

An Act

ENROLLED SENATE
BILL NO. 7

By: Treat, Garvin, Prieto, and
Montgomery of the Senate

and

McCall of the House

An Act relating to municipal lands; amending 11 O.S. 2021, Section 33-204, which relates to municipal powers regarding lakes; granting municipalities certain authority over lakes and land owned by the municipality; enabling construction of certain structure; authorizing certain use of lakes or land; authorizing lease of lakes or land for certain purposes; allowing for contracting with certain entities for certain purpose; clarifying effect of certain use or lease; updating statutory language; and providing an effective date.

SUBJECT: Municipal lands

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 33-204, is amended to read as follows:

Section 33-204. A. The governing body of any municipality owning a lake, inside or outside of the corporate limits, or owning lands, inside or outside of the corporate limits, which adjoin and abut upon a lake or large body of water capable of being used by a motor-propelled boat may own, construct, maintain, operate, and equip a marina, docks, and boathouses, ~~and boats~~ for amusement, parks, and recreational purposes. The governing body may also lease or rent to any person lots or spaces and provide permits for the construction or use of privately owned marinas, boathouses, or docks or other recreational purposes on such property for amusement, parks, and recreational purposes pursuant to such terms as the

governing body deems proper. ~~Said~~ The governing body may fix and collect fares, rents, tolls, or other revenues for the use of ~~said~~ such facilities, lots and spaces, and the issuance of permits. The right of a municipality to own, construct, maintain, operate and equip ~~said~~ docks, boathouses, and ~~boats~~ marinas, and to rent or lease such facilities, spaces, and lots and the issuance of permits for the construction or use of such privately owned marinas, docks, or boathouses for amusement, parks, and recreational purposes is hereby declared to be a public right and use. Rent and lease of such facilities, lots, and spaces shall be at fair market value. Except in cases of rentals and leases authorized herein, ~~said~~ such right and facilities shall constitute a public benefit. The municipal governing body may do all things necessary and proper in its discretion pursuant to the authority granted to it by the Constitution and laws of this state to further the ability of the municipality to provide for the amusement, parks, and recreational services authorized by the provisions of this section.

B. Lakes and lands which adjoin and abut upon a lake owned or leased by a municipality or by a public trust of which a municipality is a beneficiary, which are dedicated for a public purpose, may also be used or leased, for fair market value, for amusement, parks, or recreation without abandoning or declaring such public property as surplus or unsuitable, provided the governing body of the municipality determines use of such property for amusement, parks, or recreation is a compatible contemporaneous use that is subordinate to the primary public purpose for which the lake or land was purchased or leased.

C. A municipality or public trust may contract with any person, entity, or any county, state, or federal agency to manage and operate lakes and lands which adjoin and abut upon a lake dedicated for a public purpose or for amusement, parks, or recreation contemporaneous with a public purpose as described in this section.

D. Lakes or lands which adjoin and abut upon a lake that are leased or used as provided for in this section shall not be deemed to have been declared surplus, abandoned, or unsuitable by such lease or use.

SECTION 2. This act shall become effective November 1, 2024.

Passed the Senate the 30th day of May, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____