

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
**HOUSE BILL NO. 735**  
**94TH GENERAL ASSEMBLY**

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Reported from the Special Committee on Government Affairs April 11, 2007 with recommendation that House Committee Substitute No. 2 for House Bill No. 735 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1301L.04C

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**AN ACT**

To repeal sections 8.007, 8.110, 8.120, 8.250, 8.255, and 8.291, RSMo, and section 8.177 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353, ninety-third general assembly, first regular session, and to enact in lieu thereof six new sections relating to public buildings.

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

Section A. Sections 8.007, 8.110, 8.120, 8.250, 8.255, and 8.291, RSMo, and section  
2 8.177 as enacted by conference committee substitute for senate substitute for senate committee  
3 substitute for house committee substitute for house bill no. 353, ninety-third general assembly,  
4 first regular session, are repealed and six new sections enacted in lieu thereof, to be known as  
5 sections 8.007, 8.110, 8.250, 8.255, 8.291, and 1, to read as follows:

8.007. 1. The commission shall:

- 2 (1) Exercise general supervision of the administration of sections 8.001 to 8.007;
- 3 (2) Evaluate and recommend courses of action on the restoration and preservation of the
- 4 capitol, the preservation of historical significance of the capitol and the history of the capitol;
- 5 (3) Evaluate and recommend courses of action to ensure accessibility to the capitol for
- 6 physically disabled persons;
- 7 (4) Advise, consult, and cooperate with the office of administration, the archives division
- 8 of the office of the secretary of state, the historic preservation program within the department of

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

9 natural resources, the division of tourism within the department of economic development and  
10 the historical society of Missouri in furtherance of the purposes of sections 8.001 to 8.007;

11 (5) Be authorized to cooperate or collaborate with other state agencies and not-for-profit  
12 organizations to publish books and manuals concerning the history of the capitol, its  
13 improvement or restoration;

14 (6) Before each September first, recommend options to the governor on budget allocation  
15 for improvements or restoration of the capitol premises;

16 (7) Encourage, participate in, or conduct studies, investigations, and research and  
17 demonstrations relating to improvement and restoration of the state capitol it may deem  
18 advisable and necessary for the discharge of its duties pursuant to sections 8.001 to 8.007; and

19 (8) Hold hearings, issue notices of hearings and take testimony as the commission deems  
20 necessary.

21 2. The "Second Capitol Commission Fund" is hereby created in the state treasury. Any  
22 moneys received from sources other than appropriation by the general assembly, including from  
23 private sources, gifts, donations and grants, shall be credited to the second capitol commission  
24 fund and shall be appropriated by the general assembly.

25 3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in  
26 the second capitol commission fund shall not be transferred and placed to the credit of the  
27 general revenue fund.

28 4. The commission is authorized to accept all gifts, bequests and donations from any  
29 source whatsoever. The commission may also apply for and receive grants consistent with the  
30 purposes of sections 8.001 to 8.007. All such gifts, bequests, donations and grants shall be used  
31 or expended upon appropriation in accordance with their terms or stipulations, and the gifts,  
32 bequests, donations or grants may be used or expended for the preservation, restoration and  
33 improved accessibility and for promoting the historical significance of the capitol.

34 **5. The commission may copyright or obtain a trademark for any photograph,**  
35 **written work, art object, or any product created of the capitol or capitol grounds. The**  
36 **commission may grant access or use of any such works to other organizations or**  
37 **individuals for a fee, at its sole discretion, or waive all fees. All funds obtained through**  
38 **licensing fees shall be credited to the capitol commission fund in a manner similar to funds**  
39 **the commission receives as gifts, donations, and grants. The funds shall be used for**  
40 **repairs, refurbishing, or to create art, exhibits, decorations, or other beautifications or**  
41 **adornments to the capitol or its grounds.**

8.110. There is hereby created within the office of administration a "Division of  
2 Facilities Management, **Design, and Construction**", which shall supervise the design,  
3 **construction, renovations, maintenance, and repair of state facilities, except as provided**

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

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

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

13 3. **All contracts for projects, the cost of which exceeds one hundred thousand**  
14 **dollars, entered into by an officer or agency of this state shall be let to the lowest,**  
15 **responsive, responsible bidder or bidders based on preestablished criteria after notice and**  
16 **publication of an advertisement for five days in a daily newspaper in the county where the**  
17 **work is located, or at least twice over a period of ten days or more in a newspaper in the**  
18 **county where the work is located and in one daily newspaper in the state which does not**  
19 **have less than fifty thousand daily circulation and by such other means as determined to**  
20 **be most likely to reach potential bidders. For all contracts for projects between twenty-five**  
21 **thousand dollars and one hundred thousand dollars, a minimum of three contractors shall**  
22 **be solicited with the award being made to the lowest responsive, responsible bidder based**  
23 **on preestablished criteria.**

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

28 [4.] 5. Dividing a project into component labor or material allocations for the purpose  
29 of avoiding bidding or advertising provisions required by this section is specifically prohibited.

8.255. 1. The director may authorize any agency of the state to establish standing  
2 contracts for the purpose of accomplishing construction, renovation, maintenance and repair  
3 projects not exceeding one hundred thousand dollars. Such contracts shall be advertised and bid  
4 in the same manner as contracts for work which exceeds one hundred thousand dollars, except  
5 that each contract shall allow for multiple projects, the cost of each of which does not exceed one  
6 hundred thousand dollars. Each contract shall be of a stated duration and shall have a stated  
7 maximum total expenditure. **For job order contracts, the total expenditure per project shall**  
8 **not exceed three hundred thousand dollars.**

9 2. The director, with full documentation, shall have the authority to authorize any agency  
10 to contract for any design or construction, renovation, maintenance, or repair work which in his  
11 judgment can best be procured directly by such agency. The director shall establish, by rule, the  
12 procedures which the agencies must follow to procure contracts for design, construction,  
13 renovation, maintenance or repair work. Each agency which procures such contracts pursuant  
14 to a delegation shall file an annual report as required by rule. The director shall provide general  
15 supervision over the process. The director may establish procedures by which such contracts are  
16 to be procured, either generally or in accordance with each authorization.

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

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

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

6 3. If the agency is unable to negotiate a satisfactory contract with the firm selected,  
7 negotiations with that firm shall be terminated. The agency shall then undertake negotiations  
8 with another of the qualified firms selected. If there is a failing of accord with the second firm,  
9 negotiations with such firm shall be terminated. The agency shall then undertake negotiations  
10 with the third qualified firm.

11 4. If the agency is unable to negotiate a contract with any of the selected firms, the  
12 agency shall reevaluate the necessary architectural, engineering or land surveying services,

13 including the scope and reasonable fee requirements, again compile a list of qualified firms and  
14 proceed in accordance with the provisions of sections 8.285 to 8.291.

15 5. The provisions of sections 8.285 to 8.291 shall not apply to any political subdivision  
16 which adopts a [formal] **qualification-based selection** procedure **commensurate with state**  
17 **policy** for the procurement of architectural, engineering and land surveying services.

**Section 1. 1. The governor is hereby authorized and empowered to sell, transfer,**  
2 **grant, and convey all interest in fee simple absolute in property owned by the state in**  
3 **Nodaway County. The property to be conveyed is more particularly described as follows:**

4 **Commencing at the Northwest Corner Section 21, Township 64 North,**  
5 **Range 35 West, Nodaway County, Missouri; thence along Section line South**  
6 **88 degrees 59 minutes 56 seconds East 1498.03 feet; thence South 01 degrees**  
7 **26 minutes 32 seconds West 70.76 feet to the southerly right-of-way of**  
8 **Highway 136 and the Point of Beginning; thence along said right-of-way**  
9 **South 83 degrees 01 minutes 33 seconds East 161.21 feet; thence continuing**  
10 **along said right-of-way South 88 degrees 58 minutes 33 seconds East 203.85**  
11 **feet to the easterly right-of-way of the former Norfolk and Western Railroad**  
12 **right-of-way; thence along said right-of-way South 28 degrees 44 minutes 21**  
13 **seconds East 257.08 feet; thence North 88 degrees 32 minutes 03 seconds**  
14 **West 493.95 feet; thence North 01 degrees 26 minutes 32 seconds East 235.23**  
15 **feet to the point of beginning except that portion lying within the abandoned**  
16 **Railroad right of way, Nodaway County, Missouri.**

17 **2. The commissioner of administration shall set the terms and conditions for the**  
18 **conveyance as the commissioner deems reasonable. Such terms and conditions may**  
19 **include, but are not limited to, the number of appraisals required, the time, place, and**  
20 **terms of the conveyance.**

21 **3. The attorney general shall approve the form of the instrument of conveyance.**

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

2 [8.177. 1. The director of the department of public safety shall employ  
3 Missouri capitol police officers for public safety at the seat of state government.  
4 Each Missouri capitol police officer, upon appointment, shall take and subscribe  
5 an oath of office to support the constitution and laws of the United States and the  
6 state of Missouri and shall receive a certificate of appointment, a copy of which  
7 shall be filed with the secretary of state, granting such police officers all the same  
powers of arrest held by other police officers to maintain order and preserve the

8 peace in all state-owned or leased buildings, and the grounds thereof, at the seat  
9 of government and such buildings and grounds within the county which contains  
10 the seat of government.

11 2. The director of the department of public safety shall appoint a  
12 sufficient number of Missouri capitol police officers, with available  
13 appropriations, as appropriated specifically for the purpose designated in this  
14 subsection, so that the capitol grounds may be patrolled at all times, and that  
15 traffic and parking upon the capitol grounds and the grounds of other state  
16 buildings owned or leased within the capital city and the county which contains  
17 the seat of government may be properly controlled. Missouri capitol police  
18 officers may make arrests for the violation of parking and traffic regulations  
19 promulgated by the office of administration.

20 3. Missouri capitol police officers shall be authorized to arrest a person  
21 anywhere in the county that contains the seat of state government, when there is  
22 probable cause to believe the person committed a crime within capitol police  
23 jurisdiction or when a person commits a crime within capitol police jurisdiction  
24 or when a person commits a crime in the presence of an on-duty capitol police  
25 officer.]

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