

SECOND REGULAR SESSION

HOUSE BILL NO. 2289

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OWEN.

5589H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the real estate fund.

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Section A. Section 37.005, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 37.005, to read as follows: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

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 37.080. All employees transferred shall be covered by the provisions of chapter 36 and the
19 Omnibus State Reorganization Act of 1974.

20 4. The commissioner of administration shall replace the director of revenue as a
21 member of the board of fund commissioners and assume all duties and responsibilities
22 assigned to the director of revenue by sections 33.300 to 33.540 relating to duties as a
23 member of the board and 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,
28 cause to be prepared a comprehensive plan of the state's field operations, buildings owned or
29 rented and the communications systems of state agencies. Such a plan shall place priority on
30 improved availability of services throughout the state, consolidation of space occupancy and
31 economy in operations.

32 7. The commissioner of administration shall from time to time examine the space
33 needs of the agencies of state government and space available and shall, with the approval of
34 the board of public buildings, assign and reassign space in property owned, leased or
35 otherwise controlled by the state. Any other law to the contrary notwithstanding, upon a
36 determination by the commissioner that all or part of any property is in excess of the needs of
37 any state agency, the commissioner may lease such property to a private or government entity.
38 Any revenue received from the lease of such property shall be deposited into the fund or
39 funds from which moneys for rent, operations or purchase have been appropriated. The
40 commissioner shall establish by rule 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
46 network, telecommunications, and data processing services in Missouri state government.
47 Such plan may cover, but is not limited to, operational standards, standards for the
48 establishment, function and management of service centers, coordination of the data
49 processing education, and planning standards for application development and
50 implementation;

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

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

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

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

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

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

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

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

76 9. Except as provided in subsection 12 of this section, the fee title to all real property
77 now owned or hereafter acquired by the state of Missouri, or any department, division,
78 commission, board or agency of state government, other than real property owned or
79 possessed by the state highways and transportation commission, conservation commission,
80 state department of natural resources, and the University of Missouri, shall on May 2, 1974,
81 vest in the governor. The governor may not convey or otherwise transfer the title to such real
82 property, unless such conveyance or transfer is first authorized by an act of the general
83 assembly. The provisions of this subsection requiring authorization of a conveyance or
84 transfer by an act of the general assembly shall not, however, apply to the granting or
85 conveyance of an easement for any purpose to any political subdivision of the state; a rural
86 electric cooperative as defined in chapter 394; a public utility, except a railroad, as defined in
87 chapter 386; or to accommodate utility service, including electrical, gas, steam, water, sewer,
88 telephone, internet, or similar utility service, extended upon or provided to state property or
89 facilities; to accommodate rights of access, ingress and egress on or to any state property or
90 facilities; or to facilitate the construction, location, relocation, or use of any common elements
91 of condominium property if the state is a unit owner within the condominium development.

92 The governor, with the approval of the board of public buildings, may, upon the request of
93 any state department, agency, board or commission not otherwise being empowered to make
94 its own transfer or conveyance of any land belonging to the state of Missouri which is under
95 the control and custody of such department, agency, board or commission, grant or convey
96 without further legislative action, for such consideration as may be agreed upon, easements
97 across, over, upon or under any such state land to any political subdivision of the state; a rural
98 electric cooperative as defined in chapter 394; a public utility, except a railroad, as defined in
99 chapter 386; or to accommodate utility service, including electrical, gas, steam, water, sewer,
100 telephone, internet, or similar utility service, extended upon or provided to state property or
101 facilities; to accommodate rights of access, ingress and egress on or to state property or
102 facilities; or to facilitate the construction, location, relocation, or use of any common elements
103 of condominium property if the state is a unit owner within the condominium development.
104 The easement shall be for the purpose of promoting the general health, welfare and safety of
105 the public and shall include the right of access, ingress or egress for the purpose of
106 constructing, maintaining or removing any street, roadway, sidewalk, public right-of-way or
107 thoroughfare, pipeline, power line, gas line, water or steam line, telephone line, internet cable,
108 sewer line, or other similar installation or any equipment or appurtenances necessary to the
109 operation thereof; except that, a railroad as defined in chapter 386 shall not be included in the
110 provisions of this subsection unless such conveyance or transfer is first authorized by an act
111 of the general assembly. The easement shall be for such consideration as may be agreed upon
112 by the parties and approved by the board of public buildings. The attorney general shall
113 approve the form of the instrument of conveyance. The commissioner of administration shall
114 prepare management plans for such properties in the manner set out in subsection 7 of this
115 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
118 by appropriation and which shall contain moneys transferred or paid to the office of
119 administration in return for goods and services provided by the office of administration to any
120 governmental entity or to the public. The state treasurer shall be the custodian of the fund,
121 and shall approve disbursements from the fund for the purchase of goods or services at the
122 request of the commissioner of administration or the commissioner's designee. The
123 provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse, unless and
124 then only to the extent to which the unencumbered balance at the close of any fiscal year
125 exceeds one-eighth of the total amount appropriated, paid, or transferred to the fund during
126 such fiscal year, and upon approval of the oversight division of the joint committee on
127 legislative research. The commissioner shall prepare an annual report of all receipts and
128 expenditures from the fund.

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

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

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

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

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

156 **16. (1) All proceeds from the sale of real property owned by the state of**
157 **Missouri shall be deposited in the real estate fund created in this subsection. The fund**
158 **may also receive funds appropriated by the general assembly for the purposes of this**
159 **subsection. Moneys in the fund shall be used for the sole purpose of acquiring interest**
160 **in real property to be used to support state operations.**

161 **(2) There is hereby created in the state treasury the "Real Estate Fund", which**
162 **shall consist of moneys collected under the provisions of this subsection. The state**
163 **treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,**
164 **the state treasurer shall approve disbursements at the request of the commissioner of**
165 **administration or the commissioner's designee. The fund shall be a dedicated fund and,**

166 upon appropriation, moneys in this fund shall be used solely as provided in subdivision
167 (1) of this subsection.

168 (3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
169 remaining in the fund at the end of the biennium shall not revert to the credit of the
170 general revenue fund.

171 (4) The state treasurer shall invest moneys in the fund in the same manner as
172 other funds are invested. Any interest and moneys earned on such investments shall be
173 credited to the fund.

174 (5) The commissioner of administration shall prepare an annual report of all
175 receipts and expenditures from the fund.

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