

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1632

By: Boren

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6 AS INTRODUCED

7 An Act relating to wildlife; amending 29 O.S. 2021,
8 Section 3-312, which relates to the wildlife habitat
9 development program; prohibiting denial of
10 participation under certain conditions; providing for
11 conditions exempted from denial; prohibiting use of
12 eminent domain; and providing an effective date.

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

14 SECTION 1. AMENDATORY 29 O.S. 2021, Section 3-312, is
15 amended to read as follows:

16 Section 3-312. A. In order to encourage wildlife habitat
17 conservation on private lands, the Department of Wildlife
18 Conservation shall establish a program for wildlife habitat
19 maintenance, enhancement, development, preservation, restoration,
20 and management on private lands. To implement the program, the
21 Department shall enter into multiyear contracts for approved
22 projects on privately owned lands detailing the landowners'
23 responsibilities.

24 B. The Department shall promulgate rules pursuant to the
25 Administrative Procedures Act to implement the program; provided

1 that, such rules shall not deny properties from the program that
2 include, but are not limited to, less than one (1) acre of land
3 existing in its natural state, presently enhanced for wildlife use,
4 or being restored to a state conducive to wildlife conservation.

5 Such rules may provide for incentives to participate in the program.

6 The Department shall not deny or prevent a property from
7 participation in the program in the event the property fails the
8 provisions of this section by events including, but not limited to,
9 fires, natural disasters, vandalism, or any other event proven to be
10 outside of the landowner's control.

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

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

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

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

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

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

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

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

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

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

18 3. Nothing in this section shall allow the Department or any
19 agency of this state to acquire property participating in this
20 program through by right of eminent domain.

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

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