

FIRST REGULAR SESSION

# HOUSE BILL NO. 538

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FITZWATER (144).

1166H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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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Section A. Section 37.005, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 37.005, to read as follows: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 director of the division of facilities management, design and construction.

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

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.

18 shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of  
19 1974.

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

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

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

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

41 8. The commissioner of administration is hereby authorized to coordinate and control  
42 the acquisition and use of network, telecommunications, and data processing services in the  
43 executive branch of state government. For this purpose, the office of administration will have  
44 authority to:

45 (1) Develop and implement a long-range computer facilities plan for the use of network,  
46 telecommunications, and data processing services in Missouri state government. Such plan may  
47 cover, but is not limited to, operational standards, standards for the establishment, function and  
48 management of service centers, coordination of the data processing education, and planning  
49 standards for application development and implementation;

50 (2) Approve all additions and deletions of network, telecommunications, and data  
51 processing services hardware, software, and support services, and service centers;

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

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

(4) Review of all state network, telecommunications, and data processing services applications to assure conformance with the state information systems plan, and the information systems plans of state agencies and service centers;

(5) Establish procurement procedures for network, telecommunications, and data processing services hardware, software, and support service;

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

(7) Establish procedures for the receipt of service center charges and payments for operation of the service centers.

The commissioner shall maintain a complete inventory of all state-owned or -leased network, telecommunications, and data processing services equipment, and annually submit a report to the general assembly which shall include starting and ending network, telecommunications, and data processing services costs for the fiscal year previously ended, and the reasons for major increases or variances between starting and ending costs. The commissioner shall also adopt, after public hearing, rules and regulations designed to protect the rights of privacy of the citizens of this state and the confidentiality of information contained in computer tapes or other storage devices to the maximum extent possible consistent with the efficient operation of the office of administration and contracting state agencies.

9. Except as provided in subsection 12 of this section, the fee title to all real property now owned or hereafter acquired by the state of Missouri, or any department, division, commission, board or agency of state government, other than real property owned or possessed by the state highways and transportation commission, conservation commission, state department of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor. The governor may not convey or otherwise transfer the title to such real property, unless such conveyance or transfer is first authorized by an act of the general assembly. The provisions of this subsection requiring authorization of a conveyance or transfer by an act of the general assembly shall not, however, apply to the granting or conveyance of an easement **for any purpose to any political subdivision of the state; a rural electric cooperative as defined in chapter 394[; municipal corporation, quasi-governmental corporation owning or operating a public utility, or]; a public utility, except [railroads] a railroad, as defined in chapter 386; or to accommodate utility service, including electrical, gas, steam, water, sewer, telephone, internet, or similar utility service, extended upon or provided to state property or facilities; to accommodate rights of access, ingress and egress on or to any state property or facilities; or to facilitate the construction, location, relocation, or use of any common elements of**

90 **condominium property if the state is a unit owner within the condominium development.**

91 The governor, with the approval of the board of public buildings, may, upon the request of any  
92 state department, agency, board or commission not otherwise being empowered to make its own  
93 transfer or conveyance of any land belonging to the state of Missouri which is under the control  
94 and custody of such department, agency, board or commission, grant or convey without further  
95 legislative action, for such consideration as may be agreed upon, easements across, over, upon  
96 or under any such state land to any **political subdivision of the state; a rural electric**  
97 **cooperative[;]** as **[governed]** **defined** in chapter 394~~[, municipal corporation, or~~  
98 ~~quasi-governmental corporation owning or operating a public utility, or]~~ ; a public utility, except  
99 **a railroad, as defined in chapter 386; or to accommodate utility service, including electrical,**  
100 **gas, steam, water, sewer, telephone, internet, or similar utility service, extended upon or**  
101 **provided to state property or facilities; to accommodate rights of access, ingress and egress**  
102 **on or to state property or facilities; or to facilitate the construction, location, relocation, or**  
103 **use of any common elements of condominium property if the state is a unit owner within**  
104 **the condominium development.** The easement shall be for the purpose of promoting the  
105 general health, welfare and safety of the public and shall include the right of **access**, ingress or  
106 egress for the purpose of constructing, maintaining or removing any **street, roadway, sidewalk,**  
107 **public right-of-way or thoroughfare**, pipeline, power line, **gas line, water or steam line,**  
108 **telephone line, internet cable, sewer line**, or other similar ~~[public utility]~~ installation or any  
109 equipment or appurtenances necessary to the operation thereof~~;~~ ; except that, a railroad as  
110 defined in chapter 386 shall not be included in the provisions of this subsection unless such  
111 conveyance or transfer is first authorized by an act of the general assembly. The easement shall  
112 be for such consideration as may be agreed upon by the parties and approved by the board of  
113 public buildings. The attorney general shall approve the form of the instrument of conveyance.  
114 The commissioner of administration shall prepare management plans for such properties in the  
115 manner set out in subsection 7 of this section.

116 10. The commissioner of administration shall administer a revolving "Administrative  
117 Trust Fund" which shall be established by the state treasurer which shall be funded annually by  
118 appropriation and which shall contain moneys transferred or paid to the office of administration  
119 in return for goods and services provided by the office of administration to any governmental  
120 entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve  
121 disbursements from the fund for the purchase of goods or services at the request of the  
122 commissioner of administration or the commissioner's designee. The provisions of section  
123 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent  
124 to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total  
125 amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval

126 of the oversight division of the joint committee on legislative research. The commissioner shall  
127 prepare an annual report of all receipts and expenditures from the fund.

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

130         12. The titles which are vested in the governor by or pursuant to this section to real  
131 property assigned to any of the educational institutions referred to in section 174.020 on June 15,  
132 1983, are hereby transferred to and vested in the board of regents of the respective educational  
133 institutions, and the titles to real property and other interests therein hereafter acquired by or for  
134 the use of any such educational institution, notwithstanding provisions of this section, shall vest  
135 in the board of regents of the educational institution. The board of regents may not convey or  
136 otherwise transfer the title to or other interest in such real property unless the conveyance or  
137 transfer is first authorized by an act of the general assembly, except as provided in section  
138 174.042, and except that the board of regents may grant easements over, in and under such real  
139 property without further legislative action.

140         13. Notwithstanding any provision of subsection 12 of this section to the contrary, the  
141 board of governors of Missouri Western State University, University of Central Missouri,  
142 Missouri State University, or Missouri Southern State University, or the board of regents of  
143 Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State  
144 University, or the board of curators of Lincoln University may convey or otherwise transfer for  
145 fair market value, except in fee simple, the title to or other interest in such real property without  
146 authorization by an act of the general assembly.

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

152         15. All powers, duties, and functions vested in the administrative hearing commission,  
153 sections 621.015 to 621.205 and others, are transferred to the office of administration by a type  
154 III transfer.

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