

2026 Regular Session

HOUSE BILL NO. 1243 (Substitute for House Bill No. 573 by Representative Hilferty)

BY REPRESENTATIVE HILFERTY

SEWERAGE/N O WATER BD: Provides relative to the Sewerage and Water Board of New Orleans

1 AN ACT

2 To amend and reenact R.S. 33:4071, 4072(A) and (B), 4073, 4074, 4123, and 4159.2(A),
3 (B)(1), and (C), relative to the city of New Orleans; to provide relative to the
4 Sewerage and Water Board of New Orleans; to provide relative to the composition
5 of the board; to provide relative to the officers of the board; to provide relative to the
6 powers and duties of the board; to provide relative to the powers and duties of the
7 city council with respect to the board; to provide relative to billing policies of the
8 board; and to provide for related matters.

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

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 33:4071, 4072(A) and (B), 4073, 4074, 4123, and 4159.2(A), (B)(1),
14 and (C) are hereby amended and reenacted to read as follows:

15 §4071. Creation and organization of sewerage and water board

16 A.~~(†)~~ The public water system, the public sewerage system, and the public
17 drainage system of the city of New Orleans is a state entity separate and apart from
18 the city of New Orleans and shall be constructed, controlled, maintained, and
19 operated by a sewerage and water board ~~to be composed as follows:~~

1 ~~(a) The mayor.~~

2 ~~(b) The chair of the Public Works, Sanitation and Environment Committee~~
3 ~~of the New Orleans city council or an appointee selected by the council president~~
4 ~~with a background in engineering, law, or consumer advocacy selected with the~~
5 ~~advice and consent of the city council. Any member appointed by the council~~
6 ~~president shall serve at the pleasure of the council president.~~

7 ~~(c) Two syndicate members of the board of liquidation, city debt, to be~~
8 ~~appointed by the mayor on the recommendation of the board of liquidation, city debt.~~

9 ~~(d) Seven citizens, to be appointed by the mayor, with the advice and consent~~
10 ~~of the city council from a list of nominees submitted by the Sewerage and Water~~
11 ~~Board Selection Committee.~~

12 ~~(e) The members appointed pursuant to Subparagraphs (c) and (d) of this~~
13 ~~Paragraph shall include one citizen from each of the five councilmanic districts~~
14 ~~within the city of New Orleans. In addition, two of the appointments shall be~~
15 ~~consumer advocates with community advocacy or consumer protection experience~~
16 ~~or experience in a related field.~~

17 ~~(2)(a) For purposes of this Section, the Sewerage and Water Board Selection~~
18 ~~Committee, hereinafter referred to as the "selection committee", is hereby created to~~
19 ~~be comprised as follows:~~

20 ~~(i) The president of Dillard University or the president's designee.~~

21 ~~(ii) The president of Loyola University or the president's designee.~~

22 ~~(iii) The president of Tulane University or the president's designee.~~

23 ~~(iv) The president of Xavier University or the president's designee.~~

24 ~~(v) The chancellor of Delgado Community College or the chancellor's~~
25 ~~designee.~~

26 ~~(vi) The chancellor of University of New Orleans or the chancellor's~~
27 ~~designee.~~

28 ~~(vii) The chancellor of Southern University at New Orleans or the~~
29 ~~chancellor's designee.~~

1 ~~(viii) The chair of the board of directors of the New Orleans Chamber of~~
2 ~~Commerce or the chair's designee.~~

3 ~~(ix) The president of the board of directors of the New Orleans Regional~~
4 ~~Black Chamber of Commerce or the president's designee.~~

5 ~~(x) The chair of the board of directors of the Urban League of Greater New~~
6 ~~Orleans or the chair's designee.~~

7 ~~(b) Notice of a vacancy on the sewerage and water board shall be published~~
8 ~~in the official journal for Orleans Parish by the sewerage and water board and shall~~
9 ~~be communicated through any other publication, website, or electronic medium~~
10 ~~maintained by the New Orleans Sewerage and Water Board or the city of New~~
11 ~~Orleans for the purpose of achieving public awareness of the vacancy. Such notice~~
12 ~~shall advise potential candidates of the residency requirements, professional~~
13 ~~qualifications, and application deadlines. Such notices shall be published no less~~
14 ~~than two times within a thirty day period after a vacancy has been declared by the~~
15 ~~sewerage and water board. Any interested person who meets the qualifications~~
16 ~~provided for in this Section shall submit an application to the sewerage and water~~
17 ~~board confirming their eligibility, professional qualifications, and experience. The~~
18 ~~sewerage and water board shall transmit all applications received to the selection~~
19 ~~committee within seven days after the deadline for submission of applications.~~

20 ~~(c) The selection committee shall meet no less than fifteen days and no more~~
21 ~~than thirty days after close of the application deadline to consider each name~~
22 ~~submitted for nomination. Selection committee members may also submit names of~~
23 ~~persons who also meet the qualification requirements provided in this Section. The~~
24 ~~selection committee shall verify that each nominee meets such qualification~~
25 ~~requirements. After a thorough review of each application, the selection committee~~
26 ~~shall by majority vote submit to the mayor three names for each vacancy on the~~
27 ~~sewerage and water board.~~

28 ~~(d) Within sixty days of receipt of the list of nominees, the mayor shall select~~
29 ~~one of the three nominees for submission to the city council for approval.~~

1 ~~(e) The city council shall have thirty days from receipt of submission of the~~
2 ~~nomination by the mayor to disapprove the nominee. If the city council does not~~
3 ~~disapprove the nominee within such time, it shall be deemed that the city council~~
4 ~~consents to the appointment.~~

5 ~~(f) If the city council disapproves the nominee from the mayor, the selection~~
6 ~~committee shall convene in no less than thirty days and no more than sixty days after~~
7 ~~disapproval to resubmit three nominees to the mayor.~~

8 ~~(g) If for any reason the mayor fails to submit a nomination to the city~~
9 ~~council within sixty days of receipt of the list of nominees by the selection~~
10 ~~committee, the selection committee shall submit such list of nominees directly to the~~
11 ~~city council for selection and approval.~~

12 ~~(3) Each nominee shall have experience in either architecture, environmental~~
13 ~~quality, finance, accounting, business administration, engineering, law, public health,~~
14 ~~urban planning, facilities management, public administration, science, construction,~~
15 ~~business management, community or consumer advocacy, or other pertinent~~
16 ~~disciplines.~~

17 ~~(4)(a) For members appointed pursuant to Subparagraphs (1)(c) and (d) of~~
18 ~~this Subsection, the terms of office shall be four years after initial terms as provided~~
19 ~~in Subparagraph (b) of this Paragraph. A member shall serve no more than two~~
20 ~~consecutive terms of office.~~

21 ~~(b) Three members shall serve an initial term of one year; three members~~
22 ~~shall serve an initial term of two years; three members shall serve an initial term of~~
23 ~~three years; and two members shall serve an initial term of four years, as determined~~
24 ~~by lot at the first meeting of the board.~~

25 ~~(5) If the mayor is unable to attend a meeting of the sewerage and water~~
26 ~~board, the mayor may be represented at the board meeting by a person designated by~~
27 ~~the mayor who shall be an unclassified member of the mayor's administration. The~~
28 ~~person shall have all rights and powers granted to the mayor with regard to any such~~

1 board meeting including the right to vote and shall be counted for purposes of a
2 quorum.

3 (6) The appointments to the board shall reflect the racial and gender diversity
4 of the population of the city of New Orleans to the extent practicable.

5 B.(1) Each of the citizen members shall be a registered voter in Orleans
6 Parish and shall have been a domiciliary of Orleans Parish for two years previous to
7 his appointment.

8 (2) In the event any appointed member is elected to any office or removes
9 his domicile from Orleans Parish, his membership on the board shall be ipso facto
10 vacated, and his successor shall be immediately appointed.

11 C. All vacancies occurring in the membership of the board under
12 appointment by the mayor shall be filled in the manner prescribed by this Section for
13 the original appointment.

14 D. No person who is a stockholder or bondholder in any sewerage or
15 waterworks company or who holds any public office yielding emoluments to the
16 holder other than those specified in this Part shall be eligible for appointment to the
17 board., whose composition may be set forth in the home rule charter for the city of
18 New Orleans. The city council may, by ordinance, prescribe rules and regulations
19 governing the appointment, terms, and service of board members.

20 E. B. A Subject to limitations provided in this Part, a quorum of the board
21 shall adopt rules fixing its own meetings and procedures. Any amendments or
22 changes to such rules shall be adopted only after approved by a quorum of the board.

23 F. C. Notwithstanding any provisions of law to the contrary, the board may
24 adopt rules and procedures authorizing the adjusting, releasing, or extinguishing of
25 any indebtedness from a customer's sewerage and water bill. The rule shall limit the
26 board's compromising authority to appropriate instances in which any of the
27 following occur:

28 (1) Instances of error on the part of the district such as equipment failure or
29 process failure, including instances in which the board generates inaccurate invoices,

1 and in such instances, only to the extent that the failure increased the customer's
2 indebtedness.

3 (2) Instances in which an employee of the board, or a person acting on behalf
4 of the board, fails to properly read a customer's water meter regardless of whether
5 the board has submitted an invoice to the customer for an amount owed during any
6 such period or fails to submit an invoice to the customer for two or more consecutive
7 months.

8 (3) Instances of error not on the part of the customer due to unforeseen
9 damage or an extreme weather-related event or mandatory evacuation, and in such
10 instances, only to the extent the situation increased the customer's indebtedness.

11 (4) Instances where the customer is disproportionately impoverished or
12 needy and qualifies for an adjustment, release, or extinguishment pursuant to an
13 established social welfare program of the district.

14 §4072. Drainage operations; city of New Orleans

15 A. At the beginning of every quarter, the Coastal Protection Restoration
16 Authority, the Louisiana Department of Transportation and Development, the
17 Governor's Office of Homeland Security and Emergency Preparedness, and
18 representatives from the Jefferson Parish Department of Public Works, the Saint
19 Bernard Parish Department of Public Works, and the Plaquemines Parish
20 Engineering & Public Works Department shall meet with the executive director of
21 the Sewerage and Water Board of New Orleans and ~~his team~~ the director of public
22 works for the city of New Orleans, or his designee, to develop a coordinated
23 southeast Louisiana urban flood prevention plan. The purposes of the meetings shall
24 be to identify areas that need to be addressed in order to allow for proper drainage,
25 to model and predict storm drainage in the multiparish area, and to anticipate
26 emergency response priorities. The plan shall be presented to the members of the
27 New Orleans Delegation and the city council of New Orleans annually on May
28 fifteenth, beginning May 15, 2025.

1 ~~(2) The city council shall establish a billing ordinance working group to~~
2 ~~review and opine on ordinances before any such ordinance may be considered by the~~
3 ~~Public Works, Sanitation, and Environmental Committee of the city council,~~
4 ~~including evaluating the necessity of such an ordinance. This working group shall~~
5 ~~convene within ninety days of August 1, 2022, to establish procedural guidelines and~~
6 ~~within thirty days of the filing of an ordinance that impacts any aspect of the~~
7 ~~Sewerage and Water Board of New Orleans billing process or policies. The findings~~
8 ~~of this working group shall be made part of the official record before consideration~~
9 ~~of any such ordinance drafted pursuant to this Section.~~

10 ~~(3) The billing ordinance review working group shall be comprised of the~~
11 ~~following members:~~

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

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

16 ~~(c) The chairman of the New Orleans City Council Governmental Affairs~~
17 ~~Committee, or his designee.~~

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

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

22 ~~(f) The executive director of the Sewerage and Water Board of New Orleans,~~
23 ~~or his designee.~~

24 ~~(g) The president of the Sewerage and Water Board of New Orleans, or his~~
25 ~~designee.~~

26 ~~(4) The procedures established by the city council shall be uniformly~~
27 ~~implemented so as to prevent special treatment as it relates to any bill modification~~
28 ~~or amnesty. exercise regulatory authority and oversight over the board absent any~~

1 law to the contrary. This authority shall include, but is not limited to, the ability to
2 regulate and to require city council approval of the following:

3 (a) Rates, fees, and charges imposed by the board.

4 (b) The board's annual operating budgets.

5 (c) Creation, adoption, and implementation of capital budgets and capital
6 improvement plans.

7 (d) Board policies relating to billing, finance, operations, and governance,
8 including policies related to reducing or modifying a bill received by a customer, or
9 waiving late charges or accrued interest.

10 (e) Contracts entered into by the board.

11 (f) The election of the executive director and the hiring of board employees.

12 (2) Nothing in this Subsection shall be deemed to delegate powers held
13 exclusively by the legislature or to authorize the city council to enact any ordinance
14 inconsistent with this Part or other applicable state law. In exercising its authority
15 under this Subsection, the city council shall not impair existing obligations of the
16 board.

17 B.(1) The city council may open an investigation of the board regarding any
18 matter within the scope of its regulatory authority, including after the occurrence of
19 any catastrophic failure of the city's sewerage and drainage infrastructure. Any
20 information regarding ~~such a failure~~ an investigation requested in writing from the
21 board by the city council shall be submitted to the council not later than thirty days
22 after receipt of the written request.

23 * * *

24 C. The city council may request the attendance of a representative of the
25 board at any meeting of the ~~Public Works, Sanitation, and Environment Committee~~
26 of the city council or a council committee.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1243 Engrossed

2026 Regular Session

Hilferty

Abstract: Provides relative to the board composition, powers and duties, and billing policies of the Sewerage and Water Board of New Orleans.

Present law provides that the public water system, the public sewerage system, and the public drainage system of the city of New Orleans shall be constructed, controlled, maintained, and operated by a sewerage and water board to be composed as follows:

- (1) The mayor.
- (2) The chair of the Public Works, Sanitation and Environment Committee of the New Orleans city council or an appointee selected by the council president with a background in engineering, law, or consumer advocacy selected with the advice and consent of the city council.
- (3) Two syndicate members of the board of liquidation, city debt, to be appointed by the mayor on the recommendation of the board of liquidation, city debt.
- (4) Seven citizens, to be appointed by the mayor, with the advice and consent of the city council from a list of nominees submitted by the Sewerage and Water Board Selection Committee.

Present law provides that the members appointed pursuant to (3) and (4) above shall include one citizen from each of the five councilmanic districts within the city of New Orleans. Additionally provides that two of the appointments shall be consumer advocates with community advocacy or consumer protection experience or experience in a related field. Provides that members appointed pursuant to (3) and (4) above shall serve four-year staggered terms.

Present law provides that each citizen member shall be a registered voter in Orleans Parish and shall have been a domiciliary of Orleans Parish for two years prior to his appointment. Provides that if any appointed person is elected to any office or removes his domicile from Orleans Parish, his membership shall be vacated, and his successor shall be immediately appointed. Provides that no person who is a stockholder or bondholder in any sewerage or waterworks company or who holds public office yielding emoluments to the holder other than those specified in present law shall be eligible for appointment to the board.

Proposed law removes present law and provides that the public water system, the public sewerage system, and the public drainage system of the city is a state entity separate and apart from the city of New Orleans. Provides that the composition of the board may be set forth in the home rule charter for the city of New Orleans. Provides that the city council may, by ordinance, prescribe rules and regulations governing the appointment, terms, and service of board members.

Present law requires that a quorum of the board adopt rules and regulations fixing its own meetings and procedures. Provides that six members shall constitute a quorum.

Proposed law provides the adoption of such rules and regulations by a quorum of the board is subject to limitations provided by proposed law. Removes provision regarding the number of members that constitute a quorum.

Present law provides for the creation of the Sewerage and Water Board Selection Committee comprised as follows:

- (1) The president of Dillard University or his designee.
- (2) The president of Loyola University or his designee.
- (3) The president of Tulane University or his designee.
- (4) The president of Xavier University or his designee.
- (5) The chancellor of Delgado Community College or his designee.
- (6) The chancellor of University of New Orleans or his designee.
- (7) The chancellor of Southern University at New Orleans or his designee.
- (8) The chair of the board of directors of the New Orleans Chamber of Commerce or his designee.
- (9) The president of the board of directors of the New Orleans Regional Black Chamber of Commerce or his designee.
- (10) The chair of the board of directors of the Urban League of Greater New Orleans or his designee.

Present law requires that a notice of a vacancy on the sewerage and water board be published in the official journal for Orleans Parish by the sewerage and water board and be communicated through any other publication, website, or electronic medium maintained by the board or the city of New Orleans for the purpose of achieving public awareness of the vacancy. Provides for the contents of the notice.

Present law requires that any interested person who meets the qualifications submit an application to the board confirming their eligibility, professional qualifications, and experience. Requires the board to transmit all applications received to the selection committee within seven days after the deadline for submission of applications. Requires the selection committee to meet no less than 15 days and no more than 30 days after close of the application deadline to consider each name submitted for nomination. Authorizes selection committee members to submit names of persons who also meet the qualification requirements.

Present law requires the selection committee to verify that each nominee meets the qualification requirements. Provides that the selection committee shall by majority vote submit to the mayor three names for each vacancy on the sewerage and water board. Requires that each nominee have experience in either architecture, environmental quality, finance, accounting, business administration, engineering, law, public health, urban planning, facilities management, public administration, science, construction, business management, community or consumer advocacy, or other pertinent disciplines.

Present law requires the mayor, within 60 days of receipt of the list of nominees, to select one of the three nominees for submission to the city council for approval. Provides that the city council shall have 30 days from receipt of submission of the nomination by the mayor to disapprove the nominee. Provides that if the city council does not disapprove the nominee within such time, it shall be deemed that the city council consents to the appointment. Additionally provides that if the city council disapproves the nominee from the mayor, the selection committee shall convene in no less than 30 days and no more than 60 days after disapproval to resubmit three nominees to the mayor.

Present law provides that if for any reason the mayor fails to submit a nomination to the city council within 60 days of receipt of the list of nominees by the selection committee, the selection committee shall submit such list of nominees directly to the city council for selection and approval.

Proposed law removes present law.

Present law provides that if the mayor is unable to attend a meeting of the sewerage and water board, the mayor may be represented at the board meeting by a person designated by the mayor who shall be an unclassified member of the mayor's administration. Provides that the person shall have all rights and powers granted to the mayor with regard to any such board meeting including the right to vote and shall be counted for purposes of a quorum.

Proposed law removes present law.

Present law provides that at the beginning of every quarter, the Coastal Protection Restoration Authority, the La. Dept. of Transp. and Dev., the Gov.'s Office of Homeland Security and Emergency Preparedness, and representatives from the Jefferson Parish Department of Public Works, the Saint Bernard Parish Department of Public Works, and the Plaquemines Parish Engineering & Public Works Department shall meet with the executive director of the Sewerage and Water Board and his team to develop a coordinated southeast La. urban flood prevention plan. Present law requires that the plan be presented to the members of the New Orleans Delegation and the city council annually on May 15th, beginning May 15th, 2025.

Proposed law removes requirement that the specified entities meet with the *team* of the executive director of the sewerage and water board and additionally requires that the specified entities meet with the director of public works for the city of New Orleans or his designee. Proposed law otherwise retains present law.

Present law provides that the Sewerage and Water Board of New Orleans shall be responsible for all drainage operations in the city of New Orleans. Requires the city of New Orleans to transfer all employees and equipment used for drainage maintenance to the board.

Proposed law provides that the board shall be responsible for such drainage operations unless otherwise provided by the parish governing authority or other law to the contrary. Authorizes, rather than requires, the city of New Orleans to transfer all employees and equipment used for drainage maintenance to the board.

Present law requires the city of New Orleans to allocate on an annual basis to the Sewerage and Water Board of New Orleans the same level of funding that the New Orleans Department of Public Works utilized in Fiscal Year 2023 for drainage operations.

Proposed law provides that such funding shall be required unless such operations are maintained by any other public entity. Provides the term "public entity" has the same meaning as provided in present law (R.S. 39:1421(2)).

Present law provides that the mayor shall be ex officio president of the board.

Proposed law instead authorizes the board to elect a president from its membership.

Present law authorizes the board to elect one of its members president pro tempore who shall act in the absence or disability of the president. Proposed law retains present law.

Present law provides that all meetings of the board shall be held in accordance with rules adopted by the board and shall be open and public.

Proposed law provides that all meetings of the board shall be held in accordance with rules adopted by the board and as provided by ordinance of the city council. Requires that all meetings be held in accordance with present law (Open Meetings Law).

Present law provides that the board may make reasonable rules and regulations necessary for the proper administration of the sewerage system.

Proposed law provides that such rules and regulations shall be subject to limitations provided in proposed law.

Present law authorizes the city council to establish, by ordinance, procedures regarding the billing policies of the board. Requires the city council to establish a billing ordinance working group to review and opine on ordinances before any such ordinance may be considered by the Public Works, Sanitation, and Environmental Committee of the city council, including evaluating the necessity of such an ordinance. Provides that the working group shall be composed as follows:

- (1) The chairman of the New Orleans City Council Budget, Audit, and Board of Review Committee, or his designee.
- (2) The chairman of the New Orleans City Council Public Works, Sanitation, and Environment Committee, or his designee.
- (3) The chairman of the New Orleans City Council Governmental Affairs Committee, or his designee.
- (4) A member of the House of Representatives residing in Orleans Parish, or his designee, appointed by the New Orleans City Council president.
- (5) A member of the Senate residing in Orleans Parish, or his designee, appointed by the New Orleans City Council president.
- (6) The executive director of the Sewerage and Water Board of New Orleans, or his designee.
- (7) The president of the Sewerage and Water Board of New Orleans, or his designee.

Proposed law removes present law and authorizes the city council to exercise regulatory authority and oversight over the board absent any law to the contrary. Provides that the authority shall include, but is not limited to, the ability to regulate and to require city council approval of the following:

- (1) Rates, fees, and charges imposed by the board.
- (2) The board's annual operating budgets.
- (3) Creation, adoption, and implementation of capital budgets and capital improvement plans.
- (4) Board policies relating to billing, finance, operations, and governance, including policies related to reducing or modifying a bill received by a customer, or waiving late charges or accrued interest.
- (5) Contracts entered into by the board.
- (6) The election of the executive director and the hiring of board employees.

Proposed law provides that nothing in proposed law shall be deemed to delegate powers held exclusively by the legislature or to authorize the city council to enact any ordinance inconsistent with proposed law or other applicable state law. Prohibits the city council from impairing existing obligations of the board.

Present law authorizes the city council to open an investigation of the board after the occurrence of any catastrophic failure of the city's sewerage and drainage infrastructure.

Proposed law additionally authorizes the city council to open an investigation of the board regarding any matter within the scope of its regulatory authority.

Present law provides that the city council may request the attendance of a representative of the board at any meeting of the Public Works, Sanitation, and Environment Committee of the city council.

Proposed law instead authorizes the city council to request the attendance of a representative of the board at any meeting of the city council or a council committee.

(Amends R.S. 33:4071, 4072(A) and (B), 4073, 4074, 4123, and 4159.2(A), (B)(1), and (C))