ENROLLED HOUSE
BILL NO. 1492

By: Smith (Dale) of the House

and

Shurden of the Senate

An Act relating to game and fish; amending 29 O.S. 2001, Section 3-312, which relates to the wildlife habitat development program; expanding the type of wildlife covered by the program; expanding functions of the program; modifying term of the contract; and declaring an emergency.

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

SECTION 1. AMENDATORY 29 O.S. 2001, Section 3-312, is amended to read as follows:

Section 3-312. A. In order to encourage ~~deer, turkey, pheasant, dove, quail and waterfowl~~ wildlife habitat conservation on private lands, the Department of Wildlife Conservation shall establish a program for wildlife habitat maintenance, enhancement, development, preservation, restoration, and management on private lands. To implement the program, the Department shall enter into ~~ten-year~~ multiyear contracts for approved projects on privately owned lands detailing the landowners' responsibilities.

B. The Department shall promulgate rules pursuant to the Administrative Procedures Act to implement the program. Such rules may provide for incentives to participate in the program.

C. Nothing in this section or in the contract executed pursuant to subsection A of this section shall be interpreted or construed to constitute a financial or general obligation of the state. No state revenue shall be used to guarantee or pay for any damages to property or injury to persons as a result of the provisions of this section or the contract.

D. 1. Any landowner contracting with the Department pursuant to the provisions of this section:

a. except as otherwise provided by this subsection, owes no duty of care to keep the premises safe for entry or use by others for any recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes,

b. who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes, does not thereby:

(1) extend any assurance that the premises are safe for any purpose,

(2) confer upon such person the legal status of an invitee or licensee,

(3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such persons.

2. Nothing in this section limits in any way any liability which otherwise exists for:

a. willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity,

b. injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 20th day of February, 2003.

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Presiding Officer of the House of Representatives

Passed the Senate the 14th day of April, 2003.

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Presiding Officer of the Senate