

House Bill 264

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

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 requirements for members and chairpersons of local coordinating entities; to provide for
8 committees to consider proposals for designated ambulance providers; to provide for
9 recommendations to the local coordinating entity; to provide for submittal of
10 recommendations to the Board of Public Health; to provide for a public hearing; to provide
11 for an appeal; to provide for new proposals from ambulance providers at least every five
12 years; to require ambulance providers to comply with established safety standards; to require
13 ambulance providers to establish accountability standards; to provide for monthly reports on
14 accountability standards; to provide for supplemental ambulance providers and reopening of
15 proposals for ambulance providers under certain circumstances; to provide for related
16 matters; to repeal conflicting laws; and for other purposes.

17 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

18 **SECTION 1.**

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

22 "(5) 'Lobbyist' means:

23 (A) Any natural person who, either individually or as an employee of another person,
24 receives or anticipates receiving more than \$250.00 per calendar year in compensation
25 or reimbursement or payment of expenses specifically for undertaking to promote or
26 oppose the passage of any legislation by the General Assembly, or any committee of

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

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

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

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

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

82 SECTION 2.

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

87 "31-11-3.

88 (a) The Board of Public Health shall have the authority on behalf of the state to designate
 89 and contract with a public or nonprofit local entity to coordinate and administer the EMSC
 90 Program for each health district designated by the Department of Public Health. The local
 91 coordinating entity thus designated shall be responsible for recommending to the board or
 92 its designee the manner in which the EMSC Program is to be conducted. The local
 93 coordinating entity shall annually elect a new chairperson from among its members. No
 94 member shall serve as chairperson for more than a one year term. Members on the local
 95 coordinating entity shall serve for a maximum of two years. No private ambulance
 96 provider shall be eligible to serve as a member of the local coordinating entity
 97 administering the EMSC Program for the health district. In making its recommendations,
 98 the local coordinating entity shall give priority to making the EMSC Program function as

99 efficiently and economically as possible. Each licensed ambulance provider in the health
100 district shall have the opportunity to participate in the EMSC Program.

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

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

123 (d) The board, or its designee, ~~is empowered to~~ shall conduct a hearing into the
124 recommendations made by the local coordinating entity within 21 days of receiving a
125 request for a public hearing pursuant to subsection (c) of this Code section, and such
126 hearing shall be conducted according to the procedures set forth in Code Section 31-5-2.

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

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

141 (g) The local coordinating entity shall request new proposals from ambulance providers
 142 at least every five years.

143 (h) Each ambulance provider shall comply with safety standards established by the board,
 144 which may be based on the national safety standards of the Commission on Accreditation
 145 of Ambulance Services. The local coordinating entity shall establish accountability
 146 standards for each health district.

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

148

SECTION 3.

149 Said chapter is further revised by adding a new Code section to read as follows:

150 "31-11-6.1.

151 (a) On and after October 1, 2019, each ambulance provider shall identify, in coordination
 152 and agreement with the local coordinating entity, accountability standards for the
 153 following:

154 (1) The percentage of 9-1-1 calls received and answered by the ambulance provider in
 155 each territorial zone;

156 (2) The response time of the ambulance provider by dispatch category;

157 (3) The number of active personnel of the ambulance provider within each territorial
 158 zone; and

159 (4) The number of active ambulance units of the ambulance provider within each
 160 territorial zone.

161 (b) The accountability standards established pursuant to this Code section for each
 162 ambulance provider shall be posted on the department's website no later than October 31,
 163 2019.

164 (c) On and after July 1, 2019, each ambulance provider shall submit a monthly report to
 165 the local coordinating entity detailing the following accountability standards:

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

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

168 (3) The response time of the ambulance provider by dispatch category;

169 (4) The number of active personnel of the ambulance provider within each territorial
 170 zone; and

171 (5) The number of active ambulance units of the ambulance provider within each
172 territorial zone.

173 (d) On and after October 1, 2019, if an ambulance provider does not meet its
174 accountability standards as established pursuant to subsection (a) of this Code section:

175 (1) For two consecutive months, the local coordinating entity may authorize up to two
176 additional ambulance providers to answer 9-1-1 calls in the territorial zone on a rotating
177 basis; and

178 (2) For three consecutive months, the local coordinating entity shall reopen the territorial
179 zone for proposals for new ambulance providers."

180 **SECTION 4.**

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