



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 944 (as introduced 3-2-22)  
Sponsor: Senator Roger Victory  
Committee: Health Policy and Human Services

Date Completed: 3-16-22

**CONTENT**

**The bill would amend Public Act 47 of 1949, which governs local hospital authorities, to do the following:**

- Delete a provision requiring the articles of incorporation of a nonprofit corporation and the contractual arrangements between a hospital authority and the nonprofit corporation to prohibit a nonprofit corporation from selling, leasing, or otherwise transferring a hospital without approval by a majority of voters.**
- Delete a provision requiring the articles of incorporation of a nonprofit corporation and the contractual arrangements between a hospital authority and the nonprofit corporation to require a nonprofit corporation to adopt and carry out policies designed to ensure that hospital care is provided to a reasonable degree to indigent people in its hospital service area free of charge and that patients not be denied appropriate care on the basis of source of payment.**

The Act allows two or more cities, villages, or townships, or a combination of those local units, with voter approval, to join to form a hospital authority and issue bonds for the purpose of planning, promoting, acquiring, constructing, improving, owning, maintaining, and operating one or more community hospitals and related facilities.

Except as otherwise provided, a hospital authority whose jurisdiction has a member population of fewer than 300,000 may, by resolution, provide for the sale, lease, or other transfer of a hospital owned by the hospital board. If a hospital authority passes a resolution described above, the hospital authority also must provide by resolution for a public vote of the electors at large of all cities, villages, and townships in the hospital authority on the question of the sale, lease, or other transfer of the hospital. If the sale, lease, or other transfer of the hospital is approved by a majority of the voters, the hospital board may sell, lease, or otherwise transfer a hospital owned by the hospital board on terms and conditions considered reasonable by the hospital board, including a sale, lease, or other transfer for no or nominal monetary consideration, subject to certain conditions described in the Act, including that at the time of the sale, lease, or other transfer from the hospital authority, the articles of incorporation of the nonprofit corporation and the contractual arrangements between the hospital authority and the nonprofit corporation must require that the nonprofit corporation may not sell, lease, or otherwise transfer the hospital without the express consent of the hospital authority.

The article of incorporation also must require that the nonprofit corporation may not sell, lease, or otherwise transfer the hospital without the approval by a majority of the voters as

required for the sale, lease, or other transfer of a hospital from the hospital board to a nonprofit corporation. If the hospital is sold, leased, or otherwise transferred under this provision, the sale, lease, or other transfer must be for market value and the proceeds of the transaction must be turned over to the hospital authority. The bill would delete these provisions.

In addition, the Act specifies, as a condition for sale, that the articles of incorporation of a nonprofit corporation and the contractual arrangements between a hospital authority and the nonprofit corporation must at all times require that the nonprofit corporation adopt and carry out policies designed to ensure that hospital care is provided to a reasonable degree to indigent individuals in the corporation's hospital service area free of charge and that the hospital complies with the requirement of Section 20201(2)(a) of the Public Health Code that patients not be denied appropriate care on the basis of source of payment. The bill would delete these provisions.

MCL 331.9

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State and no direct fiscal impact on local governments. The bill's provisions would give hospital authorities more flexibility to dispose of property. Any fiscal impact would be limited to the hospital authority and would depend on decisions made by that authority.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.