

Senate Bill 119

By: Senators Jackson of the 2nd, Fort of the 39th, Tate of the 38th, Seay of the 34th, Henson of the 41st and others

A BILL TO BE ENTITLED
AN ACT

1 To prohibit discrimination under certain circumstances; to amend Article 4 of Chapter 3 of
2 Title 8 of the Official Code of Georgia Annotated, relating to fair housing, so as to prohibit
3 discrimination based on sexual orientation or gender identity; to amend Title 10 of the
4 Official Code of Georgia Annotated, relating to commerce and trade, so as to protect the
5 right to equal enjoyment of and privileges to public accommodations; to provide for
6 purposes; to provide for definitions; to provide for enforcement; to provide for penalties; to
7 amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and
8 employees, so as to change certain provisions relating to the "Fair Employment Practices Act
9 of 1978" and the merit system to prohibit discrimination based on sexual orientation or
10 gender identity; to expand the functions of the administrator of the Commission on Equal
11 Opportunity; to provide for a short title; to amend the Official Code of Georgia Annotated
12 so as to prohibit discrimination based on sexual orientation or gender identity; to provide for
13 an effective date; to provide for related matters; to repeal conflicting laws; and for other
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**PART I**
17 style="text-align:center">**SECTION 1-1.**

18 Article 4 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to fair
19 housing, is amended by revising Code Section 8-3-200, relating to state policy, as follows:
20 "8-3-200.

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

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

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

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

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

36 (4) To promote the protection of each individual's interest in personal dignity and
 37 freedom from humiliation and the individual's freedom to take up residence wherever
 38 such individual chooses; to secure the state against domestic strife and unrest which
 39 would menace its democratic institutions; to preserve the public safety, health, and
 40 general welfare; and to further the interests, rights, and privileges of individuals within
 41 ~~the~~ this state.

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

44 **SECTION 1-2.**

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

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

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

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

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

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

68 **SECTION 1-3.**

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

72 "8-3-203.

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

79 **SECTION 1-4.**

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

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

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

91 **SECTION 1-5.**

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

95 "(a) Nothing in this article shall prohibit a religious organization, association, or society,
 96 or any nonprofit institution or organization operated, supervised, or controlled by or in
 97 conjunction with a religious organization, association, or society, from limiting the sale,
 98 rental, or occupancy of dwellings which it owns or operates for other than a commercial
 99 purpose to persons of the same religion or from giving preference to such persons unless
 100 membership in such religion is restricted on account of race, color, sex, sexual orientation,
 101 gender identity, handicap, familial status, or national origin. Nothing in this article shall
 102 prohibit a private club not in fact open to the public, which as an incident to its primary
 103 purpose or purposes provides lodgings which it owns or operates for other than a
 104 commercial purpose, from limiting the rental or occupancy of such lodgings to its members
 105 or from giving preference to its members."

106 **PART II**

107 **SECTION 2-1.**

108 This part of this Act shall be known and may be cited as the "Georgia Civil Rights in Public
 109 Accommodations Act."

110 **SECTION 2-2.**

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

113 "CHAPTER 16

114 10-16-1.

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

117 (b) The general purpose of this chapter is to provide for execution in this state of the
 118 policies embodied in 42 U.S.C. Section 2000a.

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

121 10-16-2.

122 As used in this chapter, the term:

123 (1) 'Administrator' means the administrator of the Commission on Equal Opportunity
 124 created under Article 2 of Chapter 19 of Title 45.

125 (2) 'Aggrieved person' means any person that claims to have been injured by a violation
 126 of Code Section 10-16-3 or that believes that they will be irrevocably injured by a
 127 violation of Code Section 10-16-3 that is about to occur.

128 (3) 'Board of commissioners' means the Board of Commissioners of the Commission on
 129 Equal Opportunity created by Code Section 45-19-23 or a panel of three members of such
 130 board.

131 (4) 'Complainant' means the person, including the administrator, that files a complaint.

132 (5) 'Conciliation' means the attempted resolution of issues raised by a complaint, or by
 133 the investigation of such complaint, through informal negotiations involving the
 134 aggrieved person, the respondent, and the administrator.

135 (6) 'Conciliation agreement' means a written agreement between the respondent and the
 136 complainant setting forth the resolution of the issues in conciliation.

137 (7) 'Person' means one or more individuals, corporations, partnerships, associations,
 138 labor organizations, legal representatives, mutual companies, joint-stock companies,
 139 trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or
 140 fiduciaries.

141 (8) 'Place of public accommodation' means any:

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

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

149 (C) Gas station;

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

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

156 (9) 'Private establishment' means an establishment not in fact open to the general public.

157 10-16-3.

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

160 accommodation without discrimination or segregation on the basis of race, color, religion,
161 sex, sexual orientation, gender identity, or national origin.

162 10-16-4.

163 The provisions of this chapter shall not apply to a private establishment, except to the
164 extent that facilities of such private establishment perform as a place of public
165 accommodation.

166 10-16-5.

167 (a)(1) The authority and responsibility for administering this chapter shall be vested in
168 the administrator.

169 (2) The Commission on Equal Opportunity shall have a Public Accommodations
170 Division to assist the administrator in carrying out the provisions of this chapter. For
171 administrative purposes, such division may be combined with any other division of the
172 Commission on Equal Opportunity at the discretion of the administrator.

173 (b) The administrator may delegate any of the administrator's functions, duties, and powers
174 to employees of the Commission on Equal Opportunity or to boards of such employees,
175 including functions, duties, and powers with respect to investigating, conciliating, hearing,
176 determining, ordering, certifying, reporting, or otherwise acting as to any work, business,
177 or matter under this chapter. Insofar as possible, conciliation meetings shall be held in the
178 cities or other localities where the violation of Code Section 10-16-3 allegedly occurred.

179 (c) The administrator shall adopt, promulgate, amend, and rescind, subject to the approval
180 of the Governor after giving proper notice and hearing to all interested parties pursuant to
181 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such rules and
182 regulations as may be necessary to carry out the provisions of this chapter.

183 (d) The administrator shall accept gifts, bequests, grants, or other public or private
184 payments on behalf of the state and pay such moneys into the state treasury.

185 10-16-6.

186 (a) An aggrieved person may, not later than one year after an alleged violation of Code
187 Section 10-16-3 has occurred or terminated, file a complaint with the administrator alleging
188 such violation. The administrator, on the administrator's own initiative, may also file such
189 a complaint. Complaints shall be in writing and under oath and shall contain such
190 information and be in such form as the administrator requires. Upon the filing of a
191 complaint under this subsection, the administrator shall serve notice upon the aggrieved
192 person acknowledging the filing and advising the aggrieved person of procedural time
193 limits provided under this chapter.

194 (b) The administrator shall, not later than ten days after the filing of a complaint or the
195 identification of an additional respondent under subsection (d) of this Code section, serve
196 on the respondent a written notice identifying the alleged violation of Code Section 10-16-3
197 and advise such respondent of the procedural rights and obligations under this chapter,
198 together with a copy of the original complaint. Each respondent may file, not later than 30
199 days after receipt of notice from the administrator, an answer to the complaint.

200 (c) Complaints and answers shall be verified and may be reasonably and fairly amended
201 at any time.

202 (d) A person that is not named as a respondent in the original complaint, but that is
203 identified as a respondent in the course of an investigation, may be joined as an additional
204 or substitute respondent upon written notice to such person from the administrator as
205 provided in subsection (b) of this Code section. In addition to meeting the requirements
206 of subsection (b) of this Code section, the notice shall explain the basis for the
207 administrator's belief that such person is properly joined as a respondent.

208 10-16-7.

209 (a) The administrator shall investigate an alleged violation of Code Section 10-16-3 and
210 complete such investigation within 90 days after the filing of a complaint; provided,
211 however, that the time for completing such investigation may be extended by 30 days at
212 the election of the administrator.

213 (b) During the period beginning with the filing of such complaint and ending with the
214 filing of a charge or a dismissal by the administrator, the administrator shall, to the extent
215 feasible, engage in conciliation with respect to such complaint. A conciliation agreement
216 arising out of such conciliation shall be subject to approval by the administrator. A
217 conciliation agreement may provide for binding arbitration of the dispute arising from the
218 complaint. Any such arbitration that results from a conciliation agreement may award
219 appropriate relief, including monetary relief. Each conciliation agreement shall be made
220 public unless the complainant and respondent otherwise agree and the administrator
221 determines that disclosure is not required to further the purposes of this chapter.

222 (c)(1) At the end of each investigation under this Code section, the administrator shall
223 prepare a final investigative report containing:

224 (A) The names of the individuals interviewed by the administrator or his or her
225 designee, and the dates of such contacts;

226 (B) A summary and the dates of correspondence and other contacts made by the
227 administrator or his or her designee with the aggrieved person and the respondent;

228 (C) A summary description of other pertinent records;

229 (D) A summary of witness statements; and

230 (E) Answers to interrogatories.

231 (2) A final report under this subsection may be amended if additional evidence is later
232 discovered.

233 (d) Whenever the administrator has reasonable cause to believe that a respondent has
234 breached a conciliation agreement, the administrator shall refer the matter to the Attorney
235 General with a recommendation that a civil action be filed for the enforcement of such
236 agreement.

237 (e)(1) Nothing said or done in the course of conciliation under this chapter shall be made
238 public or used as evidence in a subsequent proceeding under this chapter without the
239 written consent of the parties concerned.

240 (2) Notwithstanding paragraph (1) of this subsection, the administrator shall make
241 available to the aggrieved person and the respondent at any time upon request following
242 completion of the administrator's investigation information derived from an investigation
243 and any final investigative report relating to such investigation.

244 10-16-8.

245 (a)(1) Upon completion of the investigation as provided for under Code Section 10-16-7,
246 if the administrator determines that reasonable cause exists to believe that a violation of
247 Code Section 10-16-3 has occurred or is about to occur, the administrator shall
248 immediately issue a charge on behalf of the aggrieved person.

249 (2) The charge shall consist of a short and plain statement of the facts upon which the
250 administrator has found reasonable cause to believe that a violation of Code Section
251 10-16-3 has occurred or is about to occur, shall be based on the final investigative report
252 as provided for under Code Section 10-16-7, and need not be limited to the facts or basis
253 alleged in the complaint.

254 (3) After the administrator issues a charge under this Code section, the administrator
255 shall cause a copy thereof to be served on each respondent named in such charge and on
256 each aggrieved person on whose behalf the complaint was filed.

257 (b)(1) Upon completion of the investigation as provided under Code Section 10-16-7, if
258 the administrator determines that no reasonable cause exists to believe that a violation of
259 Code Section 10-16-3 has occurred or is about to occur, the administrator shall promptly
260 dismiss the complaint and shall cause a copy of such dismissal to be served on each
261 respondent named in such complaint and on each aggrieved person on whose behalf the
262 complaint was filed by registered or certified mail or statutory overnight delivery.

263 (2)(A) An aggrieved person may appeal the dismissal of a complaint to the board of
264 commissioners and the board of commissioners shall designate a panel of three of its
265 members, one of whom shall be an attorney licensed to practice law in this state, and

266 that tribunal shall hear such appeal. Such tribunal may affirm the determination of the
267 administrator in a final order of the board of commissioners or direct the administrator
268 to issue a charge pursuant to such tribunal's findings. Such members of the tribunal
269 under this subparagraph shall not be qualified to hear the complaint as provided for
270 under Code Sections 10-16-10 and 10-16-11.

271 (B) An aggrieved person shall notify the administrator within seven business days after
272 service of the administrator's determination to dismiss the complaint of their request for
273 an appeal hearing as provided for under subparagraph (A) of this paragraph.

274 (C) If an aggrieved person does not request an appeal or the board of commissioners
275 affirms the dismissal of the complaint as provided for under this paragraph, the
276 administrator shall make public disclosure of such dismissal.

277 10-16-9.

278 (a) The administrator and the board of commissioners may issue subpoenas and order
279 discovery in aid of investigations and hearings under this chapter. Such subpoenas and
280 discovery may be ordered to the same extent and subject to the same limitations as would
281 apply if the subpoenas or discovery were ordered or served in aid of a civil action in
282 superior court in which the investigation is taking place.

283 (b) Witnesses summoned by a subpoena under this Code section shall be entitled to the
284 same witness and mileage fees as witnesses in proceedings in superior courts. Fees payable
285 to a witness summoned by a subpoena issued at the request of a party shall be paid by the
286 party.

287 (c)(1) Any person that willfully fails or neglects to attend and testify or to answer any
288 lawful inquiry or to produce records, documents, or other evidence, if it is in such
289 person's power to do so, in obedience to the subpoena or other lawful order under
290 subsection (a) of this Code section, shall be guilty of a violation of Code Section
291 16-10-20 and, upon conviction thereof, shall be punished as provided in such Code
292 section.

293 (2) Any person shall be guilty of a violation of Code Section 16-10-20 and, upon
294 conviction thereof, shall be punished as provided in such Code section if with intent
295 thereby to mislead another person in any proceeding under this chapter:

296 (A) Makes or causes to be made any false entry or statement of fact in any report,
297 account, record, or other document produced pursuant to subpoena or other lawful order
298 under subsection (a) of this Code section;

299 (B) Willfully neglects or fails to make or to cause to be made full, true, and correct
300 entries in such reports, accounts, records, or other documents; or

301 (C) Willfully mutilates, alters, or by any other means falsifies any documentary
302 evidence.

303 10-16-10.

304 (a) Upon the issuance of a charge, the administrator shall refer the case to the board of
305 commissioners to conduct a hearing in accordance with this chapter. The board of
306 commissioners shall designate members to conduct a hearing; one of such members shall
307 be an attorney licensed to practice law in this state. The tribunal hearing the case shall
308 have all the power and authority granted to agencies in conducting hearings and rendering
309 final orders under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
310 including, but not limited to, subpoena power.

311 (b) Not more than seven business days after the case has been referred to the board of
312 commissioners, the administrator shall serve on the respondent and the aggrieved person
313 or the aggrieved person's attorney by registered or certified mail or statutory overnight
314 delivery a written notice together with a copy of the complaint requiring the respondent to
315 answer the charges contained therein at a hearing before the board of commissioners at a
316 time and place specified in the notice. Such notice shall contain all general and specific
317 charges against the respondent.

318 (c) The respondent shall serve an answer with the board of commissioners by registered
319 or certified mail or statutory overnight delivery not more than 20 days after receipt of the
320 notice of hearing, such time to be extended by the board of commissioners in the board of
321 commissioners' discretion for an additional time not to exceed ten days. The respondent's
322 answer shall show by a certificate of service that the respondent has served a copy of the
323 answer on the complainant or the complainant's attorney at the last known address of the
324 complainant or the complainant's attorney when the complainant is represented by an
325 attorney. Upon leave of the board of commissioners, the complainant may amend the
326 charges contained in the notice of hearing. The respondent may amend an answer at any
327 time prior to the hearing or, upon leave of the board of commissioners, may amend
328 thereafter. No final order shall be issued unless the respondent has had the opportunity of
329 a hearing on the charges contained in the notice of hearing or amendment on which the
330 final order is based. If the respondent fails to answer the complaint, the board of
331 commissioners may enter the respondent's default. Unless the default is set aside for good
332 cause shown, the hearing may proceed under the available evidence.

333 (d) At any time after a notice of hearing is served upon a respondent, discovery shall be
334 authorized in the same manner and fashion as discovery is permitted under Article 5 of
335 Chapter 11 of Title 9. Any order contemplated in such article may be issued by the board
336 of commissioners. Judicial enforcement of any such order may be obtained by the

337 complainant or respondent in the same manner as is provided for the enforcement of final
 338 orders in Code Section 45-19-40.

339 (e) A respondent who has filed an answer or whose default in answering has been set aside
 340 for good cause shown may appear at the hearing, may examine and cross-examine
 341 witnesses and the complainant, and may offer evidence. The complainant and, at the
 342 discretion of the board of commissioners, any other person may intervene, examine and
 343 cross-examine witnesses, and present evidence.

344 (f) Efforts at conference, conciliation, and persuasion shall not be received in evidence.

345 (g) Testimony taken at the hearing shall be under oath and shall be stenographically or
 346 otherwise recorded by a certified court reporter. After the hearing, the board of
 347 commissioners at the board of commissioners' discretion may take further evidence or hear
 348 arguments upon notice to all parties with an opportunity to be present.

349 (h) Except as otherwise specifically provided for in this chapter, all proceedings of the
 350 board of commissioners shall be conducted as provided for with respect to contested cases
 351 in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The Attorney
 352 General shall present the charge in proceedings conducted pursuant to this chapter.

353 10-16-11.

354 (a) If the board of commissioners determines that the respondent has not engaged in a
 355 violation of Code Section 10-16-3, the board of commissioners shall state the board of
 356 commissioners' findings of fact and conclusions of law and shall issue a final order
 357 dismissing the complaint within 30 days after the hearing unless, for good cause shown,
 358 such time is extended by the board of commissioners.

359 (b) If the board of commissioners determines that the respondent has engaged in a
 360 violation of Code Section 10-16-3, the board of commissioners shall state the board of
 361 commissioners' findings of fact and conclusions of law and shall issue a final order within
 362 30 days after the hearing unless, for good cause shown, such time is extended by the board
 363 of commissioners, granting such relief as may be appropriate, which may include a fine,
 364 actual compensatory damages suffered by the aggrieved person, injunctive or other
 365 equitable relief, or reasonable attorney's fees and costs, or any combination thereof;
 366 provided, however, that any such fine shall not exceed an amount equal to:

367 (1) Ten thousand dollars, if the respondent has not previously been found to have
 368 committed a violation of Code Section 10-16-3;

369 (2) Twenty-five thousand dollars, if the respondent has been found to have committed
 370 one prior violation of Code Section 10-16-3 within the preceding five years; or

371 (3) Fifty thousand dollars, if the respondent has been found to have committed two or
 372 more violations of Code Section 10-16-3 within the preceding seven years.

373 (c) In the case of an order with respect to a violation of Code Section 10-16-3 that
374 occurred in the course of a business subject to licensing or regulation by a governmental
375 agency, the administrator shall, not later than 30 days after the date of the issuance of such
376 order, or, if such order is judicially reviewed, 30 days after such order is in substance
377 affirmed upon review, send copies of the findings of fact, conclusions of law, and the order
378 to that governmental agency.

379 (d) If the board of commissioners finds that the respondent has not engaged or is not about
380 to engage in a violation of Code Section 10-16-3, as the case may be, the board of
381 commissioners shall enter an order dismissing the charge. The administrator shall make
382 public disclosure of each such dismissal. A prevailing respondent may be awarded
383 reasonable attorney's fees and costs only upon a showing that the proceeding is frivolous,
384 unreasonable, or without foundation. Attorney's fees may be awarded against a
385 complainant or an aggrieved party if such person joined in the proceeding on its own as an
386 intervening party.

387 10-16-12.

388 (a) Any party to a hearing before the board of commissioners may appeal any adverse final
389 order of the board of commissioners by filing a petition for review in the superior court in
390 the county in which the alleged violation of Code Section 10-16-3 occurred or in the
391 superior court of the residence of the respondent within 30 days of the issuance of the final
392 order. The board of commissioners shall not be a named party. The administrator shall be
393 served with a copy of the petition for review. Within 30 days after the petition is served
394 on the administrator, the administrator shall forward to the court a certified copy of the
395 record of the hearing before the board of commissioners, including the transcript of the
396 hearing before the board of commissioners and all evidence, administrative pleadings, and
397 orders, or the entire record if no hearing has been held. For good cause shown, the court
398 may require or permit subsequent corrections or additions to the record. All appeals for
399 judicial review shall be in accordance with Chapter 13 of Title 50, the 'Georgia
400 Administrative Procedure Act'; provided, however, that if any provisions of Chapter 13 of
401 Title 50 conflict with any provision of this chapter, this chapter controls.

402 (b) The court shall not substitute its judgment for that of the board of commissioners as
403 to the weight of the evidence on questions of fact. The court may affirm a final order of
404 the board of commissioners or remand the case for further proceedings. The court may
405 reverse or modify the final order if substantial rights of the appellant have been prejudiced
406 because the administrative findings, inferences, conclusions, or decisions are:

407 (1) In violation of constitutional or statutory provisions;

408 (2) In excess of the statutory authority of the agency;

409 (3) Made upon unlawful procedures;
 410 (4) Affected by other error of law;
 411 (5) Not supported by substantial evidence, which shall mean that the record does not
 412 contain such relevant evidence as a reasonable mind might accept as adequate to support
 413 said findings, inferences, conclusions, or decisions; or
 414 (6) Arbitrary, capricious, or characterized by abuse of discretion or clearly unwarranted
 415 exercise of discretion.
 416 (c) If, upon judicial review of any order of the board of commissioners or in a proceeding
 417 in which a complainant seeks enforcement of a conciliation agreement, the court rules in
 418 favor of the complainant, then the court may in its discretion render an award of reasonable
 419 attorney's fees and costs of litigation in the superior court to the complainant. A prevailing
 420 respondent may be awarded reasonable attorney's fees and costs only upon a showing that
 421 the action is frivolous, unreasonable, or without foundation.

422 10-16-13.
 423 Any person affected by a final order of the administrator or the board of commissioners
 424 may file in the superior court of the county of the residence of the respondent a certified
 425 copy of a final order of the administrator or of the board of commissioners unappealed
 426 from or of a final order of the board of commissioners affirmed upon appeal, whereupon
 427 said court shall render judgment in accordance therewith and notify the parties. Such
 428 judgment shall have the same effect and all proceedings in relation thereto shall thereafter
 429 be the same as though the judgment had been rendered in an action duly heard and
 430 determined by the court.

431 10-16-14.
 432 It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the
 433 exercise or enjoyment of, or on account of such person's having exercised or enjoyed, or
 434 on account of such person's having aided or encouraged any other person in the exercise
 435 or enjoyment of, any right granted or protected by this chapter."

436 **PART III**
 437 **SECTION 3-1.**

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

441 "45-19-21.

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

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

449 (2) To safeguard all individuals in public employment from discrimination in
 450 employment; and

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

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

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

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

466 **SECTION 3-2.**

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

469 "(4) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,
 470 restriction, segregation, limitation, refusal, denial, or any other act or practice of
 471 differentiation or preference in the treatment of a person or persons because of race,
 472 color, religion, national origin, sex, sexual orientation, gender identity, handicap, or age
 473 or the aiding, abetting, inciting, coercing, or compelling of such an act or practice. This
 474 term shall not include any direct or indirect act or practice of exclusion, distinction,
 475 restriction, segregation, limitation, refusal, denial, or any other act or practice of
 476 differentiation or preference in the treatment of a person or persons because of religion

477 if an employer demonstrates that the employer is unable to accommodate reasonably an
 478 employee's or prospective employee's religious observance or practice without undue
 479 hardship on the conduct of the employer's operation."

480 **SECTION 3-3.**

481 Said title is further amended by revising Code Section 45-19-25, relating to the functions of
 482 the administrator of the Commission on Equal Opportunity, as follows:

483 "45-19-25.

484 The function of the administrator shall be to encourage fair treatment for public employees,
 485 ~~and to discourage unlawful discrimination in public employment, and to perform such other~~
 486 functions, duties, and responsibilities as provided for by law."

487 **SECTION 3-4.**

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

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

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

504 **SECTION 3-5.**

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

507 "45-19-29.

508 It is an unlawful practice for an employer:

509 (1) To fail or refuse to hire, to discharge, or otherwise to discriminate against any
 510 individual with respect to the individual's compensation, terms, conditions, or privileges

511 of employment because of such individual's race, color, religion, national origin, sex,
 512 sexual orientation, gender identity, disability, or age;
 513 (2) To limit, segregate, or classify his or her employees in any way which would deprive
 514 or tend to deprive an individual of employment opportunities or otherwise adversely
 515 affect an individual's status as an employee because of such individual's race, color,
 516 religion, national origin, sex, sexual orientation, gender identity, disability, or age; or
 517 (3) To hire, promote, advance, segregate, or affirmatively hire an individual solely
 518 because of race, color, religion, national origin, sex, sexual orientation, gender identity,
 519 disability, or age, but this paragraph shall not prohibit an employer from voluntarily
 520 adopting and carrying out a plan to fill vacancies or hire new employees in a manner to
 521 eliminate or reduce imbalance in employment with respect to race, color, disability,
 522 religion, sex, sexual orientation, gender identity, national origin, or age if the plan has
 523 first been filed with the administrator for review and comment for a period of not less
 524 than 30 days."

525 **SECTION 3-6.**

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

528 "45-19-30.

529 It is an unlawful practice for an employer controlling apprenticeship or other training or
 530 retraining, including on-the-job training programs, to discriminate against an individual
 531 because of such individual's race, color, religion, national origin, sex, sexual orientation,
 532 gender identity, disability, or age in admission to or employment in any program
 533 established to provide apprenticeship or other training or to discriminate by allowing
 534 admission or promotion to an apprenticeship or training program solely because of race,
 535 color, religion, national origin, sex, sexual orientation, gender identity, disability, or age."

536 **SECTION 3-7.**

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

539 "45-19-31.

540 It is an unlawful practice for an employer to print or publish or cause to be printed or
 541 published a notice or advertisement relating to employment by such an employer indicating
 542 any preference, limitation, specification, or discrimination based on race, color, religion,
 543 national origin, sex, sexual orientation, gender identity, disability, or age, except that such
 544 a notice or advertisement may indicate a preference, limitation, or specification based on
 545 race, color, religion, national origin, sex, sexual orientation, gender identity, disability, or

546 age when religion, national origin, sex, sexual orientation, gender identity, disability, or age
 547 is a bona fide occupational qualification for employment."

548 **SECTION 3-8.**

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

552 "45-19-33.

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

563 **SECTION 3-9.**

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

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

576 (c) It is specifically provided that neither subsection (a) nor (b) of this Code section nor
 577 any other provision of this article shall prohibit an employer from adopting or carrying out
 578 a plan to fill vacancies or hire new employees in a manner to eliminate or reduce imbalance
 579 in employment with respect to race, color, disability, religion, sex, sexual orientation,

580 gender identity, national origin, or age if such plan is required by the Governor and filed
581 with and approved by the administrator prior to its final adoption and implementation."

582 **SECTION 3-10.**

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

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

591 **SECTION 3-11.**

592 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section
593 45-20-1, relating to purposes and principles relative to personnel administration, as follows:

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

599 **SECTION 3-12.**

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

603 "(2) To submit to the Governor the rules and regulations adopted by the board. Such
604 rules and regulations when approved by the Governor shall have the force and effect of
605 law and shall be binding upon the state departments covered by this article and shall
606 include provisions for the establishment and maintenance of classification and
607 compensation plans, the conduct of examinations, appointments, promotions, transfers,
608 demotions, appeals of classified employees, reports of performance, payroll certification,
609 and other phases of personnel administration. Such rules and regulations shall define and
610 prohibit improper political activity by any departmental employee of the State Personnel
611 Board or any employee covered under the terms of this article and shall provide that there
612 shall be no discrimination for or against any person or employee in any manner, to
613 include, but not be limited to, hiring, discharge, compensation, benefits, terms or

614 conditions of employment, promotion, job classification, transfer, privileges, or demotion
 615 because of political affiliation, religious affiliation, race, creed, national origin, sex,
 616 sexual orientation, gender identity, age between 40 and 70 years, or physical disability.
 617 Such rules and regulations shall conform to the minimum standards for merit systems of
 618 personnel administration as specified by those federal departments from which federal
 619 funds are obtained for use by the several state departments covered by this article.
 620 Compensation plans and modifications thereto promulgated under the rules and
 621 regulations of the commissioner shall become effective as adopted upon approval ~~of~~ by
 622 the director of the Office of Planning and Budget;"

623 **PART IV**

624 **SECTION 4-1.**

625 Code Section 3-12-1 of the Official Code of Georgia Annotated, relating to the definition of
 626 residential community development districts, is amended by revising subparagraph (5)(D)
 627 as follows:

628 "(D) A membership policy whereby membership is not denied or limited by an
 629 applicant's race, color, creed, sex, sexual orientation, gender identity, religion, or
 630 national origin; and"

631 **SECTION 4-2.**

632 Chapter 6 of Title 7 of the Official Code of Georgia Annotated, relating to credit or loan
 633 discrimination, is amended by revising subsection (a) of Code Section 7-6-1, relating to
 634 discrimination in extending credit or making loans prohibited, as follows:

635 "(a) No bank, lending company, financial institution, retail installment seller, or person
 636 extending credit may discriminate or provide requirements which discriminate in the
 637 extending of credit or the making of loans solely on the basis of sex, sexual orientation,
 638 gender identity, race, religion, national origin, or marital status."

639 **SECTION 4-3.**

640 Said chapter is further amended by revising Code Section 7-6-2, relating to cause of action
 641 for individual discriminated against, as follows:

642 "7-6-2.

643 Any person denied a loan or credit solely on the basis of discrimination because of sex,
 644 sexual orientation, gender identity, race, religion, national origin, or marital status shall
 645 have a right to bring an action for damages in any court of competent jurisdiction in an

646 individual, but not in a representative, capacity against the person, firm, or corporation
647 violating this chapter."

648 **SECTION 4-4.**

649 Code Section 8-3-3.1 of the Official Code of Georgia Annotated, relating to additional
650 definitions regarding general provisions relative to housing authorities, is amended by
651 revising paragraph (3) as follows:

652 "(3) 'Low and moderate income families' means persons and families of one or more
653 persons, irrespective of race, creed, national origin, ~~or sex, sexual orientation, or gender~~
654 identity, determined by the authority to require such assistance as is made available by
655 this article on account of insufficient personal or family income, taking into
656 consideration, without limitation, such factors as:

657 (A) The amount of total income of such persons and families available for housing
658 needs;

659 (B) The size of the families;

660 (C) The cost and condition of housing facilities available;

661 (D) The ability of such persons and families to compete successfully in the normal
662 private housing market and to pay the amounts at which private enterprise is providing
663 sanitary, decent, and safe housing; and

664 (E) If appropriate, standards established for various federal programs with respect to
665 housing determining eligibility based on income of such persons and families."

666 **SECTION 4-5.**

667 Code Section 12-5-287 of the Official Code of Georgia Annotated, relating to leasing of state
668 owned marshland or water bottoms, is amended by revising subsection (l) as follows:

669 "(l) A lease granted under this part shall be issued only to applicants who agree not to
670 discriminate against any person on the basis of race, gender, color, national origin, sexual
671 orientation, gender identity, religion, or disability. Discrimination by lessee may be
672 punished by termination of the lease, by injunction, or by any other legal remedy available
673 to the committee."

674 **SECTION 4-6.**

675 Code Section 13-10-91 of the Official Code of Georgia Annotated, relating to verification
676 of new employee eligibility, applicability, and rules and regulations, is amended by revising
677 subsection (c) as follows:

678 "(c) This Code section shall be enforced without regard to race, religion, gender, sexual
679 orientation, gender identity, ethnicity, or national origin."

680 **SECTION 4-7.**

681 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the juvenile
682 code, is amended by revising paragraph (4) of subsection (d) of Code Section 15-11-415,
683 relating to detention decision and findings regarding preadjudication custody and release of
684 children, as follows:

685 "(4) Assurance of equality of treatment by race, class, ethnicity, sexual orientation,
686 gender identity, and sex;"

687 **SECTION 4-8.**

688 Said chapter is further amended by revising paragraph (4) of subsection (e) of Code Section
689 15-11-503, relating to detention decision and findings regarding custody and release of child,
690 as follows:

691 "(4) Assurance of equality of treatment by race, class, ethnicity, sexual orientation,
692 gender identity, and sex;"

693 **SECTION 4-9.**

694 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
695 amended by revising Code Section 17-4-22, relating to the authority of peace officers to
696 make arrests not to be denied because of race, creed, or national origin of peace officers or
697 persons arrested, as follows:

698 "17-4-22.

699 No peace officer of this state or of any political subdivision thereof shall be denied the
700 authority to arrest any person because of the race, creed, sexual orientation, gender identity,
701 or national origin of the peace officer nor because of the race, creed, sexual orientation,
702 gender identity, or national origin of the person who is being arrested."

703 **SECTION 4-10.**

704 Said title is further amended by revising subsection (d) of Code Section 17-5-100, relating
705 to investigation of illegal alien status, as follows:

706 "(d) A peace officer shall not consider race, color, sexual orientation, gender identity, or
707 national origin in implementing the requirements of this Code section except to the extent
708 permitted by the Constitutions of Georgia and of the United States."

709 **SECTION 4-11.**

710 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
711 secondary education, is amended by revising Code Section 20-2-131, relating to objectives
712 and purposes of the Quality Basic Education Program, as follows:

713 "20-2-131.

714 The General Assembly of Georgia, recognizing the need for:

- 715 (1) Implementing a highly rigorous curriculum to encompass content standards in public
716 schools state wide which ensures that each student is provided ample opportunity to
717 develop competencies necessary for lifelong learning as well as the competencies needed
718 to maintain good physical and mental health, to participate actively in the governing
719 process and community activities, to protect the environment and conserve public and
720 private resources, and to be an effective worker and responsible citizen of high character;
- 721 (2) Providing all children and youth in Georgia with access to a quality program which
722 supports their development of essential competencies in order that they may realize their
723 potential;
- 724 (3) Providing an equitable public education finance structure which ensures that every
725 student has an opportunity for a quality basic education, regardless of where the student
726 lives, and ensures that all Georgians pay their fair share of this finance structure;
- 727 (4) Establishing and maintaining state-wide standards which ensure that each student has
728 access to a quality program;
- 729 (5) Making teaching an attractive and rewarding profession in order to attract, retain, and
730 fully utilize highly competent personnel in all public schools of the state;
- 731 (6) Providing effective staff development and attractive incentive programs which will
732 motivate public school personnel to enhance their competencies and perform to their
733 potential throughout their career;
- 734 (7) Providing local school systems with the incentives, resources, and technical
735 assistance they need to plan and implement improvements in their programs on a
736 continuing basis;
- 737 (8) Providing parents and the general public with information on the quality of schools
738 and the achievement of the public school students in Georgia;
- 739 (9) Providing appropriate school facilities in which quality educational programs can be
740 offered, particularly in the small and sparsely populated school systems;
- 741 (10) Providing an accountability system to ensure that all students are receiving a quality
742 instructional program so that all students can achieve at their highest level;
- 743 (11) Providing a seamless education system to allow for the delivery of educational
744 programs at all levels and the movement of students between programs and education
745 agencies as efficiently and effectively as possible and to provide for coordination on a
746 continuing basis between agencies responsible for education services;
- 747 (12) Providing a safe school environment so that students can learn and mature without
748 fear of violence or intimidation;

- 749 (13) Providing access to nursing services so that teachers can deliver instructional
 750 services without the added responsibility of addressing students' nursing needs and so that
 751 students can receive nursing services while at school;
- 752 (14) Providing academic intervention programs designed to assist students who are
 753 performing below grade level in order to increase their mastery of critical academic
 754 knowledge and skills;
- 755 (15) Providing an alternative educational environment for those students who need a
 756 different educational structure in order to properly master critical academic knowledge
 757 and skills and to provide an environment where they can stay in school and acquire the
 758 knowledge and skills necessary for a productive life;
- 759 (16) Providing students with advice and assistance in planning their academic and work
 760 careers and achieving those goals;
- 761 (17) Providing an evaluation process for all school system personnel to assure the public
 762 that personnel are performing at acceptable levels and providing quality educational
 763 services to all students;
- 764 (18) Providing an environment where parents and the community can participate in
 765 school activities and support school personnel as they work with students and address
 766 their academic needs;
- 767 (19) Providing for parent and community participation in the establishment of school
 768 programs, policies, and management so that the school and community are connected in
 769 meaningful and productive ways and providing support for teachers and school leaders
 770 in addressing the school's needs; and
- 771 (20) Providing a means whereby the foregoing might be met in order to provide an
 772 opportunity for a quality basic education to the citizens of the state and to discharge the
 773 responsibilities and obligations of the state to ensure a literate and informed society
 774 does establish the Quality Basic Education Program. It is declared to be the policy of this
 775 state to assure that each Georgian has access to quality instruction, as defined in this article,
 776 designed to improve upon a student's learning capacity. It is further declared that no
 777 student shall be refused admission into or be excluded from any public school in the state
 778 on account of race, creed, color, sexual orientation, gender identity, or national origin."

779 **SECTION 4-12.**

780 Said chapter is further amended by revising subsection (d) of Code Section 20-2-211, relating
 781 to annual contracts, disqualifying acts, and job descriptions, as follows:

782 "(d) Each local school system shall have a job description for each certificated professional
 783 personnel classification, shall have policies and procedures relative to the recruitment and
 784 selection of such personnel, and shall adhere to such recruitment and selection policies and

785 procedures. Such policies and procedures shall assure nondiscrimination on the basis of
 786 sex, sexual orientation, gender identity, race, religion, or national origin. Such policies and
 787 procedures shall also include the announcement in writing of the availability of all
 788 certificated positions within the local school system and the submission of such available
 789 positions to a state-wide online job data base maintained by the state."

790 **SECTION 4-13.**

791 Code Section 31-43-5 of the Official Code of Georgia Annotated, relating to appointments
 792 to the Commission on Men's Health, is amended as follows:

793 "31-43-5.

794 Appointments to the commission shall be made without regard to the race, color, disability,
 795 sex, sexual orientation, gender identity, religion, age, or national origin of the appointees.

796 The members of the commission appointed by the Governor shall be representative of
 797 major public and private agencies and organizations and shall be experienced in or have
 798 demonstrated particular interest in men's health issues."

799 **SECTION 4-14.**

800 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
 801 revising subdivision (b)(8)(A)(iv)(I) of Code Section 33-6-4, relating to enumeration of
 802 unfair methods of competition and unfair or deceptive acts or practices and penalty, as
 803 follows:

804 "(iv)(I) Unfair discrimination prohibited by the provisions of this subparagraph
 805 includes discrimination based on race, color, sexual orientation, gender identity, and
 806 national or ethnic origin. In addition, in connection with any kind of insurance, it
 807 shall be an unfair and deceptive act or practice to refuse to insure or to refuse to
 808 continue to insure an individual; to limit the amount, extent, or kind of coverage
 809 available to an individual; or to charge an individual a different rate for the same
 810 coverage because of the race, color, sexual orientation, gender identity, or national
 811 or ethnic origin of that individual. The prohibitions of this division are in addition
 812 to and supplement any and all other provisions of Georgia law prohibiting such
 813 discrimination which were previously enacted and currently exist, or which may be
 814 enacted subsequently, and shall not be a limitation on such other provisions of law."

815 **SECTION 4-15.**

816 Said title is further amended by revising paragraph (9) of Code Section 33-9-4, relating to
 817 standards applicable to making and use of rates, as follows:

818 "(9) No insurer shall base any standard or rating plan on vehicle insurance, in whole or
 819 in part, directly or indirectly, upon race, creed, sexual orientation, gender identity, or
 820 ethnic extraction; and"

821 **SECTION 4-16.**

822 Said title is further amended by revising subparagraph (e)(3)(D) of Code Section 33-24-45,
 823 relating to cancellation or nonrenewal of automobile or motorcycle policies and procedure
 824 for review by the Commissioner, as follows:

825 "(D) Age, sex, location of residence address within the state, race, creed, sexual
 826 orientation, gender identity, national origin, ancestry, or marital status;"

827 **SECTION 4-17.**

828 Said title is further amended by revising paragraph (1) of Code Section 33-24-91, relating
 829 to use of credit information to underwrite or rate risks, as follows:

830 "(1) Use an insurance score that is calculated using income, gender, sexual orientation,
 831 gender identity, race, address, ZIP Code, ethnic group, religion, marital status, or
 832 nationality of the consumer as a factor;"

833 **SECTION 4-18.**

834 Said title is further amended by revising Code Section 33-30-25, relating to reasonable limits
 835 on number or classes of preferred providers, as follows:

836 "33-30-25.

837 Subject to the approval of the Commissioner under such procedures as he or she may
 838 develop, health care insurers may place reasonable limits on the number or classes of
 839 preferred providers which satisfy the standards set forth by the health care insurer, provided
 840 that there be no discrimination against providers on the basis of religion, race, color,
 841 national origin, age, sex, sexual orientation, gender identity, or marital or corporate status,
 842 and provided, further, that all health care providers within any defined service area who are
 843 licensed and qualified to render the services covered by the preferred provider arrangement
 844 and who satisfy the standards set forth by the health care insurer shall be given the
 845 opportunity to apply and to become a preferred provider."

846 **SECTION 4-19.**

847 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
 848 Bureau of Investigation, is amended by revising subsection (b) of Code Section 35-3-61,
 849 relating to legislative findings, purpose, and liberal construction of the Antiterrorism Act, as
 850 follows:

851 "(b) The purpose of this article shall be to assist law enforcement personnel in the State of
 852 Georgia to identify, investigate, arrest, and prosecute individuals or groups of individuals
 853 who illegally threaten, harass, terrorize, or otherwise injure or damage the person or
 854 property of persons on the basis of their race, sexual orientation, gender identity, national
 855 origin, or religious persuasion."

856 **SECTION 4-20.**

857 Said chapter is further amended by revising Code Section 35-3-63, relating to the creation
 858 of the Antiterrorism Task Force, as follows:

859 "35-3-63.

860 There is established a special Antiterrorism Task Force within the Georgia Bureau of
 861 Investigation. This Antiterrorism Task Force shall operate independently of any other
 862 investigative operations within the Georgia Bureau of Investigation and shall devote itself
 863 to the tasks of identifying, investigating, arresting, and prosecuting individuals or groups
 864 of individuals who perform terroristic acts against a person or his or her residence on the
 865 basis of such person's race, national origin, sexual orientation, gender identity, or religious
 866 persuasion."

867 **SECTION 4-21.**

868 Code Section 36-88-7 of the Official Code of Georgia Annotated, relating to local
 869 ordinances' effect on enterprise zone, is amended by revising paragraph (2) of subsection (b)
 870 as follows:

871 "(2) Designed to protect persons against discrimination on the basis of race, color, creed,
 872 national origin, sex, sexual orientation, gender identity, age, or handicap."

873 **SECTION 4-22.**

874 Chapter 2 of Title 37 of the Official Code of Georgia Annotated, relating to administration
 875 of mental health, developmental disabilities, addictive diseases, and other disability services,
 876 is amended by revising subsection (c) of Code Section 37-2-5, relating to regional advisory
 877 councils, as follows:

878 "(c) In making appointments to the regional advisory council, the various county governing
 879 authorities shall consider the cultural and social characteristics, including gender, race,
 880 sexual orientation, gender identity, ethnic, and age characteristics, of the regional and
 881 county populations. The county governing authorities are further encouraged to ensure that
 882 each disability group is viably represented on the regional advisory council, and in so doing
 883 the county governing authority may consider suggestions for appointments from clinical
 884 professional associations as well as advocacy groups, including but not limited to the

885 Georgia Mental Health Consumer Network, People First of Georgia, the Georgia Parent
 886 Support Network, National Alliance for the Mentally Ill Georgia, the American Association
 887 for Retired Persons, Georgians for Children, Mental Health America of Georgia, Georgia
 888 ARC Network, and the Georgia Council on Substance Abuse and their local chapters and
 889 affiliates."

890 **SECTION 4-23.**

891 Said chapter is further amended by revising subsection (c) of Code Section 37-2-6, relating
 892 to community mental health, developmental disabilities, and addictive diseases service
 893 boards, as follows:

894 "(c) In making appointments to the governing board of a community service board, the
 895 county governing authorities shall ensure that such appointments are reflective of the
 896 cultural and social characteristics, including gender, race, sexual orientation, gender
 897 identity, ethnic, and age characteristics, of the community service board area and county
 898 populations. The county governing authorities are further encouraged to ensure that each
 899 disability group is represented on the governing board of the community service board, and
 900 in making such appointments the county governing authorities may consider suggestions
 901 from clinical professional associations as well as advocacy groups. For the purposes of this
 902 subsection, the term 'advocacy groups' means any organizations or associations that
 903 advocate for, promote, or have an interest in disability services and are exempted as a
 904 charitable organization from federal income tax pursuant to Section 501(c) of the Internal
 905 Revenue Code; provided, however, that 'advocacy groups' shall not mean paid providers
 906 of disability services or health services."

907 **SECTION 4-24.**

908 Said title is further amended by revising subsection (c) of Code Section 37-2-11, relating to
 909 allocation of available funds for services, recipients to meet minimum standards, accounting
 910 for fees generated by providers, and discrimination in providing services prohibited, as
 911 follows:

912 "(c) No person shall be denied disability services provided by the state as defined in this
 913 chapter based on age, gender, race, sexual orientation, gender identity, ethnic origin, or
 914 inability to pay; provided, however, that unless otherwise prohibited by law or contract,
 915 providers of disability services may deny nonemergency disability services to any person
 916 who is able to pay, but who refuses to pay. The department shall develop a state-wide
 917 sliding fee scale for the provision of disability services and shall promulgate standards that
 918 define emergency disability services and refusal to pay."

919 **SECTION 4-25.**

920 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
921 is amended by revising paragraph (24) of Code Section 43-18-46, relating to grounds for
922 denial or revocation of license or registration and other discipline, as follows:

923 "(24) Discriminating in the provision of services because of race, creed, color, religion,
924 gender, sexual orientation, gender identity, or national origin;"

925 **SECTION 4-26.**

926 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section
927 43-39A-18, relating to penalties for violations, unfair trade practices, and civil judgments,
928 as follows:

929 "(1) Performing any real estate appraisal activity or specialized services which indicate
930 any preference, limitation, or discrimination based on race, color, religion, sex, sexual
931 orientation, gender identity, disability, familial status, or national origin or an intention
932 to make any such preference, limitation, or discrimination;"

933 **SECTION 4-27.**

934 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section
935 43-40-25, relating to violations by licensees, schools, and instructors, sanctions, and unfair
936 trade practices, as follows:

937 "(1) Because of race, color, religion, sex, sexual orientation, gender identity, disability,
938 familial status, or national origin:

939 (A) Refusing to sell or rent after the making of a bona fide offer, or refusing to
940 negotiate for the sale or rental of, or otherwise making unavailable or denying, real
941 estate to any person;

942 (B) Discriminating against any person in the terms, conditions, or privileges of sale or
943 rental of real estate or in the provision of services or facilities in connection therewith;

944 (C) Making, printing, or publishing or causing to be made, printed, or published any
945 notice, statement, or advertisement, with respect to the sale or rental of real estate, that
946 indicates any preference, limitation, or discrimination or an intention to make any such
947 preference, limitation, or discrimination;

948 (D) Representing to any person that any real estate is not available for inspection, sale,
949 or rental when such real estate is in fact so available; or

950 (E) Representing explicitly or implicitly that a change has or will or may occur in a
951 block, neighborhood, or area in order to induce or discourage the listing, purchasing,
952 selling, or renting of real estate;"

953 **SECTION 4-28.**

954 Code Section 44-5-60 of the Official Code of Georgia Annotated, relating to covenants
 955 running with land, effect of zoning laws, covenants and scenic easements for use of public,
 956 renewal of certain covenants, and costs, is amended by revising paragraph (3) of subsection
 957 (d) as follows:

958 "(3) No covenant that prohibits the use or ownership of property within the subdivision
 959 may discriminate based on race, creed, color, age, sex, sexual orientation, gender identity,
 960 or national origin."

961 **SECTION 4-29.**

962 Code Section 45-20-51 of the Official Code of Georgia Annotated, relating to definitions
 963 relative to voluntary deductions from wages or salaries of state employees for benefit of
 964 charitable organizations, is amended by revising subparagraph (C) of paragraph (3) as
 965 follows:

966 "(C) Observes a policy and practice of nondiscrimination on the basis of race, color,
 967 religion, sex, sexual orientation, gender identity, national origin, or disability, and such
 968 policy is applicable to persons served by the agency, to agency staff employment, and
 969 to membership on the agency's governing board; and"

970 **SECTION 4-30.**

971 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 972 by revising subsection (a) of Code Section 49-3-2, relating to the appointment of county
 973 board members, terms, vacancies, per diem and expenses, and role of county board, as
 974 follows:

975 "(a) Each county board shall consist of between five and seven members who shall be
 976 appointed by the governing authority of the county. No person serving as a member of a
 977 county board on July 1, 2015, shall have such person's term of office shortened by this
 978 subsection. On and after that date, however, vacancies in such office which occur for any
 979 reason, including but not limited to expiration of the term of office, shall be filled by
 980 appointment of the county governing authority except as provided in subsection (c) of this
 981 Code section. No elected officer of the state or any subdivision thereof shall be eligible for
 982 appointment to the county board. In making appointments to the county board of family
 983 and children services, the governing authority shall ensure that appointments are reflective
 984 of gender, sexual orientation, gender identity, race, ethnic, and age characteristics of the
 985 county population. Further, the governing authority shall ensure that all appointments
 986 made on or after July 1, 2015, are made from the following categories:

987 (1) Pediatric health care providers, active or retired;

- 988 (2) Appropriate school personnel, active or retired;
 989 (3) Emergency responders, active or retired;
 990 (4) Law enforcement personnel, active or retired;
 991 (5) Private child welfare service providers, active or retired;
 992 (6) Alumni of the child welfare system;
 993 (7) Mental health care providers, active or retired;
 994 (8) Former foster parents; and
 995 (9) Leaders within the faith-based community, active or retired."

996 **SECTION 4-31.**

997 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section
 998 49-5-281, relating to bill of rights for foster parents and filing of grievance in event of
 999 violations, as follows:

1000 "(2) The right not to be discriminated against on the basis of religion, race, color, creed,
 1001 gender, sexual orientation, gender identity, marital status, national origin, age, or physical
 1002 handicap;"

1003 **SECTION 4-32.**

1004 Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to verification
 1005 requirements, procedures, and conditions, exceptions, regulations, and criminal and other
 1006 penalties for violations, is amended by revising subsection (c) as follows:

1007 "(c) This Code section shall be enforced without regard to race, religion, gender, sexual
 1008 orientation, gender identity, ethnicity, or national origin."

1009 **PART V**

1010 **SECTION 5-1.**

1011 This Act shall become effective on January 1, 2018.

1012 **SECTION 5-2.**

1013 All laws and parts of laws in conflict with this Act are repealed.