

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1390

By: Perryman of the House

and

McAffrey of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to cities and towns; creating the
12 Oklahoma Municipal Fire Protection District Act;
13 stating purpose of act; permitting municipality to
14 hold an election to create a municipal fire
15 protection district; directing a resolution be
16 submitted to the registered voters of the
17 municipality; conferring powers; describing territory
18 of the municipal fire protection district; allowing
19 municipality to fund the election; providing notice
20 of election; stating question to be worded on the
21 ballot; describing who is eligible to vote; stating
22 who will preside over the election and location of
23 polling places; providing number of votes required to
24 establish the district; directing adoption of
 ordinance; providing for filing of ordinance;
 directing district to be operated as a department of
 the municipality; requiring municipal clerk to
 maintain district appraisal record; stating contents
 of record; directing governing body of district to
 levy annual assessment; describing how funds from the
 assessment may be spent; permitting electors to
 authorize additional levy at a separate election;
 limiting how additional levied funds may be spent;
 providing for a lien against property if assessment
 is unpaid; stating priority of lien; directing

1 municipal clerk to record collection of funds;
2 directing county treasurer to collect funds in
3 certain manner; requiring interest to be charged on
4 delinquent assessment; directing county treasurer to
5 transfer collected funds to the municipal treasurer;
6 permitting municipality to foreclose unpaid liens in
7 district court; providing for collection of penalty
8 and attorney fee; providing for judgment interest;
9 directing order of sale of property if judgment
10 remains unpaid after certain time; directing county
11 sheriff to sell property without appraisalment;
12 subjecting sale to existing taxes and assessments;
13 limiting foreclosure actions; permitting dissolution
14 of a municipal fire protection district; describing
15 process for dissolution; directing all equipment and
16 funds to be retained by the municipality if
17 dissolution occurs; providing for codification; and
18 providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 29-151 of Title 11, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Oklahoma
24 Municipal Fire Protection District Act". The purpose of the
Oklahoma Municipal Fire Protection District Act is to provide for
the creation of municipal fire protection districts and authorize
annual ad valorem levies for funding fire protection.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 29-152 of Title 11, unless there
3 is created a duplication in numbering, reads as follows:

4 The governing body of a municipality may initiate the creation
5 of a municipal fire protection district by the adoption of a
6 resolution calling for the question of whether to organize a
7 municipal fire protection district. The resolution shall be
8 submitted to the registered voters of the municipality at the next
9 general election or a special election may be held. When a district
10 is organized, it shall have the powers conferred by the Oklahoma
11 Municipal Fire Protection District Act.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 29-153 of Title 11, unless there
14 is created a duplication in numbering, reads as follows:

15 A municipal fire protection district shall include all territory
16 located within the municipality and all territory subsequently
17 annexed to the municipality, unless the territory is included, at
18 the time of the creation of the municipal fire protection district,
19 or at the time of the annexation to the municipality, within a fire
20 protection district created pursuant to Section 901.1 et seq. of
21 Title 19 of the Oklahoma Statutes.

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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 29-154 of Title 11, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The municipality initiating the creation of the municipal
5 fire protection district may pay the cost of the election to
6 determine whether a municipal fire protection district should be
7 organized.

8 B. The election to determine whether a municipal fire
9 protection district shall be organized, and the notice thereof,
10 shall be conducted in the same manner as other municipal questions
11 are submitted to the electorate of the municipality. The notice
12 shall require the registered voters of the municipality to cast
13 ballots which contain the words: "Municipal Fire Protection District
14 - Yes", and "Municipal Fire Protection District - No", or words
15 equivalent thereto. All residents of the municipality, who are
16 qualified electors, shall be qualified to vote on the proposition.
17 The municipal fire protection district elections shall be conducted
18 in accordance with the general election laws of the state and the
19 regular election officials shall be in charge at the usual polling
20 place of each regular precinct, or part of a precinct, which shall
21 include lands within the boundaries of the municipal fire protection
22 district.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 29-155 of Title 11, unless there
3 is created a duplication in numbering, reads as follows:

4 If the certified election results show that at least three-
5 fifths (3/5) of all the votes cast are "Municipal Fire Protection
6 District - Yes", the governing body shall, by adoption of an
7 ordinance, declare the municipal fire protection district organized.
8 The ordinance shall be filed in the office of the county clerk in
9 the county where the governing body of the municipality meets and in
10 the office of the county clerk in all counties where any part of the
11 territory of the municipal fire protection district is located.

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 29-156 of Title 11, unless there
14 is created a duplication in numbering, reads as follows:

15 The municipal fire protection district shall be operated as a
16 department of the municipality.

17 SECTION 7. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 29-157 of Title 11, unless there
19 is created a duplication in numbering, reads as follows:

20 The municipal clerk shall prepare and keep a record which shall
21 be known as the municipal fire protection appraisal record. The
22 record shall contain the names of the owners of the lands and
23 improvements in the municipal fire protection district as they

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1 appear on the tax rolls of the county or upon the deed records, the
2 description of all property subject to ad valorem taxation, and the
3 assessed value of such property as shown by the records of the
4 county assessor. No error in the record shall invalidate the levy
5 of assessments if sufficient description is given to identify the
6 property.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 29-158 of Title 11, unless there
9 is created a duplication in numbering, reads as follows:

10 The governing body of the municipal fire protection district
11 shall levy an annual assessment in the amount of two (2) mills on
12 the dollar of assessed value of the property in the district, the
13 proceeds of which shall be used solely for the operation and
14 maintenance of the municipal fire protection district, including but
15 not limited to purchasing and maintaining equipment and for payment
16 of salaries and benefits of the officers and employees of the
17 district.

18 SECTION 9. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 29-159 of Title 11, unless there
20 is created a duplication in numbering, reads as follows:

21 In addition to the levy authorized by Section 8 of the Oklahoma
22 Municipal Fire Protection District Act, the electors of the
23 municipal fire protection district may authorize the levy of an
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1 additional annual one-mill levy by separate election, if approved by
2 at least three-fifths (3/5) of all the votes cast at a separate
3 election. The additional one-mill levy may be used only for the
4 purchase or maintenance of vehicles and equipment and shall be
5 assessed only for the number of years authorized by the ballot title
6 of the question submitted to the electors.

7 SECTION 10. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 29-160 of Title 11, unless there
9 is created a duplication in numbering, reads as follows:

10 All assessments levied under the authority of the Oklahoma
11 Municipal Fire Protection District Act shall be a lien against the
12 tract of land on which they have been levied, until paid, and the
13 lien shall be coequal with the lien of ad valorem and other taxes,
14 including special assessments, and prior and superior to all other
15 liens.

16 SECTION 11. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 29-161 of Title 11, unless there
18 is created a duplication in numbering, reads as follows:

19 The municipal clerk shall compute and enter in respective
20 columns of the assessment book, the respective sums in dollars and
21 cents to be paid on each piece of property therein enumerated and
22 the clerk shall, no later than twenty (20) days after the valuations
23 of the county have been certified by the State Board of

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1 Equalization, certify to the county treasurer in the county where
2 the district is located the amount of assessment in each fund levied
3 upon each tract by the board and the county treasurer shall enter
4 the amount of each in separate columns of the tax list of the county
5 and the assessments shall be collected by the county treasurer at
6 the same time and in the same manner as all other taxes are
7 collected in this state. If any assessment becomes delinquent, it
8 shall draw interest as a penalty after delinquency at the rate of
9 eighteen percent (18%) per annum. All assessments and penalties
10 collected or received by the county treasurer pursuant to the
11 Oklahoma Municipal Fire Protection District Act shall be paid to the
12 municipal treasurer for the benefit of the municipal fire protection
13 district.

14 SECTION 12. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 29-162 of Title 11, unless there
16 is created a duplication in numbering, reads as follows:

17 If any assessment shall remain unpaid for six (6) months after
18 the assessment is due, the governing body of the municipality may
19 institute an action in the district court to foreclose the lien of
20 the assessment and penalty and may seek a reasonable attorney fee.
21 All or any portion of the delinquent properties may be joined in a
22 single action. The summons shall be issued upon the petition as in
23 other civil actions and the cause tried by the district court.

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1 Judgment shall be entered for the amount of the unpaid assessment
2 and penalty, as well as a reasonable attorney fee. The judgment
3 shall bear interest at the rate of six percent (6%) per annum. In
4 the event that the judgment together with interest and costs and
5 attorney fees is not paid within thirty (30) days from its date, an
6 order of sale shall issue by the clerk of the court directing the
7 sheriff of the county to sell the real estate in manner and form as
8 in case of foreclosure of mortgages on real estate, without
9 appraisement. Such sale shall be subject to existing taxes and
10 special assessments. All actions to foreclose pursuant to the
11 Oklahoma Municipal Fire Protection District Act shall be commenced
12 within five (5) years from the maturity of the assessment.

13 SECTION 13. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 29-163 of Title 11, unless there
15 is created a duplication in numbering, reads as follows:

16 A municipal fire protection district may be dissolved by a
17 majority vote of the registered voters voting at an election called
18 for that purpose by the governing body of the municipality; provided
19 that such an election shall not be called unless either three-fifths
20 (3/5) of the governing body of the municipality vote in favor of
21 calling the election or unless the governing body is presented with
22 a petition signed by not less than twenty percent (20%) of all
23 registered voters in the municipality.

1 SECTION 14. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 29-164 of Title 11, unless there
3 is created a duplication in numbering, reads as follows:

4 In the event of the dissolution of a municipal fire protection
5 district, all equipment and funds remaining on hand shall be
6 retained by the municipality and utilized for the fire protection of
7 the municipality.

8 SECTION 15. This act shall become effective November 1, 2013.

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10 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
11 02/28/2013 - DO PASS, As Amended and Coauthored.

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