

The Senate Committee on Ethics 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 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, unless such
 66 natural person is exempted from registration pursuant to subsection (i) of Code
 67 Section 21-5-71; or

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

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

80

SECTION 2.

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

85 "31-11-3.

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

99 employee, operator, contractor, or owner of an ambulance provider currently providing
100 service for a territorial zone or of an ambulance provider that has submitted a proposal for
101 new ambulance service in such territorial zone from: (1) serving on any committee,
102 subcommittee, or ad hoc committee established by the local coordinating entity that is
103 involved in the selection of ambulance providers for such territorial zone; or (2) voting on
104 any proposals from ambulance providers for new service for such territorial zone, if such
105 employee, operator, contractor, or owner of an ambulance provider is a member of the local
106 coordinating entity. Each licensed ambulance provider in the health district shall have the
107 opportunity to participate in the EMSC Program.

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

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

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

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

136 Procedure Act,' and conclusive concerning the operation of the EMSC Program; and appeal
 137 from such decision shall be pursuant to Code Section 31-5-3.

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

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

144 **SECTION 3.**

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

146 "31-11-6.1.

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

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

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

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

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

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

161 **SECTION 4.**

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