

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.