

Regular Session, 2013

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

BY REPRESENTATIVES ABRAMSON, ARNOLD, BERTHELOT, BILLIOT, WESLEY BISHOP, BROSSETT, CARMODY, DANAHAY, DIXON, DOVE, FRANKLIN, GAINES, GAROFALO, GISCLAIR, HARRISON, LEGER, LEOPOLD, MILLER, MORENO, PIERRE, SCHEXNAYDER, AND ST. GERMAIN

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 for an annual report; to provide an effective date; and to  
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

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

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

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

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

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

21 \* \* \*

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

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

27 (1) At a minimum, an additional sixteen pediatric or adolescent behavior health care  
28 beds. If ninety percent of those additional beds become reserved or occupied, adding beds

1 for pediatric or adolescent mental health care as consistent with the behavioral health needs  
2 of the region.

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

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

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

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

11 (a) Substance abuse and medical detoxification services.

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

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

14 (d) Day treatment services.

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

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

25 D. Children's Hospital, New Orleans shall submit a report on the behavioral mental  
26 health services as provided for in this Section to the Speaker of the House of Representative,  
27 the President of the Senate, the House Committee on Health and Welfare, and the Senate  
28 Committee on Health and Welfare. The report shall be submitted on or before the first day

1 of February each year until February 1, 2018, or until the completion of Children's Hospital,  
2 New Orleans obligations under this Section, whichever occurs first.

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

9 Parcels of land directly behind and adjacent to Lots 34, 35, 36, 37, 38, 39, 40, 41, 42,  
10 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58, not to exceed beyond  
11 the bank of a borrow pit canal or the extent of state ownership, located within  
12 Section 11, T9S-R7E, St. Martin Parish. Said lots are described on a plat by C.L.  
13 Jack Stelly dated April 3, 1984, revised June 27, 1997, on file in the St. Martin Parish  
14 Courthouse, COB 1259 Folio 424, conveyance number 285081, reserving to the  
15 State a right-of-passage for the general public along the trail existing parallel and  
16 next to the borrow pit canal.

17 Section 5. The commissioner of the division of administration is hereby authorized  
18 to enter into such agreements, covenants, conditions, and stipulations and to execute such  
19 documents as necessary to properly effectuate any conveyance, transfer, assignment, lease  
20 or delivery of title, excluding mineral rights, to the property described in Section 4 of this  
21 Act, and as more specifically described in any such agreements entered into and documents  
22 executed by and between the commissioner of the division of administration and the adjacent  
23 landowners, in exchange of consideration proportionate to the appraised value of the  
24 property.

25 Section 6. The commissioner of the division of administration, notwithstanding any  
26 other provision of law to the contrary, is hereby authorized and empowered to convey,  
27 transfer, assign, lease or deliver any interest, excluding mineral rights, the state may have  
28 to the following described properties to Phyllis Marks and Michael Marks, but only upon the

1 condition that the Atchafalaya Land Corporation or its successors in title reject their option  
2 to purchase their former interest pursuant to R.S. 41:1338:

3 That certain tract of land containing 0.204 acres, being Lot 62A located in  
4 Section 11, Township 9 South, Range 7 East, St. Martin Parish, Louisiana  
5 and being more particularly described as follows:

6 COMMENCING at the Northwestern corner of Lot 62 (1/2" I.P.) as shown  
7 on the Atchafalaya Land Corporation Plat by C. L. Jack Stelly, LA PLS No.  
8 358, dated June 27, 1997; Thence in a Southeasterly direction 375.33 feet to  
9 the POINT OF BEGINNING (5/8" I.R.); Thence North 86 degrees 37  
10 minutes 29 seconds East 125.00 feet; Thence South 40 degrees 27 minutes  
11 04 seconds West 154.78 feet; Thence North 19 degrees 35 minutes 34  
12 seconds West 48.34 feet; Thence North 42 degrees 08 minutes 29 seconds  
13 West 83.67 feet (set hole in conc.); Thence North 86 degrees 37 minutes 29  
14 seconds East 48.06 feet (5/8" I.R.) to the POINT OF BEGINNING.

15 Said property bordered Northerly by Michael Marks, Westerly by barrow  
16 ditch, Southerly by barrow ditch and State of Louisiana, Easterly by State of  
17 Louisiana and is shown on "PLAT OF SURVEY SHOWING PROPERTY  
18 TO BE ACQUIRED BY MICHAEL MARKS LOCATED IN SECTION 11,  
19 TOWNSHIP 9 SOUTH, RANGE 7 EAST, ST. MARTIN PARISH" by  
20 Brandon S. Breaux, LA PLS No. 4946 dated October 26, 2008.

21 Section 7. The commissioner of the division of administration is hereby authorized  
22 to enter into such agreements, covenants, conditions, and stipulations and to execute such  
23 documents as necessary to properly effectuate any conveyance, transfer, assignment, lease  
24 or delivery of title, excluding mineral rights, to the property described in Section 6 of this  
25 Act, and as more specifically described in any such agreements entered into and documents  
26 executed by and between the commissioner of the division of administration and Phyllis  
27 Marks and Michael Marks, in exchange of consideration proportionate to the appraised value  
28 of the property.

1 Section 8. This Act shall become effective upon signature by the governor or, if not  
 2 signed by the governor, upon expiration of the time for bills to become law without signature  
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 5 effective on the day following such approval.

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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)]

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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-outpatient 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 services 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 requires Children's Hospital, New Orleans to submit a report on the behavioral mental health services provide for in proposed law to the Speaker, the President, and the House and Senate Committees on Health and Welfare on February 1<sup>st</sup> of each year until 2018 or until the obligations are met under proposed law, whichever occurs first.

Proposed law authorizes the transfer or lease of certain state property in St. Martin Parish from the division of administration to the adjacent landowners, including Phyllis and Michael Marks, to the property in exchange of consideration proportionate to the appraised value. 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.)

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Requires Children's Hospital, New Orleans to submit a report on the behavioral mental health services provide for in proposed law to the Speaker, the President, and the House and Senate Committees on Health and Welfare on February 1<sup>st</sup> of each year until 2018 or until the obligations are met under proposed law, whichever occurs first.

2. Adds to the authority to transfer or lease of certain state property in St. Martin Parish from the division of administration to Phyllis and Michael Marks.
3. Makes technical changes.