

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 90, Page 4, Section 78..090, Line 23,
2 by inserting after said line the following:

3 "96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of
4 substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located
5 that:

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

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

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

10
11 shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property
12 from a hospital organized under this chapter, both real and personal, except in accordance with this
13 section.

14 2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the
15 incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all
16 of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall
17 present the resolution to the city council. If a majority of the incumbent members of the city council
18 determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall
19 submit to the voters of the city the question in substantially the following form:

20 "Shall the city council of _____, Missouri and the board of trustees of _____ hospital be
21 authorized to sell (or lease or otherwise transfer) the property, real and personal, of _____ hospital

Action Taken _____ Date _____

1 as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale
2 (or lease or transfer)?"

3
4 A majority of the votes cast on such question shall be required in order to approve and authorize such
5 sale, lease or other transfer. If the question receives less than the required majority, then the city
6 council and the board of trustees shall have no power to sell, lease or otherwise transfer the property,
7 real and personal, of the hospital unless and until the city council has submitted another question to
8 authorize such sale, lease or transfer authorized under this section and such question is approved by
9 the required majority of the qualified voters voting thereon. However, in no event shall a question
10 under this section be submitted to the voters sooner than twelve months from the date of the last
11 question under this section and after the adoption of another resolution by no less than two-thirds of
12 the board of trustees and a subsequent vote by a majority of the city council to again submit the
13 question to the voters.

14 3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of
15 such property, or lease or transfer such property, in the manner proposed by the board of trustees.
16 The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged
17 and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in
18 the hospital property.

19 4. No sale, lease, or other transfer of such hospital property shall be authorized or effective
20 unless such transaction provides sufficient proceeds to be available to be applied to the payment of
21 all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or
22 construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for
23 operation of the hospital.

24 5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health
25 care services in the city and in the geographic region previously served by the hospital, except as
26 otherwise prescribed by the terms of the deed, gift, devise, or bequest."; and
27

1 Further amend said bill, Page 15, Section 115.601, Line 48 by inserting after said line the following:

2 Section B. Because of the need to ensure local hospitals can continue the purpose of
3 providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the
4 people in the affected community, the enactment of section 96.229 of this act is deemed necessary
5 for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared
6 to be an emergency act within the meaning of the constitution, and the enactment of section 96.229
7 of this act shall be in full force and effect upon its passage its passage and approval."; and

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.
11