

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

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 29-151 of Title 11, unless there
18 is created a duplication in numbering, reads as follows:

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

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

The governing body of a municipality may initiate the creation
of a municipal fire protection district by the adoption of a
resolution calling for the question of whether to organize a

1 municipal fire protection district. The resolution shall be
2 submitted to the registered voters of the municipality at the next
3 general election or a special election may be held. When a district
4 is organized, it shall have the powers conferred by the Oklahoma
5 Municipal Fire Protection District Act.

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

9 A municipal fire protection district shall include all territory
10 located within the municipality and all territory subsequently
11 annexed to the municipality, unless the territory is included, at
12 the time of the creation of the municipal fire protection district,
13 or at the time of the annexation to the municipality, within a fire
14 protection district created pursuant to Section 901.1 et seq. of
15 Title 19 of the Oklahoma Statutes.

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

19 A. The municipality initiating the creation of the municipal
20 fire protection district may pay the cost of the election to
21 determine whether a municipal fire protection district should be
22 organized.

23 B. The election to determine whether a municipal fire
24 protection district shall be organized, and the notice thereof,

1 shall be conducted in the same manner as other municipal questions
2 are submitted to the electorate of the municipality. The notice
3 shall require the registered voters of the municipality to cast
4 ballots which contain the words: "Municipal Fire Protection District
5 - Yes", and "Municipal Fire Protection District - No", or words
6 equivalent thereto. All residents of the municipality, who are
7 qualified electors, shall be qualified to vote on the proposition.
8 The municipal fire protection district elections shall be conducted
9 in accordance with the general election laws of the state and the
10 regular election officials shall be in charge at the usual polling
11 place of each regular precinct, or part of a precinct, which shall
12 include lands within the boundaries of the municipal fire protection
13 district.

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

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

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

4 The municipal fire protection district shall be operated as a
5 department of the municipality.

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

9 The municipal clerk shall prepare and keep a record which shall
10 be known as the municipal fire protection district appraisal record.
11 The record shall contain the names of the owners of the lands and
12 improvements in the municipal fire protection district as they
13 appear on the tax rolls of the county or upon the deed records, the
14 description of all property subject to ad valorem taxation, and the
15 assessed value of such property as shown by the records of the
16 county assessor. No error in the record shall invalidate the levy
17 of assessments if sufficient description is given to identify the
18 property.

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

22 The governing body of the municipal fire protection district
23 shall levy an annual assessment in the amount of two (2) mills on
24 the dollar of assessed value of the property in the district, the

1 proceeds of which shall be used solely for the operation and
2 maintenance of the municipal fire protection district, including but
3 not limited to purchasing and maintaining equipment and for payment
4 of salaries and benefits of the officers and employees of the
5 district.

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

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

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

21 All assessments levied under the authority of the Oklahoma
22 Municipal Fire Protection District Act shall be a lien against the
23 tract of land on which they have been levied, until paid, and the
24 lien shall be coequal with the lien of ad valorem and other taxes,

1 including special assessments, and prior and superior to all other
2 liens.

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

6 The municipal clerk shall compute and enter in respective
7 columns of the assessment book, the respective sums in dollars and
8 cents to be paid on each piece of property therein enumerated and
9 the clerk shall, no later than twenty (20) days after the valuations
10 of the county have been certified by the State Board of
11 Equalization, certify to the county treasurer in the county where
12 the district is located the amount of assessment in each fund levied
13 upon each tract by the board and the county treasurer shall enter
14 the amount of each in separate columns of the tax list of the county
15 and the assessments shall be collected by the county treasurer at
16 the same time and in the same manner as all other taxes are
17 collected in this state. If any assessment becomes delinquent, it
18 shall draw interest as a penalty after delinquency at the rate of
19 eighteen percent (18%) per annum. All assessments and penalties
20 collected or received by the county treasurer pursuant to the
21 Oklahoma Municipal Fire Protection District Act shall be paid to the
22 municipal treasurer for the benefit of the municipal fire protection
23 district.

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

4 If any assessment shall remain unpaid for six (6) months after
5 the assessment is due, the governing body of the municipality may
6 institute an action in the district court to foreclose the lien of
7 the assessment and penalty and may seek a reasonable attorney fee.
8 All or any portion of the delinquent properties may be joined in a
9 single action. The summons shall be issued upon the petition as in
10 other civil actions and the cause tried by the district court.
11 Judgment shall be entered for the amount of the unpaid assessment
12 and penalty, as well as a reasonable attorney fee. The judgment
13 shall bear interest at the rate of six percent (6%) per annum. In
14 the event that the judgment together with interest and costs and
15 attorney fees is not paid within thirty (30) days from its date, an
16 order of sale shall issue by the clerk of the court directing the
17 sheriff of the county to sell the real estate in manner and form as
18 in case of foreclosure of mortgages on real estate, without
19 appraisement. Such sale shall be subject to existing taxes and
20 special assessments. All actions to foreclose pursuant to the
21 Oklahoma Municipal Fire Protection District Act shall be commenced
22 within five (5) years from the maturity of the assessment.

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

4 A municipal fire protection district may be dissolved by a
5 majority vote of the registered voters voting at an election called
6 for that purpose by the governing body of the municipality; provided
7 that such an election shall not be called unless either three-fifths
8 (3/5) of the governing body of the municipality vote in favor of
9 calling the election or unless the governing body is presented with
10 a petition signed by not less than twenty percent (20%) of all
11 registered voters in the municipality.

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

15 In the event of the dissolution of a municipal fire protection
16 district, all equipment and funds remaining on hand shall be
17 retained by the municipality and utilized for the fire protection of
18 the municipality.

19 SECTION 15. This act shall become effective November 1, 2014.

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21 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
22 02/27/2014 - DO PASS, As Coauthored.

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