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February 26, 2024

By: Green of the Senate

and

Townley 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.

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,

1 parks, and recreational purposes. The governing body may also lease
2 or rent to any person lots or spaces and provide permits for the
3 construction or use of privately owned marinas, boathouses, or docks
4 or other recreational purposes on such property for amusement,
5 parks, and recreational purposes pursuant to such terms as the
6 governing body deems proper. ~~Said~~ The governing body may fix and
7 collect fares, rents, tolls, or other revenues for the use of ~~said~~
8 such facilities, lots and spaces, and the issuance of permits. The
9 right of a municipality to own, construct, maintain, operate and
10 equip ~~said~~ docks, boathouses, and ~~boats~~ marinas, and to rent or
11 lease such facilities, spaces, and lots and the issuance of permits
12 for the construction or use of such privately owned marinas, docks,
13 or boathouses for amusement, parks, and recreational purposes is
14 hereby declared to be a public right and use. Rent and lease of
15 such facilities, lots, and spaces shall be at fair market value.
16 Except in cases of rentals and leases authorized herein, ~~said~~ such
17 right and facilities shall constitute a public benefit. The
18 municipal governing body may do all things necessary and proper in
19 its discretion pursuant to the authority granted to it by the
20 Constitution and laws of this state to further the ability of the
21 municipality to provide for the amusement, parks, and recreational
22 services authorized by the provisions of this section.

23 B. Lakes and lands which adjoin and abut upon a lake owned or
24 leased by a municipality or by a public trust of which a

1 municipality is a beneficiary, which are dedicated for a public
2 purpose, may also be used or leased, for fair market value, for
3 amusement, parks, or recreation without abandoning or declaring such
4 public property as surplus or unsuitable, provided the governing
5 body of the municipality determines use of such property for
6 amusement, parks, or recreation is a compatible contemporaneous use
7 that is subordinate to the primary public purpose for which the lake
8 or land was purchased or leased.

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON TOURISM AND WILDLIFE
20 February 26, 2024 - DO PASS
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