To: Public Health and Human Services

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2007

By: Representatives Watson, Lane

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1306

AN ACT TO AMEND SECTION 41-13-29, MISSISSIPPI CODE OF 1972, TO INCREASE THE MAXIMUM COMPENSATION AUTHORIZED FOR MEMBERS OF THE BOARDS OF TRUSTEES FOR CERTAIN COMMUNITY HOSPITALS; AND FOR RELATED PURPOSES.

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

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

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

Trustees for a community hospital owned solely by supervisors districts, judicial districts or election district of a county, shall be appointed by the board of supervisors of said county from nominees submitted by the supervisor(s) representing the owner district(s).

(2) Initially the board of trustees shall be appointed as follows: one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Appointments exceeding five (5) in number shall be for terms of four (4) and five (5) years, respectively. Thereafter, all terms shall be for five (5) years. No community hospital trustee holding office on July 1, 1982, shall be affected by this provision, but such terms shall be filled at the expiration thereof according to the provisions of this section, provided, however, that any other specific appointment procedures presently authorized shall likewise not be affected by the terms hereof.

Any vacancy on the board of trustees shall be filled within ninety (90) days by appointment by the applicable owner for the remainder of the unexpired term.

(3) (a) Any community hospital erected, owned, maintained and operated by any county located in the geographical center of the State of Mississippi and in which State Highways No. 12 and No. 35 intersect, shall be operated by a board of trustees of five (5) members to be appointed by the board of supervisors from the county at large, one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Thereafter all such trustees shall be appointed from the county at large for a period of five (5) years.
(b) Any community hospital erected, owned, maintained and operated by any county situated in the Yazoo-Mississippi Delta Levee District and bordering on the Mississippi River and having a population of not less than forty-five thousand (45,000) and having an assessed valuation of not less than Thirty Million Dollars ($30,000,000.00) for the year 1954, shall be operated by a board of trustees which may consist of not more than eleven (11) members.

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

Each supervisor of Supervisor Districts One and Two shall nominate and the board of supervisors shall appoint one (1) person from each said beat for a one-year term. Each supervisor of Supervisor Districts Three and Four shall nominate and the board of supervisors shall appoint one (1) person from each said beat for a two-year term. The supervisor of Supervisor District Five shall nominate and the board of supervisors shall appoint one (1) person from said beat for a three-year term. The medical staff at the hospital shall submit a list of four (4) nominees and the supervisors shall appoint two (2) trustees from said list of nominees, one (1) for a three-year term and one (1) for a one-year term. Thereafter, as the terms of the board of trustee members authorized by this paragraph expire, all but the trustee originally appointed from the medical staff nominees for a one-year term shall be appointed by the board of supervisors for terms of three (3) years. The term of the trustee originally appointed from the medical staff nominees by the board of supervisors for a term of one (1) year shall remain a term of one
(1) year and shall thereafter be appointed for a term of one (1) year. The two (2) members appointed from medical staff nominees shall be appointed from a list of two (2) nominees for each said position to be submitted by the medical staff of the hospital for each vacancy to be filled. It is the intent of the Legislature that the board of trustees which existed prior to July 1, 1985, was abolished by amendment to this section under Section 5, Chapter 511, Laws of 1985, and such amendment authorized the appointment of a new board of trustees on or after July 1, 1985, in the manner provided in this paragraph. Any member of the board of trustees which existed prior to July 1, 1985, shall be eligible for reappointment subject to the provisions of this paragraph.

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

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

(4) Any community hospital owned, maintained and operated by any county wherein Mississippi Highways 16 and 19 intersect, having a land area of five hundred sixty-eight (568) square miles, and having a population in excess of twenty-three thousand seven hundred (23,700) according to the 1980 federal decennial census, shall be operated by a board of trustees of five (5) members, one
of whom shall be elected by the qualified electors of each
supervisors district of the county in the manner provided herein.
Each member so elected shall be a resident and qualified elector
of the district from which he is elected. The first elected
members of the board of trustees shall be elected at the regular
general election held on November 4, 1986. At such election, the
members of the board from supervisors districts one and two shall
be elected for a term of six (6) years; members of the board from
supervisors districts three and four shall be elected for a term
of two (2) years; and the member of the board from supervisors
district five shall be elected for a term of four (4) years. Each
subsequent member of the board shall be elected for a term of six
(6) years at the same time as the general election in which the
member of the county board of education representing the same
supervisors district is elected. All members of the board shall
take office on the first Monday of January following the date of
their election. The terms of all seven (7) appointed members of
such board of trustees holding office on the effective date of
this act shall expire on the date that the first elected members
of the board take office. The board of trustees provided for
herein shall not lease or sell the community hospital property
under its jurisdiction unless the board of supervisors of the
county calls for an election on the proposition and a majority
voting in such election shall approve such lease or sale.

The members of the board of trustees provided for in this
subsection shall be compensated a per diem and reimbursed for
their expenses and mileage in the same amount and subject to the
same restrictions provided for members of the county board of
education in Section 37-5-21 and may, at the discretion of the
board, choose to participate in any hospital medical benefit plan
which may be in effect for hospital employees. Any member of the
board of trustees choosing to participate in such plan shall pay
the full cost of his participation in the plan so that no
expenditure of hospital funds is required.

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

(5) A board of trustees provided for in this section may, in
its discretion, where funds are available, compensate each trustee
per diem in the amount established by Section 25-3-69 for each
meeting of the board of trustees or meeting of a committee
established by the board of trustees where the trustee was in
attendance. However, the board of trustees of any community
hospital that is regional in scope may, in its discretion, where
funds are available, compensate each trustee not more than Two
Hundred Dollars ($200.00) per month for each month that the board
of trustees or a committee established by the board of trustees
meets, where the trustee was in attendance. In addition, the
board of trustees may provide meals at any such meetings and
compensate each member attending travel expenses at the rate
authorized by Section 25-3-41 for actual mileage traveled to and
from the place of meeting, and an expense allowance equal to the
maximum daily expense rate allowable to employees of the federal
government for travel in the high rate geographical area of
Jackson, Mississippi, as may be established by federal
regulations, per day of travel.
(6) The owner which appointed a trustee may likewise remove him from office by majority vote for failure to attend at least fifty percent (50%) of the regularly scheduled meetings of said board during the twelve-month period preceding such vote, or for violation of any statute relating to the responsibilities of his office, based upon the recommendation of a majority of the remaining trustees.

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

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