

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SCS/HCS/House Bill No. 351, Page 1, Section title, Line 3,

of the title, by inserting after "providers" the following:

"with an emergency clause for a certain section"; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after all of said line the following:

"96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120,

shall not have authority to sell, lease, or otherwise transfer

all or substantially all of the property from a hospital

organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted

1 by no less than two-thirds of the incumbent members of the board
2 of trustees to sell, lease, or otherwise transfer all or
3 substantially all of the hospital property, both real and
4 personal, for reasons specified in the resolution, the clerk
5 shall present the resolution to the city council. If a majority
6 of the incumbent members of the city council determine that sale,
7 lease, or other transfer of the hospital property is desirable,
8 the city council shall submit to the voters of the city the
9 question in substantially the following form:

10 "Shall the city council of _____, Missouri and the
11 board of trustees of _____ hospital be authorized to
12 sell (or lease or otherwise transfer) the property, real and
13 personal, of _____ hospital as approved by, and in
14 accordance with, the resolution of the board of trustees
15 authorizing such sale (or lease or transfer)?"

16
17 A majority of the votes cast on such question shall be required
18 in order to approve and authorize such sale, lease or other
19 transfer. If the question receives less than the required
20 majority, then the city council and the board of trustees shall
21 have no power to sell, lease or otherwise transfer the property,
22 real and personal, of the hospital unless and until the city
23 council has submitted another question to authorize such sale,
24 lease or transfer authorized under this section and such question
25 is approved by the required majority of the qualified voters
26 voting thereon. However, in no event shall a question under this
27 section be submitted to the voters sooner than twelve months
28 from the date of the last question under this section and after
29 the adoption of another resolution by no less than two-thirds of

1 the board of trustees and a subsequent vote by a majority of the
2 city council to again submit the question to the voters.

3 3. Upon passage of such question by the voters, the board
4 of trustees shall sell and dispose of such property, or lease or
5 transfer such property, in the manner proposed by the board of
6 trustees. The deed of the board of trustees, duly authorized by
7 the board of trustees and duly acknowledged and recorded, shall
8 be sufficient to convey to the purchaser all the rights, title,
9 interest, and estate in the hospital property.

10 4. No sale, lease, or other transfer of such hospital
11 property shall be authorized or effective unless such transaction
12 provides sufficient proceeds to be available to be applied to the
13 payment of all interest and principal of any outstanding valid
14 indebtedness incurred for purchase of the site or construction of
15 the hospital, or for any repairs, alterations, improvements, or
16 additions thereto, or for operation of the hospital.

17 5. Assets donated to the hospital pursuant to section
18 96.210 shall be used to provide health care services in the city
19 and in the geographic region previously served by the hospital,
20 except as otherwise prescribed by the terms of the deed, gift,
21 devise, or bequest."; and

22 Further amend said bill, page 7, Section 1, Line 26, by
23 inserting after all of said line the following:

24 "Section B. Because of the need to ensure local hospitals
25 can continue the purpose of providing the best care and treatment
26 of the sick, disabled, and infirm persons as decided on by the
27 people in the affected community, the enactment of section 96.229
28 of this act is deemed necessary for the immediate preservation of
29 the public health, welfare, peace and safety, and is hereby

1 declared to be an emergency act within the meaning of the
2 constitution, and the enactment of section 96.229 of this act
3 shall be in full force and effect upon its passage and
4 approval."; and

5 Further amend the title and enacting clause accordingly.