

FIRST REGULAR SESSION

# SENATE BILL NO. 148

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0322S.011

## AN ACT

To repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to the governor's authority to make certain conveyances of state property.

*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Section A. Section 37.005, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 37.005, to read as follows: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 shall be covered by the provisions

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

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 network, telecommunications, and data  
47 processing services in the executive branch of state government. For this  
48 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 network, telecommunications, and data processing services in Missouri  
51 state government. Such plan may cover, but is not limited to, operational  
52 standards, standards for the establishment, function and management of service  
53 centers, coordination of the data processing education, and planning standards  
54 for application development and implementation;

55 (2) Approve all additions and deletions of network, telecommunications,

56 and data processing services hardware, software, and support services, and  
57 service centers;

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

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

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

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

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

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

82 9. Except as provided in subsection 12 of this section, the fee title to all  
83 real property now owned or hereafter acquired by the state of Missouri, or any  
84 department, division, commission, board or agency of state government, other  
85 than real property owned or possessed by the state highways and transportation  
86 commission, conservation commission, state department of natural resources, and  
87 the University of Missouri, shall on May 2, 1974, vest in the governor. The  
88 governor may not convey or otherwise transfer the title to such real property,  
89 unless such conveyance or transfer is first authorized by an act of the general  
90 assembly. The provisions of this subsection requiring authorization of a  
91 conveyance or transfer by an act of the general assembly shall not, however,

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

128 is first authorized by an act of the general assembly. The easement shall be for  
129 such consideration as may be agreed upon by the parties and approved by the  
130 board of public buildings. The attorney general shall approve the form of the  
131 instrument of conveyance. The commissioner of administration shall prepare  
132 management plans for such properties in the manner set out in subsection 7 of  
133 this section.

134         10. The commissioner of administration shall administer a revolving  
135 "Administrative Trust Fund" which shall be established by the state treasurer  
136 which shall be funded annually by appropriation and which shall contain moneys  
137 transferred or paid to the office of administration in return for goods and services  
138 provided by the office of administration to any governmental entity or to the  
139 public. The state treasurer shall be the custodian of the fund, and shall approve  
140 disbursements from the fund for the purchase of goods or services at the request  
141 of the commissioner of administration or the commissioner's designee. The  
142 provisions of section 33.080 notwithstanding, moneys in the fund shall not lapse,  
143 unless and then only to the extent to which the unencumbered balance at the  
144 close of any fiscal year exceeds one-eighth of the total amount appropriated, paid,  
145 or transferred to the fund during such fiscal year, and upon approval of the  
146 oversight division of the joint committee on legislative research. The  
147 commissioner shall prepare an annual report of all receipts and expenditures  
148 from the fund.

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

152         12. The titles which are vested in the governor by or pursuant to this  
153 section to real property assigned to any of the educational institutions referred  
154 to in section 174.020 on June 15, 1983, are hereby transferred to and vested in  
155 the board of regents of the respective educational institutions, and the titles to  
156 real property and other interests therein hereafter acquired by or for the use of  
157 any such educational institution, notwithstanding provisions of this section, shall  
158 vest in the board of regents of the educational institution. The board of regents  
159 may not convey or otherwise transfer the title to or other interest in such real  
160 property unless the conveyance or transfer is first authorized by an act of the  
161 general assembly, except as provided in section 174.042, and except that the  
162 board of regents may grant easements over, in and under such real property  
163 without further legislative action.

164           13. Notwithstanding any provision of subsection 12 of this section to the  
165 contrary, the board of governors of Missouri Western State University, University  
166 of Central Missouri, Missouri State University, or Missouri Southern State  
167 University, or the board of regents of Southeast Missouri State University,  
168 Northwest Missouri State University, or Harris-Stowe State University, or the  
169 board of curators of Lincoln University may convey or otherwise transfer for fair  
170 market value, except in fee simple, the title to or other interest in such real  
171 property without authorization by an act of the general assembly.

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

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

Bill ✓

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