

ADOPTED

Senators Dolezal of the 27th, Brass of the 28th, Anavitarte of the 31st and Gooch of the 51st offered the following amendment #2:

1 *Amend the House substitute to SB 429 (LC 56 0208S) by replacing lines 1 through the end*
2 *with the following:*

3 To amend Titles 28 and 50 of the Official Code of Georgia Annotated, relating to the General
4 Assembly and state government, respectively, so as to provide for procedures and processes
5 concerning the enactment of legislation and the adoption of rules and regulations; to provide
6 a definition; to provide for the preparation and submission of small business impact analyses
7 for bills introduced during sessions of the General Assembly; to provide for contracting; to
8 provide for the revision of small business impact analyses; to provide for legislative
9 construction; to conform terminology; to amend Article 1 of Chapter 3 of Title 38 and
10 Chapter 16 of Title 51 of the Official Code of Georgia Annotated, relating to general
11 provisions relative to emergency management and COVID-19 pandemic business safety,
12 respectively, so as to revise provisions relating to emergencies; to prohibit any governmental
13 entity from discriminating against and closing a place of worship during an emergency; to
14 provide for declaratory or injunctive relief; to provide for applicability of certain provisions
15 relating to liability; to amend an Act relating to torts to provide certain immunities from
16 liability claims regarding COVID-19, approved August 5, 2020 (Ga. L. 2020, p. 798), as
17 amended by an Act approved May 4, 2021 (Ga. L. 2021, p. 341), so as to repeal the
18 applicability provision; to provide for related matters; to provide short titles; to provide for
19 an effective date; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21

PART I

22

SECTION 1-1.

23 Part I of this Act shall be known and may be cited as the "Small Business Protection Act
24 of 2024."

25

SECTION 1-2.

26 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
27 amended in Chapter 5, relating to financial affairs, by adding a new article to read as follows:

28

"ARTICLE 3B29 28-5-57.

30 As used in this article, the term 'small business' means a business that is independently
31 owned and operated, is not dominant in its field, and employs 300 or fewer employees.

32 28-5-58.

33 (a) Prior to the convening of a session of the General Assembly, the Governor, the
34 President of the Senate, or any member of the General Assembly may request that the
35 Office of Planning and Budget and the Department of Audits and Accounts prepare a small
36 business impact analysis of any bill. Following the convening of a session of the General
37 Assembly, a small business impact analysis for a bill may only be requested by the
38 Governor, the President of the Senate, the Speaker of the House of Representatives, or the
39 chairperson of a committee to which such bill has been assigned. A small business impact
40 analysis shall estimate the economic costs and benefits that such bill may have on small
41 businesses in the state and shall include, if any, the estimated impacts on:

42 (1) The costs of providing goods and services;

- 43 (2) The availability and cost of workers;
44 (3) Industry competition or consumer choice; and
45 (4) Potential costs of compliance.
- 46 (b) If unable to provide a complete written small business impact analysis, the Office of
47 Planning and Budget and the Department of Audits and Accounts shall provide a written
48 explanation of the impact in general terms and need not quantify the specific impact.
- 49 (c) A small business impact analysis requested pursuant to subsection (a) of this Code
50 section shall be prepared and submitted by the director of the Office of Planning and
51 Budget and the state auditor within 30 days after receipt of the request or, if requested
52 during a session of the General Assembly, within ten days after receipt of such request. A
53 copy of the small business impact analysis shall be submitted to:
- 54 (1) The Governor;
55 (2) The President of the Senate;
56 (3) The Speaker of the House of Representatives;
57 (4) The chairperson of the committee to which the bill that is the subject of the small
58 business impact analysis is assigned in the house of the General Assembly in which the
59 bill was introduced;
60 (5) The sponsor of the bill that is the subject of the small business impact analysis;
61 (6) The individual who requested the small business impact analysis, if such individual
62 is not listed in paragraphs (1) through (5) of this subsection;
63 (7) The Secretary of the Senate; and
64 (8) The Clerk of the House of Representatives.
- 65 (d)(1) If a bill that is the subject of a small business impact analysis prepared pursuant
66 to subsection (a) of this Code section is amended or is proposed to be amended, the
67 Office of Planning and Budget and Department of Audits and Accounts shall revise such
68 small business impact analysis to account for the amended version of such bill upon the
69 request of:

70 (A) The Governor, the President of the Senate, or any member of the General
71 Assembly, if such request is made prior to the convening of a session of the General
72 Assembly; or

73 (B) The Governor, the President of the Senate, the Speaker of the House of
74 Representatives, or the chairperson of a committee to which such bill has been
75 assigned, if such request is made after the convening of a session of the General
76 Assembly.

77 (2) A revised small business impact analysis requested pursuant to paragraph (1) of this
78 subsection shall be prepared and submitted by the director of the Office of Planning and
79 Budget and the state auditor in the same manner as the original small business impact
80 analysis pursuant to subsection (c) of this Code section.

81 (e)(1) The Office of Planning and Budget and the Department of Audits and Accounts
82 may contract with a person or persons independent of state government to prepare any
83 small business impact analysis or revised small business impact analysis requested
84 pursuant to this Code section.

85 (2) When preparing a small business impact analysis or revised small business impact
86 analysis requested pursuant to this Code section, the Office of Planning and Budget, the
87 Department of Audits and Accounts, and any person or persons contracted with under
88 paragraph (1) of this subsection may consult with other units of state government, units
89 of local government, and business, industry, and community stakeholders impacted by
90 or having an interest in the bill that is the subject of such small business impact analysis.

91 (f) Any small business impact analysis or revised small business impact analysis prepared
92 for a bill pursuant to this Code section shall be attached to the bill by the Secretary of the
93 Senate or the Clerk of the House of Representatives and shall be read to the members of
94 each respective house of the General Assembly at the third reading of such bill. In
95 addition, a copy of each small business impact analysis or revised small business impact
96 analysis prepared for a bill pursuant to this Code section shall be distributed to each

97 member of the respective house of the General Assembly before which such bill is pending
98 prior to any such bill being voted upon by such house of the General Assembly.

99 28-5-59.

100 Nothing in this article shall be construed to require any degree of formality of proof of
101 compliance with any requirement of this article, and any enrolled bill shall be conclusively
102 presumed to have been enacted in compliance with the requirements of this article."

103 **SECTION 1-3.**

104 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
105 in Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or
106 repeal of rules, emergency rules, limitation on action to contest rule, and legislative override,
107 by revising subsection (a) as follows:

108 "(a) Prior to the adoption, amendment, or repeal of any rule, other than interpretive rules
109 or general statements of policy, the agency shall:

110 (1) Give at least 30 days' notice of its intended action.

111 The notice shall include an exact copy of the proposed rule and a synopsis of the
112 proposed rule. The synopsis shall be distributed with and in the same manner as the
113 proposed rule. The synopsis shall contain a statement of the purpose and the main
114 features of the proposed rule, and, in the case of a proposed amendatory rule, the synopsis
115 also shall indicate the differences between the existing rule and the proposed rule. The
116 notice shall also include the exact date on which the agency shall consider the adoption
117 of the rule and shall include the time and place in order that interested persons may
118 present their views thereon. The notice shall also contain a citation of the authority
119 pursuant to which the rule is proposed for adoption and, if the proposal is an amendment
120 or repeal of an existing rule, the rule shall be clearly identified. The notice shall be
121 mailed to all persons who have requested in writing that they be placed upon a mailing

122 list which shall be maintained by the agency for advance notice of its rule-making
123 proceedings and who have tendered the actual cost of such mailing as from time to time
124 estimated by the agency;

125 (2) Afford to all interested persons reasonable opportunity to submit data, views, or
126 arguments, orally or in writing. In the case of substantive rules, opportunity for oral
127 hearing must be granted if requested by 25 persons who will be directly affected by the
128 proposed rule, by a governmental subdivision, or by an association having not less
129 than 25 members. The agency shall consider fully all written and oral submissions
130 respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so
131 by an interested person either prior to adoption or within 30 days thereafter, shall issue
132 a concise statement of the principal reasons for and against its adoption and incorporate
133 therein its reason for overruling the consideration urged against its adoption;

134 (3) In the formulation and adoption of any rule which will have an economic impact on
135 businesses in the state, reduce the economic impact of the rule on small businesses which
136 are independently owned and operated, are not dominant in their field, and
137 employ ~~100~~ 300 employees or ~~less~~ fewer by implementing one or more of the following
138 actions when it is legal and feasible in meeting the stated objectives of the statutes which
139 are the basis of the proposed rule:

140 (A) Establish ~~differing~~ reduced compliance or reporting requirements ~~or~~ and differing
141 timetables for small businesses;

142 (B) Clarify, consolidate, or simplify the compliance and reporting requirements under
143 the rule for small businesses;

144 (C) Establish performance rather than design standards for small businesses; or

145 (D) Exempt small businesses from any or all requirements of the rules;

146 (4) In the formulation and adoption of any rule which places administrative burdens on
147 charitable organizations in this state, including, but not limited to, any rule that would

148 require any new or expanded filing or reporting requirements or that would limit the
149 ability of charitable organizations to solicit or collect funds, ~~the agency or official shall:~~

150 (A) Absent the showing of a compelling state interest, not impose any annual filing or
151 reporting requirements on an organization regulated or specifically exempted from
152 regulation under Chapter 17 of Title 43, the 'Georgia Charitable Solicitations Act
153 of 1988,' that are more burdensome than the requirements authorized by applicable law,
154 and any such filing or reporting requirements shall be narrowly tailored to achieve such
155 compelling state interest. The requirements of this subparagraph shall not apply to the
156 state's direct spending programs; and

157 (B) Email the notice provided for in paragraph (1) of this subsection to each
158 chairperson of any standing committee in each house as shown on the General
159 Assembly's public website.

160 For purposes of this paragraph, the term 'charitable organization' means a nonprofit
161 charitable organization which is exempt from taxation under the provisions of
162 Section 501(c)(3) of the United States Internal Revenue Code; and

163 (5) In the formulation and adoption of any rule, ~~an agency shall~~ choose an alternative
164 that does not impose excessive regulatory costs on any regulated person or entity which
165 costs could be reduced by a less expensive alternative that fully accomplishes the stated
166 objectives of the statutes which are the basis of the proposed rule."

167

PART II

168

SECTION 2-1.

169 Part II of this Act shall be known and may be cited as the "Protecting Religious Assembly
170 in States of Emergency (PRAISE) Act."

171

SECTION 2-2.

172 Article 1 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
173 general provisions relative to emergency management, is amended by adding a new Code
174 section to read as follows:

175 "38-3-8.

176 (a) Any order, rule, regulation, or other directive issued by any governmental entity
177 pursuant to an emergency or health or safety determination that requires closure or
178 limitation of any business or other facility otherwise open to public use or patronage but
179 which exempts in whole or in part any particular entity or set of entities shall exempt to the
180 same extent any place of worship entitled to the religious exemption found in 26 U.S.C.
181 Section 501(c)(3) or 26 U.S.C. Section 508(c)(1)(A) in effect on January 1, 2024.

182 (b) Any person or entity injured by a violation of subsection (a) of this Code section may
183 bring a civil action for declaratory or injunctive relief in any court of competent
184 jurisdiction.

185 (c) This Code section shall be construed to afford to religious institutions and places of
186 worship the same degree of freedom to meet as is afforded to the most favored entity or set
187 of entities.

188 (d) No provision of this Code section which interferes with or contradicts 42 U.S.C.
189 Section 247 of the Public Health Service Act, 50 U.S.C. Sections 1601-1651 of the
190 National Emergencies Act, or any other provision of federal law shall be effective."

191

PART III

192

SECTION 3-1.

193 Chapter 16 of Title 51 of the Official Code of Georgia Annotated, relating to COVID-19
194 pandemic business safety, is amended by adding a new Code section to read as follows:

195 "51-16-6.

196 This chapter shall apply to causes of action accruing:

197 (1) On or after August 5, 2020, until July 14, 2022; provided, however, that the
198 provisions of this chapter as they existed during such period shall apply to such causes
199 of action; and

200 (2) On and after the effective date of this Code section."

201 **SECTION 3-2.**

202 An Act relating to torts to provide certain immunities from liability claims regarding
203 COVID-19, approved August 5, 2020 (Ga. L. 2020, p. 798), as amended by an Act approved
204 May 4, 2021 (Ga. L. 2021, p. 341), is amended by repealing and reserving Section 4.

205 **PART IV**

206 **SECTION 4-1.**

207 This Act shall become effective upon approval by the Governor or upon becoming law
208 without such approval.

209 **SECTION 4-2.**

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