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**SENATE FLOOR AMENDMENTS**

2024 Regular Session

Amendments proposed by Senator Harris to Reengrossed House Bill No. 398 by Representative Hilferty

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1 AMENDMENT NO. 1

2 On page 1, at the beginning of line 2, after "To" and before "enact" insert the following:

3 "amend and reenact Section 1 of Act No. 130 of the 1896 Regular Session of the  
4 Legislature, as amended by Act No. 395 of the 2006 Regular Session of the  
5 Legislature, and Sections 1 through 8 of Act No. 569 of the 1989 Regular Session  
6 of the Legislature, as amended by Act No. 13 of the 1998 First Extraordinary Session  
7 of the Legislature, and Act No. 395 of the 2006 Regular Session of the Legislature,  
8 and to"

9 AMENDMENT NO. 2

10 On page 1, line 4, after "Police;" and before "and" insert the following:

11 "to provide for approval of the board of commissioners of the New Orleans City Park  
12 Improvement Association; to provide for board membership; to provide for  
13 obligations of the board;"

14 AMENDMENT NO. 3

15 On page 1, delete lines 13 through 17 and insert the following:

16 "shall first be approved by the board of commissioners of the New Orleans City Park  
17 Improvement Association, hereinafter referred to as "board". The officers shall be  
18 designated as City Park police officers and shall be responsible for maintaining  
19 general order and exercising police power within the jurisdiction of New Orleans  
20 City Park.

21 (2) Each person employed to serve as a City Park police officer shall be  
22 commissioned as a City Park police officer"

23 AMENDMENT NO. 4

24 On page 1, at the end of line 19, delete "at the pleasure", delete line 20, and insert the  
25 following:

26 "until the person is no longer employed as a City Park police officer."

27 AMENDMENT NO. 5

28 On page 2, line 1, after "(3)" delete "While in or out of uniform, the" and insert the  
29 following:

30 "Pursuant to R.S. 40:1379.1.3, the City Park"

31 AMENDMENT NO. 6

32 On page 2, line 2, after "weapons" delete "and to exercise" and insert the following:

33 ". The City Park police officers shall have"

34 AMENDMENT NO. 7

35 On page 2, line 9, after "performance of" change "their" to "his"

1 AMENDMENT NO. 8

2 On page 2, line 15, after "shall be" delete the remainder of the line and insert the following:

3 "deemed self-generated revenues of the park and shall be used for park development,  
4 maintenance, and operation of"

5 AMENDMENT NO. 9

6 On page 2, line 18, change "R.S. 40:2402(3)(a)" to "R.S. 40:2402"

7 AMENDMENT NO. 10

8 On page 2, line 19, delete "authorization" and insert "recommendation"

9 AMENDMENT NO. 11

10 On page 2, at the beginning of line 20, after "Park" and before the comma "," insert "and  
11 approval by the board"

12 AMENDMENT NO. 12

13 On page 2, line 29, after "guests" insert a comma ","

14 AMENDMENT NO. 13

15 On page 3, line 5, after "Any" change "commissions" to "commission"

16 AMENDMENT NO. 14

17 On page 3, line 7, after "privileges" delete "as are"

18 AMENDMENT NO. 15

19 On page 3, line 8, after "Corrections" change the semi-colon ";" to a comma ","

20 AMENDMENT NO. 16

21 On page 3, after line 9, add the following:

22 "Section 2. Section 1 of Act No. 130 of the 1896 Regular Session of the  
23 Legislature, as amended by Act No. 395 of the 2006 Regular Session of the  
24 Legislature, is hereby amended and reenacted to read as follows:

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

27 That:

28 (A) The park in the City of New Orleans known as the "New Orleans  
29 City Park" be and is hereby placed under control and management of the  
30 "New Orleans City Park Improvement Association" incorporated under the  
31 laws of the State, by an act before Felix J. Dreyfous, Notary Public, on the  
32 13th day of August, 1891.

33 (B) The secretary of the Department of Culture, Recreation and  
34 Tourism shall be a member of the board of commissioners of the New  
35 Orleans City Park Improvement Association.

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

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

1           (E) The senator for the district in which New Orleans City Park lies  
2 shall be a member of the board of commissioners of the New Orleans City  
3 Park Improvement Association for a term concurrent with his elected term.

4           (F) The member of the House of Representatives for the district in  
5 which New Orleans City Park lies shall be a member of the board of  
6 commissioners of the New Orleans City Park Improvement Association for  
7 a term concurrent with his elected term.

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

14           Section 3. Sections 1 through 8 of Act No. 569 of the 1989 Regular Session  
15 of the Legislature, as amended by Act No. 13 of the 1998 First Extraordinary Session  
16 of the Legislature and Act No. 395 of the 2006 Regular Session of the Legislature,  
17 are hereby amended and reenacted to read as follows:

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

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

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

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

34           (3)(a) Any firm, corporation, or entity with which the board contracts  
35 as authorized by this Section shall be deemed to be a private entity and shall  
36 not be deemed to be an agent or agency of the state for purposes of  
37 provisions of law relative to procurement of goods and services, leases of  
38 facilities, or subcontracts to manage facilities or services, including but not  
39 limited to the Louisiana Procurement Code (R.S. 39:1551 et seq.); Chapter  
40 16 of Title 39 of the Louisiana Revised Statutes of 1950, relative to  
41 procurement of professional, personal, consulting, and social services;  
42 Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, relative to  
43 public contracts; and Chapter 10 of Title 41 of the Louisiana Revised Statutes  
44 of 1950, relative to leases of public lands. However, any procurement of  
45 goods and services, leases of facilities, or any subcontracts in an amount  
46 greater than two hundred fifty thousand dollars shall require board approval.  
47 Any such firm, corporation, or entity with which the board so contracts may  
48 be named as an additional insured on all general liability, property,  
49 automobile, employment practices liability, and workers' compensation  
50 insurance plans that insure the New Orleans City Park Improvement  
51 Association, including participation in the state risk management program.

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

59           B. The board is prohibited from entering into any contract under the  
60 provisions of this Act which is for a purpose not in conformity with the  
61 master plan for New Orleans City Park required by the provisions of Act No.

865 of the 1982 Regular Session of the Legislature or which is otherwise not in conformity with such master plan. Annual review and amendments to the master plan for the development of City Park shall be conducted by the board in accordance with Section 3 of Act No. 865 of the 1982 Regular Session.

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

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

Section 2. Only a firm, corporation, or entity that is organized under the laws of the state of Louisiana shall be eligible to contract with the board under the provisions of this Act, and only a firm, corporation, or entity that is organized as a nonprofit or not-for-profit firm, corporation, or entity and which has as its primary purpose the betterment and improvement of New Orleans City Park shall be eligible to contract with the board under the provisions of this Act. The chief executive officer and president of any entity the board of commissioners may contract with for the operation, care, control, and management of the park shall be subject to approval by the board.

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

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

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

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

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

Section 8. Nothing in this Act No. 569 of the 1989 Regular Session of the Legislature, as amended by Act No. 13 of the 1998 First Extraordinary Session of the Legislature and Section 2 of ~~the Act which originated as House Bill No. 744~~ No. 395 of the 2006 Regular Session of the Legislature, shall be construed to affect or diminish, in any manner whatsoever, the rights, powers, and authority otherwise granted by law to the New Orleans City Park Improvement Association and its board of commissioners to manage and control New Orleans City Park, and the authority granted to the New Orleans City Park Improvement Association and its board by this Act shall be in addition to any rights, powers, and authority otherwise granted to the association or the board by law. The provisions of this Act shall be subject to the provisions of ~~R.S. 36:802.21~~ R.S. 36:801.1 relative to the transfer of the New Orleans City Park Improvement Association and its board of commissioners to the Department of Culture, Recreation and Tourism."