

ACT No. 52

2015 Regular Session

HOUSE BILL NO. 145

BY REPRESENTATIVE BURFORD

AN ACT

To enact R.S. 40:1502.16, relative to the assessment of service charges by the governing authority of DeSoto Parish Fire Protection District No. 3; to authorize such service charges, subject to voter approval; to provide with respect to the collection of the service charges and the enforcement of the collection; and to provide for related matters.

Notice of intention to introduce this Act has been published
as provided by Article III, Section 13 of the Constitution of
Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1502.16 is hereby enacted to read as follows:

§1502.16. Service charge authorized for DeSoto Parish; assessment and collection

A. In addition to the authority granted pursuant to R.S. 40:1502, the governing authority of DeSoto Parish Fire Protection District No. 3 may establish a service charge or rates of service charges to be assessed persons owning each residential or commercial structure, whether occupied or unoccupied, located wholly or partly within the boundaries of the fire protection district, subject to the provisions of Subsection B of this Section. For purposes of this Section, each residential or commercial unit in a structure and each housing unit within a multiple dwelling structure shall be considered a separate structure, and a mobile home, as defined in R.S. 9:1149.2, shall be considered a structure. Such service charges or rates of service charges shall be framed so as to cover and shall be used for the costs of any or all fire protection and emergency medical transportation and emergency services incidental thereto.

1 B. Service charges or rates of service charges so established shall be assessed
2 by resolution of the governing authority of the fire protection district; however, the
3 resolution assessing the service charges shall be adopted by the governing authority
4 only after the question of the assessment and the amount of the service charges or
5 rates of service charges to be established have been submitted to and approved by a
6 majority of electors of the district voting at an election held for that purpose. Such
7 election shall be conducted in accordance with the election laws of the state and shall
8 be held at the same time that an election authorized by the provisions of R.S. 18:402
9 is held.

10 C.(1) The governing authority of the fire protection district assessing a
11 service charge or rates of service charges as provided in this Section may also use
12 any reasonable means to collect and enforce the collection of such service charges,
13 including any means authorized by law for the collection of taxes. Such means shall
14 include the assessor carrying the fire protection service charges on the tax rolls for
15 DeSoto Parish and the sheriff of DeSoto Parish collecting such service charges at the
16 same time as ad valorem taxes are collected and with the same authority with which
17 such taxes are collected. If any fire protection service charge becomes delinquent
18 and unpaid, the sheriff shall send a "Final Notice" to the delinquent property owner
19 by registered or certified mail. The sheriff shall also publish notice of the pending
20 delinquent property sale in the parish journal, setting forth the names and addresses
21 of the delinquent property owners and the date and place of the sale to enforce
22 collection, and he shall enforce the collection in the same manner as ad valorem
23 taxes are collected. The governing authority may compensate the sheriff and the tax
24 assessor for such collection upon mutual agreement of the governing authority and
25 the sheriff and tax assessor.

26 (2)(a) The governing authority of the district may also place liens for fire
27 protection service charges upon the structure subject to the charge, upon the building,
28 if any, in which the structure is located if it is owned by the owner of the structure,
29 and upon the lot of ground not exceeding one acre on which the structure is situated
30 if such lot of ground belongs to the person who owns such structure; however, if

1 such structure or building is owned by a lessee of the lot of ground, the lien shall
2 exist only against the lease and shall not affect the owner of the lot. Such lien shall
3 be placed upon property only if the owner of a structure refuses to pay the service
4 charges when requested to do so by the governing authority within thirty days after
5 receipt by the owner of such a request by registered or certified letter.

6 (b) The governing authority may file a statement reflecting the amount of the
7 unpaid charges in the mortgage office of the parish, which, when so filed and
8 recorded, shall operate as a lien and privilege in favor of the district against property
9 as provided by this Subsection.

10 (c) Such fire protection and emergency service charge obligations shall
11 prime all other liens, mortgages, and privileges against the property, except those for
12 taxes and prior recorded local and special assessments.

13 (d) In addition, the governing authority of the district may recover the unpaid
14 charges, together with all costs of court and attorney fees, by ordinary process in the
15 Forty-Second Judicial District Court.

16 (e) The governing authority may also provide, by resolution for interest on
17 the unpaid charges, which shall be paid prior to cancellation of the lien.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____