

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ House Bill No. 163, Page 1, Section Title, Line 2,

2 by striking the word "primary"; and

3 Further amend page 2, Section 78.090, line 23, by inserting
4 immediately after all of said line the following:

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

9 (1) Is organized and operated under this chapter;

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

12 (3) Is licensed by the department of health and senior
13 services for two hundred beds or more pursuant to sections
14 197.010 to 197.120,

15
16 shall not have authority to sell, lease, or otherwise transfer
17 all or substantially all of the property from a hospital
18 organized under this chapter, both real and personal, except in
19 accordance with this section.

20 2. Upon filing with the city clerk of a resolution adopted
21 by no less than two-thirds of the incumbent members of the board

1 of trustees to sell, lease, or otherwise transfer all or
2 substantially all of the hospital property, both real and
3 personal, for reasons specified in the resolution, the clerk
4 shall present the resolution to the city council. If a majority
5 of the incumbent members of the city council determine that sale,
6 lease, or other transfer of the hospital property is desirable,
7 the city council shall submit to the voters of the city the
8 question in substantially the following form:

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

15
16 A majority of the votes cast on such question shall be required
17 in order to approve and authorize such sale, lease or other
18 transfer. If the question receives less than the required
19 majority, then the city council and the board of trustees shall
20 have no power to sell, lease or otherwise transfer the property,
21 real and personal, of the hospital unless and until the city
22 council has submitted another question to authorize such sale,
23 lease or transfer authorized under this section and such question
24 is approved by the required majority of the qualified voters
25 voting thereon. However, in no event shall a question under this
26 section be submitted to the voters sooner than twelve months
27 from the date of the last question under this section and after
28 the adoption of another resolution by no less than two-thirds of
29 the board of trustees and a subsequent vote by a majority of the

1 city council to again submit the question to the voters.

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

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

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

21 Section B. Because of the need to ensure local hospitals
22 can continue the purpose of providing the best care and treatment
23 of the sick, disabled, and infirm persons as decided on by the
24 people in the affected community, the enactment of section 96.229
25 of this act is deemed necessary for the immediate preservation of
26 the public health, welfare, peace and safety, and is hereby
27 declared to be an emergency act within the meaning of the
28 constitution, and the enactment of section 96.229 of this act
29 shall be in full force and effect upon its passage its passage

1 and approval."; and

2 Further amend the title and enacting clause accordingly.