

1 **SENATE FLOOR VERSION**

2 February 4, 2021

3 SENATE BILL NO. 838

4 By: Weaver, Leewright, Haste,
5 Dossett (J.A.), Hicks,
6 Montgomery and Dossett
7 (J.J.) of the Senate

8 and

9 Nollan and Hilbert of the
10 House

11 An Act relating to cities and towns; creating the
12 Oklahoma Public Safety Protection District Act;
13 permitting municipalities to initiate creation of a
14 public safety protection district; directing a
15 resolution be submitted to the registered voters of
16 each municipality; conferring powers; describing
17 territory of the public safety protection district;
18 providing for management and budgetary oversight;
19 declaring a public safety protection district to be a
20 political subdivision; requiring municipality to pay
21 for election in proportions determined by county;
22 providing for notice of election; stating question to
23 be worded on the ballot; describing eligible voters;
24 providing for conduct of election subject to general
election laws; requiring majority of votes cast to
establish district; directing filing of ordinance or
resolution; providing for levy of annual assessment
on certain property based on assessed value and
specifying purpose thereof; specifying types of
property to be assessed; providing exemptions;
providing for a lien against property if assessment
is unpaid; stating priority of lien; directing
specified accounting procedures by certain county
officers; directing certain costs be paid from the
proceeds of the district; requiring interest to be
charged on delinquent assessment; permitting
dissolution of a public safety protection district
and describing process therefor; defining term;

1 providing for codification; and providing an
2 effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 29-151 of Title 11, unless there
7 is created a duplication in numbering, reads as follows:

8 This act shall be known and may be cited as the "Oklahoma Public
9 Safety Protection District Act".

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 29-152 of Title 11, unless there
12 is created a duplication in numbering, reads as follows:

13 The governing body of a municipality may initiate the creation
14 of a public safety protection district by the adoption of a
15 resolution calling for the question to be placed before the
16 registered voters of the municipality of whether to organize a
17 public safety protection district. The resolution shall be
18 submitted to the registered voters of the municipality at the next
19 general election. When a district is organized, it shall have the
20 powers conferred by this act.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 29-153 of Title 11, unless there
23 is created a duplication in numbering, reads as follows:

1 A. A public safety protection district shall include all
2 territory located within the municipality.

3 B. Management of the public safety protection district, as well
4 as management of any employee hired from district funds, shall be
5 vested within the existing administration of the municipal
6 government that created the district.

7 C. Budgetary oversight shall be vested within the existing
8 legislative body of the municipal government that created the
9 district.

10 SECTION 4. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 29-154 of Title 11, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The costs of an election to establish a public safety
14 protection district shall be paid by the municipality in the
15 proportions determined by the county election board conducting the
16 special election.

17 B. The election to determine whether a district shall be
18 established, and the notice thereof, shall be conducted in the same
19 manner as other municipal questions which are submitted to the
20 electorate of the municipality. The notice shall require the
21 registered voters of the municipality to cast ballots which contain
22 the words: "Public Safety Protection District - Yes" and "Public
23 Safety Protection District - No" or words equivalent thereto. All
24 residents of the municipality who are qualified electors shall be

1 qualified to vote on the proposition. The public safety protection
2 district election shall be conducted in accordance with the general
3 election laws of the state, and the regular election officials shall
4 be in charge at the usual polling place of each regular precinct, or
5 part of a precinct, which shall include lands within the boundaries
6 of the municipality.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 29-155 of Title 11, unless there
9 is created a duplication in numbering, reads as follows:

10 If the certified election results show that a sixty percent
11 (60%) majority of all the votes cast are "Public Safety Protection
12 District - Yes", the governing body of the municipality shall, by
13 adoption of an ordinance or resolution or both an ordinance and
14 resolution, declare the public safety protection district
15 established. Any ordinances or resolutions establishing a public
16 safety protection district shall be filed in the office of the
17 county clerk in the county.

18 SECTION 6. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 29-156 of Title 11, unless there
20 is created a duplication in numbering, reads as follows:

21 A. There shall be levied an annual assessment no greater than
22 five (5) mills on the dollar of assessed value of the types of
23 property in the district as provided in paragraphs 1, 2 and 3 of
24 subsection A of Section 2803 of Title 68 of the Oklahoma Statutes,

1 the proceeds of which shall be used for the operation and
2 maintenance of the public safety protection district including
3 expenses related to any of the following, or combination of the
4 following purposes:

- 5 1. Purchasing and maintaining public safety equipment;
- 6 2. Purchasing and maintaining public safety vehicles;
- 7 3. Payment of salaries and benefits of the municipal employees
8 who provide law enforcement or fire protection public safety
9 services or both law enforcement and fire protection public safety
10 services within the district;
- 11 4. Payment of salaries and benefits of the municipal employees
12 who provide emergency medical services; or
- 13 5. Payment for emergency medical services provided by the
14 municipality.

15 Such proceeds may also be used for payment of any costs related
16 to fire and police operations. Such assessment shall only be levied
17 on the types of property located in the district as provided in
18 paragraphs 1, 2 and 3 of subsection A of Section 2803 of Title 68 of
19 the Oklahoma Statutes.

20 B. The annual assessment provided in subsection A of this
21 section shall not apply to real property zoned for agricultural or
22 industrial land use, livestock employed in support of the family,
23 personal property owned by agricultural business entities and public
24

1 service corporations as defined by Section 2808 of Title 68 of the
2 Oklahoma Statutes.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 29-157 of Title 11, unless there
5 is created a duplication in numbering, reads as follows:

6 Every assessment levied under the authority of this act shall be
7 a lien against the tract of land on which it has been levied, until
8 paid, and the lien shall be coequal with the lien of ad valorem and
9 other taxes including special assessments, and prior and superior to
10 all other liens, and the assessment shall draw interest and shall be
11 collected in the same manner as ad valorem taxes.

12 SECTION 8. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 29-158 of Title 11, unless there
14 is created a duplication in numbering, reads as follows:

15 The county assessor shall compute and enter in respective
16 columns of the tax rolls the respective sums in dollars and cents to
17 be paid on each piece of property therein enumerated. The county
18 clerk shall certify to the county treasurer in the county where the
19 district or any part thereof is located the amount of assessment in
20 each fund levied upon each tract. The county treasurer shall enter
21 the amount of each in separate columns of the tax list of the
22 county. The assessments shall be collected by the county treasurer
23 at the same time and in the same manner as all other taxes are
24 collected in this state. Costs associated with the collection of

1 the assessments incurred by the county treasurer shall be paid from
2 the proceeds of the district. If any assessment becomes delinquent,
3 it shall draw interest as a penalty after delinquency at the rate of
4 eighteen percent (18%) per annum. All assessments and penalties
5 collected or received by the county treasurer pursuant to this act
6 shall be paid to the municipal treasurers for the benefit of the
7 public safety protection district.

8 SECTION 9. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 29-159 of Title 11, unless there
10 is created a duplication in numbering, reads as follows:

11 A public safety protection district may be dissolved by a
12 majority vote of the registered voters at an election called for
13 that purpose by the governing body of the municipality.

14 SECTION 10. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 29-160 of Title 11, unless there
16 is created a duplication in numbering, reads as follows:

17 As used in this act, "public safety protection" means any of, or
18 combinations of, the following operations:

- 19 1. Law enforcement;
- 20 2. Fire public safety protections; or
- 21 3. Emergency medical services provided by the municipality.

22 SECTION 11. This act shall become effective November 1, 2021.

23 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
24 February 4, 2021 - DO PASS