

By: Senator(s) Harden

To: Appropriations

SENATE BILL NO. 2582

1 AN ACT TO CREATE THE "MISSISSIPPI HUMAN RELATIONS ACT OF
2 2005"; TO ESTABLISH THE MISSISSIPPI COMMISSION ON HUMAN RELATIONS
3 FOR THE PURPOSE OF PROMOTING FAIR TREATMENT AND EQUAL OPPORTUNITY
4 FOR ALL PERSONS; TO PROVIDE THE MEMBERSHIP OF THE COMMISSION; TO
5 PROVIDE THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** This act shall be known and may be cited as the
9 "Mississippi Human Relations Act of 2005."

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

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

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

30 between, all members of all religious, racial and ethnic groups.

31 The commission shall be composed of the following members:

32 (a) The Chairman of the Workers' Compensation
33 Commission;

34 (b) The Commissioner of Higher Education;

35 (c) The State Personnel Director;

36 (d) The Director of the Department of Human Services;

37 (e) The Executive Director of the Mississippi
38 Development Authority;

39 (f) The Executive Director of the Employment Security
40 Commission;

41 (g) Three (3) appointees of the Governor;

42 (h) The Chairman of the Senate Labor Committee or his
43 designee; and

44 (i) The Chairman of the House of Representatives Labor
45 Committee or his designee.

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

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

57 (2) The term of office of the three (3) members appointed by
58 the Governor shall be as follows:

59 (a) One (1) member shall serve a term of two (2) years;

60 (b) One (1) member shall serve a term of four (4)
61 years; and

62 (c) One (1) member shall serve a term of six (6) years.

63 A member filling a vacancy otherwise than by expiration of
64 term shall serve the unexpired term of the vacating member. Any
65 vacancy shall be filled in the same manner and subject to the same
66 limitation with respect to party affiliation, race and gender as
67 the original appointment was made.

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

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

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

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

92 (7) The commission shall be funded through the Office of the
93 Governor.

94 (8) Within the limitations provided by law, the duties and
95 responsibilities of the commission shall be the following:

- 96 (a) To maintain an office in Jackson, Mississippi;
- 97 (b) To appoint an executive director and such other
98 staff as necessary who shall receive as compensation for services
99 an annual salary set by the commission with the approval of the
100 Governor;
- 101 (c) To delegate day-to-day functions and duties to
102 employees of the commission as the commission deems necessary for
103 the efficient management of the resources of the commission;
- 104 (d) To cooperate with federal agencies under the
105 provisions of Titles VI and VII of the 1964 Civil Rights Act, as
106 amended, and Title VIII of the 1968 Civil Rights Act, as amended,
107 in order to achieve the purposes of those acts and to cooperate
108 with other federal agencies in order to achieve the purposes of
109 this act;
- 110 (e) To accept and expend monetary or in-kind
111 contributions, gifts and public and private grants to carry out
112 the provisions of this act;
- 113 (f) To become a deferral agency for the federal
114 government for the purpose of receiving funding;
- 115 (g) To receive, initiate, investigate, seek to
116 conciliate or refer complaints alleging violations of applicable
117 law;
- 118 (h) To furnish technical assistance requested by
119 persons to facilitate progress in human relations;
- 120 (i) To conduct hearings and study and report on human
121 rights issues so as to effectuate the purposes and policies of
122 this act or applicable law and to make public the results thereof;
- 123 (j) To render, at least annually, a comprehensive
124 written report to the Governor and the State Legislature on the
125 functions of the commission. The report shall contain
126 recommendations of the commission for legislative or other action
127 to effectuate the purposes of this act;

128 (k) To adopt, promulgate, amend and rescind rules and
129 regulations to effectuate the purposes and provisions of this act;
130 and

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

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

140 **SECTION 4.** This act shall take effect and be in force from
141 and after July 1, 2005.