

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1792

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FITZWATER (Sponsor),  
FRAKER AND HAMPTON (Co-sponsors).

5765H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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

Section A. Section 37.005, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 37.005 and 1, to read as follows: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 chief of the planning and construction division.

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.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 The governor shall fix the amount of bond required by section 37.080. All employees transferred  
17 shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of  
18 1974.

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

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

26 6. The commissioner of administration shall, in addition to his or her other duties, cause  
27 to be prepared a comprehensive plan of the state's field operations, buildings owned or rented  
28 and the communications systems of state agencies. Such a plan shall place priority on improved  
29 availability of services throughout the state, consolidation of space occupancy and economy in  
30 operations.

31 7. The commissioner of administration shall from time to time examine the space needs  
32 of the agencies of state government and space available and shall, with the approval of the board  
33 of public buildings, assign and reassign space in property owned, leased or otherwise controlled  
34 by the state. Any other law to the contrary notwithstanding, upon a determination by the  
35 commissioner that all or part of any property is in excess of the needs of any state agency, the  
36 commissioner may lease such property to a private or government entity. Any revenue received  
37 from the lease of such property shall be deposited into the fund or funds from which moneys for  
38 rent, operations or purchase have been appropriated. The commissioner shall establish by rule  
39 the procedures for leasing excess property.

40 8. The commissioner of administration is hereby authorized to coordinate and control  
41 the acquisition and use of electronic data processing (EDP) and automatic data processing (ADP)  
42 in the executive branch of state government. For this purpose, the office of administration will  
43 have authority to:

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

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

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

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

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

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

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

71 9. Except as provided in subsection 12 of this section, the fee title to all real property  
72 now owned or hereafter acquired by the state of Missouri, or any department, division,  
73 commission, board or agency of state government, other than real property owned or possessed  
74 by the state highways and transportation commission, conservation commission, state department  
75 of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor.  
76 The governor may not convey or otherwise transfer the title to such real property, unless such  
77 conveyance or transfer is first authorized by an act of the general assembly. The provisions of  
78 this subsection requiring authorization of a conveyance or transfer by an act of the general  
79 assembly shall not, however, apply to the granting or conveyance of an easement **for any**  
80 **purpose to any political subdivision of the state; a rural electric cooperative as defined in**  
81 **chapter 394[, municipal corporation, quasi-governmental corporation owning or operating a**  
82 **public utility, or] ; a public utility, except [railroads] a railroad, as defined in chapter 386; or**  
83 **to accommodate utility service, including electrical, gas, steam, water, sewer, telephone,**  
84 **internet, or similar utility service, extended upon or provided to state property or facilities;**  
85 **to accommodate rights of access, ingress and egress on, or to state property or facilities;**  
86 **or to facilitate the construction, location, relocation, or use of any common elements of**

87 **condominium property if and when the state is a unit owner within the condominium**  
88 **development.** The governor, with the approval of the board of public buildings, may, upon the  
89 request of any state department, agency, board or commission not otherwise being empowered  
90 to make its own transfer or conveyance of any land belonging to the state of Missouri which is  
91 under the control and custody of such department, agency, board or commission, grant or convey  
92 without further legislative action, for such consideration as may be agreed upon, easements  
93 across, over, upon or under any such state land to any **political subdivision of the state; a rural**  
94 **electric cooperative, as [governed in] defined by chapter 394[, municipal corporation, or**  
95 **quasi-governmental corporation owning or operating a public utility, or] ; a public utility, except**  
96 **a railroad, as defined in chapter 386; or to accommodate utility service, including electrical,**  
97 **gas, steam, water, sewer, telephone, internet, or similar utility service, extended upon or**  
98 **provided to state property or facilities; to accommodate rights of access, ingress and egress**  
99 **on, or to state property or facilities; or to facilitate the construction, location, relocation,**  
100 **or use of any common elements of condominium property if and when the state is a unit**  
101 **owner within the condominium development.** The easement shall be for the purpose of  
102 promoting the general health, welfare and safety of the public and shall include the right of  
103 **access, ingress or egress for the purpose of constructing, maintaining or removing any street,**  
104 **roadway, sidewalk, public right-of-way or thoroughfare, pipeline, power line, gas line, water**  
105 **or steam line, telephone line, internet cable, sewer line or other similar [public utility]**  
106 **installation or any equipment or appurtenances necessary to the operation thereof[,] ; except that**  
107 **a railroad as defined in chapter 386 shall not be included in the provisions of this subsection**  
108 **unless such conveyance or transfer is first authorized by an act of the general assembly. The**  
109 **easement shall be for such consideration as may be agreed upon by the parties and approved by**  
110 **the board of public buildings. The attorney general shall approve the form of the instrument of**  
111 **conveyance. The commissioner of administration shall prepare management plans for such**  
112 **properties in the manner set out in subsection 7 of this section.**

113 10. The commissioner of administration shall administer a revolving "Administrative  
114 Trust Fund" which shall be established by the state treasurer which shall be funded annually by  
115 appropriation and which shall contain moneys transferred or paid to the office of administration  
116 in return for goods and services provided by the office of administration to any governmental  
117 entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve  
118 disbursements from the fund for the purchase of goods or services at the request of the  
119 commissioner of administration or the commissioner's designee. The provisions of section  
120 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent  
121 to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total  
122 amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval

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

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

127 12. The titles which are vested in the governor by or pursuant to this section to real  
128 property assigned to any of the educational institutions referred to in section 174.020 on June 15,  
129 1983, are hereby transferred to and vested in the board of regents of the respective educational  
130 institutions, and the titles to real property and other interests therein hereafter acquired by or for  
131 the use of any such educational institution, notwithstanding provisions of this section, shall vest  
132 in the board of regents of the educational institution. The board of regents may not convey or  
133 otherwise transfer the title to or other interest in such real property unless the conveyance or  
134 transfer is first authorized by an act of the general assembly, except as provided in section  
135 174.042, and except that the board of regents may grant easements over, in and under such real  
136 property without further legislative action.

137 13. Notwithstanding any provision of subsection 12 of this section to the contrary, the  
138 board of governors of Missouri Western State University, University of Central Missouri,  
139 Missouri State University, or Missouri Southern State University, or the board of regents of  
140 Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State  
141 University, or the board of curators of Lincoln University may convey or otherwise transfer for  
142 fair market value, except in fee simple, the title to or other interest in such real property without  
143 authorization by an act of the general assembly. The provisions of this subsection shall expire  
144 August 28, 2017.

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

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

**Section 1. 1. The governor is hereby authorized and empowered to sell, transfer,  
2 grant, and convey all interest in fee simple absolute in property owned by the state in St.  
3 Francois County to the City of Farmington. The property to be conveyed is more  
4 particularly described as follows:**

5 **A tract of land located in the County of St. Francois and the State of**  
6 **Missouri, lying in part of Lot 89 of F W Rohland Subdivision of**

7           **United States Survey 2969, A Subdivision filed for record in Book F**  
 8           **at Page 441 of the Land Records of St. Francois County, Missouri,**  
 9           **described as follows, to-wit: Commencing at a found 4" X 12"**  
 10          **limestone with a cut X marking the Southwest corner of said Lot 89,**  
 11          **the POINT OF BEGINNING of the tract herein described; thence**  
 12          **along the West boundary of said Lot 89 North 07°02'33" East 477.44'**  
 13          **to a found No. 4 rebar cap PLS 1955 on the North right-of-way of**  
 14          **Vargo Road; thence along the North right-of-way of Vargo Road as**  
 15          **follows South 45°30'07" East 112.78' to a found No. 5 rebar; thence**  
 16          **South 49°22'11" East 138.02' to a found No. 5 rebar; thence South**  
 17          **45°18'14" East 117.09' to a found No. 5 rebar; thence South**  
 18          **33°19'54" East 117.56' to a found No. 5 rebar; thence South**  
 19          **28°53'49" East 66.39' to a found No. 5 rebar; thence South 37°47'46"**  
 20          **East 103.11' to a found No. 4 rebar cap PLS 1955; thence South**  
 21          **32°37'49" East 48.52' to a found No. 4 rebar cap PLS 1955; thence**  
 22          **leaving said North right-of-way of Vargo Road South 07°43'18"**  
 23          **West 13.68' to a found No. 4 rebar cap PLS 1955 on the South**  
 24          **boundary of said Lot 89; thence along said South boundary of Lot 89**  
 25          **North 82°14'11" West 515.89' to the point of beginning. Containing**  
 26          **3.22 acres, more or less.**

27           **2. The commissioner of administration shall set the terms and conditions for the**  
 28          **conveyance as the commissioner deems reasonable. Such terms and conditions may**  
 29          **include, but are not limited to, the number of appraisals required, the time, place, and**  
 30          **terms of the conveyance.**

31           **3. The attorney general shall approve the form of the instrument of conveyance.**

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