

SECOND REGULAR SESSION

# SENATE BILL NO. 596

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3113S.02I

## AN ACT

To repeal sections 37.005 and 226.220, RSMo, and to enact in lieu thereof three new sections relating to the conveyance of state property to third parties.

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

Section A. Section 37.005 and 226.220, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 8.297, 37.005, and  
3 226.220, to read as follows:

8.297. 1. The office of administration is hereby authorized to sell,  
2 lease or otherwise transfer certain unused or underutilized real  
3 property now owned or henceforth acquired by the state of Missouri,  
4 or any department, division, commission, board or agency of state  
5 government, other than real property owned or possessed by the state  
6 highways and transportation commission, conservation commission,  
7 state department of natural resources and the University of Missouri,  
8 to a for-profit or not-for-profit entity.

9 2. The office of administration shall be responsible for  
10 determining what state property is unused or underutilized. The office  
11 of administration may contract with a real estate broker licensed under  
12 chapter 339 to facilitate the conveyance of interest in such unused or  
13 underutilized real property; however, such contracts shall only  
14 authorize the real estate broker to collect a fee of up to twenty-five  
15 percent of the value of such sale or lease. Moneys from such sales or  
16 leases shall be deposited into the state road fund as provided in section  
17 226.220.

18 3. The office of administration shall be responsible for providing

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

19 **an annual report on its website that details all leases and sales made**  
20 **under this section.**

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 director of the  
9 division of facilities management, design and construction.

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 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. **Except**  
88 **as provided in section 8.297,** the governor may not convey or otherwise  
89 transfer the title to such real property, unless such conveyance or transfer is first  
90 authorized by an act of the general assembly. The provisions of this subsection  
91 requiring authorization of a conveyance or transfer by an act of the general  
92 assembly shall not, however, apply to the granting or conveyance of an easement  
93 for any purpose to any political subdivision of the state; a rural electric  
94 cooperative as defined in chapter 394; a public utility, except a railroad, as  
95 defined in chapter 386; or to accommodate utility service, including electrical, gas,  
96 steam, water, sewer, telephone, internet, or similar utility service, extended upon  
97 or provided to state property or facilities; to accommodate rights of access, ingress  
98 and egress on or to any state property or facilities; or to facilitate the  
99 construction, location, relocation, or use of any common elements of condominium  
100 property if the state is a unit owner within the condominium development. The  
101 governor, with the approval of the board of public buildings, may, upon the  
102 request of any state department, agency, board or commission not otherwise being  
103 empowered to make its own transfer or conveyance of any land belonging to the  
104 state of Missouri which is under the control and custody of such department,  
105 agency, board or commission, grant or convey without further legislative action,  
106 for such consideration as may be agreed upon, easements across, over, upon or

107 under any such state land to any political subdivision of the state; a rural electric  
108 cooperative as defined in chapter 394; a public utility, except a railroad, as  
109 defined in chapter 386; or to accommodate utility service, including electrical, gas,  
110 steam, water, sewer, telephone, internet, or similar utility service, extended upon  
111 or provided to state property or facilities; to accommodate rights of access, ingress  
112 and egress on or to state property or facilities; or to facilitate the construction,  
113 location, relocation, or use of any common elements of condominium property if  
114 the state is a unit owner within the condominium development. The easement  
115 shall be for the purpose of promoting the general health, welfare and safety of the  
116 public and shall include the right of access, ingress or egress for the purpose of  
117 constructing, maintaining or removing any street, roadway, sidewalk, public  
118 right-of-way or thoroughfare, pipeline, power line, gas line, water or steam line,  
119 telephone line, internet cable, sewer line, or other similar installation or any  
120 equipment or appurtenances necessary to the operation thereof; except that, a  
121 railroad as defined in chapter 386 shall not be included in the provisions of this  
122 subsection unless such conveyance or transfer is first authorized by an act of the  
123 general assembly. The easement shall be for such consideration as may be agreed  
124 upon by the parties and approved by the board of public buildings. The attorney  
125 general shall approve the form of the instrument of conveyance. The  
126 commissioner of administration shall prepare management plans for such  
127 properties in the manner set out in subsection 7 of this section.

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

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

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

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

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

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

          226.220. 1. There is hereby created and set up the "State Road Fund"  
2      which shall receive all moneys and credits from:

3           (1) The sale of state road bonds;

4           (2) The United States government and intended for highway purposes;

5 (3) The state road bond and interest sinking fund as provided in section  
6 226.210; [and]

7 (4) **The sale or lease of state land by the office of administration**  
8 **as provided in section 8.297; and**

9 (5) Any other source if they are held for expenditure by or under the  
10 department of transportation or the state highways and transportation  
11 commission and if they are not required by section 226.200 to be transferred to  
12 the state highway department fund.

13 2. The costs and expenses withdrawn from the state treasury:

14 (1) For locating, relocating, establishing, acquiring, reimbursing for,  
15 constructing, improving and maintaining state highways in the systems specified  
16 in Article IV, Section 30(b), of the Constitution;

17 (2) For acquiring materials, equipment and buildings; and

18 (3) For other purposes and contingencies relating and appertaining to the  
19 construction and maintenance of said highways shall be paid from the state road  
20 fund upon warrants drawn by the state auditor, based upon bills of particulars  
21 and vouchers preapproved and certified for payment by the commissioner of  
22 administration and by the state highways and transportation commission acting  
23 through such of their employees as may be designated by them.

24 3. No payments or transfers shall ever be made from the state road fund  
25 except for an expenditure made:

26 (1) Under the supervision and direction of the state highways and  
27 transportation commission; and:

28 (2) For a purpose set out in Subparagraph (1), (2), (3), (4), or (5) of Section  
29 30(b), Article IV, of the Constitution.

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