AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

SEC. 8. That all fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

Fees, costs, and expenses.

SEC. 9. That all fees, fines, and costs and expenses imposed and collected shall be deposited by the commissioner, or by the marshal of the United States collecting the same, with the clerk of the respective United States district courts for either the western district of North Carolina or the eastern district of Tennessee, depending upon the district in which the offense for which collection is made shall have taken place.

Deposits.

SEC. 10. That the Secretary of the Interior shall notify in writing the Governors of the States of North Carolina and Tennessee of the passage and approval of this Act, and of the fact that the United States assumes police jurisdiction over said park as specified in said acts of the States of North Carolina and Tennessee. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Great Smoky Mountains National Park, the provisions of sections 2 to 9, inclusive, shall apply to such lands.

Notice of passage of Act.

Application of provisions.

Approved, April 29, 1942.

[CHAPTER 265]

AN ACT

To create a Recreation Board for the District of Columbia, to define its duties, and for other purposes.

April 29, 1942
[H. R. 5075]
[Public Law 534]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created in and for the District of Columbia a Recreation Board hereinafter referred to as "the Board".

Recreation Board, D. C.

ARTICLE I—MEMBERSHIP OF THE RECREATION BOARD

SECTION 1. The Board shall consist of seven members as follows: A representative of the Board of Commissioners selected by that Board; a representative of the Board of Education selected by that Board; the Superintendent of the National Capital Parks ex officio; and four members, who shall have been for five years immediately preceding their selection bona fide residents of the District of Columbia, appointed by the Commissioners of the District of Columbia for a term of four years each, except the original appointments which shall be for terms of one, two, three, and four years, respectively. The appointment of the four citizens shall be without regard to race, sex, or creed, and shall take judicious account of the various parent, civic, and other organizations through which residents of the District voice their civic wishes and advance the common welfare. The two members of the Board representing the Board of Commissioners and the Board of Education shall be designated annually by their respective agencies.

Membership and terms of office.

SEC. 2. The members of the Board shall not be personally liable in damages for any official action of the said Board performed in good faith, nor shall any member of said Board be liable for any costs that may be taxed against them or the Board on account of any such official action; but such costs shall be charged to the District of Columbia and paid as other costs are paid in suits brought against the municipality; nor shall the said Board or any of its members be required to give any supersedeas bond or security for costs or damages on any appeal whatever.

Nonliability of members.

Filling of vacancies.

SEC. 3. Vacancies shall be filled for the unexpired term by the agency which made the original selection.

Service without compensation.

SEC. 4. The members of the Board shall serve without compensation for such service.

Organization provisions.

SEC. 5. The Board shall select from among its citizen membership its Chairman and its secretary and is hereby authorized and empowered to adopt all necessary rules and regulations for the conduct of its business.

Meetings.

SEC. 6. The Board shall hold stated meetings and such additional meetings as they may from time to time deem necessary. All meetings of the Board shall be open to the public.

ARTICLE II—FUNCTIONS AND ADMINISTRATIVE RESPONSIBILITIES OF THE BOARD

Determination of policy.
Expenditure of funds.
Post, p. 437.

SECTION 1. The Board shall determine all questions of general policy relating to public recreation in and for the District of Columbia, and shall supervise and direct expenditure of all appropriations and/or other funds made available to the Board.

Superintendent of Recreation.

SEC. 2. The Board is hereby authorized to appoint a Superintendent of Recreation, which position is hereby authorized and created, who shall be the chief executive officer of the Board but not a member thereof, and shall be charged with the general organization, administration, and supervision of the program of public recreation contemplated and provided for by this Act. The Superintendent shall be a person of such training, experience, and capacity as will especially qualify him to discharge the duties of the office. He shall possess those qualifications of education, training, and experience in recreation work as well as executive and administrative experience which will assure a thorough knowledge of current theory and practice in public recreation and give promise of the administrative ability necessary to administer a program of public recreation in and for the Nation's Capital.

Qualifications.

Personnel.

The Board, upon the recommendation of the Superintendent, is empowered to appoint, promote, demote, and terminate the employment of such personnel as are necessary to carry out the purposes of this Act. The Superintendent may suspend for cause for a period not exceeding thirty days any employee of the Board.

Retention of present recreational personnel.

All present personnel of the Community Center and Playgrounds Department whose services have heretofore been rated satisfactory shall be retained by the Board with the understanding that this provision does not contemplate the continued employment of individuals whose service is inefficient, and such personnel shall continue to function under existing rules and regulations until such time as classification and Civil Service requirements have been effected.

Employment status.

The Superintendent and all other regular annual personnel of the Recreation Board shall be employees of the District of Columbia. Their salaries and positions shall be fixed in accordance with the Classification Act of 1923, as amended, without regard to race, sex, or creed, and the Civil Service requirements as agreed upon between the Civil Service Commission and the District Commissioners or any existing agreement between them relative to the selection and change of status of District of Columbia employees.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. I, ch. 13.
Post, p. 733.

Part-time employees.

Upon recommendation of the Superintendent, the Board is authorized to employ, on a part-time basis, at rates of pay to be fixed by the Board without reference to the Classification Act of 1923, as amended, and without reference to Civil Service requirements, and without regard to the prohibition against double salaries provided by section 1763, Revised Statutes (U. S. C. Annotated, title 5, sec. 58),

such teachers, custodial, and other employees of the United States, the District of Columbia, and the Board of Education, upon approval by the present employer, as may be necessary to keep in operation and to conduct therein appropriate phases of the recreation program authorized by this Act.

Availability of other facilities.

The respective facilities of the United States, the District of Columbia, and the Board of Education shall, by the agreement of the respective agencies of the Government having control of such facilities, be made available to the Board under the terms of this Act.

Temporary special employees.

The Superintendent is authorized to employ for a ninety-day period as full- or part-time employees, such referees, umpires, swimming-pool guards and attendants, gymnasium and playground supervisors, and other similar special employees as may be necessary to carry out the recreation program authorized by this Act, at rates of pay to be fixed by the Board without reference to the Classification Act of 1923, as amended, and without reference to Civil Service requirements, and without regard to the prohibition against double salaries provided by section 1763, Revised Statutes (U. S. C. Annotated, title 5, sec. 58): *Provided*, That the retention in the District service of any such employees for a period longer than ninety days shall be subject to the approval of the Board.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. I, ch. 13.
Post, p. 733.

Proviso.

Volunteer services.

The Board is authorized to accept upon recommendation of the Superintendent the gratis services of such persons as may volunteer to aid in the conduct of any of its activities.

Comprehensive program of public recreation.

SEC. 3. The Board shall have power and authority to adopt, conduct, direct, or cause to be conducted or directed, under its supervision, a comprehensive program of public recreation which shall include the operation and direction of games, sports, arts and crafts, hobby shops, music, drama, speech, nursery play, dancing, lectures, forum for informal discussion, and such other physical, social, mental, and creative opportunities for leisure-time participation as the Board shall deem advisable to offer in major recreation centers, playfields, athletic fields, playgrounds, tennis courts, baseball diamonds, swimming pools, beaches, golf courses, community centers, and social centers in schools, parks, or other publicly owned buildings, as well as other recreational facilities which may be agreed upon between the Board and the agencies having jurisdiction over such facilities.

Utilization of public properties.

The public properties utilized by the Board for the above purposes shall include those designated by the National Capital Park and Planning Commission, in accordance with a comprehensive plan, as suitable and desirable units of the District of Columbia recreation system.

Rights under leases.

Nothing in this Act contained shall be construed as affecting any rights under any existing lease or leases lawfully entered into by any agency mentioned or affected by this Act, nor shall anything in this Act contained be construed as affecting the right of any such agency in the future lawfully to enter into leases of land or premises under its control for recreational purposes.

Trust fund.
Post, p. 437.

SEC. 4. The Board is hereby authorized to create a trust fund similar to that now operated by the Community Center and Playgrounds Department in which shall be deposited all fees and receipts from those activities which the Board may deem it advisable to conduct on a fee basis or any other basis, the moneys in such trust fund to be available to the Board to defray in whole or in part the expense of conducting its activities, the fund to be audited quarterly by the auditor of the District of Columbia.

Submission of annual budget.

SEC. 5. The Board shall prepare and submit to the Commissioners of the District of Columbia an annual budget itemizing the appropriations necessary for the performance of its functions and duties

under this Act, including appropriations necessary for the purchase of books, literature, newspapers, periodicals, technical reference material, trophies, and medals, and as provided in article III, section 4, of this Act, the Board's share of the cost of improvement, maintenance, and upkeep of the buildings and grounds used by the Board and which are under the jurisdiction of the Board of Education, the Board of Commissioners, or the National Park Service.

Annual report.

SEC. 6. The Board shall submit to the Commissioners an annual report of its activities, together with recommendations for further activities and development, or curtailment.

ARTICLE III—RELATIONSHIP OF THE BOARD TO OTHER AGENCIES

Transfer of functions to Recreation Board.

SECTION 1. All the functions of the Community Center and Playgrounds Department now under the joint control of the Board of Commissioners and the Board of Education are hereby transferred to and shall, after the effective date of this Act, be vested in the said Recreation Board. The transfer of all such functions shall include transfer of the unexpended balance of the appropriation of the Community Center and Playgrounds Department, any unexpended balance in trust funds, and the salary of the coordinator now carried in the appropriation of the National Capital Parks.

Control of facilities.

SEC. 2. The control of all land, buildings, and other facilities used by the Board shall be in accordance with agreements reached between the Board and the governmental agencies having jurisdiction over such properties.

Reservation of certain rights.

SEC. 3. No power or authority conferred by this Act shall be construed to abridge the powers of the Board of Education, the Commissioners of the District of Columbia, or the National Park Service to refuse the use of any ground, building, or facility under their individual or collective control whenever the use of any such ground, building, or facility for recreational purposes would interfere with the use or purpose for which such ground, building, or facility was acquired or created, and nothing herein expressed or implied shall be construed to abrogate any powers vested in the Board of Education by the Organic Act of 1906 insofar as the control of public education and all necessary facilities and personnel is concerned.

34 Stat. 316.
D. C. Code §§ 31-101 to 31-117.

Maintenance of areas under designated agencies.

SEC. 4. The maintenance and improvement of all playgrounds and recreation areas and facilities now under the control of the Board of Education, or of the Commissioners of the District of Columbia, or of the National Park Service, or which may hereafter be acquired by any of said agencies for said purpose, may be provided for by agreement between the Board and the Board of Education, the Commissioners of the District of Columbia, and the National Park Service, respectively. The Board is hereby authorized to transfer to the said agencies such funds, equipment, and personnel as may be necessary to carry said agreements into effect.

Reimbursable services.

SEC. 5. The Board is authorized to arrange with other governmental agencies for services on a reimbursable basis.

Transfer of equipment.

SEC. 6. All equipment, machinery, supplies, and materials of the Community Center and Playgrounds Department shall, on the effective date of this Act, be transferred to the Board.

Repeals.

SEC. 7. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Effective date.

SEC. 8. This Act shall take effect thirty days after the date of its approval.

Approved, April 29, 1942.