

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 605

By: Bingman of the Senate

and

Peters and Armes of the  
House

6  
7  
8  
9 FLOOR SUBSTITUTE

10 [ fire protection districts - enacting the Municipal  
11 Fire Protection District Act and the Local Fire  
12 Protection District Act - codification - effective  
date ]

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 29-401 of Title 11, unless there  
18 is created a duplication in numbering, reads as follows:

19 Sections 1 through 11 of this act shall be known and may be  
20 cited as the "Municipal Fire Protection District Act".

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 29-402 of Title 11, unless there  
23 is created a duplication in numbering, reads as follows:

1 A. The governing body of a municipality may create a municipal  
2 fire protection district for the purpose of providing fire  
3 protection or both fire protection and fire department-based  
4 emergency medical service within the boundaries of the district in  
5 the manner set forth in the Municipal Fire Protection District Act.

6 B. If approved by the voters within the district, the governing  
7 body of the municipality may make an assessment annually on the  
8 value of property not otherwise exempt from ad valorem taxes for the  
9 purposes set forth in the Municipal Fire Protection District Act.

10 SECTION 3. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 29-403 of Title 11, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. The governing body of a municipality may approve, by  
14 majority vote, a resolution to create a municipal fire protection  
15 district and set the matter for hearing at a time not less than  
16 twenty (20) days nor more than forty (40) days from the date of the  
17 resolution.

18 B. The resolution shall set forth and particularly describe the  
19 proposed boundaries of the district and shall be accompanied by a  
20 map of the proposed district, drawn to a scale of not less than one  
21 (1) inch to the mile.

22 C. The resolution shall direct the city clerk to give notice of  
23 the hearing by publication in a newspaper of general circulation in  
24 the county in which the proposed district is located. The notice

1 shall be published for two (2) consecutive weeks next preceding the  
2 date of the hearing. The notice shall describe the boundaries of  
3 the proposed district, state the time and place of the hearing, and  
4 state that any person may appear and protest the organization of the  
5 district or the proposed boundaries of the district.

6 D. The governing body of the municipality shall hold the  
7 hearing described in the notice and shall have jurisdiction to hear  
8 and determine all protests to the creation of the district and all  
9 matters pertaining to the district. The governing body may amend  
10 the plan of the district by excluding from within the boundaries of  
11 the district any lands which may not be benefited by the formation  
12 of the district or by including other land as a part of the district  
13 upon application of the owners of the land. The governing body  
14 shall not exclude from the district any land which is completely  
15 surrounded by land which is included in the proposed district.

16 E. At the conclusion of the hearing, the governing body of the  
17 municipality may approve or disapprove the creation of the district  
18 and alter the boundaries of the district. If the governing body  
19 approves the creation of a district, it shall make an order  
20 determining the boundaries of the proposed district, particularly  
21 describing the boundaries, and shall determine whether the formation  
22 of the district will be in the best interests of the citizens within  
23 the district. The governing body shall call an election of the  
24 qualified electors residing in the area comprising the proposed

1 district on the question of whether the district shall be organized.  
2 The election date shall be set within one (1) year of the order  
3 organizing the district.

4 F. The boundaries of a municipal fire protection district may  
5 include all land inside the municipal corporate limits or any  
6 portion thereof as the governing body of the municipality deems  
7 appropriate.

8 SECTION 4. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 29-404 of Title 11, unless there  
10 is created a duplication in numbering, reads as follows:

11 The city clerk shall cause notice of the election to be given by  
12 publication once a week for two (2) successive weeks in a newspaper  
13 of general circulation in the area comprising the proposed district.  
14 The notice shall state the time and place of holding the election  
15 and set forth the description of the boundaries of the proposed  
16 district and its general purpose and intention. The notice shall  
17 require the electors to cast ballots which contain the words:  
18 "Municipal Fire Protection District - Yes" and "Municipal Fire  
19 Protection District - No" or words equivalent thereto. All persons  
20 who reside in the proposed district, who are qualified electors in  
21 their respective precincts, shall be qualified to vote on the  
22 proposition.

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1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 29-405 of Title 11, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. The election shall be conducted in accordance with the  
5 general election laws of this state, and the regular election  
6 officials shall be in charge at the usual polling place of each  
7 regular precinct, or part of a precinct, which covers the land  
8 within the boundaries of the proposed district.

9 B. The returns of the election shall be made directly to the  
10 governing body of the municipality which shall meet at its next  
11 regularly scheduled meeting following the election to canvass the  
12 vote cast. If, upon the canvass, it appears that over fifty percent  
13 (50%) of the votes cast are "Municipal Fire Protection District -  
14 Yes", the district shall be approved.

15 SECTION 6. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 29-406 of Title 11, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. Each fiscal year, during the regular course of drafting a  
19 municipal budget, after separate hearing, the governing body of the  
20 municipality shall levy an annual assessment on property not  
21 otherwise exempt from ad valorem taxes, sufficient to meet the costs  
22 of providing fire protection or both fire protection and fire  
23 department-based emergency medical service or such portion of the  
24 costs that the governing body deems advisable.

1 B. No annual assessment for operations shall exceed seven (7)  
2 mills on the dollar of net assessed value of the property not  
3 otherwise exempt from ad valorem taxes in the district. The  
4 governing body may levy an assessment over seven (7) mills but not  
5 to exceed ten (10) mills upon approval for the increase at an  
6 election held at such time and in such manner as provided by Section  
7 5 of this act.

8 C. Until paid, any assessment levied pursuant to this section  
9 shall be a lien against the tract of land on which the assessment  
10 has been levied. The lien shall be coequal with the lien of ad  
11 valorem and other taxes, including special assessments, and prior  
12 and superior to all other liens.

13 SECTION 7. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 29-407 of Title 11, unless there  
15 is created a duplication in numbering, reads as follows:

16 If any assessment remains unpaid, the county treasurer shall  
17 provide for the collection under the same procedure for the  
18 collection of delinquent ad valorem taxes.

19 SECTION 8. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 29-408 of Title 11, unless there  
21 is created a duplication in numbering, reads as follows:

22 If a municipal fire protection district includes all the land  
23 located inside a municipality, and the municipality annexes new  
24 land, the newly annexed portion shall be subject to the assessment

1 that is in effect for the municipality at the time of the annexation  
2 unless such land is otherwise exempt from ad valorem taxes.

3 SECTION 9. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 29-409 of Title 11, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. The governing body of the municipality may issue revenue  
7 bonds based upon the projected assessment revenues for facilities or  
8 equipment as may be deemed necessary. The issuance shall be  
9 pursuant to a resolution approved by not less than three-fourths  
10 (3/4) of the governing body.

11 B. The county treasurer in the county or counties in which the  
12 municipal fire protection district is located shall collect and  
13 remit to the clerk of the governing body of the municipality the  
14 assessments provided for in the Municipal Fire Protection District  
15 Act within thirty (30) days from December 31 of each year for those  
16 payments received by the county treasurer by December 31 and within  
17 thirty (30) days after March 31 for those payments received between  
18 January 1 and March 31 of each year.

19 SECTION 10. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 29-410 of Title 11, unless there  
21 is created a duplication in numbering, reads as follows:

22 The governing body of the municipality shall cause an annual  
23 audit to be made of, including, but not limited to, the funds,  
24 accounts, and fiscal affairs of the municipal fire protection

1 district. The audit shall be ordered within thirty (30) days of the  
2 close of each fiscal year of the district which shall commence July  
3 1, and end on June 30. The audit may be made in conjunction with  
4 other audits required by law or ordinances.

5 SECTION 11. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 29-411 of Title 11, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. Nothing in the Municipal Fire Protection District Act shall  
9 prohibit a municipality from entering into Interlocal Agreements  
10 pursuant to the Interlocal Cooperation Act for the purpose of  
11 providing fire protection or both fire protection and fire  
12 department-based emergency medical service.

13 B. Nothing in the Municipal Fire Protection District Act shall  
14 prohibit or prevent a public body, authority, jurisdiction, or  
15 municipality from receiving third-party reimbursement for services  
16 provided for fire protection or both fire protection and fire  
17 department-based emergency medical service.

18 SECTION 12. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 901.70 of Title 19, unless there  
20 is created a duplication in numbering, reads as follows:

21 Sections 12 through 25 of this act shall be known and may be  
22 cited as the "Local Fire Protection District Act".  
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1 SECTION 13. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 901.71 of Title 19, unless there  
3 is created a duplication in numbering, reads as follows:

4 Any combination of cities, towns, counties, or rural fire  
5 protection districts organized pursuant to Section 901.1 et seq. of  
6 Title 19 of the Oklahoma Statutes or municipal fire protection  
7 districts organized pursuant to the Oklahoma Volunteer Firefighters  
8 Act may by resolution of their governing bodies jointly petition the  
9 board of county commissioners to create a local fire protection  
10 district. If more than one county has joined in the petition, the  
11 petition must be presented to each county commission pursuant to the  
12 terms of the Local Fire Protection District Act.

13 SECTION 14. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 901.72 of Title 19, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. The petition to form a local fire protection district  
17 pursuant to Section 13 of this act shall set forth and particularly  
18 describe the proposed boundaries of the district and shall be  
19 accompanied by a map of the proposed district, drawn to a scale of  
20 not less than one (1) inch to the mile. The proposed boundaries  
21 shall not include any territory of any jurisdiction that is not a  
22 petitioner.

23 B. The petitioners shall accompany the petition with a good and  
24 sufficient bond, the amount and sureties of which shall be approved

1 by the board of county commissioners, the sum of which is sufficient  
2 to cover the costs of the publications and of the election. The  
3 petitioners shall share the cost of the bond in proportion equal to  
4 its population compared to the population of the district as a  
5 whole.

6 C. The petition shall also be accompanied by an agreement  
7 creating a Local Fire District Public Trust Authority drafted in  
8 conformity with Section 18 of this act. The agreement creating the  
9 Authority shall be duly executed by the governing body of each  
10 petitioner according to the terms of Section 176 et seq. of Title 60  
11 of the Oklahoma Statutes.

12 D. The petition shall be filed with the county clerk who shall  
13 present it to the board of county commissioners at their next  
14 regular or special meeting. Upon the presentation of the petition,  
15 the board of county commissioners shall set the petition for hearing  
16 at a time not less than twenty (20) days nor more than forty (40)  
17 days from the date of presentation and shall direct the county clerk  
18 to give notice of the hearing by publication in a newspaper of  
19 general circulation in the county in which the proposed district is  
20 located. The notice shall be published for two (2) consecutive  
21 weeks next preceding the date of the hearing. The notice shall  
22 describe the boundaries of the proposed district, state the time and  
23 place of the hearing, and state that any person may appear and

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1 protest the organization of the district or the proposed boundaries  
2 of the district.

3 E. The board of county commissioners shall hold the hearing  
4 described in the notice, and shall have jurisdiction to hear and  
5 determine all protests to the creation of the district and all  
6 matters pertaining to the district. The board of county  
7 commissioners may alter the boundaries of the district only in the  
8 unincorporated areas inside the county. At the conclusion of the  
9 hearing, the board of county commissioners shall enter an order  
10 organizing the district and call for an election of the qualified  
11 electors residing in the area comprising the proposed district on  
12 the question of whether the district shall be organized. The  
13 election date must be set within one (1) year of the order  
14 organizing the district.

15 SECTION 15. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 901.73 of Title 19, unless there  
17 is created a duplication in numbering, reads as follows:

18 The boundaries of the proposed local fire protection district  
19 may include all or part of the territory within the county  
20 boundaries. The boundaries of a local fire protection district  
21 shall not overlap with the boundaries of another local fire  
22 protection district.

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1 SECTION 16. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 901.74 of Title 19, unless there  
3 is created a duplication in numbering, reads as follows:

4 The county clerk shall cause notice of the election to be given  
5 by publication once a week for two (2) successive weeks in a  
6 newspaper of general circulation in the area comprising the proposed  
7 district. The notice shall state the time and place of holding the  
8 election and set forth the description of the boundaries of the  
9 proposed district and its general purpose and intention. The notice  
10 shall require the electors to cast ballots which contain the words:  
11 "Local Fire Protection District - Yes" and "Local Fire Protection  
12 District - No" or words equivalent thereto. All persons who reside  
13 in the proposed district, who are qualified electors in their  
14 respective precincts, shall be qualified to vote on the proposition.

15 SECTION 17. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 901.75 of Title 19, unless there  
17 is created a duplication in numbering, reads as follows:

18 The election shall be conducted in accordance with the general  
19 election laws of this state, and the regular election officials  
20 shall be in charge at the usual polling place of each regular  
21 precinct, or part of a precinct, which includes the land within the  
22 boundaries of the proposed district. The returns of the election  
23 shall be made directly to the board of county commissioners which  
24 shall meet at its next regularly scheduled meeting following the

1 election to canvass the vote cast. If, upon the canvass, it appears  
2 that over fifty (50) percent of the votes cast are "Local Fire  
3 Protection District - Yes", the district shall be approved.

4 SECTION 18. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 901.76 of Title 19, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. At the time of submitting the petition to the board of  
8 county commissioners, petitioners shall also submit a duly executed  
9 agreement creating a public trust for the purpose of administering  
10 the local fire protection district if approved by the voters. The  
11 public trust shall have the powers granted pursuant to the  
12 provisions of Section 176 of Title 60 of the Oklahoma Statutes in  
13 addition to the powers and duties granted pursuant to the Local Fire  
14 Protection District Act. The boundaries of the Local Fire  
15 Protection District Public Trust Authority shall be coterminous with  
16 the boundaries of the proposed local fire protection district. The  
17 terms of the trust shall provide:

18 1. Each jurisdiction that petitioned for the creation of the  
19 local fire protection district must be a beneficiary of the public  
20 trust;

21 2. Only petitioning jurisdictions may be beneficiaries or  
22 trustees of the public trust;

23 3. Each petitioning political subdivision must have one trustee  
24 that serves on the board of trustees of the public trust;

1 4. Each trustee of the public trust shall have only one vote;

2 5. Trustees shall serve for a term determined by the bylaws of  
3 the trust. The bylaws shall provide for staggered terms of the  
4 trustees so that only a predefined subset of the board of trustees  
5 shall be newly elected each year;

6 6. In the event of a tie vote, any measure before the board of  
7 trustees shall fail; and

8 7. In case the voters do not approve the creation of the local  
9 fire protection district, the trust agreement shall provide terms  
10 for the orderly dissolution of the trust.

11 B. The trust agreement may contain other terms as the  
12 petitioning jurisdictions decide.

13 C. The Local Fire Protection District Public Trust Authority  
14 shall be a political subdivision pursuant to the terms of the  
15 Governmental Tort Claims Act.

16 SECTION 19. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 901.77 of Title 19, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. The purpose of the Local Fire Protection District Public  
20 Trust Authority shall be to assess, receive, and disburse an annual  
21 assessment as provided in this section. The Authority may have such  
22 other duties as the trustees may agree to by unanimous vote.

23 B. Each year during the regular course of drafting the budget  
24 of the Authority, after public hearing, the board of trustees of the

1 Authority shall levy an annual assessment on property not otherwise  
2 exempt from ad valorem taxes sufficient to meet the cost of  
3 providing fire protection or both fire protection and fire  
4 department-based emergency medical service or such portion of the  
5 costs that the board of trustees deems advisable.

6 C. No annual assessment for operations shall exceed seven (7)  
7 mills on the dollar of net assessed value of the property not  
8 otherwise exempt from ad valorem taxes in the district. The  
9 Authority may levy an assessment over seven (7) mills but not to  
10 exceed ten (10) mills upon approval for the increase at an election  
11 held at such time and in such manner as provided by Section 16 of  
12 this act.

13 D. All assessments levied pursuant to this section shall be a  
14 lien against the tract of land on which they have been levied until  
15 paid, and the lien shall be coequal with the lien of ad valorem and  
16 other taxes, including special assessments, and prior and superior  
17 to all other liens.

18 SECTION 20. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 901.78 of Title 19, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. The board of trustees of the Local Fire Protection District  
22 Public Trust Authority may issue revenue bonds based upon the  
23 projected assessment revenues for facilities or equipment as may be  
24 deemed necessary. The issuance shall be pursuant to a resolution

1 approved by not less than three-fourths (3/4) of the board of  
2 trustees.

3 B. The county treasurer in the county or counties in which the  
4 local fire protection district is located shall collect and remit to  
5 the clerk of the governing body, the assessments provided for herein  
6 within thirty (30) days from December 31 of each year for those  
7 payments received by the county treasurer by December 31 and within  
8 thirty (30) days after March 31 for those payments received between  
9 January 1 and March 31 of each year.

10 C. Until paid, all assessments levied under the authority of  
11 the provisions of Section 19 of this act shall be a lien against the  
12 tract of land on which they have been levied. The lien shall be  
13 coequal with the lien of ad valorem and other taxes, including  
14 special assessments, and prior and superior to all other liens, and  
15 shall be collected by the county treasurer in like fashion as  
16 delinquent ad valorem taxes.

17 SECTION 21. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 901.79 of Title 19, unless there  
19 is created a duplication in numbering, reads as follows:

20 If any assessment remains unpaid, the county treasurer shall  
21 provide for the collection under the same procedures for the  
22 collection of delinquent ad valorem taxes.

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1 SECTION 22. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 901.80 of Title 19, unless there  
3 is created a duplication in numbering, reads as follows:

4 The Local Fire Protection District Public Trust Authority shall  
5 annually determine the total net assessed value of property of each  
6 beneficiary jurisdiction of the local fire protection district. It  
7 shall distribute the proceeds from the annual assessment set  
8 pursuant to Section 19 of this act in the proportion of net assessed  
9 value of each beneficiary bears to the total net assessed value of  
10 the entire local fire protection district.

11 SECTION 23. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 901.81 of Title 19, unless there  
13 is created a duplication in numbering, reads as follows:

14 Municipal or rural fire districts may join as petitioners for  
15 the creation of a local fire protection district under the terms of  
16 the Local Fire Protection District Act. No municipal or rural fire  
17 district assessment shall be affected by any provision of the Local  
18 Fire Protection District Act. If a municipal or rural fire district  
19 expands into a local fire protection district or chooses to  
20 participate in a local fire protection district, the rural or  
21 municipal fire districts shall receive an assessment in that  
22 overlapping territory in an amount that equals the difference  
23 between the municipal or rural fire district assessment and the  
24 local fire protection district assessment, if any.

1 SECTION 24. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 901.82 of Title 19, unless there  
3 is created a duplication in numbering, reads as follows:

4 A Local Fire Protection District Public Trust Authority shall  
5 annually cause an audit to be made of, including, but not limited  
6 to, the funds, accounts, and fiscal affairs of the Authority. The  
7 audit shall be ordered within thirty (30) days of the close of each  
8 fiscal year of the Authority which shall commence July 1 and end on  
9 June 30.

10 SECTION 25. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 901.83 of Title 19, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. Nothing in the Local Fire Protection District Act prohibits  
14 public bodies from entering into Interlocal Agreements pursuant to  
15 the Interlocal Cooperation Act for the purpose of providing fire  
16 protection or both fire protection and fire department-based  
17 emergency medical services.

18 B. Nothing in the Local Fire Protection District Act shall  
19 prohibit or prevent any public body, authority, or jurisdiction from  
20 receiving third-party reimbursement for services provided for fire  
21 protection or both fire protection and fire department-based  
22 emergency medical services.

23 SECTION 26. This act shall become effective November 1, 2007.

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