

The Senate Committee on Rules offered the following substitute to HB 264:

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 related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

16 "(5) 'Lobbyist' means:

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

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

- 26 General Assembly, or any committee of either chamber or a joint committee thereof,
27 or the approval or veto of legislation by the Governor;
- 28 (C) Reserved;
- 29 (D) Any natural person who, either individually or as an employee of another person,
30 is compensated specifically for undertaking to promote or oppose the passage of any
31 ordinance or resolution by a public officer specified under subparagraph (F) or (G) of
32 paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the
33 approval or veto of any such ordinance or resolution;
- 34 (E) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in
35 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or
36 informational material, to promote or oppose the passage of any ordinance or resolution
37 by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code
38 Section 21-5-3, or any committee of such public officers, or the approval or veto of any
39 such ordinance or resolution;
- 40 (F) Any natural person who as an employee of local government engages in any
41 activity covered under subparagraph (D) of this paragraph;
- 42 (G) Any natural person who, for compensation, either individually or as an employee
43 of another person, is hired specifically to undertake influencing a public officer or state
44 agency in the selection of a vendor to supply any goods or services to any state agency
45 but does not include any employee or independent contractor of the vendor solely on
46 the basis that such employee or independent contractor participates in soliciting a bid
47 or in preparing a written bid, written proposal, or other document relating to a potential
48 sale to a state agency and shall not include a bona fide salesperson who sells to or
49 contracts with a state agency for goods or services and who does not otherwise engage
50 in activities described in subparagraphs (A) through (F), ~~or (H), through~~ or (I) of this
51 paragraph;
- 52 (H) Any natural person who, either individually or as an employee of another person,
53 is compensated specifically for undertaking to promote or oppose the passage of any
54 rule or regulation of any state agency;
- 55 (I) Any natural person who, either individually or as an employee of another person,
56 is compensated specifically for undertaking to promote or oppose any matter before the
57 State Transportation Board; ~~or~~
- 58 (J) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in
59 a calendar year, not including ~~the~~ such person's own travel, food, lodging expenses, or
60 informational material, to promote or oppose any matter before the State Transportation
61 Board;

62 (K) Any natural person who, either individually or as an employee of another person,
 63 is compensated specifically for undertaking to promote or oppose any matter before a
 64 local coordinating entity as provided for under Code Section 31-11-3, unless such
 65 natural person is exempted from registration pursuant to subsection (i) of Code
 66 Section 21-5-71; or

67 (L) Any natural person who makes lobbying expenditures to promote or oppose
 68 matters before one or more local coordinating entities as provided for under Code
 69 Section 31-11-3, unless such natural person is exempted from registration pursuant to
 70 subsection (i) of Code Section 21-5-71.

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

78 **SECTION 2.**

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

83 "31-11-3.

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

98 in such territorial zone from: (1) serving on any committee, subcommittee, or ad hoc
 99 committee established by the local coordinating entity that is involved in the selection of
 100 ambulance providers for such territorial zone; or (2) voting on any proposals from
 101 ambulance providers for new service for such territorial zone, if such employee, operator,
 102 contractor, or owner of an ambulance provider is a member of the local coordinating entity.

103 Each licensed ambulance provider in the health district shall have the opportunity to
 104 participate in the EMSC Program.

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

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

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

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

135 (f) The local coordinating entity shall begin administering the EMSC Program in accord
136 with the decision by the board or its designee immediately after the decision by the board
137 or its designee regarding the approval or modification of the recommendations made by the
138 local coordinating entity; and the EMSC Program shall be operated in such manner pending
139 the resolution of any appeals filed pursuant to Code Section 31-5-3.

140 (g) This Code section shall not apply to air ambulances or air ambulance services.”

141

SECTION 3.

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