

House Bill 264

By: Representatives Werkheiser of the 157<sup>th</sup>, England of the 116<sup>th</sup>, Houston of the 170<sup>th</sup>, Nix of the 69<sup>th</sup>, and Hatchett of the 150<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated,  
2 relating to public officials' conduct and lobbyist disclosure, so as to provide that any natural  
3 persons undertaking to promote or oppose any matter before a local coordinating entity  
4 regarding the Emergency Medical Systems Communications Program (EMSC Program) are  
5 subject to transparency and lobbyist disclosure laws; to amend Chapter 11 of Title 31 of the  
6 Official Code of Georgia Annotated, relating to emergency medical services, so as to provide  
7 for the establishment of bylaws and conflict of interest policies by local coordinating entities;  
8 to provide for recommendations to the local coordinating entity; to provide for submittal of  
9 recommendations to the Board of Public Health; to provide for a hearing; to provide for an  
10 appeal; to provide for recommendations regarding accountability standards; to provide for  
11 related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to  
15 public officials' conduct and lobbyist disclosure, is amended by revising paragraphs (5) and  
16 (6) of Code Section 21-5-70, relating to definitions, as follows:

17 "(5) 'Lobbyist' means:

18 (A) Any natural person who, either individually or as an employee of another person,  
19 receives or anticipates receiving more than \$250.00 per calendar year in compensation  
20 or reimbursement or payment of expenses specifically for undertaking to promote or  
21 oppose the passage of any legislation by the General Assembly, or any committee of  
22 either chamber or a joint committee thereof, or the approval or veto of legislation by the  
23 Governor;

24 (B) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in  
25 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or  
26 informational material, to promote or oppose the passage of any legislation by the

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27 General Assembly, or any committee of either chamber or a joint committee thereof,  
 28 or the approval or veto of legislation by the Governor;

29 (C) Reserved;

30 (D) Any natural person who, either individually or as an employee of another person,  
 31 is compensated specifically for undertaking to promote or oppose the passage of any  
 32 ordinance or resolution by a public officer specified under subparagraph (F) or (G) of  
 33 paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the  
 34 approval or veto of any such ordinance or resolution;

35 (E) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in  
 36 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or  
 37 informational material, to promote or oppose the passage of any ordinance or resolution  
 38 by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code  
 39 Section 21-5-3, or any committee of such public officers, or the approval or veto of any  
 40 such ordinance or resolution;

41 (F) Any natural person who as an employee of local government engages in any  
 42 activity covered under subparagraph (D) of this paragraph;

43 (G) Any natural person who, for compensation, either individually or as an employee  
 44 of another person, is hired specifically to undertake influencing a public officer or state  
 45 agency in the selection of a vendor to supply any goods or services to any state agency  
 46 but does not include any employee or independent contractor of the vendor solely on  
 47 the basis that such employee or independent contractor participates in soliciting a bid  
 48 or in preparing a written bid, written proposal, or other document relating to a potential  
 49 sale to a state agency and shall not include a bona fide salesperson who sells to or  
 50 contracts with a state agency for goods or services and who does not otherwise engage  
 51 in activities described in subparagraphs (A) through (F), ~~or (H), through~~ or (I) of this  
 52 paragraph;

53 (H) Any natural person who, either individually or as an employee of another person,  
 54 is compensated specifically for undertaking to promote or oppose the passage of any  
 55 rule or regulation of any state agency;

56 (I) Any natural person who, either individually or as an employee of another person,  
 57 is compensated specifically for undertaking to promote or oppose any matter before the  
 58 State Transportation Board; ~~or~~

59 (J) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in  
 60 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or  
 61 informational material, to promote or oppose any matter before the State Transportation  
 62 Board;

63 (K) Any natural person who, either individually or as an employee of another person,  
 64 is compensated specifically for undertaking to promote or oppose any matter before a  
 65 local coordinating entity as provided for under Code Section 31-11-3; or

66 (L) Any natural person who makes lobbying expenditures to promote or oppose  
 67 matters before one or more local coordinating entities as provided for under Code  
 68 Section 31-11-3.

69 (6) 'Public officer' means a member of the State Transportation Board, any natural person  
 70 possessing the power within his or her discretion to direct or cause the direction of a local  
 71 coordinating entity's recommendation as provided for under Code Section 31-11-3, and  
 72 those public officers specified under paragraph (22) of Code Section 21-5-3, except as  
 73 otherwise provided in this article and also includes any public officer or employee who  
 74 has any discretionary authority over, or is a member of a public body which has any  
 75 discretionary authority over, the selection of a vendor to supply any goods or services to  
 76 any state agency."

77 **SECTION 2.**

78 Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency  
 79 medical services, is amended by revising Code Section 31-11-3, relating to recommendations  
 80 by local coordinating entity as to administration of EMSC Program and hearing and appeal,  
 81 as follows:

82 "31-11-3.

83 (a) The Board of Public Health shall have the authority on behalf of the state to designate  
 84 and contract with a public or nonprofit local entity to coordinate and administer the EMSC  
 85 Program for each health district designated by the Department of Public Health. The local  
 86 coordinating entity thus designated shall be responsible for recommending to the board or  
 87 its designee the manner in which the EMSC Program is to be conducted. In making its  
 88 recommendations, the local coordinating entity shall give priority to making the EMSC  
 89 Program function as efficiently and economically as possible. Each local coordinating  
 90 entity shall establish bylaws for its operation, conduct of meetings, and actions of members  
 91 and shall also establish a conflict of interest policy for all members. Meetings shall be  
 92 conducted in accordance with Chapter 14 of Title 50, relating to open meetings. The local  
 93 coordinating entity shall require each member to comply with such conflict of interest  
 94 policy. The department shall approve the bylaws and the conflict of interest policy  
 95 established by each local coordinating entity. A local coordinating entity shall prohibit any  
 96 employee, operator, contractor, or owner of an ambulance provider currently providing  
 97 service for a territorial zone or of an ambulance provider that has submitted a proposal for  
 98 new ambulance service in such territorial zone from serving on any committee.

99 subcommittee, or ad hoc committee that is involved in the selection of ambulance providers  
 100 for such territorial zone, or from voting on any proposals from ambulance providers for  
 101 new service for such territorial zone. Each licensed ambulance provider in the health  
 102 district shall have the opportunity to participate in the EMSC Program.

103 (b) The local coordinating entity shall request from each licensed ambulance provider in  
 104 its health district a written description of the territory in which it can respond to emergency  
 105 calls, based upon the provider's average response time from its base location within such  
 106 territory; and such written description shall be due within ten days of the request by the  
 107 local coordinating entity.

108 (c) After receipt of the written descriptions of territory in which the ambulance providers  
 109 propose to respond to emergency calls, the local coordinating entity shall within ten days  
 110 recommend in writing to the board or its designee the territories within the health district  
 111 to be serviced by the ambulance providers and at this same time the local coordinating  
 112 entity shall also recommend the method for distributing emergency calls among the  
 113 providers, based primarily on the considerations of economy, efficiency, and benefit to the  
 114 public welfare. The recommendation of the local coordinating entity shall be forwarded  
 115 immediately to the board or its designee for approval or modification of the territorial  
 116 zones and method of distributing calls among ambulance providers participating in the  
 117 EMSC Program in the health district. Within ten days of receipt of the recommendations  
 118 by the board or its designee, an ambulance provider that originally submitted a proposal  
 119 may request a hearing on such recommendations.

120 (d) The board, or its designee, ~~is empowered to~~ shall conduct a hearing into the  
 121 recommendations made by the local coordinating entity request for a hearing pursuant to  
 122 subsection (c) of this Code section, and such hearing shall be conducted according to the  
 123 procedures set forth in Code Section 31-5-2.

124 (e) The recommendations of the local coordinating entity shall not be modified unless the  
 125 board or its designee shall find, after a hearing, that the ~~determination of the district health~~  
 126 ~~director is~~ recommendations submitted by the local coordinating entity are not consistent  
 127 with operation of the EMSC Program in an efficient, economical manner that benefits the  
 128 public welfare. The decision of the board or its designee shall be rendered as soon as  
 129 possible and shall be final; provided, however, that a party aggrieved by such decision may  
 130 appeal such decision pursuant to Chapter 13 of Title 50, the 'Georgia Administrative  
 131 Procedure Act.' ~~and conclusive concerning the operation of the EMSC Program; and appeal~~  
 132 ~~from such decision shall be pursuant to Code Section 31-5-3.~~

133 (f) The local coordinating entity shall begin administering the EMSC Program in accord  
 134 with the decision by the board or its designee immediately after the decision by the board  
 135 or its designee regarding the approval or modification of the recommendations made by the

136 local coordinating entity; and the EMSC Program shall be operated in such manner pending  
137 the resolution of any appeals filed pursuant to Code Section 31-5-3.  
138 (g) This Code section shall not apply to air ambulances or air ambulance services."

139 **SECTION 3.**

140 Said chapter is further amended by adding a new Code section to read as follows:

141 "31-11-6.1.

142 (a) By July 1, 2020, the department shall make recommendations to each local  
143 coordinating entity on benchmarks for accountability standards for each territorial zone,  
144 taking into account the differences in geography, population, availability to emergency  
145 rooms, and other factors of each area considered by the local coordinating entity and shall  
146 post such recommendations on the department's website.

147 (b) On and after October 1, 2020, each ambulance provider providing service to a  
148 territorial zone shall submit a quarterly report to the local coordinating entity detailing the  
149 following:

150 (1) The number of 9-1-1 calls received by the ambulance provider;

151 (2) The number of 9-1-1 calls answered by the ambulance provider; and

152 (3) The response time beginning from the time of ambulance unit notification and details  
153 of the call response.

154 (c) A copy of the quarterly reports submitted pursuant to subsection (b) of this Code  
155 section shall be made available to the public by the local coordinating entity upon request."

156 **SECTION 4.**

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