

Regular Session, 2013

HOUSE BILL NO. 720 (Substitute for House Bill No. 595 by Representative
Abramson)

BY REPRESENTATIVES ABRAMSON, MORENO, AND LEGER

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 and St. Martin Parish

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

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

18 Section 4. The commissioner of administration is hereby authorized to enter
19 into such agreements, covenants, conditions, and stipulations and to execute such

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

7 Section 5. A. The authority provided to the commissioner of administration
8 in Section 3 ~~and Section 6~~ of this Act shall be conditioned upon the agreement
9 authorized by Section 4 ~~and Section 6~~ of this Act containing the following
10 provisions: ~~(1) The~~ that the property shall be administered, managed, and operated
11 as a facility for health care, mental health care, or health care or mental health care
12 education.

13 ~~(2) The portion of the property described in Section 1 of this Act that~~
14 ~~formerly housed the New Orleans Adolescent Hospital shall be administered,~~
15 ~~managed, and operated so as to provide mental health care including in-patient and~~
16 ~~out-patient services consistent with those services provided by the New Orleans~~
17 ~~Adolescent Hospital prior to 2010. Such services may be provided by a third party~~
18 ~~as more particularly provided for in the lease agreement.~~

19 * * *

20 Section 2. Section 6 of Act No. 867 of the 2012 Regular Session of the Legislature
21 is hereby repealed in its entirety.

22 Section 3. A. Children's Hospital, New Orleans consistent with the current best
23 practices of delivery models, shall provide the total dollars necessary for the development
24 and infrastructure to open:

25 (1) At a minimum, an additional sixteen pediatric or adolescent behavior health care
26 beds. If ninety percent of those additional beds become reserved or occupied, adding beds
27 for pediatric or adolescent mental health care as consistent with the behavioral health needs
28 of the region.

29 (2) Behavioral health care services for children under five years of age.

1 (3) Expansion of the Autism Center at Children's Hospital, New Orleans campus.

2 (4) Inpatient-to-and out-patient behavioral transition care program.

3 B.(1) The capital outlay funding in Act No. 23 of the 2012 R.S. allocated to the New
4 Orleans Adolescent Hospital and for the dedicated related other mental health facilities shall
5 be consolidated and reallocated to Children's Hospital, New Orleans. In consideration of the
6 capital outlay finding, Children's Hospital, New Orleans shall, in good faith, make
7 reasonable efforts to consider and provide the following additional services:

8 (a) Substance abuse and medical detoxification services.

9 (b) Longer term inpatient services with educational and therapeutic services.

10 (c) Services for children and youth in the juvenile justice system, as appropriate.

11 (d) Day treatment services.

12 (2) Consideration of the additional services in Paragraph (1) of this Subsection shall
13 be in consultation and collaboration with the appropriate stakeholders and shall take into
14 account Medicaid and other funding. Children's Hospital, New Orleans and the Department
15 of Health and Hospitals shall seek the most advantageous utilization of the increased bed
16 capacity and the development of an inpatient-to-out-patient behavioral transition care
17 program.

18 C. Except as otherwise provided for in this Section, the services provided for in this
19 Section may be located at any location in the city of New Orleans after holding a public
20 hearing with an opportunity for public comment and Children's Hospital, New Orleans shall
21 consider and make reasonable and practical efforts to accommodate legitimate concerns.

22 Section 4. The commissioner of the division of administration, notwithstanding any
23 other provision of law to the contrary, is hereby authorized and empowered to convey,
24 transfer, assign, lease or deliver any interest, excluding mineral rights, the state may have
25 to the following described properties to the adjacent landowners, but only upon the condition
26 that the Atchafalaya Land Corporation or its successors in title reject their option to purchase
27 their former interest pursuant to R.S. 41:1338:

28 Parcels of land directly behind and adjacent to Lots 34, 35, 36, 37, 38, 39, 40, 41, 42,

29 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58, not to exceed beyond

1 the bank of a borrow pit canal or the extent of state ownership, located within
 2 Section 11, T9S-R7E, St. Martin Parish. Said lots are described on a plat by C.L.
 3 Jack Stelly dated April 3, 1984, revised June 27, 1997, on file in the St. Martin Parish
 4 Courthouse, COB 1259 Folio 424, conveyance number 285081, reserving to the
 5 State a right-of-passage for the general public along the trail existing parallel and
 6 next to the borrow pit canal.

7 Section 5. The commissioner of the division of administration is hereby authorized
 8 to enter into such agreements, covenants, conditions, and stipulations and to execute such
 9 documents as necessary to properly effectuate any conveyance, transfer, assignment, lease
 10 or delivery of title, excluding mineral rights, to the property described in Section 4 of this
 11 Act, and as more specifically described in any such agreements entered into and documents
 12 executed by and between the commissioner of the division of administration and the adjacent
 13 landowners, in exchange of consideration proportionate to the appraised value of the
 14 property.

15 Section 6. This Act shall become effective upon signature by the governor or, if not
 16 signed by the governor, upon expiration of the time for bills to become law without signature
 17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 19 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)]

Abramson

HB No. 720

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

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.

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.

Proposed law requires Children's Hospital to open a minimum of an additional 16 pediatric or adolescent behavior health care beds, and consider opening additional beds if the 16 beds reach 90% occupancy.

Proposed law requires Children's Hospital to open the following:

- (1) A minimum of an additional 16 pediatric or adolescent behavior health care beds, and add beds if the 16 beds reach 90% occupancy.
- (2) Behavioral health care services for children under five years of age.
- (3) Expansion of the Autism Center at Children's Hospital Campus.
- (4) Inpatient-to-out-patient behavioral transition care.

Proposed law provides for consolidation and reallocation of capital outlay funding to NOAH in Act No. 23 of the 2012 R.S. to Children's Hospital to consider and provide services for substance abuse, longer term inpatients, juvenile justice, and day treatment. Consideration of these service shall be in consultation with stakeholders.

Proposed law requires Children's Hospital and the Dept. of Health and Hospitals to seek the most advantageous utilization of the increased bed capacity and the development of an inpatient-out-patient behavioral transition care program.

Proposed law provides that except as otherwise provided in proposed law, the services provided for in proposed law may be located in the city of New Orleans after holding a public hearing with an opportunity for public comment.

Proposed law authorizes the transfer or lease of certain state property in St. Martin Parish from the division of administration to the adjacent landowners to the property. Provides for the reservation of mineral rights to the state.

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

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