

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 53rd Legislature (2012)

4   HOUSE BILL 2924

                                  By: Armes

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7                                   AS INTRODUCED

8                   An Act relating to cities and towns; amending 11 O.S.  
9                   2011, Section 37-117, which relates to acquiring  
10                   lands and water; limiting acquisition of water rights  
11                   to ten-year term; specifying taking as an easement;  
                                  requiring municipality remove appurtenances within  
                                  two years; and providing an effective date.

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

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

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2012.

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23 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE AND  
24 ENVIRONMENT, dated 02/15/2012 - DO PASS, As Amended and Coauthored.