

SENATE BILL NO. 236

BY SENATOR MORRISH

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AN ACT

To enact R.S. 39:816.1, relative to Consolidated School District Number 1 of Jefferson Davis Parish; to authorize the levy of a parcel fee within district boundaries; to provide for voter approval; to provide for imposition and collection; to provide a limitation on the amount of any such parcel fee; to provide relative to the use of proceeds; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:816.1 is hereby enacted to read as follows:

§816.1. Consolidated School District Number 1 of Jefferson Davis Parish; imposition of parcel fee, submission to voters; amount; collection; use of proceeds

A. The governing authority of Consolidated School District Number 1 of Jefferson Davis Parish may levy and collect a parcel fee within the boundaries of the district which shall not exceed two hundred dollars per parcel per year. The parcel fee shall be imposed by resolution of the governing authority of the district only after the question of the imposition of the parcel fee and the purpose, rate, and duration of the parcel fee has been approved by a majority of the voters of the district voting at an election held therein. The proceeds of such parcel fee shall be expended for the purposes of operating, maintaining, and improving the public school system in the district, and for all purposes incidental thereto. Any parcel fee imposed pursuant to this Section shall be levied and collected and be due and owing annually. The fee may be carried on the tax rolls for Jefferson Davis Parish and collected at the same time as parish ad valorem taxes.

B.(1) If any parcel fee is not paid when due, the district shall proceed

1 against the parcel for the collection of the amount of the fee unpaid and
2 delinquent, any collection costs incurred by the district, plus interest at a rate
3 not exceeding twelve percent on the unpaid amount of the parcel fee, and, in the
4 event legal proceedings are necessary to effect collection, court costs, and
5 reasonable attorney fees. However, attorney fees shall be payable by the parcel
6 owner only if demand by the governing authority of the district has been made
7 on the parcel owner by registered or certified mail, and such parcel owner has
8 failed to pay the amount due within ten days after such demand.

9 (2) A judgment obtained for nonpayment of a parcel fee, upon being
10 recorded in the mortgage records of Jefferson Davis Parish, shall prime all
11 other liens except those for taxes and prior recorded local or special
12 assessments. If there are one or more property mortgages on such parcel and
13 the mortgage holder or holders have notified the tax collector in Jefferson Davis
14 Parish of such recorded mortgage or mortgages, the district, prior to proceeding
15 against such parcel for failure to pay a parcel fee, shall give notice to each
16 mortgagee of the amount of the parcel fee due and owing on such parcel and
17 that such parcel fee must be paid within twenty days after the mailing of the
18 notice or proceedings will be commenced against the parcel. The notice shall be
19 sent to each such mortgage holder by certified mail, return receipt requested,
20 or be made by personal or domiciliary service on such mortgage holder. In the
21 event such notice is given, the district shall not commence such proceedings
22 until at least twenty days after the mailing of such notice.

23 (3) Alternatively, the lien authorized by this Section may be enforced by
24 assessing the amount of the lien against the parcel as a tax against the property.
25 The lien may be collected in the manner fixed for collection of taxes and shall
26 be subject to the same civil penalties for delinquencies. After the governing
27 authority of the district has incurred such costs and expenses, together with any
28 amount of the parcel fee which remains unpaid and delinquent constitute the
29 lien on the property, including any costs of court, attorney fees, and interest, the
30 governing authority may send an attested bill of such unpaid amount, costs, and

1 expenses to the assessor of Jefferson Davis Parish who shall add the amount of
 2 such bill to the next tax bill of the property owner. The lien shall prime all other
 3 liens or privileges against the property, except other tax liens, filed after the
 4 statement specified in this Section is filed with the recorder of mortgages,
 5 regardless of the date on which the lien is perfected.

6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____