

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)

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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 rules and regulations shall be finally approved, adopted, and promulgated by the Louisiana Wildlife and Fisheries Commission, **in accordance with R.S. 56:727.**

\* \* \*

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

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

1 shall become effective ~~only after~~ by the occurrence of either of the following:

2 (1) After being approved by the Louisiana Wildlife and Fisheries  
3 Commission, which has concurrent jurisdiction and power over the parish preserve.  
4 Such rules and regulations shall be promulgated and adopted in accordance with the  
5 Administrative Procedure Act.

6 (2) If the Louisiana Wildlife and Fisheries Commission fails to take  
7 action on the proposed rules and regulations within one hundred eighty days  
8 after submission by the commission, the proposed rules shall be deemed to be  
9 adopted.

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

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alan Miller.

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DIGEST

SB 103 Engrossed

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.