

By: McCoy

To: Public Health and
Welfare

HOUSE BILL NO. 1522

1 AN ACT TO AMEND SECTION 27-105-365, MISSISSIPPI CODE OF 1972,
2 TO REVISE INVESTMENTS ALLOWED FOR COMMUNITY HOSPITALS; AND FOR
3 RELATED PURPOSES.

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

5 SECTION 1. Section 27-105-365, Mississippi Code of 1972, is
6 amended as follows:[LH1]

7 27-105-365. (1) The commissioners or board of trustees of
8 any hospital owned and operated separately or jointly by one or
9 more counties, cities, towns, supervisors districts, or election
10 districts or combinations thereof, including hospitals established
11 under the authority of Sections 41-13-1 through 41-13-9, as now or
12 hereafter amended, are hereby authorized and empowered to deposit
13 the funds of such hospital in one or more financial institutions
14 whose accounts are insured by the Federal Deposit Insurance
15 Corporation, selected by the board of trustees in the same manner
16 as county depositories are selected by boards of supervisors
17 pursuant to Section 27-105-305, located in its county or counties,
18 except as otherwise provided in the following paragraphs.

19 At the regular December meeting of the board of trustees in
20 1995, or at any regular December meeting of the board thereafter,
21 the board may, in its discretion, give notice by publication to
22 all financial institutions in its county or counties whose
23 accounts are insured by the Federal Deposit Insurance Corporation,
24 that bids will be received from financial institutions at the
25 following January meeting, or some subsequent meeting, for the
26 privilege of keeping the hospital funds or any part thereof for a

27 period of three (3) years, subject to earlier termination as
28 authorized in this paragraph. Such bids shall be submitted and
29 accepted in the same manner as provided in Section 27-105-305.
30 After the board has selected a depository or depositories as
31 provided in this paragraph, the board may, at any regular December
32 meeting during the three-year period, give notice to and receive
33 bids from financial institutions in the manner provided in this
34 paragraph, for the privilege of keeping the hospital funds or any
35 part thereof for a period of three (3) years, subject to earlier
36 termination as authorized in this paragraph; and after receiving
37 such bids, the board may reject all bids and elect to keep the
38 funds in the current depository or depositories for the remainder
39 of the three-year period under the terms originally agreed to with
40 the depository or depositories, or if the board determines it to
41 be in the best interests of the hospital, it may terminate the
42 agreement with the current depository or depositories and select a
43 new depository or depositories or the same depository or
44 depositories from the bids received, choosing the bid or bids
45 proposing the best terms for the hospital.

46 Such hospital funds, when so deposited, shall have the same
47 security and protection as required for county funds in Section
48 27-105-315. When more than one (1) depository of whatever type is
49 authorized, the commissioners or board of trustees may select one
50 or more of such depositories and may apportion such deposits, at
51 their or its discretion, if more than one (1) depository is
52 selected. If there is no financial institution located within
53 such county or counties, the commissioners or board of trustees of
54 such hospital may select, in their or its discretion, a depository
55 located outside of such county or counties.

56 The commissioners or boards of trustees of such community
57 hospitals shall deposit the funds of such hospital into the
58 depository selected under this section on the day when they are
59 received or collected, or on the next business day thereafter.

60 (2) The commissioners or board of trustees of any such
61 hospital may, in their or its discretion, maintain one or more
62 special funds for the purpose of making necessary repairs,
63 necessary purchases of equipment, meeting operational and

64 maintenance expenses, allowing for depreciation, providing
65 contingent funds for emergencies, funding hospital improvements,
66 or providing for other special needs, and may deposit any part of
67 such special fund in accordance with the provisions contained in
68 subsection (1) for the deposit of other funds of such hospital.
69 Said commissioners or board of trustees may also invest any part
70 of such special fund, any funds derived from the sale of bonds, or
71 any other funds in excess of the sums which will be required to
72 meet the current needs and demands of no more than seven (7)
73 business days in the following:

74 (a) In any bonds or other direct obligations of the
75 United States of America or the State of Mississippi, or of any
76 county, school district or municipality of this state, which such
77 county, school district or municipal bonds have been approved by a
78 reputable bond attorney or have been validated by decree of the
79 chancery court;

80 (b) In obligations issued or guaranteed in full as to
81 principal and interest by the United States of America which are
82 subject to a repurchase agreement with a financial institution
83 certified as a qualified depository;

84 (c) In United States government agency, United States
85 government instrumentality, or United States government sponsored
86 enterprise obligations, the principal and interest of which are
87 fully guaranteed by the government of the United States, such as
88 the Government National Mortgage Association; or United States
89 government agency, United States government instrumentality, or
90 United States government sponsored enterprise obligations, the
91 principal and interest of which are guaranteed by any United
92 States government agency, United States government
93 instrumentality, or United States government sponsored enterprise.
94 However, at no time shall the funds invested in United States
95 government agency, United States government instrumentality, or
96 United States government sponsored enterprise obligations

97 enumerated in the preceding sentence exceed fifty percent (50%) of
98 all monies invested with maturities of thirty (30) days or longer.
99 The limitation set forth in the preceding sentence shall be
100 applicable only at the time of purchase and shall not require the
101 liquidation of any investment at any time;

102 (d) In an account or accounts in one or more financial
103 institutions located in this state, and such funds when so
104 invested shall have the same security and protection as required
105 in Section 27-105-315;

106 (e) In an insured account or accounts in one or more
107 financial institutions in this state whose accounts are insured by
108 the Federal Deposit Insurance Corporation; provided that the
109 amount in any single account shall not exceed the amount which at
110 any one time is insured by the Federal Deposit Insurance
111 Corporation;

112 (f) In any open-end or closed-end management type
113 investment company or investment trust registered under the
114 provisions of 15 USCS Section 80(a)-1 et seq., provided that the
115 portfolio of such investment company or investment trust is
116 limited to direct obligations issued by the United States of
117 America, United States government agencies, United States
118 government instrumentalities or United States government sponsored
119 enterprises, and to repurchase agreements fully collateralized by
120 direct obligations of the United States of America, United States
121 government agencies, United States government instrumentalities or
122 United States government sponsored enterprises, and the investment
123 company or investment trust takes delivery of such collateral for
124 the repurchase agreement, either directly or through an authorized
125 custodian. The total dollar amount of funds invested in all
126 open-end and closed-end management type investment companies and
127 investment trusts at any one time shall not exceed twenty percent
128 (20%) of the total dollar amount of funds invested under this
129 subsection. The limitation set forth in the preceding sentence

130 shall be applicable only at the time of purchase and shall not
131 require the liquidation of any investment at any time.

132 (g) In * * * trust fund consisting of pooled or
133 commingled funds of other hospitals, provided that (i) the
134 portfolio of such trust fund may include investments in commercial
135 paper having one (1) of the two (2) highest short-term rating
136 categories of either Standard & Poor's Corporation or Moody's
137 Investors Service, or corporate notes and bonds having one (1) of
138 the three (3) highest short-term rating categories of either
139 Standard & Poor's Corporation or Moody's Investors Service; (ii)
140 the portfolio of such * * * trust fund is limited to investments
141 authorized under this section, except that such investments shall
142 not be subject to the percentage limitations set forth in
143 subsection (2)(c) or subsection (2)(f) of this section; (iii) such
144 trust is managed by an entity with trust powers or by an
145 investment advisor registered with the Securities and Exchange
146 Commission and retained as an investment manager by the
147 commissioners or the board of trustees, as the case may be, and
148 (iv) any investment manager approved by the commissioners or the
149 board of trustees, as the case may be, shall invest such
150 commingled funds as a fiduciary.

151 In addition, the commissioners or the board of trustees, in
152 their or its discretion, may invest such funds as permitted by
153 Section 19-9-29, 21-33-323, 27-105-33 or 37-59-43, as the same may
154 be amended from time to time.

155 In any event, the bonds or obligations described in
156 paragraphs (a), (b) or (c) in which such funds are invested shall
157 mature or be redeemable prior to the time the funds so invested
158 will be needed for expenditures. When bonds or other obligations
159 have been so purchased, the same may be sold or surrendered for
160 redemption at any time by order or resolution of the commissioners
161 or board of trustees of any such hospital, and the president or
162 vice president, when authorized by such order or resolution, shall

163 have the power and authority to execute all instruments and take
164 such other action as may be necessary to effectuate the sale or
165 redemption thereof.

166 When any such special fund is maintained for a purpose that
167 requires contract letting or other action by the governing
168 authority or authorities of the counties, cities, towns,
169 supervisors districts or election districts, separately or jointly
170 owning and operating such hospital, the commissioners or board of
171 trustees of the hospital may transfer the whole or any part of any
172 such special fund to the governing authority or authorities
173 aforesaid on condition that the same be used for such purpose or
174 returned to the transferring commissioners or board of trustees
175 within the time designated in the conditions.

176 (3) All funds which shall be derived from any tax levied for
177 the support and maintenance of any such hospital, and all other
178 funds which may be made available for the support and maintenance
179 of any such hospital by the state or any county or municipality,
180 and all fees and other monies which may be collected or received
181 by or for such hospital shall be placed in a special fund to the
182 credit of such hospital within sixty (60) days after collection,
183 and all such funds shall be expended and paid out upon the
184 allowance of the board of trustees or commissioners of the
185 hospital, as the case may be, and disbursed by checks signed by
186 such person, officer or officers, as may be designated by such
187 board of trustees or commissioners. Any officer or person who
188 shall be designated by such board of trustees or commissioners to
189 execute such checks shall furnish to such board of trustees or
190 commissioners a good and sufficient surety bond in such amount as
191 such board of trustees may fix, conditioned upon the faithful
192 discharge of his duties, and the premium on such bond shall be
193 paid from the funds available for the support and maintenance of
194 such hospital. No funds shall be disbursed by any such hospital
195 until the board of trustees or the commissioners thereof shall

196 have adopted an annual budget and submitted same to the respective
197 governing authority or authorities of the counties, cities, towns,
198 supervisors districts, or election districts, separately or
199 jointly owning and operating such hospital, and until such budget
200 shall have been approved by the governing authority or
201 authorities, as the case may be, which approval shall be evidenced
202 by a proper order recorded upon the minutes of each such
203 authority. The accounts and records of any such hospital shall be
204 audited by the State Department of Audit at the same time and in
205 the same manner as the accounts and financial records of the
206 county are audited, and for such purpose shall be considered in
207 all respects as county accounts and records; however, this
208 provision with regard to such audits shall be applicable only to
209 hospitals owned wholly or in part by a county.

210 (4) The provisions of this section shall not apply to
211 hospitals owned jointly by a city and county and operated by lease
212 agreement or contract with a nonprofit hospital corporation.

213 SECTION 2. This act shall take effect and be in force from
214 and after July 1, 2000.