

SENATE BILL NO. 385

BY SENATOR HARRIS

1 AN ACT

2 To amend and reenact Section 1 of Act No. 130 of the 1896 Regular Session of the
3 Legislature, as amended by Act No. 395 of the 2006 Regular Session of the
4 Legislature, Act No. 257 of the 2020 Regular Session of the Legislature, and Act No.
5 613 of the 2024 Regular Session of the Legislature, and Sections 1 through 8 of Act
6 No. 569 of the 1989 Regular Session of the Legislature, as amended by Act No. 13
7 of the 1998 First Extraordinary Session of the Legislature, Act No. 395 of the 2006
8 Regular Session of the Legislature, and Act No. 613 of the 2024 Regular Session of
9 the Legislature, relative to the New Orleans City Park Police; to provide for the
10 authority, duties, commissioning, and training of the New Orleans City Park Police;
11 to provide for the administration of the New Orleans City Park Police; to provide for
12 approval of the board of commissioners of the New Orleans City Park Improvement
13 Association; to provide for board membership; to provide for obligations of the
14 board; to provide for matters related to insurance for City Park; and to provide for
15 related matters.

16 Notice of intention to introduce this Act has been published.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. Section 1 of Act No. 130 of the 1896 Regular Session of the Legislature,
19 as amended by Act No. 395 of the 2006 Regular Session of the Legislature, Act No. 257 of
20 the 2020 Regular Session of the Legislature, and Act No. 613 of the 2024 Regular Session

1 of the Legislature is hereby amended and reenacted to read as follows:

2 Section 1. Be it enacted by the General Assembly of the State of Louisiana,

3 That:

4 (A) The park in the City of New Orleans known as the "New Orleans City
5 Park" be and is hereby placed under control and management of the "New Orleans
6 City Park Improvement Association" incorporated under the laws of the State, by an
7 act before Felix J. Dreyfous, Notary Public, on the 13th day of August, 1891.

8 (B) The secretary of the Department of Culture, Recreation and Tourism shall
9 be a member of the board of commissioners of the New Orleans City Park
10 Improvement Association. The secretary may designate a person to serve as a
11 member of the board of commissioners in his absence.

12 (C) The president of the Senate, or his designee, shall be a member of the
13 board of commissioners of the New Orleans City Park Improvement Association for
14 a term concurrent with his elected term.

15 (D) The speaker of the House of Representatives, or his designee, shall be a
16 member of the board of commissioners of the New Orleans City Park Improvement
17 Association for a term concurrent with his elected term.

18 (E) The senator, or his designee, for the district in which New Orleans City
19 Park lies shall be a member of the board of commissioners of the New Orleans City
20 Park Improvement Association for a term concurrent with his elected term.

21 (F) The member of the House of Representatives, or his designee, for the
22 district in which New Orleans City Park lies shall be a member of the board of
23 commissioners of the New Orleans City Park Improvement Association for a term
24 concurrent with his elected term.

25 (G) Members of the board of commissioners of the New Orleans City Park
26 Improvement Association pursuant to Subsections (C), (D), (E), and (F) of this
27 Section shall also serve as members of the governing authority of any nonprofit or
28 not-for-profit firm, corporation, or entity that the New Orleans City Park
29 Improvement Association contracts with for the operation, care, control, and
30 management of the park and its facilities.

1 Section 2. Sections 1 through 8 of Act No. 569 of the 1989 Regular Session of the
2 Legislature, as amended by Act No. 13 of the 1998 First Extraordinary Session of the
3 Legislature, Act No. 395 of the 2006 Regular Session of the Legislature, and Act No. 613
4 of the 2024 Regular Session of the Legislature, is amended and reenacted to read as follows:

5 Section 1. A.(1) The New Orleans City Park Improvement Association,
6 through its board of commissioners, is hereby vested with authority to and may
7 contract with any nonprofit or not-for-profit firm, corporation, or entity, as more
8 specifically provided in Section 2 of this Act, for the operation, care, control, and
9 management of the park and its facilities or to contract with any such entity for any
10 of such purposes for any or all of such facilities.

11 (2) The authority granted by this Section shall include but shall not be limited
12 to the authority to contract for:

13 (a) The recruiting, hiring, and employing by the contractor of such kinds and
14 numbers of non-managerial employees to be managed, supervised, directed, and/or
15 scheduled by the board or its designee as the board or its designee may direct from
16 time to time.

17 (b) The procurement by the contractor for the park or the board of such goods
18 and/or services as the board or its designee may direct from time to time.

19 (3)(a) Any firm, corporation, or entity with which the board contracts as
20 authorized by this Section shall be deemed to be a private entity and shall not be
21 deemed to be an agent or agency of the state for purposes of provisions of law
22 relative to procurement of goods and services, leases of facilities, or subcontracts to
23 manage facilities or services, including but not limited to the Louisiana Procurement
24 Code (R.S. 39:1551 et seq.); Chapter 17 of Title 39 of the Louisiana Revised Statutes
25 of 1950, relative to procurement of professional, personal, consulting, and social
26 services; Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, relative
27 to public contracts; and Chapter 10 of Title 41 of the Louisiana Revised Statutes of
28 1950, relative to leases of public lands. Any such firm, corporation, or entity with
29 which the board so contracts may be named as an additional insured on all general
30 liability, property, automobile, employment practices liability, and workers'

1 compensation insurance plans that insure the New Orleans City Park Improvement
2 Association, including participation in the state risk management program.

3 (b) Notwithstanding any provision of this Section or of any other law to the
4 contrary, no contract to manage services or facilities related to golf or tennis shall be
5 entered into by the board or by any entity contracting with the board unless the
6 contractor with whom the board or such entity contracts has been selected pursuant
7 to a request for proposals designed to promote competition, and the proposals have
8 been evaluated by a multimember selection committee.

9 B. The board is prohibited from entering into any contract under the
10 provisions of this Act which is for a purpose not in conformity with the master plan
11 for New Orleans City Park required by the provisions of Act No. 865 of the 1982
12 Regular Session of the Legislature or which is otherwise not in conformity with such
13 master plan.

14 C. Any agreement that the board may enter into in accordance with this Act
15 may be a contract, lease, or combination contract and lease.

16 D. The board shall in its sole discretion determine the terms, conditions, and
17 duration of any contract or lease entered into under the provisions of this Act. Any
18 contract or lease entered into by the board under the provisions of this Act shall
19 contain a provision in such contract or lease that the contract or lease may be
20 terminated by the board, with or without just cause, upon written notification to all
21 parties in the contract or lease, which notification shall be given not less than ninety
22 days prior to the termination.

23 Section 2. Only a firm, corporation, or entity that is organized under the laws
24 of the state of Louisiana shall be eligible to contract with the board under the
25 provisions of this Act, and only a firm, corporation, or entity that is organized as a
26 nonprofit or not-for-profit firm, corporation, or entity and which has as its primary
27 purpose the betterment and improvement of New Orleans City Park and has at least
28 five hundred members shall be eligible to contract with the board under the
29 provisions of this Act.

30 Section 3. This Act shall be construed to grant the board the authority to

1 contract in a cooperative endeavor for the operation, care, control, and management
2 of the park and its facilities, including any or all facilities located in the park on the
3 effective date of this Act and any future facilities located in the park. This authority
4 shall extend to all lands and property for which management and control has been
5 vested in the New Orleans City Park Improvement Association.

6 Section 4. The board shall have the right to assign any existing contracts that
7 it may have on the effective date of this Act to any contracting party under the
8 provisions of this Act. Contracts regarding Tad Gormley Stadium, the Pan-American
9 Stadium, or any other stadium constructed in the future, if assigned, shall be assigned
10 under the same terms and conditions existing on June 1, 1989.

11 Section 5. The board shall have full authority to delegate to the nonprofit
12 entity its ability or authority to collect any rents, charges, admissions, or fares it may
13 be empowered to collect.

14 Section 6. Any contractor shall have the full authority to hire its own
15 employees to provide services under a contract authorized by this Act, including but
16 not limited to any services formerly provided by the employees of the New Orleans
17 City Park Improvement Association or its board.

18 Section 7. Any contract entered into under the provisions of this Act shall be
19 deemed to be a cooperative endeavor under the provisions of Article VII, Section
20 14(C) of the Constitution of Louisiana.

21 Section 8. Nothing in this Act No. 569 of the 1989 Regular Session of the
22 Legislature, as amended by Act No. 13 of the 1998 First Extraordinary Session of the
23 Legislature and Section 2 of the Act which originated as House Bill No. 744 of the
24 2006 Regular Session of the Legislature, shall be construed to affect or diminish, in
25 any manner whatsoever, the rights, powers, and authority otherwise granted by law
26 to the New Orleans City Park Improvement Association and its board of
27 commissioners to manage and control New Orleans City Park, and the authority
28 granted to the New Orleans City Park Improvement Association and its board by this
29 Act shall be in addition to any rights, powers, and authority otherwise granted to the
30 association or the board by law. The provisions of this Act shall be subject to the

1 provisions of R.S. 36:209 relative to the transfer of the New Orleans City Park
2 Improvement Association and its board of commissioners to the Department of
3 Culture, Recreation and Tourism.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____