

2023 Regular Session

HOUSE BILL NO. 225

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(F)(1) and (2), relative to the city of New Orleans; to
3 provide relative to the sewerage and water board; to provide relative to the powers
4 and duties of the board; to provide relative to billing for sewerage and water services;
5 and to 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. 33:4071(F)(1) and (2) are hereby amended and reenacted to read as
11 follows:

12 §4071. Creation and organization of sewerage and water board

13 * * *

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

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

1 and in such instances, only to the extent 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 * * *

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 225 Original

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Hilferty

Abstract: Provides relative to the powers and duties of the Sewerage and Water Board of New Orleans.

Present law (R.S. 33:4071) establishes the sewerage and water board (board) of the city of New Orleans. Provides for the composition of the board, which includes the mayor of the city. Provides for the powers and duties of the board.

Proposed law retains present law.

Present constitution prohibits the state and any political subdivision from loaning, pledging, or donating its funds, credit, property, or things of value (Art. VII, Sec. 14). Provides exceptions.

Present constitution does not prevent a political subdivision from waiving charges for water if the charges are the result of water lost due to damage to the water delivery infrastructure and that damage is not the result of any act or failure to act by the customer.

Present law authorizes the board to adopt rules and procedures authorizing the adjusting, releasing, or extinguishing of any indebtedness from a customer's sewerage and water bill in the following cases:

- (1) Instances of error on the part of the district such as equipment failure or process failure, and in such instances, only to the extent the failure increased the customer's indebtedness. Proposed law adds instances in which the board generates inaccurate invoices to such failures.
- (2) Instances in which an employee of the board, or a person acting on behalf of the board, fails to read a customer's water meter regardless of whether the board has submitted an invoice to the customer for an amount owed during any such period. Proposed law adds improper meter reading and failure to submit an invoice for two consecutive months to such instances.

- (3) Instances of error not on the part of the customer due to unforeseen damage or an extreme weather-related event or mandatory evacuation, and in such instances, only to the extent the situation increased the customer's indebtedness. Proposed law retains present law.
- (4) Instances where the customer is disproportionately impoverished or needy and qualifies for an adjustment, release, or extinguishment pursuant to an established social welfare program of the district. Proposed law retains present law.

(Amends R.S. 33:4071(F)(1) and (2))