

1 ENGROSSED HOUSE
2 BILL NO. 2924

By: Armes of the House

3 and

4 Marlatt of the Senate

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6
7 (cities and towns - amending 11 O.S., Section 37-117 -
8 lands and water -
9 effective date)

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 37-117, is amended to read as follows:

Section 37-117. A. Any municipality owning and operating or proposing to own and operate a system of waterworks to supply the municipality, and the inhabitants thereof with water may provide for its contemplated future water and waterworks requirements, in advance of its immediate needs. For that purpose the governing body may acquire lands and water both within and without the corporate limits of the municipality and within the State of Oklahoma. Such municipalities are vested with the power of eminent domain for that purpose, such power to be exercised in the manner provided by law

1 for the condemnation of lands by municipalities for waterworks
2 purposes.

3 B. Because water is a renewable resource and the need and
4 quantity of need for water as well as the value of water fluctuates
5 over time, any acquisition of water rights by eminent domain shall
6 be limited to a ten-year term.

7 C. To the extent the condemnation of surface rights in relation
8 to the acquisition of water rights are necessary, the taking of
9 surface rights shall consist only of an easement for access,
10 wellsites, pipelines and other appurtenances necessary for the
11 acquisition of water. It shall be no defense against the exercise
12 of such power or eminent domain that the municipality is selling and
13 furnishing water to other municipalities or to persons, firms or
14 corporations without the corporate limits of the municipality.

15 D. If at the end of a term or if the municipality determines
16 the acquired water rights are no longer required, the municipality
17 shall remove any appurtenances above or below the condemned property
18 within two (2) years from the end of the term.

19 SECTION 2. This act shall become effective November 1, 2012.
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1 Passed the House of Representatives the 13th day of March, 2012.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2012.

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9 Presiding Officer of the Senate