200, RSMo, as a fuel for energy production or which use
25 products composed of materials recovered from solid waste.

26 7. The commissioner of administration, in consultation with
27 the environmental improvement and energy resources authority of
28 the department of natural resources, shall prepare and provide by

1 January first of each year an annual report summarizing past
2 activities and accomplishments of the program and proposed goals
3 of the program including projections for each affected agency.
4 The report shall also include a list of products utilizing
5 recovered materials that could substitute for products currently
6 purchased and a schedule of amounts purchased of products
7 utilizing recovered materials compared to purchases of similar
8 products utilizing virgin materials for the period covered by the
9 annual report.

10 8. The office of administration, department of natural
11 resources and department of economic development shall cooperate
12 jointly and share to the greatest extent possible, information
13 and other resources to promote:

14 (1) Producers or potential producers of secondary material
15 goods to expand or develop their product lines;

16 (2) Increased demand for secondary materials recovered in
17 Missouri; and

18 (3) Increased demand by state government for products which
19 contain secondary materials recovered in Missouri.

20 9. The commissioner of administration may increase minimum
21 recycled content percentages for paper products, minimum recycled
22 content percentages for other recycled products and establish
23 minimum post-consumer content as such products become available.
24 The preference provided in subsection 1 of this section shall
25 apply to the minimum standards established by the commissioner.

26 34.032. 1. The provisions of section 34.040 to the
27 contrary notwithstanding, each department and agency of the state
28 government, including the general assembly, shall purchase, in

1 the manner provided by law, and use recycled paper when recycled
2 paper can be obtained that is comparable to the quality presently
3 used by the department or agency and if the price is competitive.

4 [For the purposes of this section, "competitive" means a price
5 within ten percent of the price of items which are manufactured
6 or produced from virgin materials.] Attainment goals for the
7 percentage of paper products to be purchased that utilize
8 post-consumer recovered materials shall be[:

9 (1) Ten percent in 1991 and 1992;

10 (2) Twenty-five percent in 1993 and 1994;

11 (3) Forty percent in 1995; and

12 (4)] sixty percent by 2000.

13 2. Each department and agency of state government shall
14 also purchase a minimum of fifteen percent recycled motor oil for
15 use in motor vehicles.

16 3. Each department and agency of state government shall
17 cause to be recycled:

18 (1) A minimum of twenty-five percent of paper products used
19 or fifty percent of the paper disposed of, whichever is greater;

20 (2) Seventy-five percent of all used motor oil.

21 4. Each department and state agency shall, to the maximum
22 extent practicable, separate plastics, paper, metals and other
23 recyclable items [by July 1, 1990].

24 5. [By January 1, 1990,] Each department and state agency
25 shall develop, in cooperation with the office of administration,
26 and implement a policy for recycling and waste reduction. Each
27 department and agency shall collect and recycle waste paper and
28 empty aluminum beverage containers generated by employee

1 activity. The office of the governor and the general assembly
2 shall implement a policy for recycling and waste reduction and
3 shall collect and recycle waste paper and aluminum beverage
4 containers generated within its facilities. Recycling programs
5 for agency offices located outside of the city of Jefferson may
6 be coordinated through the office of administration or operated
7 locally provided that the office of administration reviews and
8 approves such programs. Proceeds from the sale of recycled
9 materials may be used to offset costs of the recycling program.
10 Any moneys found by the office of administration to be in excess
11 of costs incurred shall be transferred to the department of
12 social services to be used by the heating assistance program
13 pursuant to sections 660.100 to 660.135, RSMo.

14 6. The department of higher education, in cooperation with
15 the office of administration and state colleges and universities,
16 shall develop and distribute guidelines for waste reduction and
17 the collection of recyclable materials generated in classrooms,
18 administrative offices, dormitories, cafeterias and similar
19 campus locations.

20 7. Bid specifications for solid waste management services
21 issued by any department or agency of state government shall be
22 designed to meet the objectives of sections 260.255 to 260.325,
23 RSMo, encourage small businesses to engage and compete in the
24 delivery of waste management services and to minimize the long
25 run cost of managing solid waste. Bid specifications shall
26 enumerate the minimum components and minimum quantities of waste
27 products which shall be recycled by the successful bidder. Bids
28 for solid waste management services to state departments and

1 agencies located within the seat of government shall be issued in
2 units in order to maximize opportunities for small business to
3 provide solid waste management services to the state. Each
4 department and agency shall designate one person in an existing
5 position to serve as a solid waste management coordinator to
6 ensure that the agency and the office of administration cooperate
7 to meet the requirements of this section.

8 34.040. 1. All purchases in excess of [~~three~~] ten thousand
9 dollars shall be based on competitive bids, except as otherwise
10 provided in this chapter.

11 2. On any purchase where the estimated expenditure shall be
12 [~~twenty-five~~] one hundred thousand dollars or over, except as
13 provided in subsection 5 of this section, the commissioner of
14 administration shall:

15 (1) Advertise for bids in at least two daily newspapers of
16 general circulation in such places as are most likely to reach
17 prospective bidders and may advertise in at least two weekly
18 minority newspapers and may provide such information through an
19 electronic medium available to the general public at least five
20 days before bids for such purchases are to be opened. Other
21 methods of advertisement, which may include minority business
22 purchase councils, however, may be adopted by the commissioner of
23 administration when such other methods are deemed more
24 advantageous for the supplies to be purchased;

25 (2) Post a notice of the proposed purchase in his or her
26 office; and

27 (3) Solicit bids by mail or other reasonable method
28 generally available to the public from prospective suppliers.

1 All bids for such supplies shall be mailed or delivered to the
2 office of the commissioner of administration so as to reach such
3 office before the time set for opening bids.

4 3. The contract shall be let to the lowest and best bidder.
5 The commissioner of administration shall have the right to reject
6 any or all bids and advertise for new bids, or purchase the
7 required supplies on the open market if they can be so purchased
8 at a better price. When bids received pursuant to this section
9 are unreasonable or unacceptable as to terms and conditions,
10 noncompetitive, or the low bid exceeds available funds and it is
11 determined in writing by the commissioner of administration that
12 time or other circumstances will not permit the delay required to
13 resolicit competitive bids, a contract may be negotiated pursuant
14 to this section, provided that each responsible bidder who
15 submitted such bid under the original solicitation is notified of
16 the determination and is given a reasonable opportunity to modify
17 their bid and submit a best and final bid to the state. In cases
18 where the bids received are noncompetitive or the low bid exceeds
19 available funds, the negotiated price shall be lower than the
20 lowest rejected bid of any responsible bidder under the original
21 solicitation.

22 4. All bids shall be based on standard specifications
23 wherever such specifications have been approved by the
24 commissioner of administration. The commissioner of
25 administration shall make rules governing the delivery,
26 inspection, storage and distribution of all supplies so purchased
27 and governing the manner in which all claims for supplies
28 delivered shall be submitted, examined, approved and paid. The

1 commissioner shall determine the amount of bond or deposit and
2 the character thereof which shall accompany bids or contracts.

3 5. The department of natural resources may, without the
4 approval of the commissioner of administration required pursuant
5 to this section, enter into contracts of up to five hundred
6 thousand dollars to abate illegal waste tire sites pursuant to
7 section 260.276, RSMo, when the director of the department
8 determines that urgent action is needed to protect public health,
9 safety, natural resources or the environment. The department
10 shall follow bidding procedures pursuant to this section and may
11 promulgate rules necessary to establish such procedures. Any
12 rule or portion of a rule, as that term is defined in section
13 536.010, RSMo, that is created under the authority delegated in
14 this section shall become effective only if it complies with and
15 is subject to all of the provisions of chapter 536, RSMo, and, if
16 applicable, section 536.028, RSMo. This section and chapter 536,
17 RSMo, are nonseverable and if any of the powers vested with the
18 general assembly pursuant to chapter 536, RSMo, to review, to
19 delay the effective date or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August 28, 1999,
22 shall be invalid and void.

23 6. The commissioner of administration and other agencies to
24 which the state purchasing law applies shall not contract for
25 goods or services with a vendor if the vendor or an affiliate of
26 the vendor makes sales at retail of tangible personal property or
27 for the purpose of storage, use, or consumption in this state but
28 fails to collect and properly pay the tax as provided in chapter

1 144, RSMo. For the purposes of this section, "affiliate of the
2 vendor" shall mean any person or entity that is controlled by or
3 is under common control with the vendor, whether through stock
4 ownership or otherwise.

5 34.042. 1. When the commissioner of administration
6 determines that the use of competitive bidding is either not
7 practicable or not advantageous to the state, supplies may be
8 procured by competitive proposals. The commissioner shall state
9 the reasons for such determination, and a report containing those
10 reasons shall be maintained with the vouchers or files pertaining
11 to such purchases. All purchases in excess of ~~[five]~~ ten
12 thousand dollars to be made under this section shall be based on
13 competitive proposals.

14 2. On any purchase where the estimated expenditure shall be
15 ~~[twenty- five]~~ one hundred thousand dollars or over, the
16 commissioner of administration shall:

17 (1) Advertise for proposals in at least two daily
18 newspapers of general circulation in such places as are most
19 likely to reach prospective offerors and may advertise in at
20 least two weekly minority newspapers and may provide such
21 information through an electronic medium available to the general
22 public at least five days before proposals for such purchases are
23 to be opened. Other methods of advertisement, however, may be
24 adopted by the commissioner of administration when such other
25 methods are deemed more advantageous for the supplies to be
26 purchased;

27 (2) Post notice of the proposed purchase; and

28 (3) Solicit proposals by mail or other reasonable method

1 generally available to the public from prospective offerors.

2 All proposals for such supplies shall be mailed or delivered to
3 the office of the commissioner of administration so as to reach
4 such office before the time set for opening proposals. Proposals
5 shall be opened in a manner to avoid disclosure of contents to
6 competing offerors during the process of negotiation.

7 3. The contract shall be let to the lowest and best offeror
8 as determined by the evaluation criteria established in the
9 request for proposal and any subsequent negotiations conducted
10 pursuant to this subsection. In determining the lowest and best
11 offeror, as provided in the request for proposals and under rules
12 promulgated by the commissioner of administration, negotiations
13 may be conducted with responsible offerors who submit proposals
14 selected by the commissioner of administration on the basis of
15 reasonable criteria for the purpose of clarifying and assuring
16 full understanding of and responsiveness to the solicitation
17 requirements. Those offerors shall be accorded fair and equal
18 treatment with respect to any opportunity for negotiation and
19 subsequent revision of proposals. Revisions may be permitted
20 after submission and before award for the purpose of obtaining
21 best and final offers. In conducting negotiations there shall be
22 no disclosure of any information derived from proposals submitted
23 by competing offerors. The commissioner of administration shall
24 have the right to reject any or all proposals and advertise for
25 new proposals or purchase the required supplies on the open
26 market if they can be so purchased at a better price.

27 4. The commissioner shall make available, upon request, to

1 any members of the general assembly, information pertaining to
2 competitive proposals, including the names of [bidders] offerors
3 and the amount of each [bidder's] offeror's offering for each
4 contract.

5 34.044. 1. The commissioner of administration may waive
6 the requirement of competitive bids or proposals for supplies
7 when the commissioner has determined in writing that there is
8 only a single feasible source for the supplies. Immediately upon
9 discovering that other feasible sources exist, the commissioner
10 shall rescind the waiver and proceed to procure the supplies
11 through the competitive processes as described in this chapter.
12 A single feasible source exists when:

13 (1) Supplies are proprietary and only available from the
14 manufacturer or a single distributor; or

15 (2) Based on past procurement experience, it is determined
16 that only one distributor services the region in which the
17 supplies are needed; or

18 (3) Supplies are available at a discount from a single
19 distributor for a limited period of time.

20 2. The following categories do not require a written
21 determination of single feasible source:

22 (1) Services of visiting speakers, professors, and
23 performing artists;

24 (2) Works of art and historical items for museum and public
25 display;

26 (3) Published books, maps, periodicals, and technical
27 pamphlets for libraries;

28 (4) Regulated utility services;

1 (5) Trial use or testing specific items for suitability;

2 (6) Print, electronic, broadcast, or other media
3 advertising.

4 3. On any single feasible source purchase where the
5 estimated expenditure shall be ~~[five]~~ ten thousand dollars or
6 over, the commissioner of administration shall post notice of the
7 proposed purchase. Where the estimated expenditure is
8 ~~[twenty-five]~~ one hundred thousand dollars or over, the
9 commissioner of administration shall also advertise the
10 commissioner's intent to make such purchase in at least two daily
11 newspapers of general circulation in such places as are most
12 likely to reach prospective bidders or offerors and may provide
13 such information through an electronic medium available to the
14 general public at least five days before the contract is to be
15 let. Other methods of advertisement, however, may be adopted by
16 the commissioner of administration when such other methods are
17 deemed more advantageous for the supplies to be purchased. The
18 requirement for advertising may be waived, if not feasible, due
19 to the supplies being available at a discount for only a limited
20 period of time.

21 37.005. 1. Except as provided herein, the office of
22 administration shall be continued as set forth in house bill 384,
23 seventy-sixth general assembly and shall be considered as a
24 department within the meaning used in the Omnibus State
25 Reorganization Act of 1974. The commissioner of administration
26 shall appoint directors of all major divisions within the office
27 of administration.

28 2. The commissioner of administration shall be a member of

1 the governmental emergency fund committee as ex officio
2 comptroller and the director of the department of revenue shall
3 be a member in place of the chief of the planning and
4 construction division.

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

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

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

1 abolished.

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

9 7. The commissioner of administration shall from time to
10 time examine the space needs of the agencies of state government
11 and space available and shall, with the approval of the board of
12 public buildings, assign and reassign space in property owned,
13 leased or otherwise controlled by the state. Any other law to
14 the contrary notwithstanding, upon a determination by the
15 commissioner that all or part of any property is in excess of the
16 needs of any state agency, the commissioner may lease such
17 property to a private or government entity. Any revenue received
18 from the lease of such property shall be deposited into the fund
19 or funds from which moneys for rent, operations or purchase have
20 been appropriated. The commissioner shall establish by rule the
21 procedures for leasing excess property.

22 8. [The commissioner of administration shall make the
23 selection of a personnel director from the names of the three
24 highest ranking available eligibles as provided in section
25 36.080, RSMo. The personnel advisory board, the personnel
26 division and the personnel director in the office of
27 administration shall retain the functions, duties and powers
28 prescribed in chapter 36, RSMo. Members of the personnel

1 advisory board shall be nominated by the commissioner of
2 administration and appointed by the governor with the advice and
3 consent of the senate.

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

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

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

18 (3) Establish standards for the development of annual data
19 processing application plans for each of the service centers.
20 These standards shall include review of post-implementation
21 audits. These annual plans shall be on file in the office of
22 administration and shall be the basis for equipment approval
23 requests;

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

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

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

3 (7) Establish procedures for the receipt of service center
4 charges and payments for operation of the service centers. The
5 commissioner shall maintain a complete inventory of all
6 state-owned or -leased EDP and ADP equipment, and annually submit
7 a report to the general assembly which shall include starting and
8 ending EDP and ADP costs for the fiscal year previously ended,
9 and the reasons for major increases or variances between starting
10 and ending costs. The commissioner shall also adopt, after
11 public hearing, rules and regulations designed to protect the
12 rights of privacy of the citizens of this state and the
13 confidentiality of information contained in computer tapes or
14 other storage devices to the maximum extent possible consistent
15 with the efficient operation of the office of administration and
16 contracting state agencies.

17 [10.] 9. Except as provided in subsection [13] 12 of this
18 section, the fee title to all real property now owned or
19 hereafter acquired by the state of Missouri, or any department,
20 division, commission, board or agency of state government, other
21 than real property owned or possessed by the state highways and
22 transportation commission, conservation commission, state
23 department of natural resources, and the University of Missouri,
24 shall on May 2, 1974, vest in the governor. The governor may not
25 convey or otherwise transfer the title to such real property,
26 unless such conveyance or transfer is first authorized by an act
27 of the general assembly. The provisions of this subsection
28 requiring authorization of a conveyance or transfer by an act of

1 the general assembly shall not, however, apply to the granting or
2 conveyance of an easement to any rural electric cooperative [as
3 defined] in chapter 394, RSMo, municipal corporation,
4 quasi-governmental corporation owning or operating a public
5 utility, or a public utility, except railroads, as defined in
6 chapter 386, RSMo. The governor, with the approval of the board
7 of public buildings, may, upon the request of any state
8 department, agency, board or commission not otherwise being
9 empowered to make its own transfer or conveyance of any land
10 belonging to the state of Missouri which is under the control and
11 custody of such department, agency, board or commission, grant or
12 convey without further legislative action, for such consideration
13 as may be agreed upon, easements across, over, upon or under any
14 such state land to any rural electric cooperative, as defined in
15 chapter 394, RSMo, municipal corporation, or quasi-governmental
16 corporation owning or operating a public utility, or a public
17 utility, except railroad, as defined in chapter 386, RSMo. The
18 easement shall be for the purpose of promoting the general
19 health, welfare and safety of the public and shall include the
20 right of ingress or egress for the purpose of constructing,
21 maintaining or removing any pipeline, power line, sewer or other
22 similar public utility installation or any equipment or
23 appurtenances necessary to the operation thereof, except that
24 railroad as defined in chapter 386, RSMo, shall not be included
25 in the provisions of this subsection unless such conveyance or
26 transfer is first authorized by an act of the general assembly.
27 The easement shall be for such consideration as may be agreed
28 upon by the parties and approved by the board of public

1 buildings. The attorney general shall approve the form of the
2 instrument of conveyance. The commissioner of administration
3 shall prepare management plans for such properties in the manner
4 set out in subsection 7 of this section.

5 [11.] 10. The commissioner of administration shall
6 administer a revolving "Administrative Trust Fund" which shall be
7 established by the state treasurer which shall be funded annually
8 by appropriation and which shall contain moneys transferred or
9 paid to the office of administration in return for goods and
10 services provided by the office of administration to any
11 governmental entity or to the public. The state treasurer shall
12 be the custodian of the fund, and shall approve disbursements
13 from the fund for the purchase of goods or services at the
14 request of the commissioner of administration or the
15 commissioner's designee. The provisions of section 33.080, RSMo,
16 notwithstanding, moneys in the fund shall not lapse, unless and
17 then only to the extent to which the unencumbered balance at the
18 close of any fiscal year exceeds [one-twelfth] one-fourth of the
19 total amount appropriated, paid, or transferred to the fund
20 during such fiscal year. The commissioner shall prepare an
21 annual report of all receipts and expenditures from the fund.

22 [12.] 11. All the powers, duties and functions of the
23 department of community affairs relating to statewide planning
24 are transferred by type I transfer to the office of
25 administration.

26 [13.] 12. The titles which are vested in the governor by or
27 pursuant to this section to real property assigned to any of the
28 educational institutions referred to in section 174.020, RSMo, on

June 15, 1983, are hereby transferred to and vested in the board of regents of the respective educational institutions, and the titles to real property and other interests therein hereafter acquired by or for the use of any such educational institution, notwithstanding provisions of this section, shall vest in the board of regents of the educational institution. The board of regents may not convey or otherwise transfer the title to or other interest in such real property unless the conveyance or transfer is first authorized by an act of the general assembly, except as provided in section 174.042, RSMo, and except that the board of regents may grant easements over, in and under such real property without further legislative action.

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

[15.] 14. All county sports complex authorities, and any sports complex authority located in a city not within a county, in existence on August 13, 1986, and organized under the provisions of sections 64.920 to 64.950, RSMo, are assigned to the office of administration, but such authorities shall not be

1 subject to the provisions of subdivision (4) of subsection 6 of
2 section 1 of the Omnibus State Reorganization Act of 1974,
3 Appendix B, RSMo, as amended.

4 [16.] 15. All powers, duties, and functions vested in the
5 administrative hearing commission, sections 621.015 to 621.205,
6 RSMo, and others, are transferred to the office of administration
7 by a type III transfer.

8 37.010. 1. The governor, by and with the advice and
9 consent of the senate, shall appoint a commissioner of
10 administration, who shall head the "Office of Administration"
11 which is hereby created. The commissioner of administration
12 shall receive a salary as provided by law and shall also receive
13 his actual and necessary expenses incurred in the discharge of
14 his official duties. Before taking office, the commissioner of
15 administration shall take and subscribe an oath or affirmation to
16 support the Constitution of the United States and of this state,
17 and to demean himself faithfully in office. He shall also
18 deposit with the governor a bond, with sureties to be approved by
19 the governor, in the amount to be determined by the governor
20 payable to the state of Missouri, conditioned on the faithful
21 performance of the duties of his office. The premium of this
22 bond shall be paid out of the appropriation for the office of the
23 governor.

24 2. The governor shall appoint the commissioner of
25 administration with the advice and consent of the senate. The
26 commissioner shall be at least thirty years of age and must have
27 been a resident and qualified voter of this state for the five
28 years next preceding his appointment. He must be qualified by

1 training and experience to assume the managerial and
2 administrative functions of the office of commissioner of
3 administration.

4 3. The commissioner of administration shall, by virtue of
5 his office, without additional compensation, head the division of
6 budget, the division of purchasing, the division of facilities
7 management, design and construction, and the division of
8 electronic data processing coordination. Whenever provisions of
9 the constitution grant powers, impose duties or make other
10 reference to the comptroller, they shall be construed as
11 referring to the commissioner of administration.

12 4. The commissioner of administration shall provide the
13 governor with such assistance in the supervision of the executive
14 branch of state government as the governor requires and shall
15 perform such other duties as are assigned to him by the governor
16 or by law. The commissioner of administration shall work with
17 other departments of the executive branch of state government to
18 promote economy, efficiency and improved service in the
19 transaction of state business. The commissioner of
20 administration, with the approval of the governor, shall organize
21 the work of the office of administration in such manner as to
22 obtain maximum effectiveness of the personnel of the office. He
23 may consolidate, abolish or reassign duties of positions or
24 divisions combined within the office of administration, except
25 for the division of personnel. He may delegate specific duties
26 to subordinates. These subordinates shall take the same oath as
27 the commissioner and shall be covered by the bond of the director
28 or by separate bond as required by the governor.

1 5. The personnel division, personnel director and personnel
2 advisory board as provided in chapter 36, RSMo, shall be in the
3 office of administration. The personnel director and employees
4 of the personnel division shall perform such duties as directed
5 by the commissioner of administration for personnel work in
6 agencies and departments of state government not covered by the
7 merit system law to upgrade state employment and to improve the
8 uniform quality of state employment.

9 6. The commissioner of administration shall prepare a
10 complete inventory of all real estate, buildings and facilities
11 of state government and an analysis of their utilization. Each
12 year he shall formulate and submit to the governor a long-range
13 plan for the ensuing five years for the repair, construction and
14 rehabilitation of all state properties. The plan shall set forth
15 the projects proposed to be authorized in each of the five years
16 with each project ranked in the order of urgency of need from the
17 standpoint of the state as a whole and shall be upgraded each
18 year. Project proposals shall be accompanied by workload and
19 utilization information explaining the need and purpose of each.
20 Departments shall submit recommendations for capital improvement
21 projects and other information in such form and at such times as
22 required by the commissioner of administration to enable him to
23 prepare the long-range plan. The commissioner of administration
24 shall prepare the long-range plan together with analysis of
25 financing available and suggestions for further financing for
26 approval of the governor who shall submit it to the general
27 assembly. The long-range plan shall include credible estimates
28 for operating purposes as well as capital outlay and shall

1 include program data to justify need for the expenditures
2 included. The long-range plan shall be extended, revised and
3 resubmitted in the same manner to accompany each executive
4 budget. The appropriate recommendations for the period for which
5 appropriations are to be made shall be incorporated in the
6 executive budget for that period together with recommendations
7 for financing. Each revised long-range plan shall provide a
8 report on progress in the repair, construction and rehabilitation
9 of state properties and of the operating purposes program for the
10 preceding fiscal period in terms of expenditures and meeting
11 program goals.

12 7. All employees of the office of administration, except
13 the commissioner and not more than three other executive
14 positions designated by the governor in an executive order, shall
15 be subject to the provisions of chapter 36, RSMo. The
16 commissioner shall appoint all employees of the office of
17 administration and may discharge the employees after proper
18 hearing, provided that the employment and discharge conform to
19 the practices governing selection and discharge of employees in
20 accordance with the provisions of chapter 36, RSMo.

21 8. The office of the commissioner of administration shall
22 be in Jefferson City.

23 9. In case of death, resignation, removal from office or
24 vacancy from any cause in the office of commissioner of
25 administration, the governor shall take charge of the office and
26 superintend the business thereof until a successor is appointed,
27 commissioned and qualified.

28 37.451. 1. There is hereby created in the state treasury

1 the "Fleet Management Fund", which shall be administered by the
2 commissioner of administration.

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

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

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

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

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

16 3. Notwithstanding the provisions of section 33.080, RSMo,
17 to the contrary, any moneys remaining in the fund at the end of
18 the biennium shall not revert to the credit of the general
19 revenue fund, except that at the end of each biennium and after
20 all statutorily or constitutionally required transfer of funds
21 have been made, the state treasurer shall transfer the balance in
22 the fund, except for gifts, donations, bequests, or money
23 received from a federal source, created in this section in excess
24 of two hundred percent of the previous fiscal year's expenditures
25 into the state general revenue fund. The state treasurer shall
26 invest moneys in the fund in the same manner as other funds are
27 invested. Any interest and money earned on such investments
28 shall be credited to the fund.

1 37.452. Provisions of section 37.090 notwithstanding, all
2 proceeds generated by the sale of a surplus vehicle, except
3 proceeds generated from the department of transportation, the
4 department of conservation, the Missouri state highway patrol and
5 all state colleges and universities may be deposited in the state
6 treasury to the credit of the [office of administration revolving
7 administrative trust] fleet management fund established in
8 section 37.451 and credited to the state agency owning the
9 vehicle at the time of sale. Upon appropriation, moneys credited
10 to agencies from the sale of surplus state fleet vehicles shall
11 be used solely for the purchase or repair of vehicles for the
12 respective agency subject to the approval of the fleet manager
13 and for the purposes of administering sections 37.450 to 37.452.

14 44.237. 1. In addition to its responsibilities listed in
15 sections 44.225 to 44.237, the commission shall undertake a study
16 to determine the feasibility of establishing a comprehensive
17 program of earthquake hazard reduction having as its purposes the
18 saving of lives and mitigating damage to property in Missouri.

19 2. The study shall accomplish the following tasks:

20 (1) Earthquake hazard reduction. The study shall develop a
21 comprehensive program for the reduction of earthquake hazards in
22 Missouri. It shall include, but not necessarily be limited to,
23 the following:

24 (a) A review of and recommendations for improving the
25 development and implementation of technically and economically
26 feasible codes, standards and procedures for the design and
27 construction of new structures and the strengthening of existing
28 structures so as to increase the earthquake resistance of

1 structures located in areas of significant seismic hazard;

2 (b) A review of current methods and recommendations for new
3 methods to improve the development, publication and promotion, in
4 conjunction with local officials, research organizations and
5 professional organizations, of model codes and other means to
6 provide better information about seismic hazards to guide
7 land-use policy decisions and building activity;

8 (c) A review of and recommendations for methods, practices
9 and procedures to educate the public, including local officials,
10 about the nature and consequences of earthquakes, about
11 procedures for identifying those locations and structures
12 especially susceptible to earthquake damage and about ways to
13 reduce and mitigate the adverse effects of an earthquake;

14 (d) A review of and recommendations for programs and
15 techniques to improve preparedness for and response to damaging
16 earthquakes with special attention being given to hazard control
17 measures, pre-earthquake emergency planning, readiness of
18 emergency services and planning for post-earthquake
19 reconstruction and redevelopment.

20 (2) Implementation processes. With respect to
21 implementation of earthquake hazard reduction, the study shall
22 include the following:

23 (a) Recommendations for new roles, responsibilities and
24 programs for state and local agencies, universities, private
25 organizations and volunteer organizations, including goals,
26 priorities and expenditures of future state funds specifically
27 identified for the recommended hazards reduction program;

28 (b) Recommendations for methods and procedures to

1 disseminate and implement basic and applied earthquake research
2 in order to achieve higher levels of seismic safety.

3 (3) Coordination with other agencies. To the extent it is
4 practical to do so, the study required by this section shall be
5 coordinated with the relevant local, regional and federal
6 government agencies, key elements of the private sector, and at
7 least the following state agencies: state emergency management
8 agency, division of geology and land survey, division of
9 facilities management, design and construction, Missouri housing
10 development commission, department of natural resources,
11 department of labor and industrial relations, public service
12 commission, department of health and senior services, office of
13 the state fire marshal, department of transportation, department
14 of revenue, office of the adjutant general, department of
15 insurance, and the department of elementary and secondary
16 education.

17 3. The study shall include recommendations for statutory
18 changes and specific executive actions to be taken by state and
19 local agencies necessary to establish and implement an earthquake
20 hazards reduction program for the state of Missouri.

21 4. The commission shall submit the study to the general
22 assembly by June 30, 1997, or earlier at its discretion.

23 217.575. 1. All goods manufactured, services provided or
24 produce of the vocational enterprises program of the state shall,
25 upon the requisition of the proper official, be furnished to the
26 state, to any public institution owned, managed or controlled by
27 the state, or to any private entity that is leasing space to any
28 agency of the state government for use in space leased to the

1 state agency, at such prices as shall be determined as provided
2 in subsection 4 of this section.

3 2. No goods or services so manufactured, provided or
4 produced shall be purchased from any other source for the state
5 or public institutions of the state unless the department shall
6 certify the goods or services included in the requisition cannot
7 be furnished or supplied by the vocational enterprises program
8 within ninety days, or, in the event the same goods or services
9 cannot be procured on the open market within ninety days, that
10 the vocational enterprises program cannot supply them within a
11 reasonable time. No claims for the payment of such goods or
12 services shall be audited or paid without this certificate. One
13 copy each of the requisition or certificate shall be retained by
14 the department.

15 3. The division of purchasing and the division of
16 facilities management, design and construction shall cooperate
17 with the department in seeking to promote for use by state
18 agencies and in state-owned or -occupied facilities the products
19 manufactured and services provided by the vocational enterprises
20 program.

21 4. The vocational enterprises program shall fix and
22 determine the prices at which goods and produce so manufactured
23 and produced and services so provided shall be furnished, and the
24 prices shall be uniform to all. The cost shall not be fixed at
25 more than the market price for like goods and services.

26 5. Any differences between the vocational enterprises
27 program and the state, its departments, divisions, agencies,
28 institutions, or the political subdivisions of the state as to

1 style, design, price or quality of goods shall be submitted to
2 arbitrators whose decision shall be final. One of the
3 arbitrators shall be named by the program, one by the office,
4 department, political subdivision or institution concerned, and
5 one by agreement of the other two. The arbitrators shall receive
6 no compensation; however, their necessary expenses shall be paid
7 by the office, department, political subdivision or institution
8 against which the award is given, or, in the event of a
9 compromise decision, by both parties, the amount to be paid by
10 each party in portions to be determined by the arbitrators.

11 6. The vocational enterprises program may sell office
12 systems and furniture to any department, agency, or institution
13 of the state or any political subdivision of the state either
14 through outright purchase or through payment plan agreement,
15 including handling charges, over a specified number of months
16 contingent on the solvency of the working capital revolving fund.
17 Prior approval shall be required by the division of facilities
18 management, design and construction for state agencies in
19 situations where the office of administration controlled
20 state-owned office space is involved and space in which a lease
21 contract executed by the office of administration is in effect.

22 251.240. The division of facilities management, design and
23 construction shall furnish office space for the state office; the
24 headquarters office shall be located in Jefferson City, Missouri.

25 253.320. Any lease granted under the provisions of sections
26 253.290 to 253.320 shall be conditioned as follows and also
27 contain such provisions as the attorney general may prescribe:

28 (1) The director of the department of natural resources

1 shall retain the right to enter upon the lands at all times;

2 (2) The director shall control the style of architecture
3 used in construction on the lands, and the quality of materials
4 used in said construction shall be approved by the director of
5 the division of facilities management, design and construction
6 for the state of Missouri, and may control all fees and prices
7 charged to the public as may be required by the director;

8 (3) The director shall inspect and audit the books and
9 records of the lessee at least once every two years;

10 (4) The lessee shall provide such care, maintenance,
11 repair, conservation and improvement of the lands and shall
12 render such services to the public as may be required by the
13 director;

14 (5) The lessee shall keep true and accurate records of his
15 receipts and disbursements arising out of the operation of
16 facilities upon the leased lands and shall permit the director to
17 inspect and audit them at all reasonable times;

18 (6) Nothing in sections 253.290 to 253.320 shall be
19 construed as denying the lessees the right to execute mortgages
20 and other evidences of interest in or indebtedness upon their
21 leasehold interest or properties thereon for the purpose of
22 installing, enlarging or improving plant and equipment and
23 extending facilities for the accommodation of the public within
24 said state park; provided, however, that no such mortgage or
25 other encumbrance shall be valid unless authorized and approved
26 by the written order of the director; and further provided that
27 the period for payment of such mortgage or indebtedness shall not
28 extend beyond the lease period, and that no obligation or

1 indebtedness shall incur to the state.

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

9 2. Title to those lands shall vest in the governor. All or
10 portions of the one thousand seven hundred thirty-two acres shall
11 be sold upon the recommendation of a committee composed of one
12 member of the house of representatives, appointed by the speaker,
13 one member of the senate, appointed by the president pro tem of
14 the senate, and the governor or his representative. Specific
15 authorization is hereby given for the sale of such lands, and,
16 the provisions of subsection [10] 9 of section 37.005, RSMo, the
17 contrary notwithstanding, the governor, after recommendation by
18 the committee, may transfer title to such land without specific
19 legislative approval for each individual parcel sold. Any such
20 conveyance shall be signed by the governor, and the form of the
21 instrument of conveyance shall be approved by the attorney
22 general.

23 261.010. There is created a "Department of Agriculture",
24 the main office of which shall be in Jefferson City in quarters
25 provided by the division of facilities management, design and
26 construction. The governor, by and with the advice and consent
27 of the senate, shall appoint a director of the department of
28 agriculture who shall be a practical farmer, well versed in

1 agricultural science and who shall serve at the pleasure of the
2 governor. The director shall be in charge of the department of
3 agriculture.

4 285.025. 1. The state of Missouri hereby proclaims that no
5 employer who employs illegal aliens shall be eligible for any
6 state-administered or subsidized tax credit, tax abatement or
7 loan from this state, and that no one shall employ or subcontract
8 with any illegal alien on any publicly financed project. The
9 director of each agency administering or subsidizing a tax
10 credit, tax abatement or loan pursuant to chapter 32, 100, 135,
11 253, 447 or 620, RSMo, shall place in such agency's criteria for
12 eligibility for such credit, abatement, exemption or loan a
13 signed statement of affirmation by the applicant that such
14 applicant employs no illegal aliens. Any individual, individual
15 proprietorship, corporation, partnership, firm or association
16 that is found by the director of the agency administering the
17 program to have negligently employed an illegal alien in this
18 state shall be ineligible for any state-administered or
19 subsidized tax credit, tax abatement or loan pursuant to chapter
20 32, 100, 135, 253, 447 or 620, RSMo, for five years following
21 such determination; provided, however, that the director of the
22 agency administering such credit, abatement, exemption or loan
23 may, in the director's discretion, elect not to apply such
24 administrative action for a first-time occurrence. Any person,
25 corporation, partnership or other legal entity that is found to
26 be ineligible for a state-administered or subsidized tax credit,
27 tax abatement, or loan pursuant to this subsection may make an
28 appeal with the administrative hearing commission pursuant to the

1 provisions of chapter 621, RSMo. "Negligent", for the purposes
2 of this subsection means that a person has failed to take the
3 steps necessary to comply with the requirements of 8 U.S.C. 1324a
4 with respect to the examination of an appropriate document or
5 documents to verify whether the individual is an unauthorized
6 alien.

7 2. Beginning August 28, 1999, any individual, individual
8 proprietorship, corporation, partnership, firm or association
9 that knowingly accepts any state-administered or subsidized tax
10 credit, tax abatement or loan in violation of subsection 1 of
11 this section shall upon conviction be guilty of a class A
12 misdemeanor, and such action may be brought by the attorney
13 general in Cole County circuit court. Beginning August 28, 2007,
14 in addition to all other penalties in this section, violators of
15 this section shall be fined ten dollars per individual illegal
16 alien per day during which each individual illegal alien was
17 intentionally employed or contracted with, and the violator shall
18 not be eligible to bid on any publicly financed project submitted
19 for bids for the five years immediately following the last
20 violation.

21 311.650. The principal office of the supervisor of liquor
22 control shall be at the seat of government at Jefferson City, and
23 the director of the division of facilities management, design and
24 construction at the capitol shall provide offices for the liquor
25 control department.

26 313.210. The "State Lottery Commission" is hereby created.
27 The commission shall control and manage the state lottery. The
28 principal office of the commission shall be located in Jefferson

1 City in quarters provided by the division of facilities
2 management, design and construction. That division shall also
3 arrange for other needed office space for the commission or its
4 staff. The commission shall be assigned to the department of
5 revenue as a type III division, but the director of the
6 department of revenue has no supervision, authority or control
7 over the actions or decisions of the lottery commission or the
8 director of the state lottery.

9 320.260. The division of facilities management, design and
10 construction shall provide office space for the state fire
11 marshal and his employees.

12 334.125. 1. The board shall have a common seal and shall
13 formulate rules and regulations to govern its actions. Provision
14 shall be made by the division of facilities management, design
15 and construction for office facilities in Jefferson City,
16 Missouri, where the records and register of the board shall be
17 maintained.

18 2. No rule or portion of a rule promulgated under the
19 authority of this chapter shall become effective unless it has
20 been promulgated pursuant to the provisions of section 536.024,
21 RSMo.

22 361.010. 1. There is hereby created a "State Division of
23 Finance", which shall be under the management and control of a
24 chief officer who shall be called the "Director of Finance".

25 2. The director of finance shall maintain his office at the
26 City of Jefferson, reside in the state of Missouri, and shall
27 devote all of his time to the duties of his office. The division
28 of facilities management, design and construction is hereby

1 required to provide the director of finance and the state
2 division of finance with suitable rooms.

3 414.410. 1. The director shall develop a motor vehicle
4 alternative fuel use plan. The director shall cooperate with
5 state agency fleet operators, vehicle manufacturers and
6 converters, fuel distributors and others to identify the types of
7 vehicles which could be converted to use alternative fuels. The
8 director shall consider range, specialty uses, fuel availability,
9 vehicle cost, vehicle manufacturing and conversion capability,
10 safety, resale values, and other relevant factors.

11 2. The department shall recommend alternative fuels which
12 state agencies and state universities may consider when
13 purchasing vehicles. The department shall consider the content
14 of vehicle exhaust emissions, the relative efficiency of the
15 fuel, the relative efficiency of the processes required to
16 produce the fuel and the characteristics of air emissions
17 associated with the production of that fuel. It shall recommend
18 for state use those alternative fuels which best satisfy the
19 goals of energy conservation and emissions reduction.

20 3. At least seventy percent of vehicle fleet acquisitions
21 by any state agency which operates a fleet of more than fifteen
22 motor vehicles shall [acquire vehicles] be capable of using
23 alternative fuels [as follows:

24 (1) At least ten percent of the agency's fleet vehicles
25 acquired between July 1, 1994, and July 1, 1996;

26 (2) At least thirty percent of the agency's fleet vehicles
27 acquired between July 1, 1996, and July 1, 1998; and

28 (3) At least fifty percent of the agency's fleet vehicles

1 acquired between July 1, 1998, and July 1, 2000, and each
2 biennial period thereafter.

3 If a state agency exceeds any such biennial acquisition goal, or
4 has purchased vehicles capable of using alternative fuels before
5 July 1, 1994, such purchases may be credited to any future
6 biennial acquisition goal]. If a state agency has purchased
7 vehicles capable of using alternative fuels but not included in
8 their vehicle fleet as defined in subsection 1 of section
9 414.400, such purchases may be credited toward any [biennial]
10 acquisition goal. If a state agency fails to meet [a biennial]
11 its acquisition goal, the commissioner of administration shall
12 not authorize for such agency the purchase of any vehicle not
13 capable of using alternative fuels until such acquisition goal is
14 met, unless the director has reduced or waived the acquisition
15 goal pursuant to subsection 1 of section 414.412.

16 630.525. If any major building standing on property under
17 the supervision and control of the department is in such a state
18 of dilapidation or disrepair as to be, in the opinion of the
19 director, dangerous to patients or residents, employees of the
20 department or other persons frequenting such property, the
21 department may, with the approval of the division of facilities
22 management, design and construction and, if necessary, with
23 appropriations for this purpose from the general assembly, cause
24 such building to be torn down or razed. For such purpose, the
25 department may contract with any person under the rules and
26 regulations of the division of purchasing, and may sell or
27 otherwise dispose of the materials composing such building.

1 [8.120. There is hereby created within the office
2 of administration a "Division of Design and
3 Construction", which shall supervise the design,
4 construction, renovations and repair of state
5 facilities, except as provided in sections 8.015 and
6 8.017, and except in those belonging to the
7 institutions of higher education and the department of
8 conservation. The division of design and construction
9 shall be responsible to review all requests for
10 appropriations for capital improvements.]

11 [34.065. Where, because of the large number of
12 possible bidders for a particular purchase, it is
13 impractical to submit a request for a bid to all
14 possible bidders each time a bid is requested, request
15 shall be made in rotation pursuant to the regulation of
16 the commissioner of administration so as ultimately to
17 include all the possible bidders, except that
18 recognized competitive bidders shall be solicited in
19 each instance.]

20
21 [34.130. On or before May first of each year,
22 each department shall submit to the commissioner of
23 administration a classified list of its estimated needs
24 for supplies for the following fiscal year. The
25 commissioner of administration shall consolidate these
26 and may purchase the entire amount or such part thereof
27 at one time as he shall deem best. Any contract for
28 such purchases may provide only the price at which the
29 supplies needed during the year shall be purchased and
30 that the supplies shall be delivered in such amounts
31 and at such times as ordered throughout the year and be
32 paid for at such time and for such amounts as
33 delivered. In such case, certification from the
34 commissioner of administration and the auditor shall be
35 required only for the amount ordered at any time.]

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

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