

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 47 By Senator Morrell**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

LOCAL AGENCIES. Provides for the Sewerage and Water Board of the city of New Orleans. (See Act)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. House amendments purport to make the following changes but the amendments are in conflict with each other and do not comply with constitutional requirements as to bill title and enacting clause:
  - (a) Reduces from 6 to 2 the number of board members appointed by the mayor from nominees submitted by the Sewerage and Water Board Selection Committee.
  - (b) Removes Senate confirmation of board member appointments by members of the House of Representatives and Senate whose election districts include any part of Orleans Parish.
  - (c) Adds one board member appointed by each of the at-large members of the city council.
  - (d) Reduces from 6 to 5 the quorum of the board.
  - (e) Requires three different additoinal quarterly reports to be made by the board to the city council with enumerations as to what is to be included in each: one report regarding contracts let in construction and repair of public systems of water, sewerage, and drainage; one report regarding board operations; and one report enumerating progress of the board in customer service improvements, as to the Enhanced Service Assurance program, operational reforms, regarding capital improvements funded by a rate increase, and progress in creating economic opportunities consistent with the city's Disadvantaged Business Enterprise program.
  - (f) Adds provision terminating any rate increase approved by the city council in 2012 unless the proceeds are pledged to the repayment of bonds.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

Present law provides that the public water, sewerage, and drainage systems of the city of New Orleans shall be constructed, controlled, maintained, and operated by the Sewerage and Water Board of the city of New Orleans.

Present law provides that the board is composed of the mayor, three members of the city council, one of whom is required to be an at-large member of the council, two members of the board of liquidation, city debt, and seven citizens, appointed by the mayor with consent of the city council, two at large and one from each of the five council districts.

Proposed law changes the board membership to be composed of the following persons who shall the racial and gender diversity of the population of the city of New Orleans to the extent practicable:

- (1) The mayor.
- (2) 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.

(3) Two 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 (selection committee). Requires that the two syndicate members and the two citizens appointed by the mayor pursuant to Paragraph (2) and (3) be from different councilmanic districts.

(4) One member appointed jointly by the members of the Louisiana House of Representatives whose election districts include any part of the parish of Orleans.

(5) One member appointed jointly by the members of the Louisiana Senate whose election districts include any part of the parish of Orleans.

(6) One member appointed by each of the at-large members of the New Orleans city council.

Proposed law provides that for purposes of proposed law the Sewerage and Water Board Selection Committee be composed of the following:

- (a) The president of Dillard University or his designee.
- (b) The president of Loyola University or his designee.
- (c) The president of Tulane University or his designee.
- (d) The president of Xavier University or his designee.
- (e) The chancellor of Delgado Community College or his designee.
- (f) The chancellor of University of New Orleans or his designee.
- (g) The chancellor of Southern University at New Orleans or his designee.
- (h) The chair of the board of directors of the New Orleans Chamber of Commerce or his designee.
- (i) The president of the board of directors of the New Orleans Regional Black Chamber of Commerce or his designee.
- (j) The chair of the board of directors of the Urban League of Greater New Orleans or his designee.

Proposed law requires that 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 shall be communicated through any other publication, website, or electronic medium maintained by the New Orleans Sewerage and Water Board or the city of New Orleans for the purpose of achieving public awareness of the vacancy. Requires that the notice advise potential candidates of the residency requirements, professional qualifications and requires that the board 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 nor more than 30 days after the close of the application deadline and authorizes selection committee members to also submit names of qualified persons. Provides that the committee by majority vote submit to the mayor, or the council at-large members as appropriate, three names for each vacancy on the Sewerage and Water Board. Requires the mayor to select three names for submission to the city council within 60 days after receipt of the nominees. Provides that if the mayor fails to submit a nomination to the city council within the 60 day period, then the selection committee is to submit its nominees directly to the city council for selection and approval.

Requires the city council to disapprove a nominee within 30 days after receipt of the nominee from the mayor and that failure of the council to disapprove indicates that the council consents to the appointment.

Requires that upon disapproval of a nominee by the city council, the selection committee convene in no less than 30 days and no more than 60 days to resubmit three nominees to the mayor.

Proposed law requires that each citizen member be a registered voter in Orleans Parish and shall have a domiciliary of Orleans Parish for two years previous to his appointment.

Proposed law requires each nominee to 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 discipline.

Present law provides that terms of board members are nine years.

Proposed law reduces terms of the six citizens appointed by the mayor to four years and prohibits a member from serving more than two consecutive terms of office. Provides that if any appointed member is elected to any office or removes his residence from Orleans Parish, his membership on the board is ipso facto vacated, and his successor shall be immediately appointed.

Present law provides that a quorum of the board is seven members and requires a vote of board members to change rules adopted by the board.

Proposed law changes the quorum of the board to five members and requires a quorum vote to adopt or change rules.

Proposed law requires that any rate increase approved by the city council in 2012 expires on December 31, 2022 unless the proceeds are pledged to the repayment of bonds, then the increased fees shall continue until the bonds are repaid.

Proposed law requires that in addition to the detailed annual report to the city council detailing acts, doings, receipts and expenditures of the board, the board is to make quarterly reports to the city council relative to contracts let in the construction and repair of its public systems of water, sewerage, and drainage. Proposed law enumerates the items to be included in the report.

Proposed law further requires another quarterly report relative to the board's operations and enumerates the items to be included in this report.

Proposed law requires quarterly reports to the city council the following matters:

(1) Progress made by the board with respect to customer service improvements as enumerated in proposed law.

(2) Progress made by the board with respect to the Enhanced Service Assurance program.

(3) Progress made by the board with respect to operational reforms as follows:

(4) Progress made by the board with respect to capital improvements funded by any rate increase.

(5) Progress made by the board with respect to creating economic opportunities consistent with the city's Disadvantaged Business Enterprise program and local participation policies.

Present law provides for councilmen's board membership when redistricting or election to office or change in residency occurs.

Proposed law repeals such provisions.

Proposed law provides that the terms of the members of the Sewerage and Water Board for the city of New Orleans in office on the effective date of this Act shall terminate on the effective date of this Act.

Effective on the first day of Jan. following an election at which a majority of the voters of the city of New Orleans approve an amendment to the home rule charter of the city to change the composition of the board to provide the identical composition of the board as contained in proposed law.

(Amends R.S. 33:4071(A), (B), (C)(1), and (E), 4074, 4091, and 4096(A)(4); repeals R.S. 33:4071(C)(2) and (3))

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