

2026 Regular Session

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

BY REPRESENTATIVES HILFERTY, BAYHAM, BOYD, COX, DEVILLIER, DOMANGUE, FISHER, JACKSON, AND TAYLOR

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.~~(1)~~ The public water system, the public sewerage system, and the public  
17 drainage system of the city of New Orleans shall be constructed, controlled,  
18 maintained, and operated by a sewerage and water board. The composition of the  
19 board may be as set forth in the New Orleans home rule charter, unless otherwise  
20 provided by law. The New Orleans city council may, by ordinance in accordance  
21 with applicable state law, prescribe rules and regulations governing the appointment,  
22 terms, and service of board members. to be composed as follows:

23 ~~(a) The mayor.~~

24 ~~(b) The chair of the Public Works, Sanitation and Environment Committee~~  
25 ~~of the New Orleans city council or an appointee selected by the council president~~

1 with a background in engineering, law, or consumer advocacy selected with the  
 2 advice and consent of the city council. Any member appointed by the council  
 3 president shall serve at the pleasure of the council president.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17          ~~(b) Three members shall serve an initial term of one year; three members~~  
18          ~~shall serve an initial term of two years; three members shall serve an initial term of~~  
19          ~~three years; and two members shall serve an initial term of four years, as determined~~  
20          ~~by lot at the first meeting of the board.~~

21          ~~(5) If the mayor is unable to attend a meeting of the sewerage and water~~  
22          ~~board, the mayor may be represented at the board meeting by a person designated by~~  
23          ~~the mayor who shall be an unclassified member of the mayor's administration. The~~  
24          ~~person shall have all rights and powers granted to the mayor with regard to any such~~  
25          ~~board meeting including the right to vote and shall be counted for purposes of a~~  
26          ~~quorum.~~

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

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

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

7                   ~~C. All vacancies occurring in the membership of the board under~~  
 8                   ~~appointment by the mayor shall be filled in the manner prescribed by this Section for~~  
 9                   ~~the original appointment.~~

10                  ~~D. No person who is a stockholder or bondholder in any sewerage or~~  
 11                  ~~waterworks company or who holds any public office yielding emoluments to the~~  
 12                  ~~holder other than those specified in this Part shall be eligible for appointment to the~~  
 13                  ~~board.~~

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

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

22                         (1) Instances of error on the part of the district such as equipment failure or  
 23                         process failure, including instances in which the board generates inaccurate invoices,  
 24                         and in such instances, only to the extent that the failure increased the customer's  
 25                         indebtedness.

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

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

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

7                   §4072. Drainage operations; city of New Orleans

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

22                  B.(1) ~~The~~ Unless otherwise provided by the parish governing authority or  
 23                  other law to the contrary, the Sewerage and Water Board of New Orleans shall be  
 24                  responsible for all drainage operations in the city of New Orleans. The city of New  
 25                  Orleans ~~shall~~ may transfer all employees and equipment used for drainage  
 26                  maintenance to the Sewerage and Water Board of New Orleans.

27                  (2) The city of New Orleans shall allocate on an annual basis to the  
 28                  Sewerage and Water Board of New Orleans the same level of funding that the New  
 29                  Orleans Department of Public Works utilized in Fiscal Year 2023 for drainage  
 30                  operations unless such operations are maintained by any other public entity. Any

1 other increases in funding by the city of New Orleans to the Sewerage and Water  
 2 Board of New Orleans shall be subject to New Orleans City Council approval.  
 3 "Public entity" for purposes of this Part shall have the same meaning as provided in  
 4 R.S. 39:1421(2).

\* \* \*

§4073. Officers of sewerage and water board; compensation of members

7 The ~~mayor shall be ex officio president of the board~~ shall elect from its  
 8 membership a president and a president pro tempore. The board shall also elect an  
 9 executive director, whose salary and bond shall be fixed by the board. The executive  
 10 director shall hold office at the pleasure of the board. The election or removal of the  
 11 executive director, the amount of his salary, and the acceptance of his bond shall be  
 12 determined by a majority vote of the entire board at one of its regular monthly  
 13 meetings. The duties of the executive director shall be fixed by the board. No  
 14 member of the board shall receive any salary or compensation for his services,  
 15 except actual expenses incurred in ~~travelling~~ traveling by authority of, or for the  
 16 benefit of the board. ~~The board shall have power to elect one of its members~~  
 17 ~~president pro tempore who~~ shall act in the absence or disability of the president.

§4074. Meetings of the board

19 All meetings of the board shall be held in accordance with rules adopted by  
 20 the board and ~~shall be open and public~~ as provided by ordinance adopted pursuant  
 21 to R.S. 33:4159.2. All board meetings shall be conducted in accordance with the  
 22 Open Meetings Law. All its transactions shall be recorded in the minutes to be kept  
 23 in writing by the executive director, and its records shall be public. ~~Six members~~  
 24 ~~thereof shall constitute a quorum.~~

\* \* \*

§4123. New Orleans; rules and regulations; provisions self-operative; board continued; repeal; severability

28 A. The Subject to limitations provided in this Part, the board may make  
 29 reasonable rules and regulations necessary for the proper administration of the  
 30 sewerage system.



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

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

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

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

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

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

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

15                  (4) ~~The procedures established by the city council shall be uniformly~~  
 16                  ~~implemented so as to prevent special treatment as it relates to any bill modification~~  
 17                  ~~or amnesty. exercise regulatory authority and oversight over the board absent any~~  
 18                  ~~law to the contrary. This authority shall include but is not limited to the ability to~~  
 19                  ~~regulate and to require city council approval of the following:~~

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

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

22                         (c) Creation, adoption, and implementation of capital budgets and capital  
 23                         improvement plans.

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

27                         (e) Contracts entered into by the board.

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

29                         (2) Nothing in this Subsection shall be deemed to delegate powers held  
 30                         exclusively by the legislature or to authorize the city council to enact any ordinance

1 inconsistent with this Part or other applicable state law. In exercising its authority  
2 under this Subsection, the city council shall not impair existing obligations of the  
3 board.

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

10 \* \* \*

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

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_