

Regular Session, 2013

HOUSE BILL NO. 546

BY REPRESENTATIVES MORENO, LEGER, AND BROSSETT AND SENATOR MORRELL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PROPERTY/PUBLIC: Provides for the authority to transfer or lease certain state property in Orleans Parish to Children's Hospital, New Orleans

1 AN ACT

2 To amend and reenact Sections 3, 4, and 5(A)(introductory paragraph) of Act No. 867 of the  
3 2012 Regular Session of the Legislature and to repeal Sections 5(A)(2) and 6 of Act  
4 No. 867 of the 2012 Regular Session of the Legislature, relative to the authorization  
5 to transfer certain state property in Orleans Parish; to repeal the requirement of  
6 certain conditions; to provide for reservation of mineral rights; to provide terms and  
7 conditions; to provide an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Sections 3, 4, and 5(A)(introductory paragraph) of Act No. 867 of the  
10 2012 Regular Session of the Legislature are hereby amended and reenacted to read as  
11 follows:

12 Section 3. The commissioner of administration, notwithstanding any other  
13 provision of law to the contrary, is hereby authorized and empowered to convey,  
14 transfer, assign, lease or deliver any interest, excluding mineral rights, the state may  
15 have to all of any portion of the parcel of property described in Section 1 of this Act  
16 to the Children's Hospital, New Orleans.

17 Section 4. The commissioner of administration is hereby authorized to enter  
18 into such agreements, covenants, conditions, and stipulations and to execute such  
19 documents as necessary to properly effectuate any conveyance, transfer, assignment,

1 lease or delivery of title, excluding mineral rights, to the property described in  
2 Section 1 of this Act, and as more specifically described in any such agreements  
3 entered into and documents executed by and between the commissioner of  
4 administration and Children's Hospital, New Orleans, in exchange of consideration  
5 proportionate to at least the appraised value of the property.

6 Section 5. A. The authority provided to the commissioner of administration  
7 in Section 3 ~~and Section 6~~ of this Act shall be conditioned, unless such agreement  
8 provides for a conveyance, transfer, assignment, or delivery of all the state's interest  
9 in the property described in Section 1 of this Act, upon the agreement authorized by  
10 Section 4 ~~and Section 6~~ of this Act containing the following provisions:

11 \* \* \*

12 Section 2. Sections 5(A)(2) and 6 of Act No. 867 of the 2012 Regular Session of the  
13 Legislature are hereby repealed in their entirety.

14 Section 3. This Act shall become effective upon signature by the governor or, if not  
15 signed by the governor, upon expiration of the time for bills to become law without signature  
16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
17 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
18 effective on the day following such approval.

---

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Moreno

HB No. 546

**Abstract:** Authorizes the transfer or lease of the New Orleans Adolescent Hospital to Children's Hospital, New Orleans and removes requirement of certain conditions in a lease agreement between the parties.

Present law authorizes the LSU Board of Supervisors and LSU HSC to transfer certain state property in Orleans Parish, known as the New Orleans Adolescent Hospital (NOAH), to the division of administration. Present law authorizes the commissioner of administration to lease the same state property in Orleans Parish to the Children's Hospital, New Orleans.

Proposed law adds the authorization to transfer the property to Children's Hospital, New Orleans.

Present law requires that any lease entered into by the commissioner under present law contain the following provisions:

- (1) The property shall be administered, managed, and operated as a facility for health care, mental health care, or health care or mental health care education.
- (2) The portion of the property shall be administered, managed, and operated so as to provide mental health care including inpatient and outpatient services consistent with those services formally provided by the NOAH prior to 2010. Such services may be provided by a third party and as more particularly provided for in the lease agreement.

Proposed law repeals the requirement that the property be administered, managed, and operated so as to provide mental health care, including inpatient and outpatient services consistent with those services formally provided by the NOAH prior to 2010.

Present law provides that if the property is not administered, managed, and operated as provided in the conditions provided for in present law, the lease shall terminate and control of such property shall immediately revert to and vest in the state.

Proposed law provides that the conditions do not apply to an agreement that conveys, transfers, assigns, or delivers all the state's interest in the NOAH property.

Present law requires the lease to Children's Hospital to be executed by Feb. 1, 2013, or after Children's Hospital refuses to enter a lease, whichever is sooner, the division of administration may offer to lease the property to the highest bidder. Proposed law repeals present law.

Present law provides that if the property is not leased after being offered to the highest bidder by Aug. 1, 2013, or six months if Children's Hospital refuses to enter a lease, whichever is sooner, the property shall revert to the LSU Board of Supervisors and LSU HSC. Proposed law repeals present law.

Provides that present law shall be the exclusive authority and procedure to transfer the property in present law. Proposed law retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends §3, 4, and 5(A)(intro. para.) of Act No. 867 of the 2012 R.S.; Repeals §§5(A)(2) and 6 of Act No. 867 of the 2012 R.S.)