

SECOND REGULAR SESSION

# HOUSE BILL NO. 1528

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BRUNS.

Pre-filed January 3, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4078L.01I

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### AN ACT

To repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the office of administration, with an emergency clause.

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

Section A. Section 37.005, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 37.005, to read as follows:

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

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

3. The office of administration is designated the "Missouri State Agency for Surplus Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for disposal of surplus federal property. All the powers, duties and functions vested by sections 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration as well as all property and personnel related to the duties. The commissioner shall integrate the program of disposal of federal surplus property with the processes of disposal of state surplus property to provide economical and improved service to state and local agencies of government.

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.

16 The governor shall fix the amount of bond required by section 37.080. All employees transferred  
17 shall be covered by the provisions of chapter 36, RSMo, and the Omnibus State Reorganization  
18 Act of 1974.

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

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

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

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

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

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

50 (1) Develop and implement a long-range computer facilities plan for the use of EDP and  
51 ADP in Missouri state government. Such plan may cover, but is not limited to, operational

52 standards, standards for the establishment, function and management of service centers,  
53 coordination of the data processing education, and planning standards for application  
54 development and implementation;

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

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

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

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

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

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

77 10. Except as provided in subsection 13 of this section, the fee title to all real property  
78 now owned or hereafter acquired by the state of Missouri, or any department, division,  
79 commission, board or agency of state government, other than real property owned or possessed  
80 by the state highways and transportation commission, conservation commission, state department  
81 of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor.  
82 The governor may not convey or otherwise transfer the title to such real property, unless such  
83 conveyance or transfer is first authorized by an act of the general assembly. The provisions of  
84 this subsection requiring authorization of a conveyance or transfer by an act of the general  
85 assembly shall not, however, apply to the granting or conveyance of an easement to any rural  
86 electric cooperative as defined in chapter 394, RSMo, municipal corporation,  
87 quasi-governmental corporation owning or operating a public utility, or a public utility, except

88 railroads, as defined in chapter 386, RSMo. The governor, with the approval of the board of  
89 public buildings, may, upon the request of any state department, agency, board or commission  
90 not otherwise being empowered to make its own transfer or conveyance of any land belonging  
91 to the state of Missouri which is under the control and custody of such department, agency, board  
92 or commission, grant or convey without further legislative action, for such consideration as may  
93 be agreed upon, easements across, over, upon or under any such state land to any rural electric  
94 cooperative, as defined in chapter 394, RSMo, municipal corporation, or quasi-governmental  
95 corporation owning or operating a public utility, or a public utility, except railroad, as defined  
96 in chapter 386, RSMo. The easement shall be for the purpose of promoting the general health,  
97 welfare and safety of the public and shall include the right of ingress or egress for the purpose  
98 of constructing, maintaining or removing any pipeline, power line, sewer or other similar public  
99 utility installation or any equipment or appurtenances necessary to the operation thereof, except  
100 that railroad as defined in chapter 386, RSMo, shall not be included in the provisions of this  
101 subsection unless such conveyance or transfer is first authorized by an act of the general  
102 assembly. The easement shall be for such consideration as may be agreed upon by the parties  
103 and approved by the board of public buildings. The attorney general shall approve the form of  
104 the instrument of conveyance. The commissioner of administration shall prepare management  
105 plans for such properties in the manner set out in subsection 7 of this section.

106       11. The commissioner of administration shall administer a revolving "Administrative  
107 Trust Fund" which shall be established by the state treasurer which shall be funded annually by  
108 appropriation and which shall contain moneys transferred or paid to the office of administration  
109 in return for goods and services provided by the office of administration to any governmental  
110 entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve  
111 disbursements from the fund for the purchase of goods or services at the request of the  
112 commissioner of administration or the commissioner's designee. The provisions of section  
113 33.080, RSMo, notwithstanding, moneys in the fund shall not lapse, unless and then only to the  
114 extent to which the unencumbered balance at the close of any fiscal year exceeds [one-twelfth]  
115 **one-fourth** of the total amount appropriated, paid, or transferred to the fund during such fiscal  
116 year. The commissioner shall prepare an annual report of all receipts and expenditures from the  
117 fund.

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

120       13. The titles which are vested in the governor by or pursuant to this section to real  
121 property assigned to any of the educational institutions referred to in section 174.020, RSMo, on  
122 June 15, 1983, are hereby transferred to and vested in the board of regents of the respective  
123 educational institutions, and the titles to real property and other interests therein hereafter

124 acquired by or for the use of any such educational institution, notwithstanding provisions of this  
125 section, shall vest in the board of regents of the educational institution. The board of regents  
126 may not convey or otherwise transfer the title to or other interest in such real property unless the  
127 conveyance or transfer is first authorized by an act of the general assembly, except as provided  
128 in section 174.042, RSMo, and except that the board of regents may grant easements over, in and  
129 under such real property without further legislative action.

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

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

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

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

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