

By: Senator(s) Dawkins

To: Public Health and Welfare

SENATE BILL NO. 2765

1 AN ACT TO AMEND SECTION 41-13-29, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE COMPOSITION OF THE BOARD OF TRUSTEES FOR THE
3 COMMUNITY HOSPITAL LOCATED IN CERTAIN COUNTIES; TO AMEND SECTION
4 25-41-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY MEETINGS OF
5 PUBLIC HOSPITAL BOARDS SHALL BE SUBJECT TO THE OPEN MEETINGS LAW;
6 AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 41-13-29, Mississippi Code of 1972, is
9 amended as follows:

10 41-13-29. (1) The owners are hereby authorized to appoint
11 trustees for the purpose of operating and governing community
12 hospitals. The appointees of each shall be adult legal residents
13 of the county which has an ownership interest in said community
14 hospital or the county wherein the municipality or other political
15 subdivision holding the ownership interest in the community
16 hospital is located. The authority to appoint trustees shall not
17 apply to leased facilities, unless specifically reserved by the
18 owner in the applicable lease agreement. The board of trustees
19 shall consist of not more than seven (7) members nor less than
20 five (5) members, except where specifically authorized by statute,
21 and shall be appointed by the respective owners on a pro rata
22 basis comparable to the ownership interests in the community
23 hospital. Where such community hospital is owned solely by a
24 county, or any supervisors districts, judicial districts or
25 election district of a county, or by a municipality, the trustees
26 shall be residents of the owning entity. Trustees for
27 municipally-owned community hospitals shall be appointed by the
28 owner of said municipality. Trustees for a community hospital
29 owned by a county shall be appointed by the board of supervisors

30 with each supervisor having the right to nominate one (1) trustee
31 from his district or from the county at large. Appointments
32 exceeding five (5) in number shall be from the county at large.
33 Trustees for a community hospital owned solely by supervisors
34 districts, judicial districts or election district of a county,
35 shall be appointed by the board of supervisors of said county from
36 nominees submitted by the supervisor(s) representing the owner
37 district(s).

38 (2) Initially the board of trustees shall be appointed as
39 follows: one (1) for a term of one (1) year, one (1) for a term
40 of two (2) years, one (1) for a term of three (3) years, one (1)
41 for a term of four (4) years, and one (1) for a term of five (5)
42 years. Appointments exceeding five (5) in number shall be for
43 terms of four (4) and five (5) years, respectively. Thereafter,
44 all terms shall be for five (5) years. No community hospital
45 trustee holding office on July 1, 1982, shall be affected by this
46 provision, but such terms shall be filled at the expiration
47 thereof according to the provisions of this section, provided,
48 however, that any other specific appointment procedures presently
49 authorized shall likewise not be affected by the terms hereof.
50 Any vacancy on the board of trustees shall be filled within ninety
51 (90) days by appointment by the applicable owner for the remainder
52 of the unexpired term.

53 (3) (a) Any community hospital erected, owned, maintained
54 and operated by any county located in the geographical center of
55 the State of Mississippi and in which State Highways No. 12 and
56 No. 35 intersect, shall be operated by a board of trustees of five
57 (5) members to be appointed by the board of supervisors from the
58 county at large, one (1) for a term of one (1) year, one (1) for a
59 term of two (2) years, one (1) for a term of three (3) years, one
60 (1) for a term of four (4) years, and one (1) for a term of five
61 (5) years. Thereafter all such trustees shall be appointed from
62 the county at large for a period of five (5) years.

63 (b) Any community hospital erected, owned, maintained
64 and operated by any county situated in the Yazoo-Mississippi Delta
65 Levee District and bordering on the Mississippi River and having a
66 population of not less than forty-five thousand (45,000) and
67 having an assessed valuation of not less than Thirty Million
68 Dollars (\$30,000,000.00) for the year 1954, shall be operated by a
69 board of trustees which may consist of not more than eleven (11)
70 members.

71 (c) Any hospital erected, owned, maintained and
72 operated by any county having two (2) judicial districts, which is
73 traversed by U.S. Interstate Highway 59, which intersects Highway
74 84 therein, shall be operated by a board of trustees which shall
75 consist of seven (7) members. The first seven (7) members
76 appointed under authority of this paragraph shall be appointed by
77 the board of supervisors for terms as follows:

78 Each supervisor of Supervisor Districts One and Two shall
79 nominate and the board of supervisors shall appoint one (1) person
80 from each said beat for a one-year term. Each supervisor of
81 Supervisor Districts Three and Four shall nominate and the board
82 of supervisors shall appoint one (1) person from each said beat
83 for a two-year term. The supervisor of Supervisor District Five
84 shall nominate and the board of supervisors shall appoint one (1)
85 person from said beat for a three-year term. The medical staff at
86 the hospital shall submit a list of four (4) nominees and the
87 supervisors shall appoint two (2) trustees from said list of
88 nominees, one (1) for a three-year term and one (1) for a one-year
89 term. Thereafter, as the terms of the board of trustee members
90 authorized by this paragraph expire, all but the trustee
91 originally appointed from the medical staff nominees for a
92 one-year term shall be appointed by the board of supervisors for
93 terms of three (3) years. The term of the trustee originally
94 appointed from the medical staff nominees by the board of
95 supervisors for a term of one (1) year shall remain a term of one

96 (1) year and shall thereafter be appointed for a term of one (1)
97 year. The two (2) members appointed from medical staff nominees
98 shall be appointed from a list of two (2) nominees for each said
99 position to be submitted by the medical staff of the hospital for
100 each vacancy to be filled. It is the intent of the Legislature
101 that the board of trustees which existed prior to July 1, 1985,
102 was abolished by amendment to this section under Section 5,
103 Chapter 511, Laws of 1985, and such amendment authorized the
104 appointment of a new board of trustees on or after July 1, 1985,
105 in the manner provided in this paragraph. Any member of the board
106 of trustees which existed prior to July 1, 1985, shall be eligible
107 for reappointment subject to the provisions of this paragraph.

108 (d) Any community hospital erected, owned, maintained
109 and operated by any county bordering on the Mississippi River
110 having two (2) judicial districts, wherein U.S. Highway 61 and
111 Mississippi Highway 8 intersect, lying wholly within a levee
112 district, shall be operated by a board of trustees which may
113 consist of not more than nine (9) members.

114 (e) Any community hospital system owned, maintained and
115 operated by any county bordering on the Gulf of Mexico and the
116 State of Alabama shall be operated by a board of trustees
117 constituted as follows: seven (7) members shall be selected as
118 provided in subsection (1) of this section and the remaining
119 members shall be the chiefs of staff at those hospitals which are
120 a part of the hospital system. The term of the chiefs of staff on
121 the board of trustees shall coincide with their service as chiefs
122 of staff at their respective hospitals.

123 (4) Any community hospital owned, maintained and operated by
124 any county wherein Mississippi Highways 16 and 19 intersect,
125 having a land area of five hundred sixty-eight (568) square miles,
126 and having a population in excess of twenty-three thousand seven
127 hundred (23,700) according to the 1980 federal decennial census,
128 shall be operated by a board of trustees of five (5) members, one

129 (1) of whom shall be elected by the qualified electors of each
130 supervisors district of the county in the manner provided herein.
131 Each member so elected shall be a resident and qualified elector
132 of the district from which he is elected. The first elected
133 members of the board of trustees shall be elected at the regular
134 general election held on November 4, 1986. At such election, the
135 members of the board from supervisors districts one and two shall
136 be elected for a term of six (6) years; members of the board from
137 supervisors districts three and four shall be elected for a term
138 of two (2) years; and the member of the board from supervisors
139 district five shall be elected for a term of four (4) years. Each
140 subsequent member of the board shall be elected for a term of six
141 (6) years at the same time as the general election in which the
142 member of the county board of education representing the same
143 supervisors district is elected. All members of the board shall
144 take office on the first Monday of January following the date of
145 their election. The terms of all seven (7) appointed members of
146 such board of trustees holding office on the effective date of
147 this act shall expire on the date that the first elected members
148 of the board take office. The board of trustees provided for
149 herein shall not lease or sell the community hospital property
150 under its jurisdiction unless the board of supervisors of the
151 county calls for an election on the proposition and a majority
152 voting in such election shall approve such lease or sale.

153 The members of the board of trustees provided for in this
154 subsection shall be compensated a per diem and reimbursed for
155 their expenses and mileage in the same amount and subject to the
156 same restrictions provided for members of the county board of
157 education in Section 37-5-21 and may, at the discretion of the
158 board, choose to participate in any hospital medical benefit plan
159 which may be in effect for hospital employees. Any member of the
160 board of trustees choosing to participate in such plan shall pay

161 the full cost of his participation in the plan so that no
162 expenditure of hospital funds is required.

163 The name of any qualified elector who is a candidate for such
164 community hospital board of trustees shall be placed on the ballot
165 used in the general elections by the county election
166 commissioners, provided that the candidate files with such county
167 election commissioners, not more than ninety (90) days and not
168 less than thirty (30) days prior to the date of such general
169 election, a petition of nomination signed by not less than fifty
170 (50) qualified electors of the county residing within each
171 supervisors district. The candidate in each supervisors district
172 who receives the highest number of votes cast in the district
173 shall be declared elected.

174 (5) From and after July 1, 2005, the community hospital
175 owned, maintained and operated by any county bordering on the Gulf
176 of Mexico, in which U.S. Highway 49 intersects with Interstate
177 Highway 10, and having a population in excess of one hundred
178 eighty-nine thousand (189,000) according to the 2000 decennial
179 census, shall be operated by a board of trustees of seven (7)
180 voting members and two (2) nonvoting members as follows: (a) a
181 doctor of medicine and/or osteopathy licensed to practice medicine
182 in the State of Mississippi who is a qualified elector of the
183 county, appointed by the owners of the community hospital; (b) a
184 registered pharmacist licensed to practice pharmacy in the State
185 of Mississippi who is a qualified elector of the county, appointed
186 by the owners of the community hospital; (c) a registered nurse
187 possessing a master's degree in nursing and/or business or
188 hospital administration licensed to practice nursing in the State
189 of Mississippi who is a qualified elector of the county, appointed
190 by the owners of the community hospital; (d) an attorney licensed
191 to practice law in the State of Mississippi who is a qualified
192 elector of the county, appointed by the owners of the community
193 hospital; (e) three (3) members representing the residents of the

194 county who are qualified electors of the county, appointed by the
195 owners of the community hospital; (f) the Lieutenant Governor
196 shall appoint the Senator who represents the district in which the
197 community hospital is located to serve in a nonvoting capacity on
198 the board of trustees; (g) the Speaker of the House of
199 Representatives shall appoint the Representative who represents
200 the district in which the community hospital is located to serve
201 in a nonvoting capacity on the board of trustees. The terms of
202 office of the former board of trustees of such community hospital
203 shall cease on July 1, 2005, and the owners of the hospital shall
204 appoint new members as provided herein to initial terms of two (2)
205 for a term of two (2) years, two (2) for a term of three (3)
206 years, two (2) for a term of four (4) years, and one (1) for a
207 term of five (5) years, with subsequent appointments to be made
208 for five-year terms. Staggered terms of the initial appointments
209 shall be designated by the owners at the time of appointment. Any
210 vacancy on the board of trustees shall be filled within ninety
211 (90) days by appointment by the applicable owner for the remainder
212 of the unexpired term. The terms of the nonvoting legislative
213 members of the board of trustees shall be concurrent with their
214 terms of office.

215 (6) A board of trustees provided for herein may, in its
216 discretion, where funds are available, compensate each trustee per
217 diem in the amount established by Section 25-3-69 for each meeting
218 of said board of trustees or meeting of a committee established by
219 the board of trustees where the trustee was in attendance, and in
220 addition thereto provide meals at such meetings and compensate
221 each member attending travel expenses at the rate authorized by
222 Section 25-3-41 for actual mileage traveled to and from the place
223 of meeting.

224 (7) The owner which appointed a trustee may likewise remove
225 him from office by majority vote for failure to attend at least
226 fifty percent (50%) of the regularly scheduled meetings of said

227 board during the twelve-month period preceding such vote, or for
228 violation of any statute relating to the responsibilities of his
229 office, based upon the recommendation of a majority of the
230 remaining trustees.

231 (8) The members of the board of trustees, administrator and
232 any other officials of the community hospital as may be deemed
233 necessary or proper by the board of trustees shall be under bond
234 in an amount not less than Ten Thousand Dollars (\$10,000.00) nor
235 more than One Hundred Thousand Dollars (\$100,000.00) with some
236 surety company authorized to do business in the State of
237 Mississippi to faithfully perform the duties of his office.
238 Premiums for such bonds shall be paid from funds of the community
239 hospital.

240 **SECTION 2.** Section 25-41-3, Mississippi Code of 1972, is
241 amended as follows:

242 25-41-3. For purposes of this chapter, the following words
243 shall have the meaning ascribed herein, to wit:

244 (a) "Public body" means: (i) any executive or
245 administrative board, commission, authority, council, department,
246 agency, bureau or any other policy making entity, or committee
247 thereof, of the State of Mississippi, or any political subdivision
248 or municipal corporation of the state, whether such entity be
249 created by statute or executive order, which is supported wholly
250 or in part by public funds or expends public funds, and (ii) any
251 standing, interim or special committee of the Mississippi
252 Legislature, and (iii) any public or community hospital board or
253 committee thereof, including any board which is under contract
254 with a county to operate a public or community hospital. There
255 shall be exempted from the provisions of this chapter the
256 judiciary, including all jury deliberations, public and private
257 hospital staffs, * * * private hospital boards and committees
258 thereof, law enforcement officials, the military, the State
259 Probation and Parole Board, the Workers' Compensation Commission,

260 legislative subcommittees and legislative conference committees,
261 the arbitration council established in Section 69-3-19 and license
262 revocation, suspension and disciplinary proceedings held by the
263 Mississippi State Board of Dental Examiners.

264 (b) "Meeting" means an assemblage of members of a
265 public body at which official acts may be taken upon a matter over
266 which the public body has supervision, control, jurisdiction or
267 advisory power; "meeting" also means any such assemblage through
268 the use of video or teleconference devices.

269 **SECTION 3.** This act shall take effect and be in force from
270 and after its passage.