

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1494

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

3897L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the transfer of property by state universities.

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Section A. Section 37.005, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 37.005, to read as follows: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-eighth of
115 the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon
116 approval of the oversight division of the joint committee on legislative research. The
117 commissioner shall prepare an annual report of all receipts and expenditures from the 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.

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