

By: Senator(s) Whaley, Suber, Seymour,
Sparks, Moran, Younger, Hill, Tate

To: Wildlife, Fisheries and
Parks

SENATE BILL NO. 2503
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 49-4-6, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF WILDLIFE,
3 FISHERIES AND PARKS TO BE APPOINTED BY THE GOVERNOR WITH THE
4 ADVICE AND CONSENT OF THE SENATE; TO ESTABLISH THAT THE DIRECTOR
5 MAY SERVE A TERM OF FOUR YEARS AND MAY SEEK REAPPOINTMENT SUBJECT
6 TO THE APPROVAL AND APPOINTMENT BY THE GOVERNOR AND THE ADVICE AND
7 CONSENT OF THE SENATE; TO PROVIDE THAT THE SUBMISSION OF AN
8 APPOINTMENT TO FILL AN UNEXPIRED TERM OCCURRING DUE TO THE DEATH,
9 REMOVAL OR RESIGNATION OF AN INCUMBENT SHALL NOT BE SUBJECT TO THE
10 TIME CONSTRAINTS PROVIDED FOR APPOINTMENTS TO FULL FOUR-YEAR
11 TERMS; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** Section 49-4-6, Mississippi Code of 1972, is
14 amended as follows:

15 49-4-6. (1) There is hereby created the Mississippi
16 Department of Wildlife, Fisheries and Parks, whose principal
17 office shall be located in Jackson, Mississippi.

18 (2) (a) The department shall be headed by an executive
19 director who shall be appointed by the Governor with the advice
20 and consent of the Senate. The commission shall submit to the
21 Governor three (3) qualified nominees for the position of
22 executive director. The Governor shall appoint the executive



23 director from the list of qualified nominees submitted * * *. The
24 executive director may serve a term of four (4) years and shall be
25 eligible for reappointment at the end of each term. A
26 reappointment by the Governor shall be subject to the advice and
27 consent of the Senate. No person appointed by the Governor to
28 serve as executive director shall be eligible to take office
29 unless his name shall have been submitted to the Senate for its
30 advice and consent at least thirty (30) days prior to the
31 scheduled adjournment of the regular session of the Legislature
32 being held in the calendar year in which the term of the office of
33 the incumbent shall expire; however, if for any reason an
34 appointment is not given the advice and consent of the Senate
35 prior to the adjournment of such regular session, the Governor may
36 submit an appointment to the Senate for its advice and consent at
37 any time during a regular or extraordinary session of the
38 Legislature.

39 (b) When a vacancy occurs by the death, removal or
40 resignation of the incumbent, the incumbent's replacement shall be
41 appointed by the Governor, with the advice and consent of the
42 Senate, to serve for the remainder of the unexpired term, but the
43 submission of the appointment to the Senate shall not be subject
44 to the time constraints in paragraph (a) of this subsection. Upon
45 expiration of the remainder of the term, the executive director
46 shall be eligible for reappointment by the Governor, with the



47 advice and consent of the Senate, for a four-year term as provided
48 in paragraph (a) of this subsection.

49 (c) The executive director may assign those powers and
50 duties as deemed appropriate to carry out the department's lawful
51 functions. Upon recommendation by the Governor to the commission,
52 the executive director may be removed from office only by both a
53 majority vote of the membership of the commission and the
54 Governor's approval of the removal. To remove the executive
55 director the commission must determine on sound evidence that
56 there is good cause for removal such as willful dereliction in
57 carrying out the duties of executive director, obvious malfeasance
58 in his actions as executive director or conviction of any criminal
59 act. After the determination is made by the commission that the
60 executive director should be removed from office, the commission
61 shall notify the Governor of its determination and the Governor
62 must approve that determination before the executive director is
63 actually removed from office.

64 (3) The executive director shall appoint heads, who will
65 serve at the pleasure of the executive director.

66 (4) The executive director shall have the authority to
67 organize the department as deemed appropriate to carry out the
68 responsibilities of the department. The organizational charts of
69 the department shall be presented annually with the budget request
70 of the Governor for review by the Legislature.



71 (5) The executive director shall develop and implement a
72 merit promotion system for all sworn law enforcement officers.
73 Promotion to higher rank shall be based on an individual's merit
74 and length of service. The executive director shall implement the
75 merit promotion system before July 1, 1995.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2022.

