

2024 Regular Session

HOUSE BILL NO. 398

BY REPRESENTATIVE HILFERTY

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AN ACT

To amend and reenact Section 1 of Act No. 130 of the 1896 Regular Session of the Legislature, as amended by Act No. 395 of the 2006 Regular Session of the Legislature, and Sections 1 through 8 of 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 Act No. 395 of the 2006 Regular Session of the Legislature, and to enact R.S. 33:4558.1, relative to the New Orleans City Park Police; to provide for the authority, duties, commissioning, and training of the New Orleans City Park Police; to provide for the administration of the New Orleans City Park Police; to provide for approval of the board of commissioners of the New Orleans City Park Improvement Association; to provide for board membership; to provide for obligations of the board; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4558.1 is hereby enacted to read as follows:

§4558.1. Authority of New Orleans City Park Police

A.(1) Those persons who are employed as officers by New Orleans City Park shall first be approved by the board of commissioners of the New Orleans City Park Improvement Association, hereinafter referred to as "board". The officers shall be

1 designated as City Park police officers and shall be responsible for maintaining
 2 general order and exercising police power within the jurisdiction of New Orleans
 3 City Park.

4 (2) Each person employed to serve as a City Park police officer shall be
 5 commissioned as a City Park police officer by the Department of Public Safety and
 6 Corrections or as provided in Subsection F of this Section. The commission shall
 7 remain in force and in effect until the person is no longer employed as a City Park
 8 police officer.

9 (3) Pursuant to R.S. 40:1379.1.3, the City Park police officers shall have the
 10 right to carry concealed weapons. The City Park police officers shall have the power
 11 of arrest when discharging their duties within the grounds and jurisdiction of New
 12 Orleans City Park and on all streets, roads, and rights-of-way to the extent they are
 13 within or contiguous to the perimeter of City Park. In the discharge of their duties
 14 on City Park grounds and while in pursuit on City Park grounds, each City Park
 15 police officer may exercise the power of arrest.

16 (4) Each City Park police officer shall execute a bond in the amount of ten
 17 thousand dollars in favor of the state for the faithful performance of his duties. The
 18 premium on the bond shall be paid by City Park.

19 B. Any person arrested by a City Park police officer, in the exercise of the
 20 power granted pursuant to Paragraph (A)(3) of this Section, shall be immediately
 21 transferred by the officer to the custody of the Orleans Parish Sheriff.

22 C. All fines and fees generated through the enforcement of New Orleans City
 23 Park rules shall be deemed self-generated revenues of the park and shall be used for
 24 park development, maintenance, and operation of City Park.

25 D. Any person commissioned as a City Park police officer shall meet all
 26 training requirements of a peace officer as defined in R.S. 40:2402.

1 E. Upon recommendation by the chief executive officer of New Orleans City
2 Park and approval by the board, a City Park police officer shall have authority to
3 discharge his duties off New Orleans City Park grounds as follows:

4 (1) When transporting an arrested person in furtherance of duties as set forth
5 in this Section.

6 (2) When transporting money, securities, or other valuables on behalf of
7 New Orleans City Park.

8 (3) When engaging in intelligence gathering related to performance of duties.

9 (4) When investigating a crime committed on City Park grounds.

10 (5) While providing security or protective services for visiting dignitaries,
11 honored guests, or executives on or off City Park grounds.

12 F. Notwithstanding any of the provisions of this Section to the contrary, City
13 Park police officers may also be commissioned by the city's police department, rather
14 than the Department of Public Safety and Corrections, upon complying with the
15 requirements and regulations as may be prescribed by the city's police department
16 for the commissioning of special officers. Any commission issued by the city's
17 police department shall confer upon such City Park police officers all rights and
18 privileges enumerated in this Section with respect to officers commissioned through
19 and by the Department of Public Safety and Corrections, provided that such officers
20 shall not be entitled to supplemental pay for municipal police officers.

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

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

25 That:

26 (A) The park in the City of New Orleans known as the "New Orleans City
27 Park" be and is hereby placed under control and management of the "New Orleans

1 City Park Improvement Association" incorporated under the laws of the State, by an
 2 act before Felix J. Dreyfous, Notary Public, on the 13th day of August, 1891.

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

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

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

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

15 (F) The member of the House of Representatives for the district in which
 16 New Orleans City Park lies shall be a member of the board of commissioners of the
 17 New Orleans City Park Improvement Association for a term concurrent with his
 18 elected term.

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

25 Section 3. Sections 1 through 8 of Act No. 569 of the 1989 Regular Session of the
 26 Legislature, as amended by Act No. 13 of the 1998 First Extraordinary Session of the

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Legislature and Act No. 395 of the 2006 Regular Session of the Legislature, are hereby
 2 amended and reenacted to read as follows:

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

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

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

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

17 (3)(a) Any firm, corporation, or entity with which the board contracts as
 18 authorized by this Section shall be deemed to be a private entity and shall not be
 19 deemed to be an agent or agency of the state for purposes of provisions of law
 20 relative to procurement of goods and services, leases of facilities, or subcontracts to
 21 manage facilities or services, including but not limited to the Louisiana Procurement
 22 Code (R.S. 39:1551 et seq.); Chapter 16 of Title 39 of the Louisiana Revised Statutes
 23 of 1950, relative to procurement of professional, personal, consulting, and social
 24 services; Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, relative
 25 to public contracts; and Chapter 10 of Title 41 of the Louisiana Revised Statutes of
 26 1950, relative to leases of public lands. However, any procurement of goods and
 27 services, leases of facilities, or any subcontracts in an amount greater than two

1 hundred fifty thousand dollars shall require board approval. Any such firm,
 2 corporation, or entity with which the board so contracts may be named as an
 3 additional insured on all general liability, property, automobile, employment
 4 practices liability, and workers' compensation insurance plans that insure the New
 5 Orleans City Park Improvement Association, including participation in the state risk
 6 management program.

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

13 B. The board is prohibited from entering into any contract under the
 14 provisions of this Act which is for a purpose not in conformity with the master plan
 15 for New Orleans City Park required by the provisions of Act No. 865 of the 1982
 16 Regular Session of the Legislature or which is otherwise not in conformity with such
 17 master plan. Annual review and amendments to the master plan for the development
 18 of City Park shall be conducted by the board in accordance with Section 3 of Act No.
 19 865 of the 1982 Regular Session.

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

22 D. The board shall in its sole discretion determine the terms, conditions, and
 23 duration of any contract or lease entered into under the provisions of this Act. Any
 24 contract or lease entered into by the board under the provisions of this Act shall
 25 contain a provision in such contract or lease that the contract or lease may be
 26 terminated by the board, with or without just cause, upon written notification to all

1 parties in the contract or lease, which notification shall be given not less than ninety
2 days prior to the termination.

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

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

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

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

26 Section 6. Any contractor shall have the full authority to hire its own
27 employees to provide services under a contract authorized by this Act, including but

1 not limited to any services formerly provided by the employees of the New Orleans
2 City Park Improvement Association or its board.

3 Section 7. Any contract entered into under the provisions of this Act shall be
4 deemed to be a cooperative endeavor under the provisions of Article VII, Section
5 14(C) of the Constitution of Louisiana.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____