

An Act

ENROLLED HOUSE
BILL NO. 2581

By: Lepak of the House

and

Quinn of the Senate

An Act relating to counties and county officers;
amending 19 O.S. 2011, Section 901.23, which relates
to fire protection districts; increasing minimum size
of properties authorized to withdraw from fire
protection district; and providing an effective date.

SUBJECT: Fire protection districts

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 901.23, is
amended to read as follows:

Section 901.23 Any portion of the district which will not be benefited by remaining therein may be withdrawn from the district by the filing of a petition containing the names of more than fifty-one percent (51%) of the homeowners with ~~one (1) acre~~ three (3) acres or less, homeowners within a planned unit development, or property owners who are not developers of a planned unit development or other real estate development within the portion sought to be withdrawn, requesting the withdrawal of such portion from the district on the grounds that it will not be benefited by remaining therein. Such petition shall be filed with the board of county commissioners and notice thereof shall be given to the board of directors of the district. The time for hearing said petition shall not be less than thirty (30) days after the receipt of the petition. Any person interested may appear at the hearing and object to the withdrawal or may object to the continuance of the remaining territory as a district. The board of county commissioners shall consider and pass upon all objections and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining within the district and will not serve as a fire hazard to the remaining

portion of the district, and that the territory remaining in the district will be benefited by continuing as a district then it shall grant the petition. In determining the benefits to the territory to be withdrawn and determining what constitutes a fire hazard, the board shall consider the location of the nearest fire protection facility. If the nearest facility is considered by the board to be an unsafe distance which would create a fire hazard to the territory to be withdrawn or the remaining territory, the board shall deny the petition. The board shall also consider the benefit to the territory sought to be withdrawn of any newly constructed fire protection facilities or newly purchased fire protection equipment for the district and if such facilities and equipment are determined to be of substantial benefit to the territory to be withdrawn, then the board may deny the petition. If in the judgment of the board of county commissioners existence of the territory sought to be withdrawn will make further existence of the district impracticable, the board shall proceed to order a dissolution of the district. In the case of withdrawal of any property from the district as herein provided, such property shall remain subject to the payment of its proportionate part of any bonds theretofore authorized by the district and shall remain subject to annual assessment for the payment of the principal and interest thereof in the same manner and to the same extent as if such property had not been withdrawn. Such annual assessments, however, shall be computed upon the appraisal shown on the district appraisal record at the time of the withdrawal of such property.

SECTION 2. This act shall become effective November 1, 2018.

Passed the House of Representatives the 6th day of March, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 17th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____