

House Amendments to Senate Bill No. 2982

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

10 **SECTION 1.** Section 41-13-29, Mississippi Code of 1972, is
11 amended as follows:
12 41-13-29. (1) The owners are * * * authorized to appoint
13 trustees for the purpose of operating and governing community
14 hospitals. The appointees of each shall be adult legal residents
15 of the county that has an ownership interest in the community
16 hospital or the county in which the municipality or other
17 political subdivision holding the ownership interest in the
18 community hospital is located, and shall meet the same minimum
19 eligibility criteria and qualifications as entry-level employees
20 of the hospital to which board they are appointed. The authority
21 to appoint trustees shall not apply to leased facilities, unless
22 specifically reserved by the owner in the applicable lease
23 agreement. The board of trustees shall consist of not more than
24 seven (7) members nor less than five (5) members, except where
25 specifically authorized by statute, and shall be appointed by the
26 respective owners on a pro rata basis comparable to the ownership
27 interests in the community hospital. Where the community hospital
28 is owned solely by a county, or any supervisors districts,
29 judicial districts or election district of a county, or by a
30 municipality, the trustees shall be residents of the owning
31 entity. Trustees for municipally owned community hospitals shall
32 be appointed by the owner of the municipality. Trustees for a
33 community hospital owned by a county shall be appointed by the
34 board of supervisors, with each supervisor having the right to
35 nominate one (1) trustee from his district or from the county at

36 large. Appointments exceeding five (5) in number shall be from
37 the county at large. Trustees for a community hospital owned
38 solely by supervisors districts, judicial districts or election
39 district of a county, shall be appointed by the board of
40 supervisors of the county from nominees submitted by the
41 supervisor(s) representing the owner district(s).

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

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

67 (b) Any community hospital erected, owned, maintained
68 and operated by any county situated in the Yazoo-Mississippi Delta
69 Levee District and bordering on the Mississippi River and having a
70 population of not less than forty-five thousand (45,000) and

71 having an assessed valuation of not less than Thirty Million
72 Dollars (\$30,000,000.00) for the year 1954, shall be operated by a
73 board of trustees that may consist of not more than eleven (11)
74 members.

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

82 Each supervisor of Supervisor Districts One and Two shall
83 nominate and the board of supervisors shall appoint one (1) person
84 from each of those beats for a one-year term. Each supervisor of
85 Supervisor Districts Three and Four shall nominate and the board
86 of supervisors shall appoint one (1) person from each of those
87 beats for a two-year term. The supervisor of Supervisor District
88 Five shall nominate and the board of supervisors shall appoint one
89 (1) person from that beat for a three-year term. The medical
90 staff at the hospital shall submit a list of four (4) nominees and
91 the supervisors shall appoint two (2) trustees from that list of
92 nominees, one (1) for a three-year term and one (1) for a one-year
93 term. Thereafter, as the terms of the board of trustee members
94 authorized by this paragraph expire, all but the trustee
95 originally appointed from the medical staff nominees for a
96 one-year term shall be appointed by the board of supervisors for
97 terms of three (3) years. The term of the trustee originally
98 appointed from the medical staff nominees by the board of
99 supervisors for a term of one (1) year shall remain a term of one
100 (1) year and shall thereafter be appointed for a term of one (1)
101 year. The two (2) members appointed from medical staff nominees
102 shall be appointed from a list of two (2) nominees for each of
103 those positions to be submitted by the medical staff of the
104 hospital for each vacancy to be filled. It is the intent of the
105 Legislature that the board of trustees that existed before July 1,

106 1985, was abolished by amendment to this section under Section 5,
107 Chapter 511, Laws of 1985, and that amendment authorized the
108 appointment of a new board of trustees on or after July 1, 1985,
109 in the manner provided in this paragraph. Any member of the board
110 of trustees that existed before July 1, 1985, shall be eligible
111 for reappointment subject to the provisions of this paragraph.

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

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

127 (4) Any community hospital owned, maintained and operated by
128 any county in which Mississippi Highways 16 and 19 intersect,
129 having a land area of five hundred sixty-eight (568) square miles,
130 and having a population in excess of twenty-three thousand seven
131 hundred (23,700) according to the 1980 federal decennial census,
132 shall be operated by a board of trustees of five (5) members, one
133 (1) of whom shall be elected by the qualified electors of each
134 supervisors district of the county in the manner provided herein.
135 Each member so elected shall be a resident and qualified elector
136 of the district from which he is elected. The first elected
137 members of the board of trustees shall be elected at the regular
138 general election held on November 4, 1986. At the election, the
139 members of the board from supervisors districts one and two shall
140 be elected for a term of six (6) years; members of the board from

141 supervisors districts three and four shall be elected for a term
142 of two (2) years; and the member of the board from supervisors
143 district five shall be elected for a term of four (4) years. Each
144 subsequent member of the board shall be elected for a term of six
145 (6) years at the same time as the general election in which the
146 member of the county board of education representing the same
147 supervisors district is elected. All members of the board shall
148 take office on the first Monday of January following the date of
149 their election. The terms of all seven (7) appointed members of
150 the board of trustees holding office on the effective date of this
151 act shall expire on the date that the first elected members of the
152 board take office. The board of trustees provided for herein
153 shall not lease or sell the community hospital property under its
154 jurisdiction unless the board of supervisors of the county calls
155 for an election on the proposition and a majority voting in the
156 election * * * approve the lease or sale.

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

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

176 who receives the highest number of votes cast in the district
177 shall be declared elected.

178 (5) A board of trustees provided for in this section may, in
179 its discretion, where funds are available, compensate each trustee
180 per diem in the amount established by Section 25-3-69 for each
181 meeting of the board of trustees or meeting of a committee
182 established by the board of trustees where the trustee was in
183 attendance. However, the board of trustees of any community
184 hospital that is regional in scope may, in its discretion, where
185 funds are available, compensate each trustee not more than Two
186 Hundred Dollars (\$200.00) per month for each month that the board
187 of trustees or a committee established by the board of trustees
188 meets, where the trustee was in attendance. In addition, the
189 board of trustees may provide meals at any such meetings and
190 compensate each member attending travel expenses at the rate
191 authorized by Section 25-3-41 for actual mileage traveled to and
192 from the place of meeting, and an expense allowance equal to the
193 maximum daily expense rate allowable to employees of the federal
194 government for travel in the high rate geographical area of
195 Jackson, Mississippi, as may be established by federal
196 regulations, per day of travel.

197 (6) The owner that appointed a trustee may likewise remove
198 him from office by majority vote for failure to attend at least
199 fifty percent (50%) of the regularly scheduled meetings of the
200 board during the twelve-month period preceding the vote, or for
201 violation of any statute relating to the responsibilities of his
202 office, based upon the recommendation of a majority of the
203 remaining trustees.

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

211 Premiums for those bonds shall be paid from funds of the community
212 hospital.

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

215 41-13-47. On or before the first Monday in September of each
216 year, the * * * board of trustees shall make, enter on its minutes
217 and file with the owner or owners, separately or jointly
218 interested in the hospital, a proposed budget based on anticipated
219 income and expenditures for the ensuing fiscal year. The budget,
220 as submitted or amended, shall be approved by the * * * owner or
221 owners, as the case may be, which approval shall be evidenced by a
222 proper order recorded upon the minutes of each such owner.

223 On or before the first Monday in February of each year, the
224 board of trustees shall also make, enter on its minutes and file
225 with the owner or owners, a full fiscal year report that shall
226 contain a complete and correct accounting of all funds received
227 and expended for all hospital purposes.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 INCREASE THE MAXIMUM COMPENSATION AUTHORIZED
5 FOR MEMBERS OF THE BOARDS OF TRUSTEES FOR CERTAIN COMMUNITY
6 HOSPITALS; TO AMEND SECTION 41-13-47, MISSISSIPPI CODE OF 1972, TO
7 CHANGE THE DATE BY WHICH THE BOARD OF TRUSTEES MUST FILE AN ANNUAL
8 REPORT; AND FOR RELATED PURPOSES.

HR07\SB2982A.J

Don Richardson
Clerk of the House of Representatives