

SENATE BILL NO. 103

BY SENATOR RISER AND REPRESENTATIVE TERRY BROWN

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§722. Game and fish commission; rules and regulations

A.(1) * * *

(2) The commission may make 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, ~~provided that such.~~ **In order to adopt such rules and regulations, the game and fish commission shall hold a public hearing conducted in accordance with the Open Meetings Law where public comment and testimony is received by the game and fish commission. Prior to implementation, such** rules and regulations shall be finally approved, adopted, and promulgated by the Louisiana Wildlife and Fisheries Commission, **in accordance with R.S. 56:727.**

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

A. Rules and regulations proposed by any ~~parish~~ **game and fish** commission shall become effective ~~only after being approved by the~~ **only after one of the following occurs:**

(1) The Louisiana Wildlife and Fisheries Commission, which has concurrent jurisdiction and power over the parish preserve, **approves and promulgates the rule**

1 or regulation. Such rules and regulations shall be promulgated and adopted in
2 accordance with the Administrative Procedure Act.

3 (2) If the Louisiana Wildlife and Fisheries Commission fails to take
4 action on the proposed rules and regulations within one hundred eighty days
5 after submission by the commission, the proposed rules shall be deemed to be
6 adopted. The game and fish preserve commission shall publish the adopted rule
7 or regulation in the Louisiana Register, shall submit a copy to the Senate
8 Committee on Natural Resources and the House Committee on Natural
9 Resources and Environment. The rule or regulation shall be subject to
10 legislative review in the same manner as provided in the Administrative
11 Procedure Act, R.S. 49:968(D).

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

14 C. The Louisiana Wildlife and Fisheries Commission shall not be held
15 liable with regard to any implementation, promulgation, or enforcement of any
16 rules or regulations of a game and fish commission adopted pursuant to
17 Paragraph (A)(2) of this Section or R.S. 56:722(A)(2).

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____