

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1140
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Government Affairs April 17, 2008 with recommendation that House Committee Substitute for Senate Bill No. 1140 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

5114L.02C

AN ACT

To repeal sections 33.103 and 37.005, RSMo, and to enact in lieu thereof two 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:

Section A. Sections 33.103 and 37.005, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 33.103 and 37.005, to read as follows:

33.103. 1. Whenever the employees of any state department, division or agency establish
2 any voluntary retirement plan, or participate in any group hospital service plan, group life
3 insurance plan, medical service plan or other such plan, or if they are members of an employee
4 collective bargaining organization, or if they participate in a group plan for uniform rental, the
5 commissioner of administration may deduct from such employees' compensation warrants the
6 amount necessary for each employee's participation in the plan or collective bargaining dues,
7 provided that such dues deductions shall be made only from those individuals agreeing to such
8 deductions. Before such deductions are made, the person in charge of the department, division
9 or agency shall file with the commissioner of administration an authorization showing the names
10 of participating employees, the amount to be deducted from each such employee's compensation,
11 and the agent authorized to receive the deducted amounts. The amount deducted shall be paid
12 to the authorized agent in the amount of the total deductions by a warrant issued as provided by
13 law.

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.

14 2. The commissioner of administration may, in the same manner, deduct from any state
15 employee's compensation warrant:

16 (1) Any amount authorized by the employee for the purchase of shares in a state
17 employees' credit union in Missouri;

18 (2) Any amount authorized by the employee for contribution to a fund resulting from a
19 united, joint community-wide solicitation or to a fund resulting from a nationwide solicitation
20 by charities rendering services or otherwise fulfilling charitable purposes if the fund is
21 administered in a manner requiring public accountability and public participation in policy
22 decisions;

23 (3) Any amount authorized by the employee for the payment of dues in an employee
24 association;

25 (4) Any amount determined to be owed by the employee to the state in accordance with
26 guidelines established by the commissioner of administration which shall include notice to the
27 employee and an appeal process;

28 (5) Any amount voluntarily assigned by the employee for payment of child support
29 obligations determined pursuant to chapter 452 or 454, RSMo; [and]

30 (6) Any amount authorized by the employee for contributions to any "qualified state
31 tuition program" pursuant to Section 529 of the Internal Revenue Code of 1986, as amended,
32 sponsored by the state of Missouri; **and**

33 **(7) Any amount for cafeteria plan administrative fees under subdivision (4) of**
34 **subsection 3 of this section.**

35 3. The commissioner of administration may establish a cafeteria plan in accordance with
36 Section 125 of Title 26 United States Code for state employees. The commissioner of
37 administration must file a written plan document to be filed in accordance with chapter 536,
38 RSMo. Employees must be furnished with a summary plan description one hundred twenty days
39 prior to the effective date of the plan. In connection with such plans, the commissioner may:

40 (1) Include as an option in the plan any employee benefit, otherwise available to state
41 employees, administered by a statutorily created retirement system;

42 (2) Provide and administer, or select companies on the basis of competitive bids or
43 proposals to provide or administer, any group insurance, or other plan which may be included
44 as part of a cafeteria plan, provided such plan is not duplicative of any other plan, otherwise
45 available to state employees, administered by a statutorily created retirement system;

46 (3) Include as an option in the plan any other product eligible under Section 125 of Title
47 26 of the United States Code **the selection of which may be solicited by a vendor on site in**
48 **state facilities**, subject to regulations promulgated by the office of administration, and including

49 payment to the state by vendors providing those products for the cost of administering those
50 deductions, as set by the office of administration; and

51 (4) Reduce each [participating] employee's compensation warrant by the amount
52 necessary for each employee's participation in the cafeteria plan, [provided that such salary
53 reduction shall be made only with respect to those individuals agreeing to such reduction] **except**
54 **for those individual employees who affirmatively elect not to participate in the cafeteria**
55 **plan.** No such reduction in salary for the purpose of participation in a cafeteria plan shall have
56 the effect of reducing the compensation amount used in calculating the state employee's
57 retirement benefit under a statutorily created retirement system or reducing the compensation
58 amount used in calculating the state employee's compensation or wages for purposes of any
59 workers' compensation claim governed by chapter 287, RSMo.

60 4. Employees may authorize deductions as provided in this section in writing or by
61 electronic enrollment.

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

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

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

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

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

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

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

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

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

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

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

57 (3) Establish standards for the development of annual data processing application plans
58 for each of the service centers. These standards shall include review of post-implementation

59 audits. These annual plans shall be on file in the office of administration and shall be the basis
60 for equipment approval requests;

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

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

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

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

77 10. 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-eighth** of the total amount appropriated, paid, or transferred to the fund during such fiscal
116 year, **and upon approval of the oversight division of the joint committee on legislative**
117 **research.** The commissioner shall prepare an annual report of all receipts and expenditures from
118 the fund.

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

121 13. The titles which are vested in the governor by or pursuant to this section to real
122 property assigned to any of the educational institutions referred to in section 174.020, RSMo, on
123 June 15, 1983, are hereby transferred to and vested in the board of regents of the respective
124 educational institutions, and the titles to real property and other interests therein hereafter
125 acquired by or for the use of any such educational institution, notwithstanding provisions of this
126 section, shall vest in the board of regents of the educational institution. The board of regents
127 may not convey or otherwise transfer the title to or other interest in such real property unless the
128 conveyance or transfer is first authorized by an act of the general assembly, except as provided
129 in section 174.042, RSMo, and except that the board of regents may grant easements over, in and
130 under such real property without further legislative action.

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

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

143 16. All powers, duties, and functions vested in the administrative hearing commission,
144 sections 621.015 to 621.205, RSMo, and others, are transferred to the office of administration
145 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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