

By: Representatives Watson, Lane

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1306

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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