

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 88 & 82

96TH GENERAL ASSEMBLY

Reported from the Committee on Governmental Accountability, March 31, 2011, with recommendation that the Senate Committee Substitute do pass.

0756S.02C

TERRY L. SPIELER, Secretary.

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Section A. Section 37.005, RSMo, is repealed and one new section enacted
2 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
2 continued as set forth in house bill 384, seventy-sixth general assembly and shall
3 be considered as a department within the meaning used in the Omnibus State
4 Reorganization Act of 1974. The commissioner of administration shall appoint
5 directors of all major divisions within the office of administration.

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

21 4. The commissioner of administration shall replace the director of
22 revenue as a member of the board of fund commissioners and assume all duties
23 and responsibilities assigned to the director of revenue by sections 33.300 to
24 33.540 relating to duties as a member of the board and matters relating to bonds
25 and bond coupons.

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

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

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

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

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

54 (2) Approve all additions and deletions of EDP and ADP hardware,

55 software, and support services, and service centers;

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

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

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

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

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

78 9. Except as provided in subsection 12 of this section, the fee title to all
79 real property now owned or hereafter acquired by the state of Missouri, or any
80 department, division, commission, board or agency of state government, other
81 than real property owned or possessed by the state highways and transportation
82 commission, conservation commission, state department of natural resources, and
83 the University of Missouri, shall on May 2, 1974, vest in the governor. The
84 governor may not convey or otherwise transfer the title to such real property,
85 unless such conveyance or transfer is first authorized by an act of the general
86 assembly. The provisions of this subsection requiring authorization of a
87 conveyance or transfer by an act of the general assembly shall not, however,
88 apply to the granting or conveyance of an easement to any rural electric
89 cooperative as defined in chapter 394, municipal corporation, quasi-governmental
90 corporation owning or operating a public utility, or a public utility, except

91 railroads, as defined in chapter 386. The governor, with the approval of the
92 board of public buildings, may, upon the request of any state department, agency,
93 board or commission not otherwise being empowered to make its own transfer or
94 conveyance of any land belonging to the state of Missouri which is under the
95 control and custody of such department, agency, board or commission, grant or
96 convey without further legislative action, for such consideration as may be agreed
97 upon, easements across, over, upon or under any such state land to any rural
98 electric cooperative, as governed in chapter 394, municipal corporation, or
99 quasi-governmental corporation owning or operating a public utility, or a public
100 utility, except railroad, as defined in chapter 386. The easement shall be for the
101 purpose of promoting the general health, welfare and safety of the public and
102 shall include the right of ingress or egress for the purpose of constructing,
103 maintaining or removing any pipeline, power line, sewer or other similar public
104 utility installation or any equipment or appurtenances necessary to the operation
105 thereof, except that railroad as defined in chapter 386 shall not be included in the
106 provisions of this subsection unless such conveyance or transfer is first authorized
107 by an act of the general assembly. The easement shall be for such consideration
108 as may be agreed upon by the parties and approved by the board of public
109 buildings. The attorney general shall approve the form of the instrument of
110 conveyance. The commissioner of administration shall prepare management
111 plans for such properties in the manner set out in subsection 7 of this section.

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

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

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

142 13. Notwithstanding any provision of subsection 12 of this section to the
143 contrary, the board of governors of Missouri Western State University,
144 **University of Central Missouri [State University]**, Missouri State University,
145 or Missouri Southern State University; or the board of regents of Southeast
146 Missouri State University, Northwest Missouri State University, or Harris-Stowe
147 State University; or the board of curators of Lincoln University may convey or
148 otherwise transfer **for fair market value**, except in fee simple, the title to or
149 other interest in such real property without authorization by an act of the general
150 assembly. [The provisions of this subsection shall expire August 28, 2011.]

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

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

✓