

2025 Regular Session

HOUSE BILL NO. 611

BY REPRESENTATIVE HILFERTY

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

1 AN ACT

2 To amend and reenact R.S. 33:4073, 4077, 4077.1, 4078, 4091(D), and 4136 and to repeal
3 R.S. 33:4087, 4088, and 4146, relative to the city of New Orleans; to provide relative
4 to the Sewerage and Water Board of New Orleans; to provide relative to the powers
5 and duties of the board; 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. 33:4073, 4077, 4077.1, 4078, 4091(D), and 4136 are hereby amended
11 and reenacted to read as follows:

12 §4073. Officers of sewerage and water board; compensation of members
13 ~~The mayor shall be ex officio president of the board.~~ The board shall elect
14 a president for a term of one year. The board shall elect an executive director, whose
15 salary and bond shall be fixed by the board. The executive director shall hold office
16 at the pleasure of the board. The election or removal of the executive director, the
17 amount of his salary, and the acceptance of his bond shall be determined by a
18 majority vote of the entire board at one of its regular monthly meetings. The duties
19 of the executive director shall be fixed by the board. No member of the board shall

1 receive any salary or compensation for his services, except actual expenses incurred
2 in travelling by authority of, or for the benefit of the board. The board shall have
3 power to elect one of its members president pro tempore who shall act in the absence
4 or disability of the president.

5 * * *

6 §4077. ~~Legal advisor of board; special counsel~~ Authority of the board to employ
7 legal counsel

8 ~~The city attorney shall be the legal advisor of the board. The city attorney~~
9 ~~shall appoint, with the advice and consent of the board, a special counsel who shall~~
10 ~~have charge of and conduct the legal business of the board, and who shall receive as~~
11 ~~compensation for his services, a sum of not less than three thousand, five hundred~~
12 ~~dollars, per annum, payable monthly out of the funds of the board. The city attorney~~
13 ~~may remove the special counsel only with the advice and consent of the board~~
14 ~~previously had, and shall remove him when requested so to do by resolution of the~~
15 ~~board adopted at its regular meeting by a vote of two-thirds of the members of the~~
16 ~~board. The board may employ the services of an attorney and fix his fees or salary.~~

17 §4077.1. Agent for service of process

18 The agent for service of process of any legal papers served on the board shall
19 be the executive director of the board or ~~the special counsel appointed pursuant to~~
20 ~~R.S. 33:4077~~ legal counsel.

21 §4078. Expropriation of necessary property; servitudes; restriction on use and
22 disposition of property

23 Whenever it becomes necessary to expropriate any property convenient or
24 necessary for the sewerage, water or drainage systems, ~~the city attorney, or the~~
25 ~~special~~ legal counsel of the board, on the request of the board, shall institute
26 expropriation proceedings in the name of the city of New Orleans, and acquire the
27 title to the property in the name of the city. The title to all the public works
28 constructed by the board, and to all the property acquired by the board shall be
29 vested in the city of New Orleans. The board may expropriate any property in the

1 parishes of Plaquemines, St. Bernard, Jefferson, and St. Charles that it may find
2 convenient and necessary for the proper execution of the powers granted to it, and
3 may extend its works ~~in the said~~ into those parishes for the benefit of the city of New
4 Orleans, and have jurisdiction and authority in such parishes over the works therein
5 situated. Should the board exercise the authority to acquire by negotiation or
6 expropriation property in any of the four parishes aforementioned for the purpose of
7 installing or constructing intake lines to the Mississippi river, water plants and
8 appurtenances, or water mains, the water boards or water districts having jurisdiction
9 of the preparation and distribution of the public water supply in the respective
10 parishes in which ~~said~~ the installation or construction shall be located, shall have the
11 right to purchase from the board, and the board shall be obligated to sell to them,
12 reasonable amounts of water passing through the facilities thus created at cost of the
13 water to the board. However, such sales shall be confined exclusively to ~~said~~ those
14 water authorities. Further, should the board acquire title to property or servitudes in
15 order to install water mains through any of the aforementioned parishes to the
16 confines of the parish of Orleans, such area will be available to the respective parish
17 authorities to be used as a public roadway, provided, ~~said~~ the roadway shall not be
18 so used as to cause damage to the installations of the board. The board may acquire
19 in the name of the city of New Orleans servitudes necessary in the conduct of its
20 business. The city of New Orleans shall not sell, exchange, utilize or dispose of any
21 streets wherein are located any of the facilities and utilities of the board without prior
22 written consent of the board.

23 * * *

24 §4091. Reports of board

25 * * *

26 D. The ~~mayor or the chief administrative officer and the~~ executive director
27 shall present each quarterly report to the city council at the next regularly scheduled
28 city council meeting dedicated to public works.

29 * * *

1 §4136. New Orleans; validity of bonds; repealer; severability

2 A. No proceedings or approvals, not required by the provisions of said
3 Sections, shall be necessary to the validity of any bonds issued thereunder. Any
4 provision of the constitution or any law in conflict with the provisions of said
5 Sections is hereby repealed.

6 B. Should any provision be declared null and void, such declaration shall not
7 affect the balance of this amendment.

8 ~~The city of New Orleans is further relieved of its obligation to make annual~~
9 ~~appropriations for the purpose of maintaining and operating its drainage system of~~
10 ~~the city of New Orleans and shall not be required to provide funds for maintaining~~
11 ~~and operating said drainage system.~~

12 Section 2. R.S. 33:4087, 4088, and 4146 are hereby repealed in their entirety.

13 Section 3. This Act shall become effective on January 12, 2026.

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 611 Reengrossed

2025 Regular Session

Hilferty

Abstract: Provides for the powers and duties 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. Provides for the composition of the board and the qualifications of board members.

Proposed law retains present law.

Present law creates and provides for a selection committee for the purpose of submitting nominations to the mayor for board appointments. Provides for the composition of the selection committee.

Proposed law retains present law.

Present law provides that the mayor is ex officio president of the board. Proposed law instead requires the board to elect a president for a term of one year.

Present law provides that the city attorney shall be the legal advisor of the board. Requires the city attorney to appoint, with the advice and consent of the board, a special counsel who shall have charge of and conduct the legal business of the board.

Proposed law removes present law and instead authorizes the board to employ the services of an attorney and to fix his fees or salary.

Present law provides that the agent for service of process of any legal papers served on the board shall be the executive director of the board or the special counsel appointed by the city attorney.

Proposed law removes the special counsel and provides that the board's legal counsel may also serve as the agent for service of process.

Present law provides that when expropriation is necessary, the city attorney or the special counsel, on the request of the board, shall institute the expropriation proceedings in the name of the city of New Orleans.

Proposed law provides instead that the legal counsel shall institute expropriation procedures.

Present law provides that the mayor or the chief administrative officer and the executive director shall present each quarterly report to the city council at a designated meeting.

Proposed law removes the mayor and the chief administrative officer and instead requires the executive director to present the report.

Present law provides that the city of New Orleans is relieved of its obligation to make annual appropriations for the purpose of maintaining and operating its drainage system of the city of New Orleans and is not required to provide funds for maintaining and operating the drainage system.

Proposed law repeals present law.

Present law requires that all contracts executed by the board for the construction or repair of the public systems of sewerage, water and drainage contain a clause stipulating that the contractor shall give preference in employment to bona fide residents of the city of New Orleans, both skilled and unskilled. Prohibits the employment of any non-resident laborers, skilled or unskilled (except confidential clerks, chief superintendents and chief engineers).

Proposed law repeals present law.

Present law authorizes the board to apportion its funds among the water, sewerage, and drainage systems by a vote of not less than ten members of the board, exclusive of the mayor. Requires that such apportionment be approved by the mayor in writing. Provides that in case the members and the mayor cannot agree on any apportionment, the matter must be referred to the city council, which may make the apportionment. Provides that present law is not applicable in cases of emergency.

Proposed law repeals present law.

Effective January 12, 2026.

(Amends R.S. 33:4073, 4077, 4077.1, 4078, 4091(D), and 4136; Repeals R.S. 33:4087, 4088, and 4146)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Remove proposed law provisions that change the membership of the board and the qualifications of board members.

2. Remove proposed law provisions that remove the board's selection committee.
3. Remove proposed law provisions that make changes to the requirements for the filling of board vacancies.
4. Remove proposed law provisions that remove the mayor's ability to designate a person to attend a board meeting in his place if he is unable to attend.