

1982 ACT

Act 865

within the hereinabove described district belonging to the Greater Jefferson Port Commission on the effective date of this Act are hereby granted, conveyed, transferred, and delivered to the Grand Isle Port Commission without the necessity of any other act, deed, or instrument of transfer. To evidence the conveyance, an act of transfer shall be executed between the Greater Jefferson Port Commission and the Grand Isle Port Commission within thirty days of the effective date of this Act.

Section 3. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: August 4, 1982.

Published in the Official Journal of the State: August 26, 1982.

A true copy:

JAMES H. "Jim" BROWN
Secretary of State.

ACT No. 865

House Bill No. 1837.

By: Messrs. Bruneau and Heaton (Introduced pursuant to the authority of H.C.R. No. 163).

AN ACT

To amend and reenact Section 3 of Act No. 130 of 1896, to enact R.S. 36:209(M), and to repeal R.S. 33:2401(A)(5), to provide with respect to the management, administration, purposes, functions, uses, and funding of City Park in New Orleans and the powers, duties, functions, responsibilities, and authority of the New Orleans City Park Improvement Association and its board of commissioners, including provisions to establish the purposes for which the park may be used; to provide for the use of particular areas of the park; to require the New Orleans City Council annually to pay certain funds to the association to be used for the park; to require the New Orleans City Park Improvement Association to adopt and annually review and periodically amend a master plan for development of the park; to authorize the association to receive and use or expend gifts, loans, donations, and bequests; to provide for the civil service status of employees of

Act 865

the association; to require the association to make an annual report to the legislature; to transfer the park and the association to the Department of Culture, Recreation and Tourism; to provide for the respective powers, duties, functions, and responsibilities of the association and its board of commissioners and the department; to repeal provisions placing members and employees of the association in the unclassified service of the city of New Orleans; and otherwise to provide with respect thereto.

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. Section 3 of Act No. 130 of 1896 is hereby amended and reenacted to read as follows:

Sec. 3. A. Be it further enacted, etc., That the duties of "The New Orleans City Park Improvement Association" and the "Audubon Park Association" shall be to take charge and supervision of the said parks, respectively, in their preservation and their improvement for public recreation as may be necessary, with a view to the gradual improvement and ornamentation as places of resort and pleasure for the citizens of New Orleans.

B. City Park shall be used only for park purposes and for educational or cultural uses. For purposes of this Section, park purposes shall include rest, recreation, exercise, pleasure, amusement, and enjoyment for the public, and ornament for the city. Open green spaces shall be maintained as areas of rest and enjoyment. Mechanized amusement park facilities shall be confined to the general vicinity of the existing locations of such facilities on the effective date of this Subsection, excluding transportation facilities, except as otherwise provided by law. The park shall not be used for residential purposes, except for park employees.

C. In furtherance of the educational and cultural purposes of City Park, the New Orleans Museum of Art may be maintained in the park.

* * *

Section 2. R.S. 36:209(M) is hereby enacted to read as follows:

§209. Transfer of boards, commissions, departments, and agencies to Department of Culture, Recreation and Tourism

* * *

(M. The New Orleans City Park Improvement Association and its board of commissioners (Act No. 130 of 1896; Act No. 104 of 1934; Act No. 492 of 1958; Act No. 405 of 1962) is transferred to the

Department of Culture, Recreation and Tourism and shall exercise and perform its powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

Section 3. The New Orleans City Park Improvement Association shall adopt, and shall annually review and periodically amend, a master plan for the development of City Park, subject to the provisions of Section 3 of Act No. 130 of 1896, as amended, and other applicable provisions of law. The plan shall include the recommendations of the association for the development of the park during at least the next five years, including but not limited to recommendations for the location, character, and use of any existing or new facilities, and the estimated cost thereof, and expansion of existing facilities, and the estimated cost thereof. Prior to the adoption of the master plan and prior to any amendment thereof, the board of commissioners of the association shall hold at least one public hearing on the proposed plan, or amendment. The board shall give notice of the hearing, including the purpose, time, and place thereof, by one publication in a newspaper of general circulation in Orleans Parish at least ten days prior to the date of the hearing. The proposed plan or any proposed amendment shall be available for inspection by the public at the offices of the board during regular office hours for at least such ten day period.

Section 4. A. For the preservation, improvement, and beautification of City Park and providing for the expenses incidental thereto and other park expenses, the New Orleans City Council shall appropriate annually to the New Orleans City Park Improvement Association the sum of no more than three hundred fifty thousand dollars, provided that such appropriation shall not exceed the difference between the total amount of all other operating funds received by the association, including funds appropriated to or otherwise made available to the association by the state, self-generated revenues, or other sources, and the total amount budgeted for the association's expenses during 1982.

B. In addition to funds appropriated to or otherwise made available to the park by the state, the city of New Orleans, or other sources, self-generated revenues of the park shall be appropriated to the park to be used for park development, maintenance, operation, and other park expenses.

Section 5. The New Orleans City Park Improvement Association, through its board of commissioners, may accept from any person, corporation, association, or other entity, public or private, any gift, bequest, loan, or donation of money or property and, subject to applicable law, may expend or use such gift, bequest, loan, or donation for the development, improvement, or maintenance of City

Act 865

Park, subject to the provisions of Section 3 of Act No. 130 of 1896, as amended, and other applicable provisions of law.

Section 6. The employees of the New Orleans City Park Improvement Association shall be in the classified state service, except that the general manager and the assistant general manager and such other personnel as are authorized by the State Civil Service Commission shall be in the unclassified state service.

Section 7. The New Orleans City Park Improvement Association, through its board of commissioners, shall make an annual report to the legislature at least sixty days prior to each regular session. The report shall include, but shall not be limited to, a description of the operations of the park and an account of revenues and expenditures for the preceding year and recommendations for development and improved operation of the park for the next year and estimated costs thereof.

Section 8. Notwithstanding any provision of this Act or of any other provision of law to the contrary, in order to effect the orderly implementation of this Act, for fiscal year 1982-1983 all funds received by, allocated to, or otherwise available to City Park, the City Park Improvement Association, or its board of directors, including but not limited to self-generated funds, may be expended by the association and its board of commissioners without the necessity of a legislative appropriation and deposit of any such funds in the state treasury for such fiscal year shall not be required.

Section 9. R.S. 33:2401(A)(5) is hereby repealed in its entirety.

Section 10. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 11. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: August 4, 1982.

Published in the Official Journal of the State: August 26, 1982.

A true copy:

JAMES H. "Jim" BROWN
Secretary of State.

What
was
this?