

By: Representative Watson

To: Public Health and Human Services

HOUSE BILL NO. 1306

1 AN ACT TO AMEND SECTION 41-13-29, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE COMPENSATION OF MEMBERS OF THE BOARD OF TRUSTEES  
3 FOR COMMUNITY HOSPITALS; AND FOR RELATED PURPOSES.

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

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

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

28 from his district or from the county at large. Appointments  
29 exceeding five (5) in number shall be from the county at large.  
30 Trustees for a community hospital owned solely by supervisors  
31 districts, judicial districts or election district of a county,  
32 shall be appointed by the board of supervisors of said county from  
33 nominees submitted by the supervisor(s) representing the owner  
34 district(s).

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

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

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

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

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

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

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

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

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

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

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

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

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

171 (5) A board of trustees provided for in this section may, in  
172 its discretion, where funds are available, compensate each trustee  
173 not more than Three Hundred Dollars (\$300.00) per month for each  
174 meeting of the board of trustees or meeting of a committee  
175 established by the board of trustees where the trustee was in  
176 attendance, and in addition \* \* \* provide meals at such meetings  
177 and compensate each member attending travel expenses at the rate  
178 authorized by Section 25-3-41 for actual mileage traveled to and  
179 from the place of meeting, and an expense allowance equal to the  
180 maximum daily expense rate allowable to employees of the federal  
181 government for travel in the high rate geographical area of  
182 Jackson, Mississippi, as may be established by federal  
183 regulations, per day of travel.

184 (6) The owner which appointed a trustee may likewise remove  
185 him from office by majority vote for failure to attend at least  
186 fifty percent (50%) of the regularly scheduled meetings of said  
187 board during the twelve-month period preceding such vote, or for  
188 violation of any statute relating to the responsibilities of his  
189 office, based upon the recommendation of a majority of the  
190 remaining trustees.

191           (7) The members of the board of trustees, administrator and  
192 any other officials of the community hospital as may be deemed  
193 necessary or proper by the board of trustees shall be under bond  
194 in an amount not less than Ten Thousand Dollars (\$10,000.00) nor  
195 more than One Hundred Thousand Dollars (\$100,000.00) with some  
196 surety company authorized to do business in the State of  
197 Mississippi to faithfully perform the duties of his office.  
198 Premiums for such bonds shall be paid from funds of the community  
199 hospital.

200           **SECTION 2.** This act shall take effect and be in force from  
201 and after July 1, 2007.