

By: Senator(s) Seymour, Whaley, McCaughn

To: Wildlife, Fisheries and
Parks; Accountability,
Efficiency, Transparency

SENATE BILL NO. 2510

1 AN ACT TO AMEND SECTION 49-4-3, MISSISSIPPI CODE OF 1972, TO
2 REDEFINE "COMMISSION" TO MEAN THE MISSISSIPPI ADVISORY COMMISSION
3 ON WILDLIFE, FISHERIES AND PARKS, WHICH SHALL OPERATE ONLY AS AN
4 ADVISORY COMMISSION TO THE DEPARTMENT OF WILDLIFE, FISHERIES AND
5 PARKS; TO AMEND SECTION 49-4-4, MISSISSIPPI CODE OF 1972, TO
6 RECONSTITUTE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS AS AN
7 ADVISORY COMMISSION; TO AMEND SECTION 49-4-6, MISSISSIPPI CODE OF
8 1972, TO PROVIDE THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
9 WILDLIFE, FISHERIES AND PARKS SHALL SERVE AT THE WILL AND PLEASURE
10 OF THE GOVERNOR; TO AMEND SECTIONS 49-4-7, 49-4-13, 49-4-37,
11 49-4-39 AND 49-4-41, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
12 THE PRECEDING PROVISIONS; TO BRING FORWARD SECTION 49-4-31,
13 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
14 AND FOR RELATED PURPOSES.

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

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

18 49-4-3. For the purposes of this chapter, the following
19 words shall have the meanings ascribed herein, unless the context
20 otherwise requires:

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

23 (b) "Commission" means the Mississippi Advisory
24 Commission on Wildlife, Fisheries and Parks, which shall operate



25 only as an advisory commission to the Department of Wildlife,
26 Fisheries and Parks.

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

29 **SECTION 2.** Section 49-4-4, Mississippi Code of 1972, is
30 amended as follows:

31 49-4-4. (1) There is hereby created the Mississippi
32 Advisory Commission on Wildlife, Fisheries and Parks, to be
33 composed of five (5) persons appointed by the Governor, with the
34 advice and consent of the Senate, for a term of five (5) years.
35 One (1) person shall be appointed from each congressional
36 district. The initial terms of the members shall be one (1), two
37 (2), three (3), four (4) and five (5) years, respectively.
38 Thereafter, all terms shall be for five (5) years. An appointment
39 to fill a vacancy which arises for reasons other than by
40 expiration of a term of office shall be made from the respective
41 congressional district for the unexpired term only.

42 (2) The commission shall elect from its membership a
43 chairman who shall preside over meetings and a vice chairman who
44 shall preside in the absence of the chairman or when the chairman
45 shall be excused.

46 (3) The commission shall adopt rules and regulations
47 governing times and places for meetings * * *. Any member who
48 shall not attend three (3) consecutive regular meetings of the



49 commission shall be subject to removal by a majority vote of the
50 commission members.

51 (4) The members of the commission shall receive no annual
52 salary but shall receive per diem compensation as authorized by
53 law for each day devoted to the discharge of official duties and
54 shall be entitled to reimbursement for all actual and necessary
55 expenses incurred in the discharge of their duties, including
56 mileage as authorized by law.

57 The commission shall be composed of persons with a
58 demonstrated history of involvement in at least one (1) of the
59 matters of jurisdiction of the commission and whose employment and
60 activities are not in conflict. All of the commissioners shall be
61 an active outdoorsman holding a resident hunting or fishing
62 license in at least five (5) of the ten (10) years preceding
63 appointment. A member shall not have a record of conviction of
64 violation of fish or game laws and regulations within five (5)
65 years preceding appointment or a record of any felony conviction.

66 (5) The commission shall have the power to * * * advise the
67 executive director on the adoption, amendment and repeal of such
68 regulations and rules as may be necessary for the operation of the
69 department.

70 (6) The commission shall have the power and authority
71 to * * * advise the executive director on the issuance of all
72 licenses and permits under the jurisdiction of the department.



73 (7) In the furtherance of its duties and responsibilities,
74 the commission may conduct hearings, gather testimony and perform
75 other functions required to carry out its powers and duties as
76 prescribed by statute.

77 (8) The commission shall have * * * the power * * * to
78 advise the executive director with respect to conserving, managing
79 and developing wildlife and fishery resources except for saltwater
80 aquatic life and marine resources under the jurisdiction of the
81 Mississippi Commission on Marine Resources.

82 **SECTION 3.** Section 49-4-6, Mississippi Code of 1972, is
83 amended as follows:

84 49-4-6. (1) There is hereby created the Mississippi
85 Department of Wildlife, Fisheries and Parks, whose principal
86 office shall be located in Jackson, Mississippi.

87 (2) The department shall be headed by an executive director
88 who shall be appointed by the Governor. * * * The Governor shall
89 appoint the executive director * * *, who shall serve at the will
90 and pleasure of the Governor, with the advice and consent of the
91 Senate. The executive director may assign those powers and duties
92 as deemed appropriate to carry out the department's lawful
93 functions. * * * The executive director may be removed from
94 office only by * * * the Governor's approval of the removal. * * *

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



97 (4) The executive director shall have the authority to
98 organize the department as deemed appropriate to carry out the
99 responsibilities of the department. The organizational charts of
100 the department shall be presented annually with the budget request
101 of the Governor for review by the Legislature.

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

107 **SECTION 4.** Section 49-4-7, Mississippi Code of 1972, is
108 amended as follows:

109 49-4-7. The * * * department may establish and appoint
110 advisory committees for Parks and Recreation and Wildlife and
111 Fisheries. The advisory committees shall aid the * * * department
112 in formulating policies, discussing problems and considering other
113 matters related to these areas as designated by the * * *
114 department.

115 The department is designated as the single state agency to
116 receive and expend any federal funds made available for matters
117 within the jurisdiction of the department.

118 The department shall be responsible for conserving, managing,
119 developing and protecting the wildlife and freshwater fisheries
120 resources of the state. The department shall coordinate all



121 functions of state government related to wildlife and fisheries
122 resources that are within the jurisdiction of the department.

123 **SECTION 5.** Section 49-4-13, Mississippi Code of 1972, is
124 amended as follows:

125 49-4-13. Effective July 1, 1979, the executive director of
126 the Department of Wildlife, Fisheries and Parks shall have the
127 following powers and duties:

128 (a) To supervise and direct all administrative and
129 technical activities of the department;

130 (b) To employ, * * * with the advice of the commission,
131 qualified professional personnel in the subject matter or fields,
132 and such other technical and clerical staff as may be required for
133 the operation of the department;

134 (c) To coordinate all studies in the State of
135 Mississippi concerned with the supply, development, use and
136 conservation of wildlife, fisheries and parks;

137 (d) To prepare and deliver to the Legislature and the
138 Governor on or before January 1 of each year, and at such other
139 times as may be required by the Legislature or Governor, a full
140 report of the work of the department, including a detailed
141 statement of expenditures of the department and any
142 recommendations the department may have;

143 (e) To enter into cooperative agreements with any
144 federal or state agency or subdivision thereof, or any public or
145 private institution located inside or outside the State of



146 Mississippi, or any person, corporation or association in
147 connection with studies and investigations pertaining to wildlife,
148 fisheries and parks, provided the agreements do not have a
149 financial cost in excess of the amounts appropriated for such
150 purposes by the Legislature;

151 (f) In his discretion, to enter into an affinity
152 relationship with a credit card issuer and to expend funds derived
153 therefrom to improve wildlife management areas; and

154 (g) To carry out all regulations and rules adopted by
155 the * * * department and enforce all licenses and permits issued
156 by the * * * department.

157 **SECTION 6.** Section 49-4-37, Mississippi Code of 1972, is
158 amended as follows:

159 49-4-37. (1) The Department of Wildlife, Fisheries and
160 Parks may establish and operate a fish hatchery in North
161 Mississippi at a site to be determined by the department with
162 the * * * advice of the commission to enable the department to
163 adequately stock public lakes and streams in North Mississippi.
164 For such purpose, the department shall use those funds that are
165 made available by any agency of the state or federal government,
166 an appropriation by the Legislature or any other source. The
167 department is designated as the governing authority of any such
168 fish hatchery and the operation and maintenance of the fish
169 hatchery shall meet the standards of the department and state law
170 regarding the operation of a fish hatchery. The department may



171 accept funds from any source and those funds shall be used to pay
172 the maintenance, operational and administrative expenses of the
173 fish hatchery.

174 (2) The Tombigbee River Valley Water Management District is
175 authorized to transfer to the Department of Wildlife, Fisheries
176 and Parks fee title of no more than eighty (80) acres of approved
177 replacement land to be surveyed from the following tract of land:

178 The Northeast Quarter of the Northwest Quarter of
179 Section 20, Township 12, Range 8, Monroe County,
180 Mississippi, containing 40 acres more or less.

181 All that land in the Northeast Quarter; north of a
182 line starting at monument stamped "LA-42A"; and running
183 northeasterly to a monument stamped "LA-43", Section 20,
184 Township 12, Range 8, Monroe County, Mississippi,
185 containing 105.42 acres more or less.

186 The land shall be transferred once an acceptable lease
187 agreement between the Mississippi Department of Wildlife,
188 Fisheries and Parks and the U.S. Army Corps of Engineers is
189 secured and the department is given the authority and
190 appropriation to construct a fish hatchery.

191 (3) The Mississippi Department of Wildlife, Fisheries and
192 Parks shall have the authority to transfer the land necessary to
193 reach the equal value for lands offered by the U.S. Army Corps of
194 Engineers for the construction of a fish hatchery.



195 **SECTION 7.** Section 49-4-39, Mississippi Code of 1972, is
196 amended as follows:

197 49-4-39. The commission may * * * advise the department
198 concerning hunting, fishing and wildlife viewing, guide and
199 outfitter services. The commission shall * * * also advise the
200 department concerning the following powers and duties of the
201 department:

202 (a) Prescribe the form and type of licenses;

203 (b) Establish fees for the types of licenses; the fee
204 for guide services licenses not to exceed One Hundred Fifty
205 Dollars (\$150.00); the fee for outfitters licenses not to exceed
206 Two Hundred Fifty Dollars (\$250.00); and

207 (c) To exercise all powers and make any regulations
208 necessary to regulate such services.

209 **SECTION 8.** Section 49-4-41, Mississippi Code of 1972, is
210 amended as follows:

211 49-4-41. (1) (a) The Advisory Commission on Wildlife,
212 Fisheries and Parks shall * * * advise the department concerning
213 the regulation of the feeding of wild animals and game birds
214 outside of wildlife enclosures, and the department shall have
215 plenary authority in matters related to such feeding of wild
216 animals and game birds.

217 (b) The authority to regulate feeding shall not apply
218 to planted food plots and natural habitat management.



219 (c) The authority to regulate feeding under this
220 section shall not apply to wildlife enclosures.

221 (2) The * * * department may take any action it deems
222 necessary and may use its emergency powers to prevent, control or
223 eradicate disease resulting from the feeding of wild animals and
224 game birds.

225 (3) A violation of this section or any regulation of
226 the * * * department promulgated to prevent, control or eradicate
227 disease is a Class II violation and is punishable as provided in
228 Section 49-7-143.

229 **SECTION 9.** Section 49-4-31, Mississippi Code of 1972, is
230 brought forward as follows:

231 49-4-31. (1) Upon notification by a duly authorized law
232 enforcement officer of a death or injury that occurred by use of a
233 weapon by any person engaged in hunting, a hunter safety officer
234 of the department shall immediately initiate an investigation of
235 the incident and shall submit a report to the executive director
236 of the department. The executive director shall submit the report
237 to the commission. If the commission determines there is probable
238 cause to believe that the incident occurred as a result of
239 culpable negligence on the part of the person causing the death or
240 injury, the commission shall notify the district attorney of the
241 circuit court district in which the incident occurred.

242 (2) A law enforcement officer may request that the person
243 who causes serious bodily injury or death to another person by use



244 of a weapon submit to a chemical test for determining the presence
245 of alcohol or other drugs.

246 **SECTION 10.** This act shall take effect and be in force from
247 and after July 1, 2022.

