

By: Senator(s) Whaley, Suber, McCaughn,  
Seymour, Sparks, Boyd, Moran, Younger

To: Wildlife, Fisheries and  
Parks

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 CREATE THE  
 10 DIVISION OF PARKS AND RECREATION WITHIN THE DEPARTMENT OF  
 11 WILDLIFE, FISHERIES AND PARKS; TO PROVIDE THAT THE DIVISION SHALL  
 12 BE HEADED BY AN EXECUTIVE DIRECTOR WHO SHALL BE APPOINTED BY THE  
 13 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE AND SERVE A  
 14 TERM OF FOUR YEARS; TO ESTABLISH THE RESPONSIBILITIES OF THE  
 15 EXECUTIVE DIRECTOR; AND FOR RELATED PURPOSES.

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

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

19 49-4-3. For the purposes of this chapter, the following  
 20 words shall have the meanings ascribed herein, unless the context  
 21 otherwise requires:

22 (a) "Department" means the Mississippi Department of  
 23 Wildlife, Fisheries and Parks.



24 (b) "Commission" means the Mississippi Commission on  
25 Wildlife, Fisheries and Parks.

26 (c) "Executive director" means the chief officer of the  
27 department.

28 (d) "Executive Director of the Division of Parks and  
29 Recreation" means the chief officer of the department's division  
30 of parks and recreation.

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

33 49-4-6. (1) There is hereby created the Mississippi  
34 Department of Wildlife, Fisheries and Parks, whose principal  
35 office shall be located in Jackson, Mississippi.

36 (2) The department shall be headed by an executive director  
37 who shall be appointed by the Governor with the advice and consent  
38 of the Senate. The executive director may serve a term of four  
39 years and shall be eligible for reappointment at the end of each  
40 term. An executive director seeking reappointment for another  
41 term shall be subject to the approval and appointment of the  
42 Governor with the advice and consent of the Senate. No person  
43 appointed by the Governor to serve as the executive director shall  
44 be eligible to take office unless his name shall have been  
45 submitted to the Mississippi Senate for its advice and consent at  
46 least thirty (30) days prior to the scheduled adjournment of the  
47 regular session of the Legislature being held in the calendar year  
48 in which the term of the office of the incumbent shall expire;



49 however, if for any reason an appointment is not given the advice  
50 and consent of the Mississippi Senate prior to the adjournment of  
51 such regular session, the Governor may submit another appointment  
52 at any time to the Mississippi Senate for its advice and consent  
53 at a regular or extraordinary session of the Legislature. The  
54 foregoing prohibition shall not apply when a vacancy shall occur  
55 by death or resignation of the incumbent. The commission shall  
56 submit to the Governor three (3) qualified nominees for the  
57 position of executive director. The Governor shall appoint the  
58 executive director from the list of qualified nominees submitted  
59 with the advice and consent of the Senate. The executive director  
60 may assign those powers and duties as deemed appropriate to carry  
61 out the department's lawful functions. Upon recommendation by the  
62 Governor to the commission, the executive director may be removed  
63 from office only by both a majority vote of the membership of the  
64 commission and the Governor's approval of the removal. To remove  
65 the executive director the commission must determine on sound  
66 evidence that there is good cause for removal such as willful  
67 dereliction in carrying out the duties of executive director,  
68 obvious malfeasance in his actions as executive director or  
69 conviction of any criminal act. After the determination is made  
70 by the commission that the executive director should be removed  
71 from office, the commission shall notify the Governor of its  
72 determination and the Governor must approve that determination  
73 before the executive director is actually removed from office.



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

76 (4) The executive director shall have the authority to  
77 organize the department as deemed appropriate to carry out the  
78 responsibilities of the department. The organizational charts of  
79 the department shall be presented annually with the budget request  
80 of the Governor for review by the Legislature.

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

86 (6) There is hereby created the Division of Parks and  
87 Recreation within the Department of Wildlife, Fisheries and Parks.  
88 The division shall be headed by an executive director who shall be  
89 appointed by the Governor with the advice and consent of the  
90 Senate. The Executive Director of the Division of Parks and  
91 Recreation may serve a term of four years and shall be eligible  
92 for reappointment at the end of each term. An executive director  
93 of the division of parks and recreation seeking reappointment for  
94 another term shall be subject to the approval and appointment of  
95 the Governor with the advice and consent of the Senate. No person  
96 appointed by the Governor to serve as the executive director of  
97 the division of parks and recreation shall be eligible to take  
98 office unless his name shall have been submitted to the



99 Mississippi Senate for its advice and consent at least thirty (30)  
100 days prior to the scheduled adjournment of the regular session of  
101 the Legislature being held in the calendar year in which the term  
102 of the office of the incumbent shall expire; however, if for any  
103 reason an appointment is not given the advice and consent of the  
104 Mississippi Senate prior to the adjournment of such regular  
105 session, the Governor may submit another appointment at any time  
106 to the Mississippi Senate for its advice and consent at a regular  
107 or extraordinary session of the Legislature. The foregoing  
108 prohibition shall not apply when a vacancy shall occur by death or  
109 resignation of the incumbent.

110 (7) The Division of Parks and Recreation shall take all  
111 actions to conform with the legislative intent of Section 49-4-1  
112 and may take any actions authorized for the department of  
113 wildlife, fisheries and parks in Section 55-3-33(a), (b), (c),  
114 (d), (e), (f) and (g).

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

