

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 421

AN ACT

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

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Section 37.005, RSMo, is repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 37.005  
3 and 1, to read as follows:

4 37.005. 1. Except as provided herein, the office of  
5 administration shall be continued as set forth in house bill 384,  
6 seventy-sixth general assembly and shall be considered as a  
7 department within the meaning used in the Omnibus State  
8 Reorganization Act of 1974. The commissioner of administration  
9 shall appoint directors of all major divisions within the office  
10 of administration.

11 2. The commissioner of administration shall be a member of  
12 the governmental emergency fund committee as ex officio  
13 comptroller and the director of the department of revenue shall  
14 be a member in place of the director of the division of

1 facilities management, design and construction.

2 3. The office of administration is designated the "Missouri  
3 State Agency for Surplus Property" as required by Public Law 152,  
4 eighty-first Congress as amended, and related laws for disposal  
5 of surplus federal property. All the powers, duties and  
6 functions vested by sections 37.075 and 37.080, and others, are  
7 transferred by type I transfer to the office of administration as  
8 well as all property and personnel related to the duties. The  
9 commissioner shall integrate the program of disposal of federal  
10 surplus property with the processes of disposal of state surplus  
11 property to provide economical and improved service to state and  
12 local agencies of government. The governor shall fix the amount  
13 of bond required by section 37.080. All employees transferred  
14 shall be covered by the provisions of chapter 36 and the Omnibus  
15 State Reorganization Act of 1974.

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

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

26 6. The commissioner of administration shall, in addition to  
27 his or her other duties, cause to be prepared a comprehensive  
28 plan of the state's field operations, buildings owned or rented

1 and the communications systems of state agencies. Such a plan  
2 shall place priority on improved availability of services  
3 throughout the state, consolidation of space occupancy and  
4 economy in operations.

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

18 8. The commissioner of administration is hereby authorized  
19 to coordinate and control the acquisition and use of network,  
20 telecommunications, and data processing services in the executive  
21 branch of state government. For this purpose, the office of  
22 administration will have authority to:

23 (1) Develop and implement a long-range computer facilities  
24 plan for the use of network, telecommunications, and data  
25 processing services in Missouri state government. Such plan may  
26 cover, but is not limited to, operational standards, standards  
27 for the establishment, function and management of service  
28 centers, coordination of the data processing education, and

1 planning standards for application development and  
2 implementation;

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

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

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

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

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

21 (7) Establish procedures for the receipt of service center  
22 charges and payments for operation of the service centers.  
23 The commissioner shall maintain a complete inventory of all  
24 state-owned or -leased network, telecommunications, and data  
25 processing services equipment, and annually submit a report to  
26 the general assembly which shall include starting and ending  
27 network, telecommunications, and data processing services costs  
28 for the fiscal year previously ended, and the reasons for major

1 increases or variances between starting and ending costs. The  
2 commissioner shall also adopt, after public hearing, rules and  
3 regulations designed to protect the rights of privacy of the  
4 citizens of this state and the confidentiality of information  
5 contained in computer tapes or other storage devices to the  
6 maximum extent possible consistent with the efficient operation  
7 of the office of administration and contracting state agencies.

8 9. Except as provided in subsection 12 of this section, the  
9 fee title to all real property now owned or hereafter acquired by  
10 the state of Missouri, or any department, division, commission,  
11 board or agency of state government, other than real property  
12 owned or possessed by the state highways and transportation  
13 commission, conservation commission, state department of natural  
14 resources, and the University of Missouri, shall on May 2, 1974,  
15 vest in the governor. The governor may not convey or otherwise  
16 transfer the title to such real property, unless such conveyance  
17 or transfer is first authorized by an act of the general  
18 assembly. The provisions of this subsection requiring  
19 authorization of a conveyance or transfer by an act of the  
20 general assembly shall not, however, apply to the granting or  
21 conveyance of an easement for any purpose to any political  
22 subdivision of the state; a rural electric cooperative as defined  
23 in chapter 394[, municipal corporation, quasi-governmental  
24 corporation owning or operating a public utility, or]; a public  
25 utility, except [railroads] a railroad, as defined in chapter  
26 386; or to accommodate utility service, including electrical,  
27 gas, steam, water, sewer, telephone, internet, or similar utility  
28 service, extended upon or provided to state property or

1 facilities; to accommodate rights of access, ingress and egress  
2 on or to any state property or facilities; or to facilitate the  
3 construction, location, relocation, or use of any common elements  
4 of condominium property if the state is a unit owner within the  
5 condominium development. The governor, with the approval of the  
6 board of public buildings, may, upon the request of any state  
7 department, agency, board or commission not otherwise being  
8 empowered to make its own transfer or conveyance of any land  
9 belonging to the state of Missouri which is under the control and  
10 custody of such department, agency, board or commission, grant or  
11 convey without further legislative action, for such consideration  
12 as may be agreed upon, easements across, over, upon or under any  
13 such state land to any political subdivision of the state; a  
14 rural electric cooperative[,] as [governed] defined in chapter  
15 394[, municipal corporation, or quasi-governmental corporation  
16 owning or operating a public utility, or]; a public utility,  
17 except a railroad, as defined in chapter 386; or to accommodate  
18 utility service, including electrical, gas, steam, water, sewer,  
19 telephone, internet, or similar utility service, extended upon or  
20 provided to state property or facilities; to accommodate rights  
21 of access, ingress and egress on or to state property or  
22 facilities; or to facilitate the construction, location,  
23 relocation, or use of any common elements of condominium property  
24 if the state is a unit owner within the condominium development.  
25 The easement shall be for the purpose of promoting the general  
26 health, welfare and safety of the public and shall include the  
27 right of access, ingress or egress for the purpose of  
28 constructing, maintaining or removing any street, roadway,

1 sidewalk, public right-of-way or thoroughfare, pipeline, power  
2 line, gas line, water or steam line, telephone line, internet  
3 cable, sewer line, or other similar [public utility] installation  
4 or any equipment or appurtenances necessary to the operation  
5 thereof[,]; except that, a railroad as defined in chapter 386  
6 shall not be included in the provisions of this subsection unless  
7 such conveyance or transfer is first authorized by an act of the  
8 general assembly. The easement shall be for such consideration  
9 as may be agreed upon by the parties and approved by the board of  
10 public buildings. The attorney general shall approve the form of  
11 the instrument of conveyance. The commissioner of administration  
12 shall prepare management plans for such properties in the manner  
13 set out in subsection 7 of this section.

14 10. The commissioner of administration shall administer a  
15 revolving "Administrative Trust Fund" which shall be established  
16 by the state treasurer which shall be funded annually by  
17 appropriation and which shall contain moneys transferred or paid  
18 to the office of administration in return for goods and services  
19 provided by the office of administration to any governmental  
20 entity or to the public. The state treasurer shall be the  
21 custodian of the fund, and shall approve disbursements from the  
22 fund for the purchase of goods or services at the request of the  
23 commissioner of administration or the commissioner's designee.  
24 The provisions of section 33.080 notwithstanding, moneys in the  
25 fund shall not lapse, unless and then only to the extent to which  
26 the unencumbered balance at the close of any fiscal year exceeds  
27 one-eighth of the total amount appropriated, paid, or transferred  
28 to the fund during such fiscal year, and upon approval of the

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

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

7 12. The titles which are vested in the governor by or  
8 pursuant to this section to real property assigned to any of the  
9 educational institutions referred to in section 174.020 on June  
10 15, 1983, are hereby transferred to and vested in the board of  
11 regents of the respective educational institutions, and the  
12 titles to real property and other interests therein hereafter  
13 acquired by or for the use of any such educational institution,  
14 notwithstanding provisions of this section, shall vest in the  
15 board of regents of the educational institution. The board of  
16 regents may not convey or otherwise transfer the title to or  
17 other interest in such real property unless the conveyance or  
18 transfer is first authorized by an act of the general assembly,  
19 except as provided in section 174.042, and except that the board  
20 of regents may grant easements over, in and under such real  
21 property without further legislative action.

22 13. Notwithstanding any provision of subsection 12 of this  
23 section to the contrary, the board of governors of Missouri  
24 Western State University, University of Central Missouri,  
25 Missouri State University, or Missouri Southern State University,  
26 or the board of regents of Southeast Missouri State University,  
27 Northwest Missouri State University, or Harris-Stowe State  
28 University, or the board of curators of Lincoln University may



1 convey or otherwise transfer for fair market value, except in fee  
2 simple, the title to or other interest in such real property  
3 without authorization by an act of the general assembly.

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

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

16 Section 1. 1. The director of the department of natural  
17 resources is hereby authorized and empowered to sell, transfer,  
18 grant, convey, remise, release, and forever quitclaim to all  
19 interest of the department of natural resources in property  
20 located in Jackson County, Missouri, to the City of Independence.  
21 The property to be conveyed is more particularly described as  
22 follows:

23 TRACT I:

24  
25 All of Lots 5, 8, 9 and 12, Catherine Atkins  
26 Subdivision of Lot 7 of Woodson's Subdivision of Lots  
27 93, 130, 131 and 142, OLD TOWN OF INDEPENDENCE, a  
28 Subdivision in Independence, Jackson County, Missouri,  
29 lying North of the Lexington Branch of the Missouri  
30 Pacific Railroad.

31  
32 TRACT III:  
33

1 All of the West half of Lot 141, OLD TOWN OF  
2 INDEPENDENCE, a Subdivision in Independence, Jackson  
3 County, Missouri, lying North of the Lexington Branch  
4 of the Missouri Pacific Railroad.

5  
6 TRACT IV:

7  
8 All of the South 281 1/2 feet of the East ahlf of Lot  
9 141, OLD TOWN OF INDEPENDENCE, a Subdivision in  
10 Independence, Jackson County, Missouri, except the  
11 South 166 1/2 feet thereof and except ALL that part of  
12 Lot 141. OLD TOWN INDEPENDENCE, a Subdivision in  
13 Independence, Jackson County, Missouri, described as  
14 follows: Commencing at the Southeast corner of said  
15 Lot 141; thence North along the East line of said Lot  
16 141, a distance of 166 1/2 feet to the true point of  
17 beginning; thence continuing North along said East line  
18 of said Lot 141, a distance of 115 feet; thence West  
19 100 feet; thence South 115 feet; thence East to the  
20 point of beginning, according to the recorded plat  
21 thereof.

22  
23 TRACT V:

24  
25 All of the West half of Lot 141, OLD TOWN OF  
26 INDEPENDENCE, a Subdivision in Independence, Jackson  
27 County, Missouri, lying South of the Lexington Branch  
28 of the Missouri Pacific Railroad, except the South 166  
29 1/2 feet thereof.

30  
31 TRACT II:

32  
33 All of Lot 12, Catherine Atkins Subdivision of Lot 7 of  
34 Woodson's Subdivision of Lots 93, 130, 131 and 142, OLD  
35 TOWN OF INDEPENDENCE, a Subdivision in Independence,  
36 Jackson County, Missouri lying South of the Lexington  
37 Branch of Missouri Pacific Railroad.

38  
39 TRACT VI:

40  
41 All of the South 166 1/2 feet of Lot 141, OLD TOWN OF  
42 INDEPENDENCE, a Subdivision in Independence, Jackson  
43 County, Missouri, except the South 30 feet thereof in  
44 street.

45  
46 Eugene L. Selders and Monica T. Selders were husband  
47 and wife when they acquired title to the premises in  
48 question and remained husband and wife, continuously,  
49 never having been dicorced, until the date of his death  
50 on June24, 1979 at Kansas City, Jackson County,  
51 Missouri.

