

## RÉSUMÉ DIGEST

ACT 537 (SB 466)

2016 Regular Session

Hewitt

Prior law set forth the hospitals managed by the Louisiana State University Board of Supervisors.

New law retains prior law.

New law provides that in the event the LSU Board of Supervisors determines it is in the best interest of the state, the legislature has authorized the closure of a hospital, and the building is no longer being utilized for the provision of health care services, or receives an inquiry from a financially viable party regarding the purchase of a hospital listed in prior law, the board shall notify the commissioner of administration within five business days that it is contemplating the option of selling the property or is in receipt of such an inquiry. Provides that the board shall participate in and cooperate with the commissioner in reviewing the benefits and consequences of selling the property.

New law provides the review by the board and the commissioner shall include, at a minimum, an assessment of the impact a sale of the property may have on the provision of health care in the region, the impact on graduate medical education, any contractual or operational issues with other parties that need to be addressed prior to executing a contract of sale, purchase agreement, or other type of agreement, and a cost-benefit analysis addressing the potential short-term and long-term financial advantages and disadvantages of proceeding with the sale. New law further provides that the commissioner shall also obtain fair market value appraisals from up to three Louisiana certified appraisers to ascertain the current value of the property. A report of such information and the recommendations of the board and the commissioner shall be submitted to the JLCB immediately upon its completion.

New law provides that prior to taking any action which would result or is expected to result in the sale of the property as provided by law, the commissioner shall notify the JLCB in writing that the board and commissioner are recommending that the state proceed with such a sale. The commissioner shall instruct the board to contact the committee to request preliminary authorization to pursue the sale of the property based upon the positive outcome of the review provided for in new law. The committee shall consider the board's request no less than thirty days after the date that it is submitted to the committee. If the board's request is approved by the committee, it shall be submitted to the legislature for approval by a majority vote of the elected members of each house of the legislature. If the legislature is not in session, approval of the legislature may be obtained in accordance with the procedures for a mail ballot.

New law further provides that notwithstanding the provisions of prior law regarding the procedures for the sale of state land to the contrary, upon receipt of the approval by the committee and legislature to proceed with the exploration of the sale of the property, the board shall work with the commissioner to develop a solicitation for offers to sell the property, fixing the minimum price and terms of sale to be made with reference to the property. The solicitation shall be developed such that it is within the parameters approved by the committee and the legislature. Upon completion of the solicitation, the board shall advertise the solicitation for offers electronically for 45 days and shall also advertise in the newspapers in general circulation in the municipality where the property is located and in major metropolitan areas across the state for a minimum of three times in 45 days. During this period, the board and the commissioner shall resolve any outstanding contractual or operational issues with other parties that may affect the sale of the property.

New law provides that the board and the commissioner shall review the offers and negotiate with the respondents for a period of no less than 30 days. If the board and commissioner agree that an acceptable offer has been received, then the board shall submit the proposed agreement to the committee for its review and approval. The agreement shall be within the preliminary parameters approved by the committee and the legislature. The committee shall consider the proposed agreement not less than thirty days after submission of the agreement. No agreement shall be officially conferred prior to approval of the committee.

New law provides that nothing in new law nor any approval of the committee or legislature relative to a proposed sale, shall be construed as authorizing the board to close a hospital or an emergency room or absolving the board of its responsibilities for any medical center as provided by law.

New law provides that it shall terminate as of December 31, 2019.

Effective upon signature of the governor (June 17, 2016).

(Adds R.S. 17:1519.2(C))