

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 578, Page 1, Section A, Line 2, by inserting after all of said line the following:

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

4. The commissioner of administration shall replace the director of revenue as a member of the board of fund commissioners and assume all duties and responsibilities assigned to the

1 director of revenue by sections 33.300 to 33.540 relating to duties as a member of the board and
2 matters relating to bonds and bond coupons.

3 5. All the powers, duties and functions of the administrative services section, section
4 33.580 and others, are transferred by a type I transfer to the office of administration and the
5 administrative services section is abolished.

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

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

20 8. The commissioner of administration is hereby authorized to coordinate and control the
21 acquisition and use of electronic data processing (EDP) and automatic data processing (ADP) in
22 the executive branch of state government. For this purpose, the office of administration will have
23 authority to:

24 (1) Develop and implement a long-range computer facilities plan for the use of EDP and
25 ADP in Missouri state government. Such plan may cover, but is not limited to, operational
26 standards, standards for the establishment, function and management of service centers,

1 coordination of the data processing education, and planning standards for application development
2 and implementation;

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

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

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

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

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

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

24 9. Except as provided in subsection 12 of this section, the fee title to all real property now
25 owned or hereafter acquired by the state of Missouri, or any department, division, commission,
26 board or agency of state government, other than real property owned or possessed by the state

1 highways and transportation commission, conservation commission, state department of natural
2 resources, and the University of Missouri, shall on May 2, 1974, vest in the governor. The
3 governor may not convey or otherwise transfer the title to such real property, unless such
4 conveyance or transfer is first authorized by an act of the general assembly. The provisions of this
5 subsection requiring authorization of a conveyance or transfer by an act of the general assembly
6 shall not, however, apply to the granting or conveyance of an easement to any rural electric
7 cooperative as defined in chapter 394, municipal corporation, quasi-governmental corporation
8 owning or operating a public utility, or a public utility, except railroads, as defined in chapter 386.
9 The governor, with the approval of the board of public buildings, may, upon the request of any
10 state department, agency, board or commission not otherwise being empowered to make its own
11 transfer or conveyance of any land belonging to the state of Missouri which is under the control
12 and custody of such department, agency, board or commission, grant or convey without further
13 legislative action, for such consideration as may be agreed upon, easements across, over, upon or
14 under any such state land to any rural electric cooperative, as governed in chapter 394, municipal
15 corporation, or quasi-governmental corporation owning or operating a public utility, or a public
16 utility, except railroad, as defined in chapter 386. The easement shall be for the purpose of
17 promoting the general health, welfare and safety of the public and shall include the right of ingress
18 or egress for the purpose of constructing, maintaining or removing any pipeline, power line, sewer
19 or other similar public utility installation or any equipment or appurtenances necessary to the
20 operation thereof, except that railroad as defined in chapter 386 shall not be included in the
21 provisions of this subsection unless such conveyance or transfer is first authorized by an act of the
22 general assembly. The easement shall be for such consideration as may be agreed upon by the
23 parties and approved by the board of public buildings. The attorney general shall approve the
24 form of the instrument of conveyance. The commissioner of administration shall prepare
25 management plans for such properties in the manner set out in subsection 7 of this section.

26 10. The commissioner of administration shall administer a revolving "Administrative

Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval of the oversight division of the joint committee on legislative research. The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

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

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

13. Notwithstanding any provision of subsection 12 of this section to the contrary, the board of governors of Missouri Western State University, University of Central Missouri, Missouri State University, or Missouri Southern State University, or the board of regents of

1 Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State
2 University, or the board of curators of Lincoln University may convey or otherwise transfer for
3 fair market value, except in fee simple, the title to or other interest in such real property without
4 authorization by an act of the general assembly. The provisions of this subsection shall expire
5 August 28, [2014] 2017.

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

11 15. All powers, duties, and functions vested in the administrative hearing commission,
12 sections 621.015 to 621.205 and others, are transferred to the office of administration by a type III
13 transfer.” ; and
14

15 Further amend said bill, Page 13, Section 12, Line 18, by inserting after all of said line, the
16 following:

17 “Section B. Because immediate action is necessary to provide timely responses to
18 potential property lessors, the repeal and reenactment of Section 37.005 of Section A of this act is
19 deemed necessary for the immediate preservation of the public health, welfare, peace and safety,
20 and is hereby declared to be an emergency act within the meaning of the constitution, and the
21 repeal and reenactment of Section 37.005 of Section A of this act shall be in full force and effect
22 upon its passage and approval.”; and
23

24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.