

By: Senator(s) Harden

To: Appropriations

SENATE BILL NO. 2160

1 AN ACT ENTITLED THE "MISSISSIPPI HUMAN RELATIONS ACT OF
2 2005"; TO ESTABLISH AND EMPOWER A MISSISSIPPI COMMISSION ON HUMAN
3 RELATIONS; TO REQUIRE THE COOPERATION OF STATE AGENCIES; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** (1) This act shall be cited as the "Mississippi
7 Human Relations Act of 2005."

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

18 (3) The Mississippi Human Relations Act of 2005 shall be
19 construed according to the fair import of its terms and shall be
20 construed to further the general purposes stated in this section
21 and the special purposes of the particular provision involved.

22 **SECTION 2.** (1) There is hereby created the Mississippi
23 Commission on Human Relations, comprised of nine (9) members. Of
24 the nine (9) members, three (3) shall be appointed by the
25 Governor, three (3) by the Lieutenant Governor, and three (3) by
26 the Speaker of the Mississippi House of Representatives. All
27 shall be subject to confirmation by the Senate. No more than five

28 (5) of the members shall at any time be of the same political
29 party.

30 (2) The Governor shall appoint a member from the body to
31 serve as chairperson for a two-year term of office.

32 (3) The members of the commission must be broadly
33 representative of various racial, gender, religious, ethnic,
34 socioeconomic, political and professional or trade groups within
35 the state; and at least one (1) member of the commission shall be
36 sixty (60) years of age or older.

37 (4) The term of office of each member of the commission
38 shall be six (6) years; except that members first taking office
39 shall serve as designated by the appointing authority as follows:

- 40 (a) One (1) person for a term of two (2) years;
- 41 (b) One (1) person for a term of four (4) years; and
- 42 (c) One (1) person for a term of six (6) years.

43 (5) A member chosen to fill a vacancy otherwise than by
44 expiration of term shall be appointed for the unexpired term of
45 the member whom such appointee is to succeed.

46 (6) Any vacancy in the commission shall not affect its
47 powers and shall be filled in the same manner and subject to the
48 same limitation with respect to party affiliation as the original
49 appointment was made.

50 (7) The Governor may suspend a member of the commission only
51 for just cause, subject to removal or reinstatement by the Senate.

52 (8) Five (5) members shall constitute a quorum for the
53 conduct of business; however, the commission may establish
54 subcommittees of not less than three (3) of its members to
55 exercise its powers under the Mississippi Human Relations Act of
56 2005, subject to such procedures and limitations as the commission
57 may provide by rule.

58 (9) The members of the Mississippi Human Relations
59 Commission shall be reimbursed for actual expenses incurred in the
60 performance of their duties, and shall receive a per diem as

61 authorized by Section 25-3-69, Mississippi Code of 1972, for
62 attending official meetings of the commission.

63 (10) The commission created by this act is assigned to the
64 Office of the Governor for budgetary administrative purposes. The
65 commission, in the performance of its duties pursuant to the
66 Mississippi Human Relations Act of 2005, shall not operate as an
67 independent body.

68 (11) The commission shall be funded through the Office of
69 the Governor.

70 **SECTION 3.** The commission shall promote and encourage fair
71 treatment and equal opportunity for all persons regardless of
72 race, color, religion, sex, national origin, age or disability and
73 mutual understanding and respect among all members of all
74 economic, social, racial, gender, religious and ethnic groups, and
75 shall endeavor to eliminate discrimination against, and antagonism
76 between, religious, racial and ethnic groups.

77 **SECTION 4.** Within the limitations provided by law, the
78 commission shall have the following powers:

79 (a) To maintain an office in Jackson;

80 (b) To meet and exercise its powers within the state;

81 (c) To appoint an executive director and such other
82 staff as necessary, to fix their compensation with the approval of
83 the Governor, and to delegate any of its functions and duties to
84 its employees in the interest of efficient management of the
85 appropriations and resources of the agency;

86 (d) To cooperate with federal agencies under the
87 provisions of Titles VI and VII of the 1964 Civil Rights Act, as
88 amended, and Title VIII of the 1968 Civil Rights Act, as amended,
89 in order to achieve the purpose of those acts, and with other
90 federal agencies in order to achieve the purposes of the
91 Mississippi Human Relations Act of 2005;

92 (e) To accept public and private grants to help finance
93 its activities;

94 (f) To receive, initiate, investigate, seek to
95 conciliate for the purpose of receiving funding and refer
96 complaints alleging violations of applicable law;

97 (g) To furnish technical assistance requested by
98 persons to facilitate progress in human relations;

99 (h) To conduct hearings, study and report on
100 discrimination because of race, creed, color and other human
101 rights issues so as to effectuate the purposes and policies of
102 this act or applicable law, and make public the results thereof;

103 (i) To render, at least annually, a comprehensive
104 written report to the Governor, Attorney General and to the State
105 Legislature. The report shall contain recommendations of the
106 commission for legislative or other action to effectuate the
107 purposes of this act;

108 (j) To adopt, promulgate, amend and rescind rules and
109 regulations to effectuate the purposes and provisions of this act;
110 and

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

116 **SECTION 5.** All departments, commissions, boards, agencies
117 and officers of the state are authorized and directed to cooperate
118 with the Mississippi Human Relations Commission in implementing
119 the provisions of this act.

120 **SECTION 6.** This act shall take effect and be in force from
121 and after July 1, 2005.