

and

Jones of the House

An Act relating to fire protection districts; amending 19 O.S. 1991, Section 901.5, as last amended by Section 3, Chapter 357, O.S.L. 1998 (19 O.S. Supp. 1999, Section 901.5), which relates to the board of directors of fire protection districts; modifying time period for filling vacancy; authorizing alternative procedures for election of directors; providing additional requirements for membership; providing for filling vacancies; providing for appeals; limiting frequency of authorized change of election procedures; providing for applicability of certain statutory provisions; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 901.5, as last amended by Section 3, Chapter 357, O.S.L. 1998 (19 O.S. Supp. 1999, Section 901.5), is amended to read as follows:

Section 901.5 A. Directors of a fire protection district shall be the surface owners of real property in and residents of the district.

B. At the time of making its order organizing the district, the board of county commissioners shall appoint three (3) directors who shall hold their office until the next General Election, at which time their successors shall be elected. At the election, the qualified person receiving the highest number of votes for member of board of directors of the district shall hold office for the term of six (6) years. The qualified person receiving the next highest number of votes shall be elected for four (4) years, and the qualified person having the next highest number of votes shall be elected for two (2) years. Each two (2) years thereafter, there

shall be elected for a term of six (6) years one member of said board of directors.

C. 1. A board of directors may increase its membership to five (5) members by resolution of the board. If a board of directors adopts such a resolution, the position of the original board which will be up for election at the next General Election shall be for a five-year term.

2. An additional two members shall be elected at a special election called for that purpose by the board of directors. The two qualified persons who receive the highest number of votes for the additional two positions shall be elected to serve until the next General Election.

3. All board members elected thereafter to a five-member board shall serve a term of five (5) years with elections held yearly.

D. The board of directors of the district shall submit, within fifteen (15) days before the filing period of any district election, a resolution to the secretary of the county election board conducting said election. The resolution shall contain the following:

1. The date of the election;
2. The offices to be filled or the questions to be voted upon at the election;
3. Qualifications for the offices;
4. The location of the polling place or places; and
5. Any other information necessary for conducting said election.

E. 1. The regular election in the district shall be held at the same time as the General Election in this state or on the second Tuesday in November in those years that a General Election is not held.

2. In those years that a General Election is not held the entire cost of the election shall be paid by the district. When the

election is held at the same time as the General Election, the district shall pay only for the cost directly attributable to district election.

3. All polling places of precincts, all or any part of which include areas within the boundaries of the district, shall be supplied ballots for the purpose of permitting electors of the district to vote for members of the board of directors of the district.

4. Filing for the office of member of the board of directors shall be with the county election board on a nonpartisan basis during the regular filing period for state and county offices in those years that a General Election is held.

5. In those years that a General Election is not held the filing time will be from 8 a.m. on the first Monday after Independence Day until 5 p.m. on the next succeeding Wednesday and shall be done without the payment of a filing fee.

F. 1. Vacancies on the board shall be filled by the board of directors. In the event a vacancy occurs and the remaining members of the board are unable to make a decision on such vacancy within ~~thirty (30)~~ sixty (60) calendar days, the board of county commissioners shall immediately appoint a member to fill the vacancy. In the event the vacancies on the board are so numerous as to not provide a quorum, the board of county commissioners shall appoint as many members as are necessary to make a quorum.

2. All vacancies filled pursuant to the provisions of this subsection shall be filled until the next regular election, at which time a member shall be elected to serve the remainder of the unexpired term.

G. 1. The office of a member of the board of directors may be declared vacant by the board of directors if such member:

- a. is absent from more than one-half (1/2) of all meetings of the board of directors, regular and

special, held within any period of four (4) consecutive months,

- b. ceases to be eligible for office pursuant to this section,
- c. has a conviction in a court of any felony or crime involving moral turpitude,
- d. uses alcohol, any stimulant, any drug or other substance which impairs intellect, judgment or physical ability to such an extent as to incapacitate the member to such a degree that the member is prevented from performing duties pursuant to Chapter 21 of this title, and
- e. has a mental or physical weakness or inability which incapacitates the member to such a degree that the member is prevented from performing duties required pursuant to Chapter 21 of this title.

2. Vacancies determined pursuant to this subsection shall be filled pursuant to subsection F of this section after notice to the board member of such action and opportunity for a hearing.

3. Vacancies shall be determined at an official meeting of the board and shall be a specific agenda item.

4. Any appeal from a decision declaring an office vacant pursuant to this subsection shall be made to the district court within thirty (30) days of such determination.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 901.5A of Title 19, unless there is created a duplication in numbering, reads as follows:

A. The board of directors of a fire protection district is hereby authorized to adopt, by resolution, the election procedures set out in this section in lieu of the election procedures set out in Section 901.5 of Title 19 of the Oklahoma Statutes.

B. The board of directors shall divide the fire protection district into as many voting districts as there are members of the board. Such voting districts shall, as nearly as feasible and practical, follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census and shall follow precinct boundary lines as nearly as practical. Voting districts shall be compact, contiguous and as equal in population as practical with not more than a ten percent (10%) variance between the most populous and least populous districts, according to the results of the most recent Federal Decennial Census. The board shall redraw voting districts no later than June 30 of any year in which the results of a Federal Decennial Census are released which shows a population variance of more than ten percent (10%) between the most populous and least populous districts and at any time a board increases its membership pursuant to subsection C of Section 901.5 of Title 19 of the Oklahoma Statutes. The voting districts may not be redrawn at any other time.

C. The registered voters of each voting district shall elect one member of the board of directors of the fire protection district. A member shall be required to be a registered voter of the voting district which elects such member.

D. 1. Vacancies on the board shall be filled by the board of directors. In the event a vacancy occurs and the remaining members of the board are unable to make a decision on such vacancy within sixty (60) calendar days, the board of county commissioners shall immediately appoint a member to fill the vacancy. In the event the vacancies on the board are so numerous as to not provide a quorum, the board of county commissioners shall appoint as many members as are necessary to make a quorum.

2. Appointments to fill a vacancy pursuant to this section may not result in more than two board members being residents of the same voting district.

3. All vacancies filled pursuant to the provisions of this subsection shall be filled until the next regular election, at which time a member shall be elected to serve the remainder of the unexpired term.

E. 1. The office of a member of the board of directors may be declared vacant by the board of directors if such member:

- a. is absent from more than one-half (1/2) of all meetings of the board of directors, regular and special, held within any period of four (4) consecutive months,
- b. ceases to be eligible for office pursuant to this section,
- c. has a conviction in a court of any felony or crime involving moral turpitude,
- d. uses alcohol, any stimulant, any drug or other substance which impairs intellect, judgment or physical ability to such an extent as to incapacitate the member to such a degree that the member is prevented from performing duties pursuant to Chapter 21 of this title,
- e. has a mental or physical weakness or inability which incapacitates the member to such a degree that the member is prevented from performing duties required pursuant to Chapter 21 of this title, or
- f. has served the term for which elected and no person has filed for election for the office of such member.

2. Vacancies determined pursuant to this subsection shall be filled pursuant to subsection D of this section after notice to the board member of such action and opportunity for a hearing.

3. Vacancies shall be determined at an official meeting of the board and shall be a specific agenda item.

4. Any appeal from a decision declaring an office vacant pursuant to this subsection shall be made to the district court within thirty (30) days of such determination.

F. Election procedures for the board of directors of a fire protection district may not be changed between the procedures set out in section 901.5 of Title 19 of the Oklahoma Statutes and the procedures set out in this section more often than one time in any ten-year period.

G. If a board adopts the election procedures set out in this section, all provisions of Section 901.5 of Title 19 of the Oklahoma Statutes which are not in conflict with this section shall be applicable.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 8th day of March, 2000.

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President of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2000.

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Speaker of the House of  
Representatives