HOUSE BILL NO. 850

AN ACT TO CREATE THE "MISSISSIPPI HUMAN RELATIONS ACT OF 2001"; TO ESTABLISH THE MISSISSIPPI COMMISSION ON HUMAN RELATIONS FOR THE PURPOSE OF PROMOTING FAIR TREATMENT AND EQUAL OPPORTUNITY FOR ALL PERSONS; TO PROVIDE THE MEMBERSHIP OF THE COMMISSION; TO PROVIDE THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION; AND FOR RELATED PURPOSES.

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

SECTION 1. This act shall be known and may be cited as the "Mississippi Human Relations Act of 2001."

SECTION 2. (1) This act is an expression of the concern of the state for the promotion of harmony and the betterment of human relations. The Legislature declares the practice of discrimination against an individual because of race, religion, color, sex, age, national origin or disability as a matter of state concern and declares that this discrimination is unlawful and in conflict with the ideas of the State of Mississippi and the nation and interferes with opportunities of the individual to receive and enjoy employment, housing and public accommodations.

(2) The Mississippi Human Relations Act of 2001 shall be construed according to the fair import of its terms and shall be construed to further the general purposes stated in this section and the special purposes of the particular provision involved.

SECTION 3. (1) There is created the Mississippi Commission on Human Relations for the purpose of promoting fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age or disability; encouraging mutual understanding and respect among all members of all economic, social, racial, religious and ethnic groups; and endeavoring to eliminate discrimination against, and antagonism
between, all members of all religious, racial and ethnic groups.

The commission shall be composed of the following members:

(a) The Chairman of the Workers' Compensation Commission;
(b) The Commissioner of Higher Education;
(c) The State Personnel Director;
(d) The Director of the Department of Human Services;
(e) The Executive Director of the Department of Economic and Community Development;
(f) The Executive Director of the Employment Security Commission;
(g) Three (3) appointees of the Governor;
(h) The Chairman of the Senate Labor Committee or his designee; and
(i) The Chairman of the House of Representatives Labor Committee or his designee.

The legislators, or their designees, shall serve as ex officio, nonvoting members of the board. The Governor shall appoint a member from the body to serve as chairperson for a two-year term of office.

The members appointed by the Governor shall be subject to confirmation by the Senate and must be broadly representative of various racial, religious, ethnic, socio-economic, political and professional or trade groups within the state. At least one (1) of the Governor's appointees shall be sixty (60) years of age or older and no more than two (2) of the Governor's appointees shall at any time be of the same political party, race or gender.

(2) The term of office of the three (3) members appointed by the Governor shall be as follows:
(a) One (1) member shall serve a term of two (2) years;
(b) One (1) member shall serve a term of four (4) years; and
(c) One (1) member shall serve a term of six (6) years.
A member filling a vacancy otherwise than by expiration of term shall serve the unexpired term of the vacating member. Any vacancy shall be filled in the same manner and subject to the same limitation with respect to party affiliation, race and gender as the original appointment was made.

(3) The Governor may suspend an appointee to the commission only for just cause subject to removal or reinstatement by the Senate. Any vacancy in the commission shall not affect its powers.

(4) Five (5) members of the commission present and voting shall constitute a quorum for the matter of conducting business; however, the commission may establish subcommittees of not less than three (3) of its members to exercise its powers under this act subject to such procedures and limitations as the commission may provide by rule.

(5) The members of the commission may receive per diem compensation for attending any official meetings of the commission in the amount provided by Section 25-3-69 and may be reimbursed for any travel expenses in the amount provided by Section 25-3-41, except that the legislators shall receive per diem and expenses which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session; however, no per diem and expenses for attending meetings of the board shall be paid to the legislators while the Legislature is in session.

(6) The commission is assigned to the Office of the Governor for administrative purposes, but the commission, in the performance of its duties under this act, shall operate as an independent body.

(7) The commission shall be funded though the Office of the Governor.

(8) Within the limitations provided by law, the duties and responsibilities of the commission shall be the following:
(a) To maintain an office in Jackson, Mississippi;
(b) To appoint an executive director and such other
staff as necessary who shall receive as compensation for services
an annual salary set by the commission with the approval of the
Governor;
(c) To delegate day-to-day functions and duties to
employees of the commission as the commission deems necessary for
the efficient management of the resources of the commission;
(d) To cooperate with federal agencies under the
provisions of Titles VI and VII of the 1964 Civil Rights Act, as
amended, and Title VIII of the 1968 Civil Rights Act, as amended,
in order to achieve the purposes of those acts and to cooperate
with other federal agencies in order to achieve the purposes of
this act;
(e) To accept and expend monetary or in-kind
contributions, gifts and public and private grants to carry out
the provisions of this act;
(f) To become a deferral agency for the federal
government for the purpose of receiving funding;
(g) To receive, initiate, investigate, seek to
conciliate or refer complaints alleging violations of applicable
law;
(h) To furnish technical assistance requested by
persons to facilitate progress in human relations;
(i) To conduct hearings and study and report on human
rights issues so as to effectuate the purposes and policies of
this act or applicable law and to make public the results thereof;
(j) To render, at least annually, a comprehensive
written report to the Governor and the State Legislature on the
functions of the commission. The report shall contain
recommendations of the commission for legislative or other action
to effectuate the purposes of this act;
(k) To adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and provisions of this act; and

(l) To cooperate with community, professional, trade, civic and religious organizations, federal agencies and agencies from other states in the development of public information programs, leadership and activities in the interest of equal opportunity and fair treatment of all individuals.

(9) All departments, commission, boards, agencies and officers of the State of Mississippi are authorized and directed to cooperate with the Mississippi Human Relations Commission in implementing the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after July 1, 2001.