

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 79, Page 16,
2 Section 192.2521, Line 5, by inserting after said section and line the following:
3

4 "205.170. 1. The county commission shall appoint five trustees chosen from the citizens at
5 large with reference to their fitness for such office, all residents of the county, not more than three of
6 such trustees to be residents of the city, town or village in which the hospital is to be located, who
7 shall constitute a board of trustees for such public hospital.

8 2. The trustees appointed pursuant to subsection 1 of this section shall hold their offices
9 until the next following municipal election, when five hospital trustees shall be elected and hold
10 their offices for the following terms, with each of the trustees' respective terms determined by lot:

- 11 (1) One trustee for a one-year term;
12 (2) One trustee for a two-year term;
13 (3) One trustee for a three-year term;
14 (4) One trustee for a four-year term; and
15 (5) One trustee for a five-year term.

16 3. For trustees elected prior to January 1, 1995:

17 (1) If the terms of two trustees expire at the time of the next election of trustees occurring
18 after January 1, 1995, then:

- 19 (a) One trustee shall be elected for a four-year term; and
20 (b) One trustee shall be elected for a three-year term; and

21 (2) At the next following municipal election in which the terms of three trustees expire:

- 22 (a) One trustee shall be elected for a five-year term;
23 (b) One trustee shall be elected for a four-year term;
24 (c) One trustee shall be elected for a three-year term; or

25 (3) If the terms of three trustees expire at the time of the next election of trustees occurring
26 after January 1, 1995, then:

- 27 (a) One trustee shall be elected for a five-year term;
28 (b) One trustee shall be elected for a four-year term;
29 (c) One trustee shall be elected for a three-year term; and

30 (4) At the next following municipal election in which the terms of two trustees expire:

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1 (a) One trustee shall be elected for a five-year term; and

2 (b) One trustee shall be elected for a four-year term.

3 4. The terms of the trustees elected pursuant to subsection 3 of this section shall be
4 determined by lot.

5 5. The office of a trustee elected pursuant to subsection 3 of this section whose term of
6 office is about to expire shall be filled by the election of a hospital trustee who shall serve for a term
7 of five years. Each trustee subsequently elected shall serve a term of five years.

8 6. No person elected or appointed to the office of trustee under subsections 1 to 5 of this
9 section shall have either of the following conflicts of interest:

10 (1) Be a current employee of the hospital or any of its controlled affiliates; or

11 (2) Be a former employee of the hospital, or any of its controlled affiliates, within the past
12 three years.

13 7. Members of the board of trustees are subject to removal from office in the manner and for
14 the causes prescribed by law in accordance with the provisions of section 106.220.

15 8. Any vacancy in the board of trustees occasioned by removal, resignation or otherwise
16 shall be reported to the county commission and be filled in like manner as original appointments, the
17 appointee to hold office until the next following municipal election, when such vacancy shall be
18 filled by election of a trustee to serve during the remainder of the term of his or her predecessor.

19 ~~[7.]~~ 9. No trustee shall have a personal pecuniary interest, either directly or indirectly, in the
20 purchase of any supplies for such hospital, unless the same are purchased by competitive bidding.

21 205.190. 1. The trustees shall, within ten days after their appointment or election, qualify
22 by taking the oath of civil officers and organize as a board of hospital trustees by the election of one
23 of their number as chairman, one as secretary, one as treasurer, and by the election of such other
24 officers as they may deem necessary.

25 2. No trustee shall receive any compensation for his or her services performed, but a trustee
26 may receive reimbursement for any cash expenditures actually made for personal expenses incurred
27 as such trustee, and an itemized statement of all such expenses and money paid out shall be made
28 under oath by each of such trustees and filed with the secretary and allowed only by the affirmative
29 vote of all of the trustees present at a meeting of the board.

30 3. The board of hospital trustees shall make and adopt such bylaws, rules and regulations for
31 its own guidance and for the government of the hospital as may be deemed expedient for the
32 economic and equitable conduct thereof, not inconsistent with sections 205.160 to 205.340 and the
33 ordinances of the city or town wherein such public hospital is located. The board shall provide by
34 regulation for the bonding of the chief executive officer and may require a bond of the treasurer of
35 the board and of any employee of the hospital as it deems necessary. The costs of all bonds required
36 shall be paid out of the hospital fund. Except as provided in subsection 4 of this section, it shall
37 have the exclusive control of the deposit, investment, and expenditure of all moneys collected to the
38 credit of the hospital fund, and of the purchase of site or sites, the purchase or construction of any
39 hospital buildings, and of the supervision, care and custody of the grounds, rooms or buildings

1 purchased, constructed, leased or set apart for that purpose; provided, that all moneys received for
2 such hospital shall be credited to the hospital and deposited into the depositary thereof for the sole
3 use of such hospital in accordance with the provisions of sections 205.160 to 205.340. All funds
4 received by each such hospital shall be paid out only upon warrants ordered drawn by the treasurer
5 of the board of trustees of said county upon the properly authenticated vouchers of the hospital
6 board.

7 4. The trustees shall have authority, both within and outside the county, except in counties of
8 the third or fourth classification (other than the county in which the hospital is located) where there
9 already exists a hospital organized pursuant to this chapter; provided that this exception shall not
10 prohibit the continuation of existing activities otherwise allowed by law to operate, maintain and
11 manage a hospital and hospital facilities, and to make and enter into contracts, for the use, operation
12 or management of a hospital or hospital facilities; to engage in health care activities; to make and
13 enter into leases of equipment and real property, a hospital or hospital facilities, as lessor or lessee,
14 regardless of the duration of such lease; provided that any lease of substantially all of the hospital,
15 as the term "hospital" is defined in section 197.020, wherein the board of trustees is lessor shall be
16 entered into only with the approval of the county commission wherein such hospital is located and
17 provided that in a county of the second, third or fourth classification, the income to such county
18 from such lease of substantially all of the hospital shall be appropriated to provide health care
19 services in the county; and further to provide rules and regulations for the operation, management or
20 use of a hospital or hospital facilities. Any agreement entered into pursuant to this subsection
21 pertaining to the lease of the hospital, as herein defined, shall have a definite termination date as
22 negotiated by the parties, but this shall not preclude the trustees from entering into a renewal of the
23 agreement with the same or other parties pertaining to the same or other subjects upon such terms
24 and conditions as the parties may agree. Notwithstanding any other law to the contrary, the county
25 commission in any noncharter county of the first classification wherein such hospital is located may
26 separately negotiate and enter into contractual agreements with the lessee as a condition of approval
27 of any lease authorized pursuant to this subsection.

28 5. The board of hospital trustees shall have power to appoint a suitable chief executive
29 officer and necessary assistants and fix their compensation, and shall also have power to remove
30 such appointees; and shall in general carry out the spirit and intent of sections 205.160 to 205.340 in
31 establishing and maintaining a county public hospital.

32 6. The board of hospital trustees may establish and operate a day care center to provide care
33 exclusively for the children of the hospital's employees. A day care center established by the board
34 shall be licensed pursuant to the provisions of sections 210.201 to 210.245. The operation of a day
35 care center shall be paid for by fees or charges, established by the board, and collected from the
36 hospital employees who use its services. The board, however, is authorized to receive any private
37 donations or grants from agencies of the federal government intended for the support of the day care
38 center.

1 7. The board of hospital trustees shall hold meetings at least ~~[once each month]~~ quarterly,
 2 shall keep a complete record of all its proceedings; and three members of the board shall constitute a
 3 quorum for the transaction of business.

4 8. ~~[One of the trustees shall visit and examine the hospital at least twice each month and The~~
 5 ~~board shall, during the first week in January of each year, file with the county commission of the~~
 6 ~~county a report of its proceedings with reference to such hospital and a statement of all receipts and~~
 7 ~~expenditures during the year; and shall at such time certify the amount necessary to maintain and~~
 8 ~~improve the hospital for the ensuing year.]~~ The board shall submit to the county commission an
 9 annual financial report in a manner that is consistent with the submission of such other financial
 10 reports that may be required by the state auditor relating to political subdivisions.

11 205.191. 1. Except as otherwise provided in sections 205.160 to 205.340, every hospital
 12 established under sections 205.160 to 205.340 shall be subject to the requirements applicable to
 13 public bodies and records contained in sections 610.010 to 610.225.

14 2. In addition to the exceptions available under sections 610.010 to 610.225, the records of
 15 the hospital and its controlled subsidiaries shall not be subject to the provisions of sections 610.010
 16 to 610.225 if, upon determination by the board, the disclosure of the information in the records
 17 would be harmful to the fiscal position of the hospital, or confer any other health care providers an
 18 unequal advantage over the hospital, and such records contain:

19 (1) Proprietary information gathered by, or in the possession of, the hospital from third
 20 parties under a promise of confidentiality;

21 (2) Contract cost estimates prepared for confidential use in awarding contracts for research,
 22 development, construction, renovation, commercialization, or the purchase of goods or services;

23 (3) Data, records, or information of a proprietary nature produced or collected by, or for, the
 24 hospital, its employees, its officers, or members of its board of trustees;

25 (4) Third-party financial statements, records, and related data not publicly available that
 26 may be shared with the hospital;

27 (5) Consulting or other reports paid for by the hospital to assist the hospital in connection
 28 with its strategic planning and goals;

29 (6) The determination of marketing and operational strategies where disclosure of such
 30 strategies would be harmful to the fiscal position of the hospital or confer any other health care
 31 providers an unequal advantage over the hospital; or

32 (7) Financial information gathered by, or in the possession of, the hospital where disclosure
 33 of such information would be harmful to the fiscal position of the hospital or confer any other health
 34 care providers an unequal advantage over the hospital.

35 3. In addition to the exceptions available under sections 610.010 to 610.225, the hospital,
 36 including the board of trustees, executive committee, audit committee, or other such committees that
 37 the board may authorize from time to time, may discuss, consider, and take action on any of the
 38 following in closed session if, upon determination by the board, including as appropriate the
 39 executive committee, audit committee, or other such committees that the board may authorize from

time to time, disclosure of such items would be harmful to the fiscal position of the hospital or confer any other health care providers an unequal advantage over the hospital:

(1) Plans that could affect the value of property, real or personal, owned or desirable for ownership by the hospital;

(2) The condition, acquisition, use, or disposition of real or personal property; or

(3) Marketing or operational strategies.

206.090. 1. After the hospital district has been declared organized, the declaring county commission shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county commission shall cause an election to be held in the hospital district within ninety days after the order establishing the hospital district to elect hospital district directors. Each voter shall vote for six directors, one from each district, except in any county of the third classification without a township form of government and with more than ten thousand six hundred but fewer than ten thousand seven hundred inhabitants, each voter shall vote for one director from the hospital election district in which the voter resides. Directors shall serve a term of six years or a lesser term of years as may be established by the county commission. If directors are to serve a term of six years, the initial term of the director elected from district number one shall serve a term of one year, the director elected from district number two shall serve a term of two years, the director elected from district number three shall serve a term of three years, the director elected from district number four shall serve a term of four years, the director elected from district number five shall serve a term of five years, and the director elected from district number six shall serve a term of six years; thereafter, the terms of all directors shall be six years. If the county commission chooses to establish a term of office of less than six years, the initial election of directors shall be done in a manner established by the county commission. All directors shall serve until their successors are elected and qualified. Any vacancy shall be filled by the remaining members of the board of directors who shall appoint a person to serve as director until the next municipal election.

2. Candidates for director of the hospital district shall be citizens of the United States, voters of the hospital district who have resided within the state for one year next preceding the election and who are at least thirty years of age. All candidates shall file their declaration of candidacy with the county commission calling the election for the organizational election, and for subsequent elections, with the secretary of the board of directors of the district.

3. Notwithstanding any other provisions of law, if the number of candidates for office of director is no greater than the number of directors to be elected, no election shall be held, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected.

4. Notwithstanding the provisions of subsections 1 to 3 of this section, after the formation of the hospital district, the hospital board of directors, by a majority vote of the directors with the consent of a majority of the county commission on an order of record, may abolish the six hospital districts' election districts and cause the hospital district directors to be elected from the hospital

1 district at large. Upon opting to elect the hospital district directors at large, the then-serving hospital
2 district directors shall continue to serve the remainder of their terms and any vacancies on the board,
3 after the date of such option, shall be filled by an election conducted at large in the district.

4 5. No person elected or appointed to the office of director under this section shall have
5 either of the following conflicts of interest:

6 (1) Be a current employee of the hospital or any of its controlled affiliates; or

7 (2) Be a former employee of the hospital, or any of its controlled affiliates, within the past
8 three years.

9 6. Members of the hospital board of directors are subject to removal from office in the
10 manner and for the causes prescribed by law in accordance with the provisions of section 106.220.";
11 and

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.