

2017 Regular Session

SENATE BILL NO. 103

BY SENATOR RISER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WATER/WATERWAYS. Provides for approval of rules and regulations of a game and fish commission. (8/1/17)

1 AN ACT

2 To amend and reenact R.S. 56:722(A)(2) and 727, relative to game and fish commissions;
3 to provide for the adoption of rules and regulations; to provide for limitation of
4 liability; to provide for terms and conditions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:722(A)(2) and 727 are hereby amended and reenacted to read as
7 follows:

8 §722. Game and fish commission; rules and regulations

9 A.(1) * * *

10 (2) The commission may make rules and regulations for the government,
11 regulation, and control of the preserve and for the conservation, protection, and
12 propagation of game and fish in the preserve, provided that such rules and
13 regulations shall be finally approved, adopted, and promulgated by the Louisiana
14 Wildlife and Fisheries Commission, in accordance with R.S. 56:727.

15 * * *

16 §727. Approval of rules and regulations; promulgation; penalties

17 A. Rules and regulations proposed by any ~~parish~~ **game and fish** commission

1 shall become effective ~~only~~ after being approved by the Louisiana Wildlife and
 2 Fisheries Commission, which has concurrent jurisdiction and power over the parish
 3 preserve. Such rules and regulations shall be promulgated and adopted in
 4 accordance with the Administrative Procedure Act. **If the Louisiana Wildlife and**
 5 **Fisheries Commission fails to take action on the proposed rules and regulations**
 6 **within one hundred eighty days after submission by the commission, the**
 7 **proposed rules shall be deemed to be adopted.**

8 **B.** Any person who violates a rule or regulation adopted as provided in this
 9 Section shall be guilty of a class 2 violation.

10 **C. The Louisiana Wildlife and Fisheries Commission shall not be held**
 11 **liable with regard to any implementation, promulgation, or enforcement of any**
 12 **rules or regulations of a game and fish commission adopted pursuant to**
 13 **Paragraph (A)(2) of this Section.**

The original instrument was prepared by Alan Miller. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Linda Nugent.

	DIGEST	
SB 103 Reengrossed	2017 Regular Session	Riser

Present law requires that if a game and fish commission makes rules and regulations for the government, regulation, and control of the preserve and for the conservation, protection, and propagation of game and fish in the preserve, such rules and regulations shall be finally approved, adopted, and promulgated by the La. Wildlife and Fisheries Commission.

Proposed law provides that if the La. Wildlife and Fisheries Commission fails to take action on the proposed rules and regulations within 180 days after submission by the commission, then the proposed rules and regulations shall be deemed to be adopted.

Proposed law limits the liability of the La. Wildlife and Fisheries Commission if the proposed rules and regulations are deemed to be adopted by failure of the commission to act within 180 days after submission by the game and fish commission.

Effective August 1, 2017.

(Amends R.S. 56:722(A)(2) and 727)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Moves language regarding methods of approval of game and fish commission rules and regulations.

2. Limits the liability of the La. Wildlife & Fisheries Commission.

Senate Floor Amendments to reengrossed bill

1. Legislative Bureau technical amendments.