

SECOND REGULAR SESSION

SENATE BILL NO. 1578

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

6732S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 37.005, RSMo, and to enact in lieu thereof one new section relating to moneys received from the sale of real property owned by the state of Missouri.

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Section A. Section 37.005, RSMo, is repealed and one new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

37.005. 1. Except as provided herein, the office of
2 administration shall be continued as set forth in house bill
3 384, seventy-sixth general assembly and shall be considered
4 as a department within the meaning used in the Omnibus State
5 Reorganization Act of 1974. The commissioner of
6 administration shall appoint directors of all major
7 divisions within the office of administration.

8 2. The commissioner of administration shall be a
9 member of the governmental emergency fund committee as ex
10 officio comptroller and the director of the department of
11 revenue shall be a member in place of the director of the
12 division of facilities management, design and construction.

13 3. The office of administration is designated the
14 "Missouri State Agency for Surplus Property" as required by
15 Public Law 152, eighty-first Congress as amended, and
16 related laws for disposal of surplus federal property. All
17 the powers, duties and functions vested by sections 37.075

18 and 37.080, and others, are transferred by type I transfer
19 to the office of administration as well as all property and
20 personnel related to the duties. The commissioner shall
21 integrate the program of disposal of federal surplus
22 property with the processes of disposal of state surplus
23 property to provide economical and improved service to state
24 and local agencies of government. The governor shall fix
25 the amount of bond required by section 37.080. All
26 employees transferred shall be covered by the provisions of
27 chapter 36 and the Omnibus State Reorganization Act of 1974.

28 4. The commissioner of administration shall replace
29 the director of revenue as a member of the board of fund
30 commissioners and assume all duties and responsibilities
31 assigned to the director of revenue by sections 33.300 to
32 33.540 relating to duties as a member of the board and
33 matters relating to bonds and bond coupons.

34 5. All the powers, duties and functions of the
35 administrative services section, section 33.580 and others,
36 are transferred by a type I transfer to the office of
37 administration and the administrative services section is
38 abolished.

39 6. The commissioner of administration shall, in
40 addition to his or her other duties, cause to be prepared a
41 comprehensive plan of the state's field operations,
42 buildings owned or rented and the communications systems of
43 state agencies. Such a plan shall place priority on
44 improved availability of services throughout the state,
45 consolidation of space occupancy and economy in operations.

46 7. The commissioner of administration shall from time
47 to time examine the space needs of the agencies of state
48 government and space available and shall, with the approval
49 of the board of public buildings, assign and reassign space

50 in property owned, leased or otherwise controlled by the
51 state. Any other law to the contrary notwithstanding, upon
52 a determination by the commissioner that all or part of any
53 property is in excess of the needs of any state agency, the
54 commissioner may lease such property to a private or
55 government entity. Any revenue received from the lease of
56 such property shall be deposited into the fund or funds from
57 which moneys for rent, operations or purchase have been
58 appropriated. The commissioner shall establish by rule the
59 procedures for leasing excess property.

60 8. The commissioner of administration is hereby
61 authorized to coordinate and control the acquisition and use
62 of network, telecommunications, and data processing services
63 in the executive branch of state government. For this
64 purpose, the office of administration will have authority to:

65 (1) Develop and implement a long-range computer
66 facilities plan for the use of network, telecommunications,
67 and data processing services in Missouri state government.
68 Such plan may cover, but is not limited to, operational
69 standards, standards for the establishment, function and
70 management of service centers, coordination of the data
71 processing education, and planning standards for application
72 development and implementation;

73 (2) Approve all additions and deletions of network,
74 telecommunications, and data processing services hardware,
75 software, and support services, and service centers;

76 (3) Establish standards for the development of annual
77 data processing application plans for each of the service
78 centers. These standards shall include review of post-
79 implementation audits. These annual plans shall be on file
80 in the office of administration and shall be the basis for
81 equipment approval requests;

82 (4) Review of all state network, telecommunications,
83 and data processing services applications to assure
84 conformance with the state information systems plan, and the
85 information systems plans of state agencies and service
86 centers;

87 (5) Establish procurement procedures for network,
88 telecommunications, and data processing services hardware,
89 software, and support service;

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

92 (7) Establish procedures for the receipt of service
93 center charges and payments for operation of the service
94 centers.

95 The commissioner shall maintain a complete inventory of all
96 state-owned or -leased network, telecommunications, and data
97 processing services equipment, and annually submit a report
98 to the general assembly which shall include starting and
99 ending network, telecommunications, and data processing
100 services costs for the fiscal year previously ended, and the
101 reasons for major increases or variances between starting
102 and ending costs. The commissioner shall also adopt, after
103 public hearing, rules and regulations designed to protect
104 the rights of privacy of the citizens of this state and the
105 confidentiality of information contained in computer tapes
106 or other storage devices to the maximum extent possible
107 consistent with the efficient operation of the office of
108 administration and contracting state agencies.

109 9. (1) Except as provided in subsection 12 of this
110 section, the fee title to all real property now owned or
111 hereafter acquired by the state of Missouri, or any
112 department, division, commission, board or agency of state

113 government, other than real property owned or possessed by
114 the state highways and transportation commission,
115 conservation commission, state department of natural
116 resources, and the University of Missouri, shall on May 2,
117 1974, vest in the governor. The governor may not convey or
118 otherwise transfer the title to such real property, unless
119 such conveyance or transfer is first authorized by an act of
120 the general assembly. The provisions of this subsection
121 requiring authorization of a conveyance or transfer by an
122 act of the general assembly shall not, however, apply to the
123 granting or conveyance of an easement for any purpose to any
124 political subdivision of the state; a rural electric
125 cooperative as defined in chapter 394; a public utility,
126 except a railroad, as defined in chapter 386; or to
127 accommodate utility service, including electrical, gas,
128 steam, water, sewer, telephone, internet, or similar utility
129 service, extended upon or provided to state property or
130 facilities; to accommodate rights of access, ingress and
131 egress on or to any state property or facilities; or to
132 facilitate the construction, location, relocation, or use of
133 any common elements of condominium property if the state is
134 a unit owner within the condominium development. The
135 governor, with the approval of the board of public
136 buildings, may, upon the request of any state department,
137 agency, board or commission not otherwise being empowered to
138 make its own transfer or conveyance of any land belonging to
139 the state of Missouri which is under the control and custody
140 of such department, agency, board or commission, grant or
141 convey without further legislative action, for such
142 consideration as may be agreed upon, easements across, over,
143 upon or under any such state land to any political
144 subdivision of the state; a rural electric cooperative as

145 defined in chapter 394; a public utility, except a railroad,
146 as defined in chapter 386; or to accommodate utility
147 service, including electrical, gas, steam, water, sewer,
148 telephone, internet, or similar utility service, extended
149 upon or provided to state property or facilities; to
150 accommodate rights of access, ingress and egress on or to
151 state property or facilities; or to facilitate the
152 construction, location, relocation, or use of any common
153 elements of condominium property if the state is a unit
154 owner within the condominium development. The easement
155 shall be for the purpose of promoting the general health,
156 welfare and safety of the public and shall include the right
157 of access, ingress or egress for the purpose of
158 constructing, maintaining or removing any street, roadway,
159 sidewalk, public right-of-way or thoroughfare, pipeline,
160 power line, gas line, water or steam line, telephone line,
161 internet cable, sewer line, or other similar installation or
162 any equipment or appurtenances necessary to the operation
163 thereof; except that, a railroad as defined in chapter 386
164 shall not be included in the provisions of this subsection
165 unless such conveyance or transfer is first authorized by an
166 act of the general assembly. The easement shall be for such
167 consideration as may be agreed upon by the parties and
168 approved by the board of public buildings. The attorney
169 general shall approve the form of the instrument of
170 conveyance. The commissioner of administration shall
171 prepare management plans for such properties in the manner
172 set out in subsection 7 of this section.

173 **(2) There is hereby created in the state treasury the**
174 **"Real Estate Fund", which shall consist of moneys received**
175 **from the sale of real property owned by the state of**
176 **Missouri as described in this subsection. The fund shall be**

177 administered by the commissioner of administration or his or
178 her designee for the purposes of acquiring interest in real
179 property to be used to support state operations. The state
180 treasurer shall be the custodian of the fund and shall
181 approve disbursements from the fund at the request of the
182 commissioner of administration or his or her designee. The
183 following moneys shall be deposited to this fund, unless
184 required by statute or constitutional provision to be
185 deposited in some other specifically named fund:

186 (a) Any moneys or proceeds resulting from a real
187 property transaction involving state-owned property as
188 described in this subsection; and

189 (b) Any funds appropriated to the fund by the general
190 assembly or otherwise credited to the fund.

191 (3) The commissioner of administration shall prepare
192 an annual report of all receipts and expenditures from the
193 fund established pursuant to subdivision (2) of this
194 subsection. Notwithstanding the provisions of section
195 33.080 to the contrary, any moneys remaining in the fund at
196 the end of the fiscal year shall not revert to the credit of
197 the general revenue fund. The state treasurer shall invest
198 moneys in the fund in the same manner as other funds are
199 invested. Any interest and moneys earned on such
200 investments shall be credited to the fund.

201 10. The commissioner of administration shall
202 administer a revolving "Administrative Trust Fund" which
203 shall be established by the state treasurer which shall be
204 funded annually by appropriation and which shall contain
205 moneys transferred or paid to the office of administration
206 in return for goods and services provided by the office of
207 administration to any governmental entity or to the public.
208 The state treasurer shall be the custodian of the fund, and

209 shall approve disbursements from the fund for the purchase
210 of goods or services at the request of the commissioner of
211 administration or the commissioner's designee. The
212 provisions of section 33.080 notwithstanding, moneys in the
213 fund shall not lapse, unless and then only to the extent to
214 which the unencumbered balance at the close of any fiscal
215 year exceeds one-eighth of the total amount appropriated,
216 paid, or transferred to the fund during such fiscal year,
217 and upon approval of the oversight division of the joint
218 committee on legislative research. The commissioner shall
219 prepare an annual report of all receipts and expenditures
220 from the fund.

221 11. All the powers, duties and functions of the
222 department of community affairs relating to statewide
223 planning are transferred by type I transfer to the office of
224 administration.

225 12. The titles which are vested in the governor by or
226 pursuant to this section to real property assigned to any of
227 the educational institutions referred to in section 174.020
228 on June 15, 1983, are hereby transferred to and vested in
229 the board of regents of the respective educational
230 institutions, and the titles to real property and other
231 interests therein hereafter acquired by or for the use of
232 any such educational institution, notwithstanding provisions
233 of this section, shall vest in the board of regents of the
234 educational institution. The board of regents may not
235 convey or otherwise transfer the title to or other interest
236 in such real property unless the conveyance or transfer is
237 first authorized by an act of the general assembly, except
238 as provided in section 174.042, and except that the board of
239 regents may grant easements over, in and under such real
240 property without further legislative action.

241 13. Notwithstanding any provision of subsection 12 of
242 this section to the contrary, the board of governors of
243 Missouri Western State University, University of Central
244 Missouri, Missouri State University, or Missouri Southern
245 State University, or the board of regents of Southeast
246 Missouri State University, Northwest Missouri State
247 University, or Harris-Stowe State University, or the board
248 of curators of Lincoln University may convey or otherwise
249 transfer for fair market value, except in fee simple, the
250 title to or other interest in such real property without
251 authorization by an act of the general assembly.

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

260 15. All powers, duties, and functions vested in the
261 administrative hearing commission, sections 621.015 to
262 621.205 and others, are transferred to the office of
263 administration by a type III transfer.

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