

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 255

AN ACT

To repeal sections 3.070, 8.110, 8.120, 8.180, 8.200, 8.250, 8.255, 8.260, 8.291, 8.294, 8.310, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 26.220, 26.225, 27.095, 27.100, 28.305, 28.310, 29.405, 29.410, 30.505, 30.510, 33.710, 34.010, 34.031, 34.032, 34.040, 34.042, 34.044, 34.065, 34.130, 37.005, 37.010, 37.452, 44.237, 217.575, 251.240, 253.320, 253.510, 261.010, 311.650, 313.210, 320.260, 334.125, 361.010, and 630.525, RSMo, and to enact in lieu thereof fifty-four new sections relating to the office of administration, with an emergency clause.

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

1 Section A. Sections 3.070, 8.110, 8.120, 8.180, 8.200,
2 8.250, 8.255, 8.260, 8.291, 8.294, 8.310, 8.316, 8.320, 8.325,
3 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 26.220, 26.225,
4 27.095, 27.100, 28.305, 28.310, 29.405, 29.410, 30.505, 30.510,
5 33.710, 34.010, 34.031, 34.032, 34.040, 34.042, 34.044, 34.065,
6 34.130, 37.005, 37.010, 37.452, 44.237, 217.575, 251.240,
7 253.320, 253.510, 261.010, 311.650, 313.210, 320.260, 334.125,
8 361.010, and 630.525, RSMo, are repealed and fifty-four new
9 sections enacted in lieu thereof, to be known as sections 3.070,
10 8.016, 8.110, 8.180, 8.200, 8.250, 8.255, 8.260, 8.291, 8.294,
11 8.310, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800,
12 8.830, 8.843, 26.220, 26.225, 27.095, 27.100, 28.305, 28.310,
13 29.405, 29.410, 30.505, 30.510, 33.710, 34.010, 34.031, 34.032,

1 34.040, 34.042, 34.044, 37.005, 37.010, 37.451, 37.452, 44.237,
2 217.575, 251.240, 253.320, 253.510, 261.010, 311.650, 313.210,
3 320.260, 334.125, 361.010, and 630.525, to read as follows:

4 3.070. The committee shall appoint and fix the compensation
5 of a revisor of statutes and other attorneys and assistants
6 necessary to the performance of its duties under this chapter.
7 The compensation of the revisor of statutes and his assistants
8 and expenses incurred in connection with the performance of their
9 duties shall be paid from appropriations made for the committee
10 on legislative research. The revisor of statutes shall be duly
11 licensed to practice law in this state and serves at the pleasure
12 of the committee. The revisor of statutes shall perform all
13 duties required by the committee in connection with its duties
14 under this chapter. He shall conform to all regulations
15 prescribed for the internal operation of the committee and shall
16 render such assistance to the general assembly in connection with
17 pending or proposed legislation as required by the committee or
18 by any law imposing duties on the committee. He is subject also
19 in all respects to the law governing other persons appointed or
20 employed by the committee. The division of facilities
21 management, design and construction shall provide adequate office
22 space in the capitol building for the revisor of statutes and the
23 attorneys and employees associated with him.

24 8.016. The commissioner of the office of administration
25 shall provide each member of the senate with a key that accesses
26 the dome of the state capitol.

27 8.110. There is hereby created within the office of
28 administration a "Division of Facilities Management, Design and

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

16 8.180. In all cases where a court or other officer performs
17 any lawful service, at the instance of any director of the
18 division of facilities management, design and construction in and
19 about the collection of debts due the state, and the costs have
20 not nor cannot be made out of the defendant, the director of the
21 division of facilities management, design and construction shall
22 pay the same fees that other plaintiffs are bound to pay for
23 similar services, and no other.

24 8.200. The director of the division of facilities
25 management, design and construction shall proceed against any
26 sheriff or peace officer who refuses to perform any duty, in the
27 name of the state, in the same way and to the full extent that
28 any other plaintiff in an action might or could do.

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

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

19 3. All contracts for projects, the cost of which exceeds
20 one hundred thousand dollars, entered into by any officer or
21 agency of this state shall be let to the lowest, responsive,
22 responsible bidder or bidders based on pre-established criteria,
23 after notice and publication of an advertisement for five days in
24 a daily newspaper in the county where the work is located, or at
25 least twice over a period of ten days or more in a newspaper in
26 the county where the work is located, and in one daily newspaper
27 in the state which does not have less than fifty thousand daily
28 circulation, and by such other means as are determined to be most

1 likely to reach potential bidders. For all contracts for
2 projects between twenty-five thousand dollars and one hundred
3 thousand dollars, a minimum of three contractors will be
4 solicited with the award being made to the lowest, responsive,
5 responsible bidder based on the pre-established criteria.

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

12 [4.] 5. Dividing a project into component labor or material
13 allocations for the purpose of avoiding bidding or advertising
14 provisions required by this section is specifically prohibited.

15 8.255. 1. The director may authorize any agency of the
16 state to establish standing contracts for the purpose of
17 accomplishing construction, renovation, maintenance and repair
18 projects not exceeding one hundred thousand dollars. Such
19 contracts shall be advertised and bid in the same manner as
20 contracts for work which exceeds one hundred thousand dollars,
21 except that each contract shall allow for multiple projects, the
22 cost of each of which does not exceed one hundred thousand
23 dollars. Each contract shall be of a stated duration and shall
24 have a stated maximum total expenditure. For job order
25 contracts, the total expenditure per project shall not exceed
26 three hundred thousand dollars.

27 2. The director, with full documentation, shall have the
28 authority to authorize any agency to contract for any design or

1 construction, renovation, maintenance, or repair work which in
2 his judgment can best be procured directly by such agency. The
3 director shall establish, by rule, the procedures which the
4 agencies must follow to procure contracts for design,
5 construction, renovation, maintenance or repair work. Each
6 agency which procures such contracts pursuant to a delegation
7 shall file an annual report as required by rule. The director
8 shall provide general supervision over the process. The director
9 may establish procedures by which such contracts are to be
10 procured, either generally or in accordance with each
11 authorization.

12 3. The director, in his sole discretion, may with full
13 documentation approve a recommendation from a project designer
14 that a material, product or system within a specification for
15 construction, renovation or repair work be designated by brand,
16 trade name or individual mark, when it is determined to be in the
17 best interest of the state. The specification may include a
18 preestablished price for purchase of the material, product or
19 system where required by the director.

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

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

28 (2) All requests for payment shall be approved by the

1 architect or engineer registered to practice in the state of
2 Missouri who designed the project or who has been assigned to
3 oversee it;

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

7 (4) A contractor may be paid for materials delivered to the
8 site or to a storage facility approved by the director of the
9 division of facilities management, design and construction as
10 having adequate safeguards against loss, theft or conversion.
11

12 In no case shall the amount contracted for exceed the amount
13 appropriated by the general assembly for the purpose.

14 8.291. 1. The agency shall list three highly qualified
15 firms. The agency shall then select the firm considered best
16 qualified and capable of performing the desired work and
17 negotiate a contract for the project with the firm selected.

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

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

27 4. If the agency is unable to negotiate a contract with any
28 of the selected firms, the agency shall reevaluate the necessary

1 architectural, engineering or land surveying services, including
2 the scope and reasonable fee requirements, again compile a list
3 of qualified firms and proceed in accordance with the provisions
4 of sections 8.285 to 8.291.

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

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

25 8.310. Any other provision of law to the contrary
26 notwithstanding, no contracts shall be let for design, repair,
27 renovation or construction without approval of the director of
28 the division of facilities management, design and construction,

1 and no claim for design, repair, construction or renovation
2 projects under contract shall be accepted for payment by the
3 commissioner of administration without approval by the director
4 of the division of facilities management, design and
5 construction; except that the department of conservation, the
6 boards of curators of the state university and Lincoln
7 University, the several boards of regents of the state colleges
8 and the boards of trustees of the community junior colleges may
9 contract for architectural and engineering services for the
10 design and supervision of the construction, repair, maintenance
11 or improvement of buildings or institutions and may contract for
12 construction, repair, maintenance or improvement. The director
13 of the division of facilities management, design and construction
14 shall not be required to review any claim for payment under any
15 such contract not originally approved by him. No claim under any
16 contract executed by the department of conservation or an
17 institution of higher learning, as provided above, shall be
18 certified by the commissioner of administration unless the entity
19 making the claim shall certify in writing that the payment sought
20 is in accordance with the contract executed by the entity and
21 that the underlying construction, repair, maintenance or
22 improvement conforms with applicable regulations promulgated by
23 the director pursuant to section 8.320.

24 8.316. The division of facilities management, design and
25 construction shall promulgate a method to accurately calculate
26 the replacement cost of all buildings owned by public
27 institutions of higher education. The method shall be developed
28 in cooperation with such institutions and shall include the

1 necessary components and factors to accurately calculate a
2 replacement cost. The division shall utilize a procedure to
3 allow differences to be resolved and may include an alternative
4 calculation where the original cost plus an inflation factor is
5 utilized to determine a replacement cost value.

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

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

26 (1) Personnel directly related to the operation of the
27 completed capital improvement project, such as janitors,
28 security, and other persons who would provide necessary services

1 for the completed project or facility;

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

3 (3) Any maintenance contracts which would be entered into
4 in order to provide services for the completed project or
5 facility, such as elevator maintenance, boiler maintenance, and
6 other similar service contracts with private contractors to
7 provide maintenance services for the completed project or
8 facility.

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

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

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

1 8.340. The director of the division of facilities
2 management, design and construction shall assemble and maintain
3 complete files of information on the repair, utilization, cost
4 and other data for all state facilities, including power plants,
5 pump houses and similar facilities. He shall also assemble and
6 maintain files containing a full legal description of all real
7 estate owned by the state and blueprints of all state facilities.

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

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

19 8.800. As used in sections 8.800 to 8.825, the following
20 terms mean:

- 21 (1) "Builder", the prime contractor that hires and
22 coordinates building subcontractors or if there is no prime
23 contractor, the contractor that completes more than fifty percent
24 of the total construction work performed on the building.
25 Construction work includes, but is not limited to, foundation,
26 framing, wiring, plumbing and finishing work;
- 27 (2) "Department", the department of natural resources;
- 28 (3) "Designer", the architect, engineer, landscape

1 architect, builder, interior designer or other person who
2 performs the actual design work or is under the direct
3 supervision and responsibility of the person who performs the
4 actual design work;

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

11 (5) "Division", the division of facilities management,
12 design and construction;

13 (6) "Energy efficiency", the increased productivity or
14 effectiveness of energy resources use, the reduction of energy
15 consumption, or the use of renewable energy sources;

16 (7) "Gray water", all domestic wastewater from a state
17 building except wastewater from urinals, toilets, laboratory
18 sinks, and garbage disposals;

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

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

27 (10) "Renewable energy source", a source of thermal,
28 mechanical or electrical energy produced from solar, wind,

1 low-head hydropower, biomass, hydrogen or geothermal sources, but
2 not from the incineration of hazardous waste, municipal solid
3 waste or sludge from sewage treatment facilities;

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

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

8 8.830. For purposes of sections 8.830 to 8.851, the
9 following terms mean:

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

11 (2) "Director", the director of the department of natural
12 resources;

13 (3) "Division", the division of facilities management,
14 design and construction;

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

18 (5) "State building", a building owned or operated by the
19 state, a state agency or department, a state college or a state
20 university.

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

1 director of the department of conservation and the commissioner
2 of higher education. The committee shall advise the department
3 on the development of the minimum energy efficiency standard and
4 state building energy efficiency rating system and shall assist
5 the office of administration in implementing sections 8.833 and
6 8.835.

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

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

22 2. The commissioner of administration shall furnish the
23 transition facilities 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 these transitions.

9 27.095. The "transition period" shall begin on the
10 [fifteenth day of November] first day following the election of
11 an attorney general who is not an incumbent and shall end when
12 that attorney general-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 27.100. 1. The commissioner of administration shall
16 provide office space and equipment for the attorney general-elect
17 and his staff during the transition period. The facilities
18 provided shall be located at the seat of government and shall be
19 suitable for the purpose and capable of adequately housing the
20 attorney general-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 28.305. The "transition period" shall begin on the
9 [fifteenth day of November] first day following the election of a
10 secretary of state who is not an incumbent and shall end when
11 that secretary of state-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 28.310. 1. The commissioner of administration shall
15 provide office space and equipment for the secretary of
16 state-elect and his staff during the transition period. The
17 facilities provided shall be located at the seat of government
18 and shall be suitable for the purpose and capable of adequately
19 housing the secretary of state-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 29.405. The transition period shall begin on the [fifteenth
8 day of November] first day following the election of an auditor
9 who is not an incumbent and shall end when that auditor-elect has
10 taken the oath of office. Expenses incurred during the
11 transition period may be paid after the actual end of the
12 transition period.

13 29.410. 1. The commissioner of administration shall
14 provide office space and equipment for the auditor-elect and his
15 staff during the transition period. The facilities provided
16 shall be located at the seat of government and shall be suitable
17 for the purpose and capable of adequately housing the
18 auditor-elect and his staff.

19 2. The commissioner of administration shall furnish the
20 transition facility 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 this transition.

6 30.505. The transition period shall begin on the [fifteenth
7 day of November] first day following the election of a treasurer
8 who is not an incumbent and shall end when that treasurer-elect
9 has taken the oath of office. Expenses incurred during the
10 transition period may be paid after the actual end of the
11 transition period.

12 30.510. 1. The commissioner of administration shall
13 provide office space and equipment for the treasurer-elect and
14 his staff during the transition period. The facilities provided
15 shall be located at the seat of government and shall be suitable
16 for the purpose and capable of adequately housing the
17 treasurer-elect and his staff.

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

28 3. The transition period office space may be located in

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

5 33.710. 1. There is created "The Governmental Emergency
6 Fund Committee" consisting of the governor, the commissioner of
7 administration, the chairman and ranking minority member of the
8 senate appropriations committee, the chairman and ranking
9 minority member of the house appropriations committee and the
10 director of the division of facilities management, design and
11 construction who shall serve as consultant to the committee
12 without vote.

13 2. The members of the committee shall serve without
14 compensation but shall be reimbursed for actual and necessary
15 expenses incurred by them in the performance of their official
16 duties.

17 3. The committee shall elect from among its members a
18 chairman and vice chairman and such other officers as it deems
19 necessary.

20 34.010. 1. The term "department" as used in this chapter
21 shall be deemed to mean department, office, board, commission,
22 bureau, institution, or any other agency of the state, except the
23 legislative and judicial departments.

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

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

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

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

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

18 7. The term "value" includes but is not limited to price,
19 performance, and quality. In assessing value, the state
20 purchaser may consider the economic impact to the state of
21 Missouri for Missouri products versus the economic impact of
22 products generated from out of state. This economic impact may
23 include the revenues returned to the state through tax revenue
24 obligations.

25 34.031. 1. The commissioner of administration, in
26 consultation with the environmental improvement and energy
27 resources authority of the department of natural resources, shall
28 give full consideration to the purchase of products made from

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

16 2. The commissioner of administration shall:

17 (1) Review the procurement specifications in order to
18 eliminate discrimination against the procurement of recycled
19 products;

20 (2) Review and modify the contract specifications for paper
21 products and increase the minimum required percentage of recycled
22 paper in each product as follows:

- 23 (a) Forty percent recovered materials for newsprint;
- 24 (b) Eighty percent recovered materials for paperboard;
- 25 (c) Fifty percent waste paper in high grade printing and
26 writing paper;
- 27 (d) Five to forty percent in tissue products;
- 28 (3) Support federal incentives and policy guidelines

1 designed to promote these goals;

2 (4) Develop and implement a cooperative procurement policy
3 to facilitate bulk order purchases and to increase availability
4 of recycled products. The policy shall be distributed to all
5 state agencies and shall be made available to political
6 subdivisions of the state[;

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

14 3. Notwithstanding the provisions of this section, no state
15 agency may purchase any food or beverage containers or wrapping
16 manufactured from any polystyrene foam manufactured using any
17 fully halogenated chlorofluorocarbon (CFC) found by the United
18 States Environmental Protection Agency (EPA) to be an
19 ozone-depleting chemical.

20 4. No state agency may purchase any items made in whole or
21 part of thermoformed or other extruded polystyrene foam
22 manufactured using any fully halogenated chlorofluorocarbon (CFC)
23 found by the United States Environmental Protection Agency (EPA)
24 to be an ozone-depleting chemical without approval from the
25 commissioner of administration. Approval shall not be granted
26 unless the purchasing agency demonstrates to the satisfaction of
27 the director of the department of natural resources and the
28 commissioner that there is no environmentally more acceptable

1 alternatives or the quality of such alternatives is not adequate
2 for the purpose intended.

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

8 (1) Ten percent in 1991 and 1992;

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

10 (3) Forty percent in 1995; and

11 (4)] sixty percent by 2000.

12 6. In the review of capital improvement projects for
13 buildings and facilities of state government, the commissioner of
14 administration shall direct the division of facilities
15 management, design and construction to give full consideration to
16 alternatives which use solid waste, as defined in section
17 260.200, RSMo, as a fuel for energy production or which use
18 products composed of materials recovered from solid waste.

19 7. The commissioner of administration, in consultation with
20 the environmental improvement and energy resources authority of
21 the department of natural resources, shall prepare and provide by
22 January first of each year an annual report summarizing past
23 activities and accomplishments of the program and proposed goals
24 of the program including projections for each affected agency.
25 The report shall also include a list of products utilizing
26 recovered materials that could substitute for products currently
27 purchased and a schedule of amounts purchased of products
28 utilizing recovered materials compared to purchases of similar

1 products utilizing virgin materials for the period covered by the
2 annual report.

3 8. The office of administration, department of natural
4 resources and department of economic development shall cooperate
5 jointly and share to the greatest extent possible, information
6 and other resources to promote:

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

9 (2) Increased demand for secondary materials recovered in
10 Missouri; and

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

13 9. The commissioner of administration may increase minimum
14 recycled content percentages for paper products, minimum recycled
15 content percentages for other recycled products and establish
16 minimum post-consumer content as such products become available.
17 The preference provided in subsection 1 of this section shall
18 apply to the minimum standards established by the commissioner.

19 34.032. 1. The provisions of section 34.040 to the
20 contrary notwithstanding, each department and agency of the state
21 government, including the general assembly, shall purchase, in
22 the manner provided by law, and use recycled paper when recycled
23 paper can be obtained that is comparable to the quality presently
24 used by the department or agency and if the price is competitive.
25 [For the purposes of this section, "competitive" means a price
26 within ten percent of the price of items which are manufactured
27 or produced from virgin materials.] Attainment goals for the
28 percentage of paper products to be purchased that utilize

1 post-consumer recovered materials shall be[:

2 (1) Ten percent in 1991 and 1992;

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

4 (3) Forty percent in 1995; and

5 (4)] sixty percent by 2000.

6 2. Each department and agency of state government shall
7 also purchase a minimum of fifteen percent recycled motor oil for
8 use in motor vehicles.

9 3. Each department and agency of state government shall
10 cause to be recycled:

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

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

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

17 5. [By January 1, 1990,] Each department and state agency
18 shall develop, in cooperation with the office of administration,
19 and implement a policy for recycling and waste reduction. Each
20 department and agency shall collect and recycle waste paper and
21 empty aluminum beverage containers generated by employee
22 activity. The office of the governor and the general assembly
23 shall implement a policy for recycling and waste reduction and
24 shall collect and recycle waste paper and aluminum beverage
25 containers generated within its facilities. Recycling programs
26 for agency offices located outside of the city of Jefferson may
27 be coordinated through the office of administration or operated
28 locally provided that the office of administration reviews and

1 approves such programs. Proceeds from the sale of recycled
2 materials may be used to offset costs of the recycling program.
3 Any moneys found by the office of administration to be in excess
4 of costs incurred shall be transferred to the department of
5 social services to be used by the heating assistance program
6 pursuant to sections 660.100 to 660.135, RSMo.

7 6. The department of higher education, in cooperation with
8 the office of administration and state colleges and universities,
9 shall develop and distribute guidelines for waste reduction and
10 the collection of recyclable materials generated in classrooms,
11 administrative offices, dormitories, cafeterias and similar
12 campus locations.

13 7. Bid specifications for solid waste management services
14 issued by any department or agency of state government shall be
15 designed to meet the objectives of sections 260.255 to 260.325,
16 RSMo, encourage small businesses to engage and compete in the
17 delivery of waste management services and to minimize the long
18 run cost of managing solid waste. Bid specifications shall
19 enumerate the minimum components and minimum quantities of waste
20 products which shall be recycled by the successful bidder. Bids
21 for solid waste management services to state departments and
22 agencies located within the seat of government shall be issued in
23 units in order to maximize opportunities for small business to
24 provide solid waste management services to the state. Each
25 department and agency shall designate one person in an existing
26 position to serve as a solid waste management coordinator to
27 ensure that the agency and the office of administration cooperate
28 to meet the requirements of this section.

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

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

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

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

20 (3) Solicit bids by mail or other reasonable method
21 generally available to the public from prospective suppliers.
22 All bids for such supplies shall be mailed or delivered to the
23 office of the commissioner of administration so as to reach such
24 office before the time set for opening bids.

25 3. The contract shall be let to the lowest and best bidder.
26 The commissioner of administration shall have the right to reject
27 any or all bids and advertise for new bids, or purchase the
28 required supplies on the open market if they can be so purchased

1 at a better price. When bids received pursuant to this section
2 are unreasonable or unacceptable as to terms and conditions,
3 noncompetitive, or the low bid exceeds available funds and it is
4 determined in writing by the commissioner of administration that
5 time or other circumstances will not permit the delay required to
6 resolicit competitive bids, a contract may be negotiated pursuant
7 to this section, provided that each responsible bidder who
8 submitted such bid under the original solicitation is notified of
9 the determination and is given a reasonable opportunity to modify
10 their bid and submit a best and final bid to the state. In cases
11 where the bids received are noncompetitive or the low bid exceeds
12 available funds, the negotiated price shall be lower than the
13 lowest rejected bid of any responsible bidder under the original
14 solicitation.

15 4. All bids shall be based on standard specifications
16 wherever such specifications have been approved by the
17 commissioner of administration. The commissioner of
18 administration shall make rules governing the delivery,
19 inspection, storage and distribution of all supplies so purchased
20 and governing the manner in which all claims for supplies
21 delivered shall be submitted, examined, approved and paid. The
22 commissioner shall determine the amount of bond or deposit and
23 the character thereof which shall accompany bids or contracts.

24 5. The department of natural resources may, without the
25 approval of the commissioner of administration required pursuant
26 to this section, enter into contracts of up to five hundred
27 thousand dollars to abate illegal waste tire sites pursuant to
28 section 260.276, RSMo, when the director of the department

determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

6. The commissioner of administration and other agencies to which the state purchasing law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in this state but fails to collect and properly pay the tax as provided in chapter 144, RSMo. For the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether through stock ownership or otherwise.

34.042. 1. When the commissioner of administration determines that the use of competitive bidding is either not practicable or not advantageous to the state, supplies may be

1 procured by competitive proposals. The commissioner shall state
2 the reasons for such determination, and a report containing those
3 reasons shall be maintained with the vouchers or files pertaining
4 to such purchases. All purchases in excess of ~~[five]~~ ten
5 thousand dollars to be made under this section shall be based on
6 competitive proposals.

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

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

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

21 (3) Solicit proposals by mail or other reasonable method
22 generally available to the public from prospective offerors.

23
24 All proposals for such supplies shall be mailed or delivered to
25 the office of the commissioner of administration so as to reach
26 such office before the time set for opening proposals. Proposals
27 shall be opened in a manner to avoid disclosure of contents to
28 competing offerors during the process of negotiation.

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

21 4. The commissioner shall make available, upon request, to
22 any members of the general assembly, information pertaining to
23 competitive proposals, including the names of [bidders] offerors
24 and the amount of each [bidder's] offeror's offering for each
25 contract.

26 34.044. 1. The commissioner of administration may waive
27 the requirement of competitive bids or proposals for supplies
28 when the commissioner has determined in writing that there is

1 only a single feasible source for the supplies. Immediately upon
2 discovering that other feasible sources exist, the commissioner
3 shall rescind the waiver and proceed to procure the supplies
4 through the competitive processes as described in this chapter.

5 A single feasible source exists when:

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

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

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

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

15 (1) Services of visiting speakers, professors, and
16 performing artists;

17 (2) Works of art and historical items for museum and public
18 display;

19 (3) Published books, maps, periodicals, and technical
20 pamphlets for libraries;

21 (4) Regulated utility services;

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

23 (6) Print, electronic, broadcast, or other media
24 advertising.

25 3. On any single feasible source purchase where the
26 estimated expenditure shall be [five] ten thousand dollars or
27 over, the commissioner of administration shall post notice of the
28 proposed purchase. Where the estimated expenditure is

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

14 37.005. 1. Except as provided herein, the office of
15 administration shall be continued as set forth in house bill 384,
16 seventy-sixth general assembly and shall be considered as a
17 department within the meaning used in the Omnibus State
18 Reorganization Act of 1974. The commissioner of administration
19 shall appoint directors of all major divisions within the office
20 of administration.

21 2. The commissioner of administration shall be a member of
22 the governmental emergency fund committee as ex officio
23 comptroller and the director of the department of revenue shall
24 be a member in place of the chief of the planning and
25 construction division.

26 3. The office of administration is designated the "Missouri
27 State Agency for Surplus Property" as required by Public Law 152,
28 eighty-first Congress as amended, and related laws for disposal

1 of surplus federal property. All the powers, duties and
2 functions vested by sections 37.075 and 37.080, and others, are
3 transferred by type I transfer to the office of administration as
4 well as all property and personnel related to the duties. The
5 commissioner shall integrate the program of disposal of federal
6 surplus property with the processes of disposal of state surplus
7 property to provide economical and improved service to state and
8 local agencies of government. The governor shall fix the amount
9 of bond required by section 37.080. All employees transferred
10 shall be covered by the provisions of chapter 36, RSMo, and the
11 Omnibus State Reorganization Act of 1974.

12 4. The commissioner of administration shall replace the
13 director of revenue as a member of the board of fund
14 commissioners and assume all duties and responsibilities assigned
15 to the director of revenue by sections 33.300 to 33.540, RSMo,
16 relating to duties as a member of the board and matters relating
17 to bonds and bond coupons.

18 5. All the powers, duties and functions of the
19 administrative services section[, section 33.580, RSMo,] and
20 others, are transferred by a type I transfer to the office of
21 administration and the administrative services section is
22 abolished.

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

1 economy in operations.

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

15 8. [The commissioner of administration shall make the
16 selection of a personnel director from the names of the three
17 highest ranking available eligibles as provided in section
18 36.080, RSMo. The personnel advisory board, the personnel
19 division and the personnel director in the office of
20 administration shall retain the functions, duties and powers
21 prescribed in chapter 36, RSMo. Members of the personnel
22 advisory board shall be nominated by the commissioner of
23 administration and appointed by the governor with the advice and
24 consent of the senate.

25 9.] The commissioner of administration is hereby authorized
26 to coordinate and control the acquisition and use of electronic
27 data processing (EDP) and automatic data processing (ADP) in the
28 executive branch of state government. For this purpose, the

1 office of administration will have authority to:

2 (1) Develop and implement a long-range computer facilities
3 plan for the use of EDP and ADP in Missouri state government.

4 Such plan may cover, but is not limited to, operational
5 standards, standards for the establishment, function and
6 management of service centers, coordination of the data
7 processing education, and planning standards for application
8 development and implementation;

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

11 (3) Establish standards for the development of annual data
12 processing application plans for each of the service centers.

13 These standards shall include review of post-implementation
14 audits. These annual plans shall be on file in the office of
15 administration and shall be the basis for equipment approval
16 requests;

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

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

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

24 (7) Establish procedures for the receipt of service center
25 charges and payments for operation of the service centers. The
26 commissioner shall maintain a complete inventory of all
27 state-owned or -leased EDP and ADP equipment, and annually submit
28 a report to the general assembly which shall include starting and

1 ending EDP and ADP costs for the fiscal year previously ended,
2 and the reasons for major increases or variances between starting
3 and ending costs. The commissioner shall also adopt, after
4 public hearing, rules and regulations designed to protect the
5 rights of privacy of the citizens of this state and the
6 confidentiality of information contained in computer tapes or
7 other storage devices to the maximum extent possible consistent
8 with the efficient operation of the office of administration and
9 contracting state agencies.

10 [10.] 9. Except as provided in subsection [13] 12 of this
11 section, the fee title to all real property now owned or
12 hereafter acquired by the state of Missouri, or any department,
13 division, commission, board or agency of state government, other
14 than real property owned or possessed by the state highways and
15 transportation commission, conservation commission, state
16 department of natural resources, and the University of Missouri,
17 shall on May 2, 1974, vest in the governor. The governor may not
18 convey or otherwise transfer the title to such real property,
19 unless such conveyance or transfer is first authorized by an act
20 of the general assembly. The provisions of this subsection
21 requiring authorization of a conveyance or transfer by an act of
22 the general assembly shall not, however, apply to the granting or
23 conveyance of an easement to any rural electric cooperative [as
24 defined] in chapter 394, RSMo, municipal corporation,
25 quasi-governmental corporation owning or operating a public
26 utility, or a public utility, except railroads, as defined in
27 chapter 386, RSMo. The governor, with the approval of the board
28 of public buildings, may, upon the request of any state

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

26 [11.] 10. The commissioner of administration shall
27 administer a revolving "Administrative Trust Fund" which shall be
28 established by the state treasurer which shall be funded annually

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

15 [12.] 11. All the powers, duties and functions of the
16 department of community affairs relating to statewide planning
17 are transferred by type I transfer to the office of
18 administration.

19 [13.] 12. The titles which are vested in the governor by or
20 pursuant to this section to real property assigned to any of the
21 educational institutions referred to in section 174.020, RSMo, on
22 June 15, 1983, are hereby transferred to and vested in the board
23 of regents of the respective educational institutions, and the
24 titles to real property and other interests therein hereafter
25 acquired by or for the use of any such educational institution,
26 notwithstanding provisions of this section, shall vest in the
27 board of regents of the educational institution. The board of
28 regents may not convey or otherwise transfer the title to or

1 other interest in such real property unless the conveyance or
2 transfer is first authorized by an act of the general assembly,
3 except as provided in section 174.042, RSMo, and except that the
4 board of regents may grant easements over, in and under such real
5 property without further legislative action.

6 [14.] 13. Notwithstanding any provision of subsection [13]
7 12 of this section to the contrary, the board of governors of
8 Missouri Western State University, Central Missouri State
9 University, Missouri State University, or Missouri Southern State
10 University; or the board of regents of Southeast Missouri State
11 University, Northwest Missouri State University, or Harris-Stowe
12 State University; or the board of curators of Lincoln University
13 may convey or otherwise transfer, except in fee simple, the title
14 to or other interest in such real property without authorization
15 by an act of the general assembly. The provisions of this
16 subsection shall expire August 28, 2011.

17 [15.] 14. All county sports complex authorities, and any
18 sports complex authority located in a city not within a county,
19 in existence on August 13, 1986, and organized under the
20 provisions of sections 64.920 to 64.950, RSMo, are assigned to
21 the office of administration, but such authorities shall not be
22 subject to the provisions of subdivision (4) of subsection 6 of
23 section 1 of the Omnibus State Reorganization Act of 1974,
24 Appendix B, RSMo, as amended.

25 [16.] 15. All powers, duties, and functions vested in the
26 administrative hearing commission, sections 621.015 to 621.205,
27 RSMo, and others, are transferred to the office of administration
28 by a type III transfer.

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

17 2. The governor shall appoint the commissioner of
18 administration with the advice and consent of the senate. The
19 commissioner shall be at least thirty years of age and must have
20 been a resident and qualified voter of this state for the five
21 years next preceding his appointment. He must be qualified by
22 training and experience to assume the managerial and
23 administrative functions of the office of commissioner of
24 administration.

25 3. The commissioner of administration shall, by virtue of
26 his office, without additional compensation, head the division of
27 budget, the division of purchasing, the division of facilities
28 management, design and construction, and the division of

1 electronic data processing coordination. Whenever provisions of
2 the constitution grant powers, impose duties or make other
3 reference to the comptroller, they shall be construed as
4 referring to the commissioner of administration.

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

22 5. The personnel division, personnel director and personnel
23 advisory board as provided in chapter 36, RSMo, shall be in the
24 office of administration. The personnel director and employees
25 of the personnel division shall perform such duties as directed
26 by the commissioner of administration for personnel work in
27 agencies and departments of state government not covered by the
28 merit system law to upgrade state employment and to improve the

1 uniform quality of state employment.

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

1 report on progress in the repair, construction and rehabilitation
2 of state properties and of the operating purposes program for the
3 preceding fiscal period in terms of expenditures and meeting
4 program goals.

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

14 8. The office of the commissioner of administration shall
15 be in Jefferson City.

16 9. In case of death, resignation, removal from office or
17 vacancy from any cause in the office of commissioner of
18 administration, the governor shall take charge of the office and
19 superintend the business thereof until a successor is appointed,
20 commissioned and qualified.

21 37.451. 1. There is hereby created in the state treasury
22 the "Fleet Management Fund", which shall be administered by the
23 commissioner of administration.

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

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

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

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

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

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

22 37.452. Provisions of section 37.090 notwithstanding, all
23 proceeds generated by the sale of a surplus vehicle, except
24 proceeds generated from the department of transportation, the
25 department of conservation, the Missouri state highway patrol and
26 all state colleges and universities may be deposited in the state
27 treasury to the credit of the [office of administration revolving
28 administrative trust] fleet management fund established in

1 section 37.451 and credited to the state agency owning the
2 vehicle at the time of sale. Upon appropriation, moneys credited
3 to agencies from the sale of surplus state fleet vehicles shall
4 be used solely for the purchase or repair of vehicles for the
5 respective agency subject to the approval of the fleet manager
6 and for the purposes of administering sections 37.450 to 37.452.

7 44.237. 1. In addition to its responsibilities listed in
8 sections 44.225 to 44.237, the commission shall undertake a study
9 to determine the feasibility of establishing a comprehensive
10 program of earthquake hazard reduction having as its purposes the
11 saving of lives and mitigating damage to property in Missouri.

12 2. The study shall accomplish the following tasks:

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

17 (a) A review of and recommendations for improving the
18 development and implementation of technically and economically
19 feasible codes, standards and procedures for the design and
20 construction of new structures and the strengthening of existing
21 structures so as to increase the earthquake resistance of
22 structures located in areas of significant seismic hazard;

23 (b) A review of current methods and recommendations for new
24 methods to improve the development, publication and promotion, in
25 conjunction with local officials, research organizations and
26 professional organizations, of model codes and other means to
27 provide better information about seismic hazards to guide
28 land-use policy decisions and building activity;

1 (c) A review of and recommendations for methods, practices
2 and procedures to educate the public, including local officials,
3 about the nature and consequences of earthquakes, about
4 procedures for identifying those locations and structures
5 especially susceptible to earthquake damage and about ways to
6 reduce and mitigate the adverse effects of an earthquake;

7 (d) A review of and recommendations for programs and
8 techniques to improve preparedness for and response to damaging
9 earthquakes with special attention being given to hazard control
10 measures, pre-earthquake emergency planning, readiness of
11 emergency services and planning for post-earthquake
12 reconstruction and redevelopment.

13 (2) Implementation processes. With respect to
14 implementation of earthquake hazard reduction, the study shall
15 include the following:

16 (a) Recommendations for new roles, responsibilities and
17 programs for state and local agencies, universities, private
18 organizations and volunteer organizations, including goals,
19 priorities and expenditures of future state funds specifically
20 identified for the recommended hazards reduction program;

21 (b) Recommendations for methods and procedures to
22 disseminate and implement basic and applied earthquake research
23 in order to achieve higher levels of seismic safety.

24 (3) Coordination with other agencies. To the extent it is
25 practical to do so, the study required by this section shall be
26 coordinated with the relevant local, regional and federal
27 government agencies, key elements of the private sector, and at
28 least the following state agencies: state emergency management

1 agency, division of geology and land survey, division of
2 facilities management, design and construction, Missouri housing
3 development commission, department of natural resources,
4 department of labor and industrial relations, public service
5 commission, department of health and senior services, office of
6 the state fire marshal, department of transportation, department
7 of revenue, office of the adjutant general, department of
8 insurance, and the department of elementary and secondary
9 education.

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

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

16 217.575. 1. All goods manufactured, services provided or
17 produce of the vocational enterprises program of the state shall,
18 upon the requisition of the proper official, be furnished to the
19 state, to any public institution owned, managed or controlled by
20 the state, or to any private entity that is leasing space to any
21 agency of the state government for use in space leased to the
22 state agency, at such prices as shall be determined as provided
23 in subsection 4 of this section.

24 2. No goods or services so manufactured, provided or
25 produced shall be purchased from any other source for the state
26 or public institutions of the state unless the department shall
27 certify the goods or services included in the requisition cannot
28 be furnished or supplied by the vocational enterprises program

1 within ninety days, or, in the event the same goods or services
2 cannot be procured on the open market within ninety days, that
3 the vocational enterprises program cannot supply them within a
4 reasonable time. No claims for the payment of such goods or
5 services shall be audited or paid without this certificate. One
6 copy each of the requisition or certificate shall be retained by
7 the department.

8 3. The division of purchasing and the division of
9 facilities management, design and construction shall cooperate
10 with the department in seeking to promote for use by state
11 agencies and in state-owned or -occupied facilities the products
12 manufactured and services provided by the vocational enterprises
13 program.

14 4. The vocational enterprises program shall fix and
15 determine the prices at which goods and produce so manufactured
16 and produced and services so provided shall be furnished, and the
17 prices shall be uniform to all. The cost shall not be fixed at
18 more than the market price for like goods and services.

19 5. Any differences between the vocational enterprises
20 program and the state, its departments, divisions, agencies,
21 institutions, or the political subdivisions of the state as to
22 style, design, price or quality of goods shall be submitted to
23 arbitrators whose decision shall be final. One of the
24 arbitrators shall be named by the program, one by the office,
25 department, political subdivision or institution concerned, and
26 one by agreement of the other two. The arbitrators shall receive
27 no compensation; however, their necessary expenses shall be paid
28 by the office, department, political subdivision or institution

1 against which the award is given, or, in the event of a
2 compromise decision, by both parties, the amount to be paid by
3 each party in portions to be determined by the arbitrators.

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

15 251.240. The division of facilities management, design and
16 construction shall furnish office space for the state office; the
17 headquarters office shall be located in Jefferson City, Missouri.

18 253.320. Any lease granted under the provisions of sections
19 253.290 to 253.320 shall be conditioned as follows and also
20 contain such provisions as the attorney general may prescribe:

21 (1) The director of the department of natural resources
22 shall retain the right to enter upon the lands at all times;

23 (2) The director shall control the style of architecture
24 used in construction on the lands, and the quality of materials
25 used in said construction shall be approved by the director of
26 the division of facilities management, design and construction
27 for the state of Missouri, and may control all fees and prices
28 charged to the public as may be required by the director;

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

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

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

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

23 253.510. 1. At least one thousand five hundred thirty-two
24 acres of the total amount of five thousand one hundred twenty-two
25 acres accepted pursuant to the acceptance authorized by
26 subdivision (1) of section 253.500 shall be sold as provided in
27 this section. An additional two hundred acres may be sold if
28 such sale is approved by the committee established by the

1 provisions of subsection 2.

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

16 261.010. There is created a "Department of Agriculture",
17 the main office of which shall be in Jefferson City in quarters
18 provided by the division of facilities management, design and
19 construction. The governor, by and with the advice and consent
20 of the senate, shall appoint a director of the department of
21 agriculture who shall be a practical farmer, well versed in
22 agricultural science and who shall serve at the pleasure of the
23 governor. The director shall be in charge of the department of
24 agriculture.

25 311.650. The principal office of the supervisor of liquor
26 control shall be at the seat of government at Jefferson City, and
27 the director of the division of facilities management, design and
28 construction at the capitol shall provide offices for the liquor

1 control department.

2 313.210. The "State Lottery Commission" is hereby created.
3 The commission shall control and manage the state lottery. The
4 principal office of the commission shall be located in Jefferson
5 City in quarters provided by the division of facilities
6 management, design and construction. That division shall also
7 arrange for other needed office space for the commission or its
8 staff. The commission shall be assigned to the department of
9 revenue as a type III division, but the director of the
10 department of revenue has no supervision, authority or control
11 over the actions or decisions of the lottery commission or the
12 director of the state lottery.

13 320.260. The division of facilities management, design and
14 construction shall provide office space for the state fire
15 marshal and his employees.

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

22 2. No rule or portion of a rule promulgated under the
23 authority of this chapter shall become effective unless it has
24 been promulgated pursuant to the provisions of section 536.024,
25 RSMo.

26 361.010. 1. There is hereby created a "State Division of
27 Finance", which shall be under the management and control of a
28 chief officer who shall be called the "Director of Finance".

1 2. The director of finance shall maintain his office at the
2 City of Jefferson, reside in the state of Missouri, and shall
3 devote all of his time to the duties of his office. The division
4 of facilities management, design and construction is hereby
5 required to provide the director of finance and the state
6 division of finance with suitable rooms.

7 630.525. If any major building standing on property under
8 the supervision and control of the department is in such a state
9 of dilapidation or disrepair as to be, in the opinion of the
10 director, dangerous to patients or residents, employees of the
11 department or other persons frequenting such property, the
12 department may, with the approval of the division of facilities
13 management, design and construction and, if necessary, with
14 appropriations for this purpose from the general assembly, cause
15 such building to be torn down or razed. For such purpose, the
16 department may contract with any person under the rules and
17 regulations of the division of purchasing, and may sell or
18 otherwise dispose of the materials composing such building.

19 [8.120. There is hereby created within the office
20 of administration a "Division of Design and
21 Construction", which shall supervise the design,
22 construction, renovations and repair of state
23 facilities, except as provided in sections 8.015 and
24 8.017, and except in those belonging to the
25 institutions of higher education and the department of
26 conservation. The division of design and construction
27 shall be responsible to review all requests for
28 appropriations for capital improvements.]
29

30 [34.065. Where, because of the large number of
31 possible bidders for a particular purchase, it is
32 impractical to submit a request for a bid to all
33 possible bidders each time a bid is requested, request
34 shall be made in rotation pursuant to the regulation of
35 the commissioner of administration so as ultimately to
36 include all the possible bidders, except that

1 recognized competitive bidders shall be solicited in
2 each instance.]
3

4 [34.130. On or before May first of each year,
5 each department shall submit to the commissioner of
6 administration a classified list of its estimated needs
7 for supplies for the following fiscal year. The
8 commissioner of administration shall consolidate these
9 and may purchase the entire amount or such part thereof
10 at one time as he shall deem best. Any contract for
11 such purchases may provide only the price at which the
12 supplies needed during the year shall be purchased and
13 that the supplies shall be delivered in such amounts
14 and at such times as ordered throughout the year and be
15 paid for at such time and for such amounts as
16 delivered. In such case, certification from the
17 commissioner of administration and the auditor shall be
18 required only for the amount ordered at any time.]
19

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