

ACT No. 711

2022 Regular Session

HOUSE BILL NO. 652

BY REPRESENTATIVE HILFERTY

1 AN ACT

2 To amend and reenact R.S. 33:4090(A) and to enact R.S. 33:4159.1 and 4159.2, relative to
3 the Sewerage and Water Board of New Orleans; to provide relative to the powers and
4 duties granted to the New Orleans City Council with respect to the board; to provide
5 relative to costs associated with sewer and water connections; and to provide for
6 related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:4090(A) is hereby amended and reenacted and R.S. 33:4159.1 and
12 4159.2 are hereby enacted to read as follows:

13 §4090. Apportionment of cost of connections with mains; making connections

14 ~~A. For any individual lot of record, the property owner shall bear all costs,~~
15 ~~inclusive of meter boxes, for initial connections extended from the sewer and water~~
16 ~~main to the property line. Any additional costs from the property line to on-site~~
17 ~~facilities including but not limited to expanded connections or new or additional~~
18 ~~meter boxes, shall be installed and maintained at the cost of the property owner.~~

19 A.(1) For a lot of record which existed prior to 1954, one sewer connection
20 and one water connection extending from the respective main to the property line
21 shall be installed by and at the expense of the board, and from that point on, each
22 shall be made at the cost and expense of the owner of the property.

1 (2) For all lots created after 1954, the property owner shall bear all costs,
 2 inclusive of meter boxes, for connections extended from the sewer and water main
 3 to the property line. Any additional costs from the property line to onsite facilities
 4 shall be installed and maintained at the cost of the property owner.

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6 §4159.1. Regulation; city council

7 A. The New Orleans City Council shall have the power to compile financial
 8 statements and to examine, audit, or review the books and accounts of the Sewerage
 9 and Water Board of New Orleans, referred to in this Section as the "board". The
 10 scope of the examinations may include financial accountability, legal compliance,
 11 and evaluations of the economy, efficiency, and effectiveness of the board's
 12 programs or any combination thereof. In addition, the city council shall have access
 13 to and be permitted to examine all papers, books, accounts, records, files,
 14 instruments, documents, films, tapes, and any other forms of recordation, including
 15 but not limited to computers and recording devices, and all software and hardware
 16 which hold data, is part of the technical processes leading up to the retention of data,
 17 or is part of the security system.

18 B. In lieu of examinations of the records and accounts of the board, the city
 19 council may, at its discretion, accept an audit or review report prepared by a licensed
 20 certified public accountant, provided that such audit or review is performed in
 21 accordance with generally accepted governmental auditing standards and the
 22 Louisiana Governmental Audit Guide. Such audits shall be completed within six
 23 months of the close of the board's fiscal year. Reviews shall be conducted in
 24 accordance with the authoritative pronouncements issued by the American Institute
 25 of Certified Public Accountants and guidance provided in the Louisiana
 26 Governmental Audit Guide. For the limited purpose of providing the audits and
 27 reviews as provided in this Subsection, the certified public accountant shall have the
 28 access and assistance privileges afforded the legislative auditor in R.S. 24:513(E)
 29 and (I). However, the certified public accountant shall comply with any and all
 30 restrictions imposed by law on documents, data, or information deemed confidential

1 by law and furnished to the certified public accountant during the course of the audit
 2 or review.

3 C. The city council may prescribe the terms and conditions of any such audit
 4 or review conducted by a licensed certified public accountant and may approve the
 5 terms and conditions prior to its commencement and require the board to present the
 6 terms and conditions to the city council for approval. The city council shall also
 7 have access to the working papers of the accountant during the examination and
 8 subsequent to its termination.

9 D.(1) The city council may issue subpoenas to the board to compel the
 10 production of public and private books, documents, records, papers, films, tapes, and
 11 electronic data processing media. A subpoena shall be served by registered or
 12 certified mail, return receipt requested, to the board's business address.

13 (2) If the board refuses to obey a subpoena issued pursuant to this
 14 Subsection, a judicial district court, upon application by the city council, may issue
 15 an order requiring a board representative to appear before the court to show cause
 16 why the board should not be held in contempt for refusal to obey the subpoena.
 17 Failure to obey a subpoena may be punished as a contempt of court.

18 E. The city council may adopt any rules and regulations it deems necessary
 19 to implement the provisions of this Section.

20 F. Nothing in this Section shall be construed to limit the powers of the
 21 legislative auditor.

22 §4159.2. Powers of the city council

23 A.(1) The city council may establish, by ordinance, procedures regarding the
 24 billing policies of the board, including reducing or modifying a bill received by a
 25 customer, or waiving late charges or accrued interest, subject to the authority
 26 established by the billing ordinance as set forth in Paragraph (2) of this Subsection.

27 (2) The city council shall establish a billing ordinance working group to
 28 review and opine on ordinances before any such ordinance may be considered by the
 29 Public Works, Sanitation, and Environmental Committee of the city council,
 30 including evaluating the necessity of such an ordinance. This working group shall

1 convene within ninety days of the effective date of this Section to establish
2 procedural guidelines and within thirty days of the filing of an ordinance that impacts
3 any aspect of the Sewerage and Water Board of New Orleans billing process or
4 policies. The findings of this working group shall be made part of the official record
5 before consideration of any such ordinance drafted pursuant to this Section.

6 (3) The billing ordinance review working group shall be comprised of the
7 following members:

8 (a) The chairman of the New Orleans City Council Budget, Audit, and Board
9 of Review Committee, or his designee.

10 (b) The chairman of the New Orleans City Council Public Works, Sanitation,
11 and Environment Committee, or his designee.

12 (c) The chairman of the New Orleans City Council Governmental Affairs
13 Committee, or his designee.

14 (d) A member of the House of Representatives residing in Orleans Parish, or
15 his designee, appointed by the New Orleans City Council president.

16 (e) A member of the Senate residing in Orleans Parish, or his designee,
17 appointed by the New Orleans City Council president.

18 (f) The executive director of the Sewerage and Water Board of New Orleans,
19 or his designee.

20 (g) The president of the Sewerage and Water Board of New Orleans, or his
21 designee.

22 (4) The procedures established by the city council shall be uniformly
23 implemented so as to prevent special treatment as it relates to any bill modification
24 or amnesty.

25 B.(1) The city council may open an investigation of the board after the
26 occurrence of any catastrophic failure of the city's sewerage and drainage
27 infrastructure. Any information regarding such a failure requested in writing from
28 the board by the city council shall be submitted to the council not later than thirty
29 days after receipt of the written request.

1 (2) For purposes of this Section, a catastrophic failure shall be defined as an
 2 impact to board-owned-and-operated equipment or assets that result in a diminished
 3 level of service to more than ten thousand customers and an emergency declaration
 4 by the board's general superintendent.

5 C. The city council may request the attendance of a representative of the
 6 board at any meeting of the Public Works, Sanitation and Environment Committee
 7 of the city council.

8 Section 2. The city council of New Orleans shall implement R.S. 33:4159.2(A) as
 9 enacted by this Act within ninety days of the effective date of this Act.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____