

ENROLLED SENATE
BILL NO. 291

By: Stipe of the Senate
and
Fields of the House

An Act relating to cities and towns; allowing certain municipalities to contract for fire protection services with private entities; providing for the transfer of capital assets that provide fire protection services to a public trust; granting the voters of the municipality the right to an election; setting election procedures; requiring adoption of certain resolutions; stating filing requirements for resolution; requiring the fire protection services to meet or exceed the current level of service provided; making certain firefighters state employees and members of certain retirement systems; requiring publication of an income or loss statement and balance sheet; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-109 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. Any city or town operating a paid fire department may contract with a private entity, organization, corporation or company for the performance of the essential functions of fire suppression, prevention, and life safety duties in a fire department and, if required, transfer capital assets used in fire protection services to a public trust for the use of the private entity, organization, corporation or company in providing such services. Pursuant to the provisions of this act, the mayor shall issue an order calling for an election on the question of whether or not the city or town shall change its method of providing fire protection if:

1. An initiative petition is filed with the governing body of the municipality; or

2. The governing body, by resolution, so directs.

B. The initiative petition or resolution of the governing body shall be filed with the clerk of the municipality at least one hundred twenty (120) days before the filing date for the next municipal general election. The order calling for the election regarding fire protection services shall be issued by the mayor of the municipality within ten (10) days after a decision has been made on the ballot title, or within ten (10) days after the effective date of the resolution of the governing body.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-110 of Title 11, unless there is created a duplication in numbering, reads as follows:

The question of contracting for fire protection services with a private entity, organization, corporation or company and, if required, the transfer of capital assets used in fire protection services to a public trust, shall be submitted to the registered voters of the city or town at the next general election, or a special election to be held in the city or town not less than thirty (30) days nor more than sixty (60) days after the date of the order calling for the election. Notice of the election on the question shall be given by the governing body in a manner required for municipal elections.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-111 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. 1. The question submitted to the registered voters of the municipality shall be substantially in the following form:

Shall the City of _____ contract for fire protection services with a private entity, organization, corporation or company?

() Yes

() No

2. If the question includes the transfer of capital assets used in fire protection services, a second question shall be submitted to the registered voters of the municipality and shall be substantially in the following form:

Shall the City of _____ transfer ownership of capital assets used in fire protection services to a public trust for use by the private entity, organization, corporation or company in providing such services?

() Yes

() No

B. 1. The secretary of the county election board shall, within five (5) days after the canvass of returns, certify the results of the election on the question to the governing body.

2. If a majority of the votes cast are in favor of contracting for fire protection services with a private entity, organization, corporation or company, the governing body shall, within twenty (20) days after receiving the certification, adopt a resolution stating that the city or town will contract for fire protection services with a private entity, organization, corporation or company pursuant to a solicitation of proposals on a competitive bid basis pursuant to the provisions of the Oklahoma Central Purchasing Act.

3. If a majority of the votes cast are in favor of transferring ownership of capital assets used in fire protection services to a public trust for use by the private entity, organization, corporation or company in providing such services, the governing body shall, within twenty (20) days after receiving the certification, adopt a resolution stating that the city or town will create a public trust for such purpose and transfer ownership of the assets to the public trust.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-112 of Title 11, unless there is created a duplication in numbering, reads as follows:

The resolutions required pursuant to Section 3 of this act shall be recorded in the office of the county clerk and filed in the office of the Secretary of State and in the archives of the city.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-113 of Title 11, unless there is created a duplication in numbering, reads as follows:

The delivery of fire protection services shall meet or exceed the current levels and standards of fire protection services being provided by the municipality, pursuant to the provisions of Section 324.8 of Title 74 of the Oklahoma Statutes, in order for a private entity, organization, corporation or company to provide fire protection services to a municipality.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-114 of Title 11, unless there is created a duplication in numbering, reads as follows:

All firefighters in the state whose fire department provides fire protection services to a participating municipality, as defined in paragraph 9 of Section 49-100.1 of Title 11 of the Oklahoma Statutes, on or after the effective date of this act shall be governmental employees, as described in Internal Revenue Service Revenue Rule 89-49, 1989-1 CB 117, and shall be members of the Oklahoma Firefighters Pension and Retirement System. The Oklahoma Firefighters Pension and Retirement Board shall determine whether a firefighter is a governmental employee as defined in this section.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-115 of Title 11, unless there is created a duplication in numbering, reads as follows:

Every private entity, organization, corporation or company providing fire protection services to a municipality shall, within ninety (90) days after the end of its fiscal year, publish one insertion in a legal newspaper that services that municipality. Such insertion shall be a statement of income or loss and a balance sheet that relates only to the fire protection services being provided to the municipality. The statement shall be prepared in conformance with generally accepted accounting principles along with an opinion of fair presentation by a certified public accountant.

SECTION 8. This act shall become effective November 1, 1997.