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April 2, 2018

ENGROSSED 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.

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 Any portion of the district which will not be benefited by remaining therein may be withdrawn from the district by the filing of a petition containing the names of more than fifty-one percent (51%) of the homeowners with ~~one (1) acre~~ three (3) acres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who are not developers of a planned unit development or other real estate development within the portion sought to be withdrawn, requesting the withdrawal of such portion from the district on the

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10 sought to be withdrawn will not be benefited by remaining within the  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15 be withdrawn and determining what constitutes a fire hazard, the  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19 to be withdrawn or the remaining territory, the board shall deny the  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21 territory sought to be withdrawn of any newly constructed fire  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24 to be of substantial benefit to the territory to be withdrawn, then

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
16 April 2, 2018 - DO PASS  
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