

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1140

94TH GENERAL ASSEMBLY

2008

5114L.02T

AN ACT

To repeal sections 33.103 and 37.005, RSMo, and to enact in lieu thereof two new sections relating to the office of administration, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 33.103 and 37.005, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 33.103 and 37.005, to
3 read as follows:

33.103. 1. Whenever the employees of any state department, division or
2 agency establish any voluntary retirement plan, or participate in any group
3 hospital service plan, group life insurance plan, medical service plan or other
4 such plan, or if they are members of an employee collective bargaining
5 organization, or if they participate in a group plan for uniform rental, the
6 commissioner of administration may deduct from such employees' compensation
7 warrants the amount necessary for each employee's participation in the plan or
8 collective bargaining dues, provided that such dues deductions shall be made only
9 from those individuals agreeing to such deductions. Before such deductions are
10 made, the person in charge of the department, division or agency shall file with
11 the commissioner of administration an authorization showing the names of
12 participating employees, the amount to be deducted from each such employee's
13 compensation, and the agent authorized to receive the deducted amounts. The
14 amount deducted shall be paid to the authorized agent in the amount of the total
15 deductions by a warrant issued as provided by law.

16 2. The commissioner of administration may, in the same manner, deduct
17 from any state employee's compensation warrant:

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

18 (1) Any amount authorized by the employee for the purchase of shares in
19 a state employees' credit union in Missouri;

20 (2) Any amount authorized by the employee for contribution to a fund
21 resulting from a united, joint community-wide solicitation or to a fund resulting
22 from a nationwide solicitation by charities rendering services or otherwise
23 fulfilling charitable purposes if the fund is administered in a manner requiring
24 public accountability and public participation in policy decisions;

25 (3) Any amount authorized by the employee for the payment of dues in an
26 employee association;

27 (4) Any amount determined to be owed by the employee to the state in
28 accordance with guidelines established by the commissioner of administration
29 which shall include notice to the employee and an appeal process;

30 (5) Any amount voluntarily assigned by the employee for payment of child
31 support obligations determined pursuant to chapter 452 or 454, RSMo; [and]

32 (6) Any amount authorized by the employee for contributions to any
33 "qualified state tuition program" pursuant to Section 529 of the Internal Revenue
34 Code of 1986, as amended, sponsored by the state of Missouri; **and**

35 **(7) Any amount for cafeteria plan administrative fees under**
36 **subdivision (4) of subsection 3 of this section.**

37 3. The commissioner of administration may establish a cafeteria plan in
38 accordance with Section 125 of Title 26 United States Code for state
39 employees. The commissioner of administration must file a written plan
40 document to be filed in accordance with chapter 536, RSMo. Employees must be
41 furnished with a summary plan description one hundred twenty days prior to the
42 effective date of the plan. In connection with such plans, the commissioner may:

43 (1) Include as an option in the plan any employee benefit, otherwise
44 available to state employees, administered by a statutorily created retirement
45 system;

46 (2) Provide and administer, or select companies on the basis of
47 competitive bids or proposals to provide or administer, any group insurance, or
48 other plan which may be included as part of a cafeteria plan, provided such plan
49 is not duplicative of any other plan, otherwise available to state employees,
50 administered by a statutorily created retirement system;

51 (3) Include as an option in the plan any other product eligible under
52 Section 125 of Title 26 of the United States Code **the selection of which may**
53 **be solicited by a vendor on site in state facilities**, subject to regulations

54 promulgated by the office of administration, and including payment to the state
55 by vendors providing those products for the cost of administering those
56 deductions, as set by the office of administration; and

57 (4) Reduce each [participating] employee's compensation warrant by the
58 amount necessary for each employee's participation in the cafeteria plan,
59 [provided that such salary reduction shall be made only with respect to those
60 individuals agreeing to such reduction] **except for those individual**
61 **employees who affirmatively elect not to participate in the cafeteria**
62 **plan.** No such reduction in salary for the purpose of participation in a cafeteria
63 plan shall have the effect of reducing the compensation amount used in
64 calculating the state employee's retirement benefit under a statutorily created
65 retirement system or reducing the compensation amount used in calculating the
66 state employee's compensation or wages for purposes of any workers'
67 compensation claim governed by chapter 287, RSMo.

68 4. Employees may authorize deductions as provided in this section in
69 writing or by electronic enrollment.

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
19 by section 37.080. All employees transferred shall be covered by the provisions
20 of chapter 36, RSMo, 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, RSMo, relating to duties as a member of the board and matters relating
25 to bonds and bond coupons.

26 5. All the powers, duties and functions of the administrative services
27 section, section 33.580, RSMo, and others, are transferred by a type I transfer to
28 the 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 shall make the selection of a
46 personnel director from the names of the three highest ranking available eligibles
47 as provided in section 36.080, RSMo. The personnel advisory board, the
48 personnel division and the personnel director in the office of administration shall
49 retain the functions, duties and powers prescribed in chapter 36,
50 RSMo. Members of the personnel advisory board shall be nominated by the
51 commissioner of administration and appointed by the governor with the advice
52 and consent of the senate.

53 9. The commissioner of administration is hereby authorized to coordinate
54 and control the acquisition and use of electronic data processing (EDP) and
55 automatic data processing (ADP) in the executive branch of state
56 government. For this purpose, the office of administration will have authority to:

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

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

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

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

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

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

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

86 10. Except as provided in subsection 13 of this section, the fee title to all
87 real property now owned or hereafter acquired by the state of Missouri, or any
88 department, division, commission, board or agency of state government, other
89 than real property owned or possessed by the state highways and transportation
90 commission, conservation commission, state department of natural resources, and
91 the University of Missouri, shall on May 2, 1974, vest in the governor. The
92 governor may not convey or otherwise transfer the title to such real property,

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

121 11. The commissioner of administration shall administer a revolving
122 "Administrative Trust Fund" which shall be established by the state treasurer
123 which shall be funded annually by appropriation and which shall contain moneys
124 transferred or paid to the office of administration in return for goods and services
125 provided by the office of administration to any governmental entity or to the
126 public. The state treasurer shall be the custodian of the fund, and shall approve
127 disbursements from the fund for the purchase of goods or services at the request
128 of the commissioner of administration or the commissioner's designee. The

129 provisions of section 33.080, RSMo, notwithstanding, moneys in the fund shall not
130 lapse, unless and then only to the extent to which the unencumbered balance at
131 the close of any fiscal year exceeds [one-twelfth] **one-eighth** of the total amount
132 appropriated, paid, or transferred to the fund during such fiscal year, **and upon**
133 **approval of the oversight division of the joint committee on legislative**
134 **research**. The commissioner shall prepare an annual report of all receipts and
135 expenditures from the fund.

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

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

151 14. Notwithstanding any provision of subsection 13 of this section to the
152 contrary, the board of governors of Missouri Western State University, Central
153 Missouri State University, Missouri State University, or Missouri Southern State
154 University; or the board of regents of Southeast Missouri State University,
155 Northwest Missouri State University, or Harris-Stowe State University; or the
156 board of curators of Lincoln University may convey or otherwise transfer, except
157 in fee simple, the title to or other interest in such real property without
158 authorization by an act of the general assembly. The provisions of this subsection
159 shall expire August 28, 2011.

160 15. All county sports complex authorities, and any sports complex
161 authority located in a city not within a county, in existence on August 13, 1986,
162 and organized under the provisions of sections 64.920 to 64.950, RSMo, are
163 assigned to the office of administration, but such authorities shall not be subject
164 to the provisions of subdivision (4) of subsection 6 of section 1 of the Omnibus

165 State Reorganization Act of 1974, Appendix B, RSMo, as amended.

166 16. All powers, duties, and functions vested in the administrative hearing
167 commission, sections 621.015 to 621.205, RSMo, and others, are transferred to the
168 office of administration by a type III transfer.

 Section B. Because immediate action is necessary to ensure the effective
2 transfer of state services, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect upon its passage and
6 approval.

Unofficial



Bill

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