

ACT No. 393

HOUSE BILL NO. 965 (Substitute for House Bill No. 574 by Representative Hilferty)

BY REPRESENTATIVES HILFERTY, ADAMS, BAYHAM, BILLINGS, BOYD, BRAUD, ROBBY CARTER, CARVER, COX, DOMANGUE, FISHER, FREEMAN, FREIBERG, GADBERRY, GREEN, HUGHES, JACKSON, KNOX, LAFLEUR, MANDIE LANDRY, LYONS, MARCELLE, MENA, MOORE, NEWELL, OWEN, STAGNI, TAYLOR, WALTERS, AND WILLARD

1 AN ACT

2 To enact R.S. 33:4159.3, relative to the city of New Orleans; to provide relative to the
3 sewerage and water board of New Orleans; to provide relative to bills for services
4 provided by the board; to provide for fixed billing and dispute arbitration; and to
5 provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:4159.3 is hereby enacted to read as follows:

11 §4159.3. Customer billing; fixed rate; arbitration

12 A. The board shall present every residential customer with the option of
13 paying a fixed monthly rate for services. The fixed rate available to a customer shall
14 be determined by calculating the average monthly cost of the customer's service
15 based on his recent water meter readings, and the board shall notify each residential
16 customer of the option for fixed rate billing and the amount he would pay each
17 month. A customer who selects the fixed rate option shall be billed the specified
18 monthly amount until an automated meter is installed and operable at his residence.

19 B. There is hereby established an arbitration program applicable to
20 customers who dispute their bills from the board. The program shall function in
21 accordance with the following requirements:

1 (1) The legislative auditor and the New Orleans inspector general shall,
2 acting together, appoint two arbiters for each councilmanic district in New Orleans,
3 subject to confirmation by the city council. One arbiter from each district shall be
4 appointed to serve on the residential arbitration team, and one arbiter from each
5 district shall be appointed to serve on the commercial arbitration team.

6 (2) If a customer disputes a monthly bill or the fixed monthly rate offered
7 pursuant to Subsection A of this Section, his case shall be referred to the appropriate
8 arbitration team.

9 (3) Each arbitration team shall hold regularly scheduled appointment days
10 at a public facility in each of the councilmanic districts to discuss cases with
11 particular customers. Each team shall hold at least two appointment days per month
12 in each councilmanic district. At least one member of the team shall meet with each
13 customer in a private location at the public facility and shall review the evidence
14 pertaining to the customer's dispute.

15 (4) Based on his review and consultation with the other arbiters of his team,
16 an arbiter shall determine whether the bill amount or the proposed fixed rate amount
17 is appropriate and if not, what the appropriate amount or rate is.

18 (5) If the arbiter determines that the appropriate bill or rate amount is lower
19 than what has been submitted to the customer, he shall notify the board, and the
20 board shall lower the amount or rate to that which the arbiter has determined is
21 appropriate.

22 (6) If the customer is dissatisfied with the determination of the arbiter, the
23 customer may appeal to the city council as otherwise provided by law.

24 C. For purposes of this Section, "residential customer" refers to a customer
25 who resides in a single family residence or multifamily residence with four or fewer
26 units. "Commercial customer" refers to any customer that is not a residential
27 customer.

28 Section 2. Each residential customer of services of the sewerage and water board
29 shall be presented with the amount of his fixed rate bill pursuant to R.S. 33:4159.3(A) as
30 enacted by this Act within one hundred twenty days of the effective date of this Act.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____