

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1172

By: Marlatt

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6 AS INTRODUCED

7 An Act relating to the Department of Wildlife
8 Conservation; creating the Wildlife and Habitat
9 Information for Private Lands Act; providing short
10 title; authorizing the Department to collect certain
11 information; authorizing certain persons to collect
12 certain information; requiring certain notice and
13 permission; providing for the confidentiality of
14 certain information; prohibiting certain disclosure;
15 permitting the release of certain information;
16 prohibiting preparation of certain reports;
17 specifying use of certain information; prohibiting
18 certain use of information; requiring certain
19 information to be destroyed; permitting certain civil
20 penalties; directing the Oklahoma Wildlife Commission
21 to promulgate certain rules; exempting certain lands
22 from this act; providing for codification; and
23 providing an effective date.
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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3-316 of Title 29, unless there
21 is created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Wildlife and
23 Habitat Information for Private Lands Act".
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-317 of Title 29, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Subject to the limitations set forth in the Wildlife and
5 Habitat Information for Private Lands Act, the Department of
6 Wildlife Conservation may collect information on private property
7 concerning wildlife and habitat in response to a landowner request
8 for scientific investigation or research.

9 B. Scientific investigation and research may be conducted by
10 persons who are not employees of the Department, provided, however,
11 that such persons shall be under the supervision of an employee of
12 the Department. Such persons shall comply with the provisions of
13 the Wildlife and Habitat Information for Private Lands Act. The
14 information collected by such persons shall be maintained solely by
15 the Department.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3-318 of Title 29, unless there
18 is created a duplication in numbering, reads as follows:

19 The Department of Wildlife Conservation shall provide notice of
20 the Wildlife and Habitat Information for Private Lands Act and
21 obtain written permission from a private landowner before entering
22 or authorizing entry onto a private landowner's property to collect
23 and record scientific information and research concerning wildlife
24 and habitat.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-319 of Title 29, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Except as otherwise provided in the Wildlife and Habitat
5 Information for Private Lands Act, information gathered pursuant to
6 this act related to the specific location, species identification,
7 or quantity of any wildlife or habitat shall be confidential, shall
8 not be subject to the Oklahoma Open Records Act, and shall not be
9 disclosed to any person, including a state or federal agency.
10 Information collected pursuant to this act shall only be reported or
11 compiled in a manner that prevents the identification of an
12 individual parcel or specific parcels of private property unless the
13 Department has obtained the written consent of the landowner or an
14 agent of the landowner.

15 B. The Department shall not disclose information collected
16 pursuant to this act to any person or persons other than the
17 landowner unless:

18 1. The landowner consents to the full or specified partial
19 disclosure of information; and

20 2. Such consent is given in writing and attached to the
21 information generated by the scientific investigation and research.

22 C. If the written consent to disclose information collected
23 pursuant to the Wildlife and Habitat Information for Private Lands
24 Act is revoked by the landowner, the Department shall send a copy of

1 the information retained by the Department relating to the
2 landowner's property to the landowner and destroy the Department's
3 record of the information. The Department may retain a copy of the
4 information with the written consent of the landowner.

5 D. The Department may release game census, harvest, habitat, or
6 program information if the information is summarized in a manner
7 that prevents the identification of an individual, a specified
8 parcel of land, or the landowner.

9 E. The Department shall not prepare more than one original
10 record of the information collected by the Department. The original
11 record shall become the property of the landowner. The Department
12 may retain one copy of the original record which shall not be
13 disclosed except as provided for in this act.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-320 of Title 29, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Department of Wildlife Conservation may use information
18 collected by the Department or by an agent of the Department on
19 privately owned land:

20 1. Only for the purpose of scientific investigation and
21 research; and

22 2. Only if authorized in writing by the landowner or an agent
23 of the landowner.

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1 B. Unless the Department obtains the written consent of the
2 landowner or an agent of the landowner, the Department shall not:

3 1. Use incidental information obtained on the land that does
4 not pertain directly to the authorized investigation or research on
5 the land; or

6 2. Enter any information that does not pertain directly to the
7 authorized investigation or research on the land into a database:

8 a. maintained by the Department and made available to a
9 person other than a Department employee or an agent of
10 the Department,

11 b. maintained by a natural heritage program administered
12 by the Department, or

13 c. established or maintained by a person or entity other
14 than the Department or an agent of the Department.

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-321 of Title 29, unless there
17 is created a duplication in numbering, reads as follows:

18 The Department of Wildlife Conservation or an employee or agent
19 of the Department shall be liable to a private landowner for a civil
20 penalty in the amount of Five Thousand Dollars (\$5,000.00) for a
21 violation of the Wildlife and Habitat Information for Private Lands
22 Act involving information collected by the Department on the
23 landowner's property. A landowner may bring suit to collect the
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1 penalty in the county in which the land is located or in the county
2 in which the landowner resides.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3-322 of Title 29, unless there
5 is created a duplication in numbering, reads as follows:

6 The Oklahoma Wildlife Conservation Commission shall promulgate
7 rules as necessary to implement the Wildlife and Habitat Information
8 for Private Lands Act including, but not limited to, requirements
9 for providing notice, requirements for entry by an employee or agent
10 of the Department onto privately owned land to collect information,
11 and requirements on the information that the Department may collect
12 and maintain pursuant to this act.

13 SECTION 8. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3-323 of Title 29, unless there
15 is created a duplication in numbering, reads as follows:

16 The Wildlife and Habitat Information for Private Lands Act shall
17 not apply to a parcel of land that is not privately owned.

18 SECTION 9. This act shall become effective November 1, 2012.

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