

FIRST REGULAR SESSION

SENATE BILL NO. 380

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CAUTHORN.

Read 1st time January 29, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0839S.011

AN ACT

To repeal section 198.300, RSMo, and to enact in lieu thereof two new sections relating to nursing home districts.

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

Section A. Section 198.300, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 198.300 and 198.345, to read as follows:

198.300. 1. A nursing home district shall have and exercise the following governmental powers, and all other powers incidental, necessary, convenient, or desirable to carry out and effectuate the express powers:

(1) To establish and maintain a nursing home within its corporate limits **which may include senior housing**, and to construct, acquire, develop, expand, extend, and improve the nursing home **or any senior housing operated in conjunction with the nursing home**;

(2) To acquire or convey land or structures in fee simple, rights in land and easements upon, over, or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension, or improvement of any nursing home. The acquisition may be by dedication, purchase, gift, agreement, lease, use, or adverse possession or by condemnation. The conveyance may be by deed or lease;

(3) To operate, maintain, and manage the nursing home, and to make and enter into contracts for the use, operation, or management of, and to provide rules and regulations for the operation, management, or use of the nursing home;

(4) To fix, charge, and collect reasonable fees and compensation for the use or occupancy of the nursing home or any part thereof, and for nursing care, medicine, attendance, or other services furnished by the nursing home, according to the rules and regulations prescribed by the board from time to time;

(5) To borrow money and to issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any condition or limitation set forth in sections 198.200 to 198.350 or otherwise provided by the Constitution of the state of Missouri;

(6) To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the corporate objects of the district or the proper administration, management, protection, or control of its property;

(7) To maintain the nursing home for the benefit of the inhabitants of the area comprising the district regardless of race, creed or color, and to adopt such reasonable rules and regulations as may be necessary to render the use of the nursing home of the greatest benefit to the greatest number; to exclude from the use of the nursing home all persons who willfully disregard any of the rules and regulations so established; to extend the privileges and use of the nursing home to persons residing outside the area of the district upon such terms and conditions as the board of directors prescribes by its rules and regulations;

(8) To police its property and to exercise police powers in respect thereto or in respect to the enforcement of any rule or regulation provided by the ordinances of the district and to employ and commission police officers and other qualified persons to enforce the same.

2. The use of any nursing home of a district shall be subject to the reasonable regulation and control of the district and upon such reasonable terms and conditions as shall be established by its board of directors.

3. A regulatory ordinance of a district adopted under any provision of this section may provide for a suspension or revocation of any rights or privileges within the control of the district for a violation of any regulatory ordinance.

4. Nothing in this section or in other provisions of sections 198.200 to 198.350 shall be construed to authorize the district or board to establish or enforce any regulation or rule in respect to the operation or maintenance of the nursing home within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

198.345. Nothing in sections 198.200 to 198.350 shall prohibit a nursing home district from establishing and maintaining senior housing within its corporate limits.