

FIRST REGULAR SESSION

SENATE BILL NO. 421

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 20, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1473S.02I

AN ACT

To repeal sections 37.005 and 650.005, RSMo, and to enact in lieu thereof two new sections relating to the office of adjutant general.

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

Section A. Sections 37.005 and 650.005, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 37.005 and 650.005, to read as follows: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

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

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. 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 chapter
94 394; a public utility, except a railroad, as defined in chapter 386; or to
95 accommodate utility service, including electrical, gas, steam, water, sewer,
96 telephone, internet, or similar utility service, extended upon or provided to state
97 property or facilities; to accommodate rights of access, ingress and egress on or
98 to any state property or facilities; or to facilitate the construction, location,
99 relocation, or use of any common elements of condominium property if the state
100 is a unit owner within the condominium development. The governor, with the
101 approval of the board of public buildings, may, upon the request of any state
102 department, agency, board or commission not otherwise being empowered to make
103 its own transfer or conveyance of any land belonging to the state of Missouri
104 which is under the control and custody of such department, agency, board or
105 commission, grant or convey without further legislative action, for such
106 consideration as may be agreed upon, easements across, over, upon or under any
107 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.

175 **16. All powers, duties, and functions vested in the office of**
176 **adjutant general and the state militia are assigned to the office of**
177 **administration; provided, however, nothing herein shall be construed**
178 **to interfere with the powers and duties of the governor as provided in**
179 **article IV, section 6 of the Constitution of Missouri or chapter 41.**

650.005. 1. There is hereby created a "Department of Public Safety" in
2 charge of a director appointed by the governor with the advice and consent of the
3 senate. The department's role will be to provide overall coordination in the
4 state's public safety and law enforcement program, to provide channels of
5 coordination with local and federal agencies in regard to public safety, law
6 enforcement and with all correctional and judicial agencies in regard to matters
7 pertaining to its responsibilities as they may interrelate with the other agencies
8 or offices of state, local or federal governments.

9 2. All the powers, duties and functions of the state highway patrol,
10 chapter 43 and others, are transferred by type II transfer to the department of
11 public safety. The governor by and with the advice and consent of the senate
12 shall appoint the superintendent of the patrol. With the exception of sections
13 43.100 to 43.120 relating to financial procedures, the director of public safety
14 shall succeed the state highways and transportation commission in approving
15 actions of the superintendent and related matters as provided in chapter
16 43. Uniformed members of the patrol shall be selected in the manner provided
17 by law and shall receive the compensation provided by law. Nothing in the
18 Reorganization Act of 1974, however, shall be interpreted to affect the funding of
19 appropriations or the operation of chapter 104 relating to retirement system

20 coverage or section 226.160 relating to workers' compensation for members of the
21 patrol.

22 3. All the powers, duties and functions of the supervisor of liquor control,
23 chapter 311 and others, are transferred by type II transfer to the department of
24 public safety. The supervisor shall be nominated by the department director and
25 appointed by the governor with the advice and consent of the senate. The
26 supervisor shall appoint such agents, assistants, deputies and inspectors as
27 limited by appropriations. All employees shall have the qualifications provided
28 by law and may be removed by the supervisor or director of the department as
29 provided in section 311.670.

30 4. All the powers, duties and functions of the safety and fire prevention
31 bureau of the department of public health and welfare are transferred by type I
32 transfer to the director of public safety.

33 5. All the powers, duties and functions of the state fire marshal, chapter
34 320 and others, are transferred to the department of public safety by a type I
35 transfer.

36 6. All the powers, duties and functions of the law enforcement assistance
37 council administering federal grants, planning and the like relating to Public
38 Laws 90-351, 90-445 and related acts of Congress are transferred by type I
39 transfer to the director of public safety. The director of public safety shall
40 appoint such advisory bodies as are required by federal laws or regulations. The
41 council is abolished.

42 7. The director of public safety shall promulgate motor vehicle regulations
43 and be ex officio a member of the safety compact commission in place of the
44 director of revenue and all powers, duties and functions relating to chapter 307
45 are transferred by type I transfer to the director of public safety.

46 8. [The office of adjutant general and the state militia are assigned to the
47 department of public safety; provided, however, nothing herein shall be construed
48 to interfere with the powers and duties of the governor as provided in Article IV,
49 Section 6 of the Constitution of the state of Missouri or chapter 41.

50 9.] All the powers, duties and functions of the Missouri boat commission,
51 chapter 306 and others, are transferred by type I transfer to the "Missouri State
52 Water Patrol", which is hereby created, in the department of public safety. The
53 Missouri boat commission and the office of secretary to the commission are
54 abolished. All deputy boat commissioners and all other employees of the
55 commission who were employed on February 1, 1974, shall be transferred to the

56 water patrol without further qualification. Effective January 1, 2011, all the
57 powers, duties, and functions of the Missouri state water patrol are transferred
58 to the division of water patrol within the Missouri state highway patrol as set out
59 in section 43.390.

60 [10.] 9. The Missouri veterans's commission, chapter 42, is assigned to
61 the department of public safety.

62 [11.] 10. Any rule or portion of a rule, as that term is defined in section
63 536.010, that is created under the authority delegated in this section shall
64 become effective only if it complies with and is subject to all of the provisions of
65 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
66 nonseverable and if any of the powers vested with the general assembly pursuant
67 to chapter 536 to review, to delay the effective date, or to disapprove and annul
68 a rule are subsequently held unconstitutional, then the grant of rulemaking
69 authority and any rule proposed or adopted after August 28, 2009, shall be
70 invalid and void.

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Bill

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