

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2161

6 By: Pfeiffer

7 COMMITTEE SUBSTITUTE

8 An Act relating to counties and county officers;
9 amending 19 O.S. 2011, Sections 901.5, as amended by
10 Section 5, Chapter 380, O.S.L. 2015 and 901.8 (19
11 O.S. Supp. 2018, Section 901.5), which relate to fire
12 protection districts; modifying board of director
13 qualifications; establishing authority to regulate
14 outdoor burning; providing procedures for submission
15 of rules; and providing an effective date.

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

17 SECTION 1. AMENDATORY 19 O.S. 2011, Section 901.5, as
18 amended by Section 5, Chapter 380, O.S.L. 2015 (19 O.S. Supp. 2018,
19 Section 901.5), is amended to read as follows:

20 Section 901.5 A. Directors of a fire protection district shall
21 be the surface owners of real property in and residents of the
22 district and shall not be paid firefighters for the fire protection
23 district.

24 B. At the time of making its order organizing the district, the
board of county commissioners shall appoint three directors who
shall hold their office until the next General Election, at which

1 time their successors shall be elected. At the election, the
2 qualified person receiving the highest number of votes for member of
3 board of directors of the district shall hold office for the term of
4 six (6) years. The qualified person receiving the next highest
5 number of votes shall be elected for four (4) years, and the
6 qualified person having the next highest number of votes shall be
7 elected for two (2) years. Each two (2) years thereafter, there
8 shall be elected for a term of six (6) years one member of said
9 board of directors.

10 C. 1. A board of directors may increase its membership to five
11 ~~(5)~~ members by resolution of the board. If a board of directors
12 adopts such a resolution, the position of the original board which
13 will be up for election at the next General Election shall be for a
14 five-year term.

15 2. An additional two members shall be elected at a special
16 election called for that purpose by the board of directors. The two
17 qualified persons who receive the highest number of votes for the
18 additional two positions shall be elected to serve until the next
19 General Election.

20 3. All board members elected thereafter to a five-member board
21 shall serve a term of five (5) years with elections held yearly.

22 D. The board of directors of the district shall submit, within
23 fifteen (15) days before the filing period of any district election,
24 a resolution to the secretary of the county election board

1 conducting said election. The resolution shall contain the
2 following:

- 3 1. The date of the election;
- 4 2. The offices to be filled or the questions to be voted upon
5 at the election;
- 6 3. Qualifications for the offices;
- 7 4. The location of the polling place or places; and
- 8 5. Any other information necessary for conducting said
9 election.

10 E. 1. The regular election in the district shall be held at
11 the same time as the General Election in this state or on the second
12 Tuesday in November in those years that a General Election is not
13 held.

14 2. In those years that a General Election is not held the
15 entire cost of the election shall be paid by the district. When the
16 election is held at the same time as the General Election, the
17 district shall pay only for the cost directly attributable to
18 district election.

19 3. All polling places of precincts, all or any part of which
20 include areas within the boundaries of the district, shall be
21 supplied ballots for the purpose of permitting electors of the
22 district to vote for members of the board of directors of the
23 district.

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1 4. Filing for the office of member of the board of directors
2 shall be with the county election board on a nonpartisan basis from
3 8 a.m. on the first Monday after Independence Day until 5 p.m. on
4 the next succeeding Wednesday each year. The payment of a filing
5 fee shall not be required.

6 F. 1. Vacancies on the board shall be filled by the board of
7 directors. In the event a vacancy occurs and the remaining members
8 of the board are unable to make a decision on such vacancy within
9 sixty (60) calendar days, the board of county commissioners shall
10 immediately appoint a member to fill the vacancy. In the event the
11 vacancies on the board are so numerous as to not provide a quorum,
12 the board of county commissioners shall appoint as many members as
13 are necessary to make a quorum.

14 2. All vacancies filled pursuant to the provisions of this
15 subsection shall be filled until the next regular election, at which
16 time a member shall be elected to serve the remainder of the
17 unexpired term.

18 G. 1. The office of a member of the board of directors may be
19 declared vacant by the board of directors if such member:

- 20 a. is absent from more than one-half (1/2) of all
21 meetings of the board of directors, regular and
22 special, held within any period of four (4)
23 consecutive months,

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- 1 b. ceases to be eligible for office pursuant to this
2 section,
3 c. has a conviction in a court of any felony or crime
4 involving moral turpitude,
5 d. uses alcohol, any stimulant, any drug or other
6 substance which impairs intellect, judgment or
7 physical ability to such an extent as to incapacitate
8 the member to such a degree that the member is
9 prevented from performing duties pursuant to Chapter
10 21 of this title, and
11 e. has a mental or physical weakness or inability which
12 incapacitates the member to such a degree that the
13 member is prevented from performing duties required
14 pursuant to Chapter 21 of this title.

15 2. Vacancies determined pursuant to this subsection shall be
16 filled pursuant to subsection F of this section after notice to the
17 board member of such action and opportunity for a hearing.

18 3. Vacancies shall be determined at an official meeting of the
19 board and shall be a specific agenda item.

20 4. Any appeal from a decision declaring an office vacant
21 pursuant to this subsection shall be made to the district court
22 within thirty (30) days of such determination.

23 SECTION 2. AMENDATORY 19 O.S. 2011, Section 901.8, is
24 amended to read as follows:

1 Section 901.8 The board of directors shall establish a time and
2 place for regular meetings, and in addition thereto, shall hold such
3 special meetings as may be required for the proper transaction of
4 business. Two ~~(2)~~ members shall constitute a quorum for the
5 transaction of business and upon all questions requiring a vote
6 there shall be a concurrence of at least two ~~(2)~~ members of such
7 board. All records of said board must be open to the inspection of
8 any elector during business hours.

9 The board shall have the power by general regulation, published
10 in the manner provided for the publication of ordinances in
11 incorporated towns, to regulate the construction of and order the
12 suspension, discontinuance, removal, repair or cleaning of fire
13 places, chimneys, stoves, stove pipes, flues, ovens, boilers or any
14 other apparatus used in any building, factory, or business which
15 might be dangerous in causing or promoting fires, and prescribe
16 limits within which no business dangerous in causing or promoting
17 fires may be carried on. In similar manner it may order the
18 clearing of litter or removal of dry brush and rubbish or other
19 inflammable material endangering the public safety by creating a
20 fire hazard within the district, and provide for action on the part
21 of the State Fire Marshal or the sheriff, or by civil action, for
22 the prevention of hazards as provided by law. The board shall have
23 the power by general regulation, published in the manner provided
24 for the publication of ordinances in incorporated towns, to regulate

1 outdoor burning with rules submitted for approval by the eligible
2 voters at the same time as a board election or other regularly
3 scheduled election with the cost borne by the district, and provide
4 for action on the part of the State Fire Marshal or the sheriff, or
5 by civil action, for the enforcement of such regulations.

6 SECTION 3. This act shall become effective November 1, 2019.

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