

By: Senator(s) Whaley, Suber, McCaughn,
Seymour, Sparks, Boyd, Moran, Younger, Hill,
Tate, Branning, Chism

To: Wildlife, Fisheries and
Parks

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2504

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

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

21 **SECTION 1.** Section 49-4-3, Mississippi Code of 1972, is
22 amended as follows:

23 49-4-3. For the purposes of this chapter, the following
24 words shall have the meanings ascribed herein, unless the context
25 otherwise requires:



26 (a) "Department" means the Mississippi Department of
27 Wildlife, Fisheries and Parks.

28 (b) "Commission" means the Mississippi Commission on
29 Wildlife, Fisheries and Parks.

30 (c) "Executive director" means the chief officer of the
31 department.

32 (d) "Executive Director of the Division of Parks and
33 Recreation" means the chief officer of the department's Division
34 of Parks and Recreation.

35 **SECTION 2.** Section 49-4-6, Mississippi Code of 1972, is
36 amended as follows:

37 49-4-6. (1) There is hereby created the Mississippi
38 Department of Wildlife, Fisheries and Parks, whose principal
39 office shall be located in Jackson, Mississippi.

40 (2) (a) The department shall be headed by an executive
41 director who shall be appointed by the Governor with the advice
42 and consent of the Senate. The commission shall submit to the
43 Governor three (3) qualified nominees for the position of
44 executive director. The Governor shall appoint the executive
45 director from the list of qualified nominees submitted * * *. The
46 executive director may serve a term of four (4) years and shall be
47 eligible for reappointment at the end of each term. A
48 reappointment by the Governor shall be subject to the advice and
49 consent of the Senate. No person appointed by the Governor to
50 serve as executive director shall be eligible to take office



51 unless his name shall have been submitted to the Senate for its
52 advice and consent at least thirty (30) days prior to the
53 scheduled adjournment of the regular session of the Legislature
54 being held in the calendar year in which the term of the office of
55 the incumbent shall expire; however, if for any reason an
56 appointment is not given the advice and consent of the Senate
57 prior to the adjournment of such regular session, the Governor may
58 submit an appointment to the Senate for its advice and consent at
59 any time during a regular or extraordinary session of the
60 Legislature.

61 (b) When a vacancy occurs by the death, removal or
62 resignation of the incumbent, the incumbent's replacement shall be
63 appointed by the Governor, with the advice and consent of the
64 Senate, to serve for the remainder of the unexpired term, but the
65 appointment shall not be subject to the time constraints in
66 paragraph (a) of this subsection. Upon expiration of the
67 remainder of the term, the executive director shall be eligible
68 for reappointment by the Governor, with the advice and consent of
69 the Senate, for a four-year term as provided in paragraph (a) of
70 this subsection.

71 (c) The executive director may assign those powers and
72 duties as deemed appropriate to carry out the department's lawful
73 functions. Upon recommendation by the Governor to the commission,
74 the executive director may be removed from office only by both a
75 majority vote of the membership of the commission and the



76 Governor's approval of the removal. To remove the executive
77 director the commission must determine on sound evidence that
78 there is good cause for removal such as willful dereliction in
79 carrying out the duties of executive director, obvious malfeasance
80 in his actions as executive director or conviction of any criminal
81 act. After the determination is made by the commission that the
82 executive director should be removed from office, the commission
83 shall notify the Governor of its determination and the Governor
84 must approve that determination before the executive director is
85 actually removed from office.

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

88 (4) The executive director shall have the authority to
89 organize the department as deemed appropriate to carry out the
90 responsibilities of the department. The organizational charts of
91 the department shall be presented annually with the budget request
92 of the Governor for review by the Legislature.

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

98 (6) There is hereby created the Division of Parks and
99 Recreation within the Department of Wildlife, Fisheries and Parks.
100 The division shall be headed by an executive director who shall be



101 appointed by the Governor with the advice and consent of the
102 Senate in the same manner provided in this section for the
103 executive director of the department.

104 (7) The Division of Parks and Recreation shall take all
105 actions to conform with the legislative intent of Section 49-4-1
106 and may take any actions authorized for the department in Section
107 55-3-33(a), (b), (c), (d), (e), (f) and (g).

108 **SECTION 3.** This act shall take effect and be in force from
109 and after July 1, 2022.

