

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1449

By: Quinn

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5  
6 AS INTRODUCED

7 An Act relating to counties and county officers;  
8 amending 19 O.S. 2011, Section 901.23, which relates  
9 to fire protection districts; specifying entity which  
10 may choose to withdraw from a fire protection  
11 district; updating statutory language; and providing  
12 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 Any portion of the district, including a municipal subdivision,  
17 which will not be benefited by remaining therein may be withdrawn  
18 from the district by the filing of a petition containing the names  
19 of more than fifty-one percent (51%) of the homeowners with one (1)  
20 acre or less, homeowners within a planned unit development, or  
21 property owners who are not developers of a planned unit development  
22 or other real estate development within the portion sought to be  
23 withdrawn, requesting the withdrawal of such portion from the  
24 district on the grounds that it will not be benefited by remaining  
therein. Such petition shall be filed with the board of county

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8 finds that the portion of the district sought to be withdrawn will  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13 determining the benefits to the territory to be withdrawn and  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17 which would create a fire hazard to the territory to be withdrawn or  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

1 commissioners existence of the territory sought to be withdrawn will  
2 make further existence of the district impracticable, the board  
3 shall proceed to order a dissolution of the district. In the case  
4 of withdrawal of any property from the district as herein provided,  
5 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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