

House Bill 488

By: Representatives Evans of the 42nd, Drenner of the 85th, Marin of the 96th, Scott of the 76th,
and Park of the 101st

A BILL TO BE ENTITLED
AN ACT

1 To provide comprehensive state civil rights law protecting individuals from discrimination
2 in housing, public accommodations, and employment; to provide for legislative findings and
3 intent; to amend Article 4 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated,
4 relating to fair housing, so as to prohibit discrimination in housing; to amend Title 10 of the
5 Official Code of Georgia Annotated, relating to commerce and trade, so as to protect the
6 right to equal enjoyment of and privileges to public accommodations; to amend Chapter 1
7 of Title 34 and Title 45 of the Official Code of Georgia Annotated, relating to labor and
8 industrial relations generally and public officers and employees, respectively, so as to
9 prohibit discrimination in private and public employment; to provide for related matters; to
10 provide for an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**PART I**
13 style="text-align:center">**SECTION 1-1.**

14 (a) The General Assembly finds and declares that:

- 15 (1) Georgia is one of only three states without comprehensive state civil rights laws
16 protecting individuals from discrimination in employment, housing, and public
17 accommodations;
- 18 (2) The General Assembly has considered legislation in recent years adding specific
19 protections against discrimination for people based on religious beliefs as well as sexual
20 orientation and gender identity in separate contexts;
- 21 (3) The Georgia Constitution guarantees equal protection under the law for all citizens;
- 22 (4) The Georgia Constitution guarantees the natural and inalienable right to worship
23 God, according to the dictates of a person's own conscience; and no human authority
24 should, in any case, control or interfere with such right of conscience;

25 (5) The Georgia Constitution holds that no one should be molested in person or property
 26 on account of religious opinions; but the right of freedom of religion shall not be
 27 construed as to excuse acts of licentiousness or justify practices inconsistent with the
 28 peace and safety of the state; and

29 (6) It is the duty of the General Assembly to enact such laws as will protect all citizens
 30 in the full enjoyment of the rights, privileges, and immunities due to such citizenship.

31 (b) It is the intent of the General Assembly:

32 (1) To expand and clarify civil rights laws in this state addressing discrimination in
 33 employment, housing, and public accommodations; and

34 (2) That this Act is liberally construed to safeguard against the discrimination prohibited
 35 herein and shall be construed in light of federal judicial and administrative interpretations
 36 of similar federal civil rights laws.

37 PART II

38 SECTION 2-1.

39 Article 4 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to fair
 40 housing, is amended by revising Code Section 8-3-200, relating to state policy, as follows:
 41 "8-3-200.

42 (a) It is the policy of the State of Georgia to provide, within constitutional limitations, for
 43 fair housing throughout ~~the~~ this state.

44 (b) The general purposes of this article are:

45 (1) To provide for execution in the state of policies embodied in Title VIII of the Civil
 46 Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988;

47 (2) To safeguard all individuals from discrimination in any aspect relating to the sale,
 48 rental, or financing of dwellings or in the provision of brokerage services or facilities in
 49 connection with the sale or rental of a dwelling because of that individual's race, color,
 50 religion, sex, sexual orientation, gender identity, age, disability ~~or handicap~~, familial
 51 status, or national origin;

52 (3) To promote the elimination of discrimination in any aspect relating to the sale, rental,
 53 or financing of dwellings or in the provision of brokerage services or facilities in
 54 connection with the sale or rental of a dwelling because of a person's race, color, religion,
 55 sex, sexual orientation, gender identity, age, disability ~~or handicap~~, familial status, or
 56 national origin; and

57 (4) To promote the protection of each individual's interest in personal dignity and
 58 freedom from humiliation and the individual's freedom to take up residence wherever
 59 such individual chooses; to secure the state against domestic strife and unrest which

60 would menace its democratic institutions; to preserve the public safety, health, and
 61 general welfare; and to further the interests, rights, and privileges of individuals within
 62 ~~the~~ this state.

63 (c) This article shall be broadly construed to further the general purposes stated in this
 64 Code section and the special purposes of the particular provision involved."

65 **SECTION 2-2.**

66 Said article is further amended by revising paragraphs (1) through (5) of subsection (a) of
 67 Code Section 8-3-202, relating to unlawful practices in selling or renting dwellings, as
 68 follows:

69 "(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to
 70 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to
 71 any person because of race, color, religion, sex, sexual orientation, gender identity,
 72 disability, familial status, or national origin;

73 (2) To discriminate against any person in the terms, conditions, or privileges of sale or
 74 rental of a dwelling, or in the provision of services or facilities in connection therewith,
 75 because of race, color, religion, sex, sexual orientation, gender identity, age, disability,
 76 familial status, or national origin;

77 (3) To make, print, or publish or cause to be made, printed, or published any notice,
 78 statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates
 79 any preference, limitation, or discrimination based on race, color, religion, sex, sexual
 80 orientation, gender identity, age, disability, familial status, or national origin, or an
 81 intention to make any such preference, limitation, or discrimination;

82 (4) To represent to any person because of race, color, religion, sex, sexual orientation,
 83 gender identity, age, disability, familial status, or national origin that any dwelling is not
 84 available for inspection, sale, or rental when such dwelling is in fact so available;

85 (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by
 86 representations regarding the entry or prospective entry into the neighborhood of a person
 87 or persons of a particular race, color, religion, sex, sexual orientation, gender identity,
 88 age, familial status, or national origin or with a disability;"

89 **SECTION 2-3.**

90 Said article is further amended by revising Code Section 8-3-203, relating to unlawful denial
 91 of or discrimination in membership or participation in service or organization relating to
 92 selling or renting dwellings, as follows:

93 "8-3-203.

94 It shall be unlawful to deny any person access to or membership or participation in any
 95 multiple-listing service, real estate brokers' organization, or other service, organization, or
 96 facility relating to the business of selling or renting dwellings or to discriminate against
 97 such person in the terms or conditions of such access, membership, or participation on
 98 account of race, color, religion, sex, sexual orientation, gender identity, age, disability,
 99 familial status, or national origin."

100 **SECTION 2-4.**

101 Said article is further amended by revising subsections (b) and (c) of Code Section 8-3-204,
 102 relating to discrimination in residential real estate related transactions, as follows:

103 "(b) It shall be unlawful for any person or other entity whose business includes engaging
 104 in residential real estate related transactions to discriminate against any person in making
 105 available such a transaction or in the terms or conditions of such a transaction because of
 106 race, color, religion, sex, sexual orientation, gender identity, age, disability, handicap,
 107 familial status, or national origin.

108 (c) Nothing in this article shall be construed to prohibit a person engaged in the business
 109 of furnishing appraisals of real property from taking into consideration factors other than
 110 race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability,
 111 handicap, or familial status."

112 **SECTION 2-5.**

113 Said article is further amended by revising subsection (a) of Code Section 8-3-205, relating
 114 to permissible limitations in sale, rental, or occupancy of dwellings by religious organizations
 115 or private clubs, as follows:

116 "(a) Nothing in this article shall prohibit a religious organization, association, or society,
 117 or any nonprofit institution or organization operated, supervised, or controlled by or in
 118 conjunction with a religious organization, association, or society, from limiting the sale,
 119 rental, or occupancy of dwellings which it owns or operates for other than a commercial
 120 purpose to persons of the same religion or from giving preference to such persons unless
 121 membership in such religion is restricted on account of race, color, sex, sexual orientation,
 122 gender identity, age, disability, handicap, familial status, or national origin. Nothing in this
 123 article shall prohibit a private club not in fact open to the public, which as an incident to
 124 its primary purpose or purposes provides lodgings which it owns or operates for other than
 125 a commercial purpose, from limiting the rental or occupancy of such lodgings to its
 126 members or from giving preference to its members."

127

PART III

128

SECTION 3-1.

129 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
 130 amended by adding a new chapter to read as follows:

131

"CHAPTER 16132 10-16-1.

133 (a) It is the policy of the State of Georgia to provide, within constitutional limitations, for
 134 equal enjoyment of public accommodations throughout this state.

135 (b) The general purpose of this chapter is to provide for execution in this state of the
 136 policies embodied in 42 U.S.C. Section 2000a, et seq.

137 (c) This chapter shall be broadly construed to further the general purposes stated in this
 138 Code section and the special purposes of the particular provision involved.

139 10-16-2.

140 As used in this chapter, the term 'place of public accommodation' means any:

141 (1) Inn, hotel, motel, or other establishment which provides lodging to transient guests
 142 other than an establishment located within a building which contains not more than five
 143 rooms for rent or hire and which is actually occupied by the proprietor or owner of such
 144 establishment as his or her residence;

145 (2) Restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility
 146 principally engaged in selling food for consumption on the premises, including, but not
 147 limited to, any such facility located on the premises of any retail establishment;

148 (3) Gas station;

149 (4) Motion picture house, theater, concert hall, sports arena, stadium, or other place of
 150 exhibition or entertainment; or

151 (5) Establishment which is physically located within the premises of any establishment
 152 otherwise covered by this paragraph, or within the premises of which is physically
 153 located any such covered establishment, and which holds itself out as serving patrons of
 154 such covered establishment.

155 10-16-3.

156 All persons shall be entitled to the full and equal enjoyment of the goods, services,
 157 facilities, privileges, advantages, and accommodations of any place of public

158 accommodation without discrimination or segregation on the basis of race, color, religion,
 159 sex, sexual orientation, gender identity, age, disability, or national origin.

160 (b) No person shall:

161 (1) Withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive any
 162 person of any right or privilege secured by subsection (a) of this Code Section;

163 (2) Intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any
 164 person with the purpose of interfering with any right or privilege secured by
 165 subsection (a) of this Code Section; or

166 (3) Punish or attempt to punish any person for exercising or attempting to exercise any
 167 right or privilege secured by subsection (a) of this Code Section.

168 10-16-4.

169 Whenever any person has engaged or there are reasonable grounds to believe that any
 170 person is about to engage in any act or practice prohibited by Code Section 10-16-3, a civil
 171 action for preventive relief, including an application for a permanent or temporary
 172 injunction, restraining order, or other order, may be instituted by the person aggrieved, and
 173 the court may grant such relief, as it deems appropriate. In any action commenced pursuant
 174 to this chapter, the court, in its discretion, may allow the prevailing party reasonable
 175 attorneys' fees as part of the costs.

176 10-16-5.

177 This chapter shall be broadly construed to safeguard against the discrimination prohibited
 178 by this chapter and shall be construed in light of federal judicial decisions interpreting 42
 179 U.S.C. Section 2000a, et seq. and 42 U.S.C. Section 1981."

180

PART IV

181

SECTION 4-1.

182 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
 183 provisions regarding labor and industrial relations, is amended by adding a new Code section
 184 to read as follows:

185 "34-1-10.

186 (a)(1) It is the policy of the State of Georgia to provide, within constitutional limitations,
 187 for equal employment opportunities throughout this state.

188 (2) The general purpose of this Code section is to provide for execution in this state of
 189 policies embodied in 42 U.S.C. Section 2000e, et seq.:

190 (b) As used in this Code section, the term 'employer' means a person engaged in an
191 industry affecting commerce, as defined in 42 U.S.C. Section 2000e on the effective date
192 of this Code section, who has 15 or more employees for each working day in each of 20
193 or more calendar weeks in the current or preceding calendar year, and any agent of such
194 a person, but such term does not include:

195 (1) The United States, a corporation wholly owned by the Government of the United
196 States, or an Indian tribe;

197 (2) A bona fide private membership club, other than a labor organization, as defined in
198 42 U.S.C. Section 2000e on the effective date of this Act, which is exempt from taxation
199 under Section 501(c)(3) of the Internal Revenue Code of 1986; or

200 (3) A public employer, as defined in Code Section 45-19-22.

201 (c) It shall be unlawful for an employer to:

202 (1) Fail or refuse to hire or to discharge any individual, or otherwise to discriminate
203 against any individual with respect to such individual's compensation, terms, conditions,
204 or privileges of employment, because of such individual's race, disability, religion, sex,
205 sexual orientation, gender identity, age, or national origin; or

206 (2) Limit, segregate, or classify its employees or applicants for employment in any way
207 which would deprive or tend to deprive any individual of employment opportunities or
208 otherwise adversely affect such individual's status as an employee, because of such
209 individual's race, disability, religion, sex, sexual orientation, gender identity, age, or
210 national origin.

211 (d) An employee in this state shall have a private right of action for a claim against his or
212 her employer on the basis of discrimination for a violation of subsection (c) of this Code
213 section.

214 (e)(1) If the court finds that a respondent has intentionally engaged in or is intentionally
215 engaging in an unlawful employment practice charged in the complaint, the court may
216 enjoin the respondent from engaging in such unlawful employment practice, and order
217 such affirmative action as may be appropriate, which may include, but is not limited to,
218 reinstatement or hiring of employees, with or without back pay, or any other equitable
219 relief as the court deems appropriate. Back pay liability shall not accrue from a date
220 more than two years prior to the filing of a claim. Interim earnings or amounts earnable
221 with reasonable diligence by the person or persons discriminated against shall operate to
222 reduce the back pay otherwise allowable.

223 (2) No order of the court shall require the hiring, reinstatement, or promotion of an
224 individual as an employee, or the payment to such individual of any back pay, if such
225 individual was refused admission, suspended, or expelled, or was refused employment
226 or advancement or was suspended or discharged for any reason other than such

227 individual's race, disability, religion, sex, sexual orientation, gender identity, age, or
 228 national origin in violation of this Code section.
 229 (f) This Code section shall be broadly construed to safeguard against the discrimination
 230 prohibited in this Code section and shall be construed in light of federal judicial decisions
 231 interpreting 42 U.S.C. Section 2000e, et seq."

232 **SECTION 4-2.**

233 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 234 is amended by revising Code Section 45-19-21, relating to the purposes and construction of
 235 the "Fair Employment Practices Act of 1978," as follows:

236 "45-19-21.

237 (a) The general purposes of this article are:

238 (1) To provide for execution within public employment in ~~the~~ this state of the policies
 239 embodied in Title VII of the federal Civil Rights Act of 1964 (78 Stat. 241), as amended
 240 by the Equal Employment Opportunity Act of 1972 (86 Stat. 103), as from time to time
 241 amended, the federal Age Discrimination in Employment Act of 1967 (81 Stat. 602), as
 242 from time to time amended, and the federal Rehabilitation Act of 1973 (87 Stat. 355), as
 243 from time to time amended;

244 (2) To safeguard all individuals in public employment from discrimination in
 245 employment; and

246 (3) To promote the elimination of discrimination against all individuals in public
 247 employment because of such individuals' race, color, religion, national origin, sex, sexual
 248 orientation, gender identity, disability, or age thereby to promote the protection of their
 249 interest in personal dignity and freedom from humiliation; to make available to ~~the~~ this
 250 state their full productive capacities; to secure ~~the~~ this state against domestic strife and
 251 unrest which would menace its democratic institutions; to preserve the public safety,
 252 health, and general welfare; and to further the interests, rights, and privileges of
 253 individuals within ~~the~~ this state.

254 (b) This article shall be broadly construed to further the general purposes stated in this
 255 Code section and the special purposes of the particular provision involved.

256 (c) Nothing in this article shall be construed as indicating an intent to exclude local or
 257 federal laws on the same subject matter, which laws are not inconsistent with this article.

258 (d) Nothing contained in this article shall be deemed to repeal any other nonconflicting law
 259 of this state relating to discrimination because of race, color, religion, national origin, sex,
 260 sexual orientation, gender identity, disability, or age."

261 **SECTION 4-3.**

262 Said title is further amended by revising paragraph (4) of Code Section 45-19-22, relating
263 to definitions relative to the "Fair Employment Practices Act of 1978," as follows:

264 "(4) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,
265 restriction, segregation, limitation, refusal, denial, or any other act or practice of
266 differentiation or preference in the treatment of a person or persons because of race,
267 color, religion, national origin, sex, sexual orientation, gender identity, disability,
268 ~~handicap~~, or age or the aiding, abetting, inciting, coercing, or compelling of such an act
269 or practice. This term shall not include any direct or indirect act or practice of exclusion,
270 distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice
271 of differentiation or preference in the treatment of a person or persons because of religion
272 if an employer demonstrates that the employer is unable to accommodate reasonably an
273 employee's or prospective employee's religious observance or practice without undue
274 hardship on the conduct of the employer's operation."

275 **SECTION 4-4.**

276 Said title is further amended by revising paragraphs (8) and (14) of Code Section 45-19-27,
277 relating to additional powers and duties of the administrator of the Commission on Equal
278 Opportunity, as follows:

279 "(8) To receive, initiate, investigate, seek to conciliate, and make determinations
280 regarding complaints alleging violations of this article and to approve or disapprove plans
281 required by the Governor to eliminate or reduce imbalance in employment with respect
282 to race, color, disability, religion, sex, sexual orientation, gender identity, national origin,
283 or age;"

284 "(14) To adopt, promulgate, amend, and rescind, subject to approval of the board and the
285 Governor and after giving proper notice and hearing to all public employers pursuant to
286 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such rules and
287 regulations as may be necessary to carry out the provisions of this article, including
288 regulations requiring the posting or inclusion in advertising material of notices prepared
289 or approved by the administrator and regulations regarding the filing, approval, or
290 disapproval of plans to eliminate or reduce imbalance in employment with respect to race,
291 color, disability, religion, sex, sexual orientation, gender identity, national origin, or age;"

292 **SECTION 4-5.**

293 Said title is further amended by revising Code Section 45-19-29, relating to unlawful
294 practices generally relative to fair employment practices, as follows:

295 "45-19-29.

296 It is an unlawful practice for an employer:

297 (1) To fail or refuse to hire, to discharge, or otherwise to discriminate against any
 298 individual with respect to the individual's compensation, terms, conditions, or privileges
 299 of employment because of such individual's race, color, religion, national origin, sex,
 300 sexual orientation, gender identity, disability, or age;

301 (2) To limit, segregate, or classify his or her employees in any way which would deprive
 302 or tend to deprive an individual of employment opportunities or otherwise adversely
 303 affect an individual's status as an employee because of such individual's race, color,
 304 religion, national origin, sex, sexual orientation, gender identity, disability, or age; or

305 (3) To hire, promote, advance, segregate, or affirmatively hire an individual solely
 306 because of race, color, religion, national origin, sex, sexual orientation, gender identity,
 307 disability, or age, but this paragraph shall not prohibit an employer from voluntarily
 308 adopting and carrying out a plan to fill vacancies or hire new employees in a manner to
 309 eliminate or reduce imbalance in employment with respect to race, color, disability,
 310 religion, sex, sexual orientation, gender identity, national origin, or age if the plan has
 311 first been filed with the administrator for review and comment for a period of not less
 312 than 30 days."

313 **SECTION 4-6.**

314 Said title is further amended by revising Code Section 45-19-30, relating to unlawful
 315 practices in training or apprenticeship programs, as follows:

316 "45-19-30.

317 It is an unlawful practice for an employer controlling apprenticeship or other training or
 318 retraining, including on-the-job training programs, to discriminate against an individual
 319 because of such individual's race, color, religion, national origin, sex, sexual orientation,
 320 gender identity, disability, or age in admission to or employment in any program
 321 established to provide apprenticeship or other training or to discriminate by allowing
 322 admission or promotion to an apprenticeship or training program solely because of race,
 323 color, religion, national origin, sex, sexual orientation, gender identity, disability, or age."

324 **SECTION 4-7.**

325 Said title is further amended by revising Code Section 45-19-31, relating to unlawful
 326 practices in advertisement of employment, as follows:

327 "45-19-31.

328 It is an unlawful practice for an employer to print or publish or cause to be printed or
 329 published a notice or advertisement relating to employment by such an employer indicating

330 any preference, limitation, specification, or discrimination based on race, color, religion,
 331 national origin, sex, sexual orientation, gender identity, disability, or age, except that such
 332 a notice or advertisement may indicate a preference, limitation, or specification based on
 333 race, color, religion, national origin, sex, sexual orientation, gender identity, disability, or
 334 age when religion, national origin, sex, sexual orientation, gender identity, disability, or age
 335 is a bona fide occupational qualification for employment."

336 **SECTION 4-8.**

337 Said title is further amended by revising Code Section 45-19-33, relating to different
 338 standards of compensation or different terms and conditions of employment where not based
 339 on race, color, religion, sex, national origin, disability, or age, as follows:

340 "45-19-33.

341 It is not an unlawful practice for an employer to apply different standards of compensation
 342 or different terms, conditions, or privileges of employment pursuant to a bona fide seniority
 343 or merit system, or a system which measures earnings by quantity or quality of production,
 344 or to employees who work in different locations, provided that such differences are not the
 345 result of an intention to discriminate because of race, color, religion, national origin, sex,
 346 sexual orientation, gender identity, disability, or age; nor is it an unlawful practice for an
 347 employer to give and to act upon the results of any professionally developed ability test,
 348 provided that such test, its administration, or action upon the results thereof is not designed,
 349 intended, or used to discriminate because of race, color, religion, national origin, sex,
 350 sexual orientation, gender identity, disability, or age."

351 **SECTION 4-9.**

352 Said title is further amended by revising subsections (b) and (c) of Code Section 45-19-35,
 353 relating to use of quotas because of imbalances in employee ratios prohibited, grants of
 354 preferential treatment to certain individuals or groups not required by the "Fair Employment
 355 Practices Act of 1978," adoption of plans required by Governor to reduce imbalance, and
 356 effect of said Act upon certain employment practices, as follows:

357 "(b) Nothing contained in this article requires an employer to grant preferential treatment
 358 to an individual or to a group because of the race, color, religion, national origin, sex,
 359 sexual orientation, gender identity, disability, or age of the individual or group on account
 360 of an imbalance which may exist with respect to the total number or percentage of persons
 361 of any race, color, religion, national origin, sex, sexual orientation, gender identity,
 362 disability, or age in ~~the~~ this state or a community, section, or other area or in the available
 363 work force in ~~the~~ this state or a community, section, or other area.

364 (c) It is specifically provided that neither subsection (a) nor (b) of this Code section nor
 365 any other provision of this article shall prohibit an employer from adopting or carrying out
 366 a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance
 367 in employment with respect to race, color, disability, religion, sex, sexual orientation,
 368 gender identity, national origin, or age if such plan is required by the Governor and filed
 369 with and approved by the administrator prior to its final adoption and implementation."

370 **SECTION 4-10.**

371 Said title is further amended by revising paragraph (7) of subsection (c) of Code
 372 Section 45-19-38, relating to findings, conclusions, and order of special master generally and
 373 order to cease and desist from unlawful practice and to take remedial action, as follows:

374 "(7) Recommending to the Governor that the respondent be required to adopt and file
 375 with the administrator, within a specified time limitation, for the administrator's approval
 376 a plan to fill vacancies or hire new employees in a manner to eliminate or reduce
 377 imbalance in employment with respect to race, color, disability, religion, sex, sexual
 378 orientation, gender identity, national origin, or age."

379 **SECTION 4-11.**

380 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section
 381 45-20-1, relating to purposes and principles relative to personnel administration, as follows:

382 "(1) Assuring fair treatment of applicants and employees in all aspects of personnel
 383 administration without regard to race, color, national origin, sex, sexual orientation,
 384 gender identity, age, disability, religious creed, or political affiliations. This 'fair
 385 treatment' principle includes compliance with all state and federal equal employment
 386 opportunity and nondiscrimination laws;"

387 **SECTION 4-12.**

388 Said title is further amended by revising paragraph (2) of Code Section 45-20-4, relating to
 389 the duties and responsibilities of the commissioner in the administration of this chapter, as
 390 follows:

391 "(2) To submit to the Governor the rules and regulations adopted by the board. Such
 392 rules and regulations when approved by the Governor shall have the force and effect of
 393 law and shall be binding upon the state departments covered by this article and shall
 394 include provisions for the establishment and maintenance of classification and
 395 compensation plans, the conduct of examinations, appointments, promotions, transfers,
 396 demotions, appeals of classified employees, reports of performance, payroll certification,
 397 and other phases of personnel administration. Such rules and regulations shall define and

398 prohibit improper political activity by any departmental employee of the State Personnel
399 Board or any employee covered under the terms of this article and shall provide that there
400 shall be no discrimination for or against any person or employee in any manner, to
401 include, but not be limited to, hiring, discharge, compensation, benefits, terms or
402 conditions of employment, promotion, job classification, transfer, privileges, or demotion
403 because of political affiliation, religious affiliation, race, creed, national origin, sex,
404 sexual orientation, gender identity, age between 40 and 70 years, or physical disability.
405 Such rules and regulations shall conform to the minimum standards for merit systems of
406 personnel administration as specified by those federal departments from which federal
407 funds are obtained for use by the several state departments covered by this article.
408 Compensation plans and modifications thereto promulgated under the rules and
409 regulations of the commissioner shall become effective as adopted upon approval ~~of~~ by
410 the director of the Office of Planning and Budget;"

411 **PART V**
412 **SECTION 5-1.**

413 This Act shall become effective on January 1, 2018.

414 **SECTION 5-2.**
415 All laws and parts of laws in conflict with this Act are repealed.