

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 2581

 By: Lepak

7 AS INTRODUCED

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

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

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

16 Section 901.23 Any portion of the district which will not be
17 benefited by remaining therein may be withdrawn from the district by
18 the filing of a petition containing the names of more than fifty-one
19 percent (51%) of the homeowners with ~~one (1) acre~~ three (3) acres or
20 less, homeowners within a planned unit development, or property
21 owners who are not developers of a planned unit development or other
22 real estate development within the portion sought to be withdrawn,
23 requesting the withdrawal of such portion from the district on the
24 grounds that it will not be benefited by remaining therein. Such

1 petition shall be filed with the board of county commissioners and
2 notice thereof shall be given to the board of directors of the
3 district. The time for hearing said petition shall not be less than
4 thirty (30) days after the receipt of the petition. Any person
5 interested may appear at the hearing and object to the withdrawal or
6 may object to the continuance of the remaining territory as a
7 district. The board of county commissioners shall consider and pass
8 upon all objections and if it finds that the portion of the district
9 sought to be withdrawn will not be benefited by remaining within the
10 district and will not serve as a fire hazard to the remaining
11 portion of the district, and that the territory remaining in the
12 district will be benefited by continuing as a district then it shall
13 grant the petition. In determining the benefits to the territory to
14 be withdrawn and determining what constitutes a fire hazard, the
15 board shall consider the location of the nearest fire protection
16 facility. If the nearest facility is considered by the board to be
17 an unsafe distance which would create a fire hazard to the territory
18 to be withdrawn or the remaining territory, the board shall deny the
19 petition. The board shall also consider the benefit to the
20 territory sought to be withdrawn of any newly constructed fire
21 protection facilities or newly purchased fire protection equipment
22 for the district and if such facilities and equipment are determined
23 to be of substantial benefit to the territory to be withdrawn, then
24 the board may deny the petition. If in the judgment of the board of

1 county commissioners existence of the territory sought to be
2 withdrawn will make further existence of the district impracticable,
3 the board shall proceed to order a dissolution of the district. In
4 the case of withdrawal of any property from the district as herein
5 provided, such property shall remain subject to the payment of its
6 proportionate part of any bonds theretofore authorized by the
7 district and shall remain subject to annual assessment for the
8 payment of the principal and interest thereof in the same manner and
9 to the same extent as if such property had not been withdrawn. Such
10 annual assessments, however, shall be computed upon the appraisal
11 shown on the district appraisal record at the time of the withdrawal
12 of such property.

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

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15 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/28/2018 - DO PASS.

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