

Senate Bill 201

By: Senators Mullis of the 53rd, Miller of the 49th, Dugan of the 30th, Rhett of the 33rd and Ginn of the 47th

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

- 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. The local coordinating
 92 entity shall require each member to comply with such conflict of interest policy. The
 93 department shall approve the bylaws and the conflict of interest policy established by each
 94 local coordinating entity. A local coordinating entity shall prohibit any employee, operator,
 95 contractor, or owner of an ambulance provider currently providing service for a territorial
 96 zone or of an ambulance provider that has submitted a proposal for new ambulance service
 97 in such territorial zone from voting on any proposals from ambulance providers for new

98 service for such territorial zone. Each licensed ambulance provider in the health district
 99 shall have the opportunity to participate in the EMSC Program.

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

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

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

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

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

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

136 **SECTION 3.**

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

138 "31-11-6.1.

139 By July 1, 2020, the department shall make recommendations to each local coordinating
140 entity on benchmarks for accountability standards for each territorial zone, taking into
141 account the differences in geography, population, availability to emergency rooms, and
142 other factors of each area considered by the local coordinating entity."

143 **SECTION 4.**

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