

By: Senator(s) Browning, Dearing, Gordon,  
Mettetal, Morgan, Williamson

To: Public Health and  
Welfare

SENATE BILL NO. 2982

1 AN ACT TO AMEND SECTION 41-13-29, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE TRUSTEES FOR COUNTY HOSPITALS TO MEET THE SAME MINIMUM  
3 ELIGIBILITY CRITERIA AND QUALIFICATIONS AS ENTRY-LEVEL EMPLOYEES  
4 OF THE HOSPITAL; TO AMEND SECTION 41-13-47, MISSISSIPPI CODE OF  
5 1972, TO CHANGE THE DATE BY WHICH THE BOARD OF TRUSTEES MUST FILE  
6 AN ANNUAL REPORT; 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 the 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, and shall meet the same minimum eligibility  
17 criteria and qualifications as entry-level employees of the  
18 hospital to which board they are appointed. The authority to  
19 appoint trustees shall not apply to leased facilities, unless  
20 specifically reserved by the owner in the applicable lease  
21 agreement. The board of trustees shall consist of not more than  
22 seven (7) members nor less than five (5) members, except where  
23 specifically authorized by statute, and shall be appointed by the  
24 respective owners on a pro rata basis comparable to the ownership  
25 interests in the community hospital. Where such community  
26 hospital is owned solely by a county, or any supervisors  
27 districts, judicial districts or election district of a county, or  
28 by a municipality, the trustees shall be residents of the owning  
29 entity. Trustees for municipally owned community hospitals shall

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

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

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

63 (5) years. Thereafter all such trustees shall be appointed from  
64 the county at large for a period of five (5) years.

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

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

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

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

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

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

125 (4) Any community hospital owned, maintained and operated by  
126 any county wherein Mississippi Highways 16 and 19 intersect,  
127 having a land area of five hundred sixty-eight (568) square miles,  
128 and having a population in excess of twenty-three thousand seven

129 hundred (23,700) according to the 1980 federal decennial census,  
130 shall be operated by a board of trustees of five (5) members, one  
131 (1) of whom shall be elected by the qualified electors of each  
132 supervisors district of the county in the manner provided herein.  
133 Each member so elected shall be a resident and qualified elector  
134 of the district from which he is elected. The first elected  
135 members of the board of trustees shall be elected at the regular  
136 general election held on November 4, 1986. At such election, the  
137 members of the board from supervisors districts one and two shall  
138 be elected for a term of six (6) years; members of the board from  
139 supervisors districts three and four shall be elected for a term  
140 of two (2) years; and the member of the board from supervisors  
141 district five shall be elected for a term of four (4) years. Each  
142 subsequent member of the board shall be elected for a term of six  
143 (6) years at the same time as the general election in which the  
144 member of the county board of education representing the same  
145 supervisors district is elected. All members of the board shall  
146 take office on the first Monday of January following the date of  
147 their election. The terms of all seven (7) appointed members of  
148 such board of trustees holding office on the effective date of  
149 this act shall expire on the date that the first elected members  
150 of the board take office. The board of trustees provided for  
151 herein shall not lease or sell the community hospital property  
152 under its jurisdiction unless the board of supervisors of the  
153 county calls for an election on the proposition and a majority  
154 voting in such election shall approve such lease or sale.

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

162 board of trustees choosing to participate in such plan shall pay  
163 the full cost of his participation in the plan so that no  
164 expenditure of hospital funds is required.

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

176 (5) A board of trustees provided for herein may, in its  
177 discretion, where funds are available, compensate each trustee per  
178 diem in the amount established by Section 25-3-69 for each meeting  
179 of said board of trustees or meeting of a committee established by  
180 the board of trustees where the trustee was in attendance, and in  
181 addition thereto provide meals at such meetings and compensate  
182 each member attending travel expenses at the rate authorized by  
183 Section 25-3-41 for actual mileage traveled to and from the place  
184 of meeting.

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

192 (7) The members of the board of trustees, administrator and  
193 any other officials of the community hospital as may be deemed  
194 necessary or proper by the board of trustees shall be under bond

195 in an amount not less than Ten Thousand Dollars (\$10,000.00) nor  
196 more than One Hundred Thousand Dollars (\$100,000.00) with some  
197 surety company authorized to do business in the State of  
198 Mississippi to faithfully perform the duties of his office.  
199 Premiums for such bonds shall be paid from funds of the community  
200 hospital.

201 **SECTION 2.** Section 41-13-47, Mississippi Code of 1972, is  
202 amended as follows:

203 41-13-47. On or before the first Monday in September of each  
204 year, the said board of trustees shall make, enter on its minutes  
205 and file with the owner or owners, separately or jointly  
206 interested in said hospital, a proposed budget based on  
207 anticipated income and expenditures for the ensuing fiscal year.  
208 Such budget, as submitted or amended, shall be approved by the  
209 said owner or owners, as the case may be, which approval shall be  
210 evidenced by a proper order recorded upon the minutes of each such  
211 owner.

212 On or before the first Monday in February of each year, said  
213 board of trustees shall also make, enter on its minutes and file  
214 with such owner or owners, a full fiscal year report which shall  
215 contain a complete and correct accounting of all funds received  
216 and expended for all hospital purposes.

217 **SECTION 3.** This act shall take effect and be in force from  
218 and after July 1, 2007.