

LEGISLATIVE COMMITTEE MINUTES

SB413

Bill as Introduced

SB 413-FN-A - AS INTRODUCED

2022 SESSION

22-2861
05/04

SENATE BILL **413-FN-A**

AN ACT requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home, and making an appropriation therefor.

SPONSORS: Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Prentiss, Dist 5; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Carson, Dist 14; Sen. Kahn, Dist 10; Rep. Espitia, Hills. 31; Sen. Sherman, Dist 24; Sen. Cavanaugh, Dist 16; Rep. Klee, Hills. 30; Rep. Wilhelm, Hills. 42; Rep. Shurtleff, Merr. 11; Rep. Wallner, Merr. 10

COMMITTEE: Health and Human Services

ANALYSIS

This bill requires an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home. The bill also makes an appropriation to the department of health and human services for the purpose of hiring a qualified independent auditor.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

**SB 413-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home, and making an appropriation therefor.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$250,000	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$250,000	\$0	\$0
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Federal COVID relief funds.			

METHODOLOGY:

This bill requires the Department of Health and Human Services to issue a request for proposals (RFP) for an independent audit of the COVID-19 situation in long-term care and nursing homes in New Hampshire. The RFP will also include a needs assessment and COVID-19 preparedness plan relating to safety, public health upgrades, standards and rules for nursing homes, nursing facilities, residential care facilities, long-term care facilities, and the New Hampshire Veterans' Home. The recommendations will be submitted to the Governor and specified legislative committees no later than October 1, 2022. The bill appropriates \$250,000 for the FY22/23 biennium to the Department from federal COVID-19 relief funds for the purpose of hiring a qualified grantee. If such funds are not available, state general funds shall be used for this purpose.

AGENCIES CONTACTED:

Department of Health and Human Services

Committee Minutes

SENATE CALENDAR NOTICE

Health and Human Services

Sen Jeb Bradley, Chair
Sen James Gray, Vice Chair
Sen Kevin Avar, Member
Sen Tom Sherman, Member
Sen Rebecca Whitley, Member

Date: January 14, 2022

HEARINGS

Thursday		01/27/2022
(Day)		(Date)
Health and Human Services	Legislative Office Building 101	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 413-FN-A	requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home, and making an appropriation therefor.
9:25 a.m.	SB 423-FN	relative to a closed loop referral system in the department of health and human services.
9:40 a.m.	SB 430-FN-A	relative to health and human services.
10:15 a.m.	SB 446-FN-A	establishing a child care workforce fund and grant program and making an appropriation therefor.
10:30 a.m.	SB 329	establishing a commission to study barriers to housing development in New Hampshire, including workforce and middle-income housing.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 413-FN-A

Sen. Rosenwald
Sen. Whitley
Rep. Espitia
Rep. Wilhelm

SB 423-FN

Sen. Rosenwald
Rep. Murphy

SB 430-FN-A

Sen. Bradley

SB 446-FN-A

Sen. Whitley
Sen. Watters
Sen. Sherman
Rep. Wallner

SB 329

Sen. Perkins Kwoka
Sen. Rosenwald
Sen. Sherman
Rep. Espitia

Sen. D'Allesandro
Sen. Soucy
Sen. Sherman
Rep. Shurtleff

Rep. Edwards

Sen. Hennessey
Sen. Carson
Sen. Perkins Kwoka
Rep. McWilliams

Sen. Hennessey
Sen. Watters
Sen. Cavanaugh
Rep. DiLorenzo

Sen. Prentiss
Sen. Carson
Sen. Cavanaugh
Rep. Wallner

Sen. Giuda

Sen. Rosenwald
Sen. Kahn
Sen. Prentiss
Rep. Rombeau

Sen. Bradley
Sen. Soucy
Sen. Prentiss

Sen. Watters
Sen. Kahn
Rep. Klee

Rep. Salloway

Sen. Soucy
Sen. Cavanaugh
Sen. D'Allesandro

Sen. Whitley
Sen. Kahn
Sen. D'Allesandro

Cameron Lapine 271-2104

Jeb Bradley
Chairman

Senate Health and Human Services Committee

Cameron Lapine 271-2104

SB 413-FN-A, requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home, and making an appropriation therefor.

Hearing Date: January 27, 2022

Time Opened: 9:01 a.m.

Time Closed: 9:15 a.m.

Members of the Committee Present: Senators Bradley, Gray, Avard, Sherman and Whitley

Members of the Committee Absent: None

Bill Analysis: This bill requires an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home. The bill also makes an appropriation to the department of health and human services for the purpose of hiring a qualified independent auditor.

Sponsors:

Sen. Rosenwald

Sen. D'Allesandro

Sen. Prentiss

Sen. Watters

Sen. Whitley

Sen. Soucy

Sen. Carson

Sen. Kahn

Rep. Espitia

Sen. Sherman

Sen. Cavanaugh

Rep. Klee

Rep. Wilhelm

Rep. Shurtleff

Rep. Wallner

Who supports the bill: Senator Cindy Rosenwald (Senate District 13), Joanne Casino, Senator Sharon Carson (Senate District 14), Senator Kevin Cavanaugh (Senate District 16), Senator Donna Soucy (Senate District 18), Laurie Gordon, Jeanne Torpey, Margaret Gordon, Doris Hampton, Kent Kachmann, Senator Tom Sherman (Senate District 24), Ruth Perencevich, Annie Rettew, Claudia Damon, Maura Willing, Renia Woods, Walter King, Sally Hatch, Linda Burnap, Bonnie Hill, Amy Erickson, Lois Cote, Kate Coon, Kit Lord, Representative Michael Pedersen (Hillsborough County District 32), Paula Hurley, Denise Clark, Marie Straiton, Margaret Keeler, William Maddocks, Virginia Clifford, Elizabeth Lewis, Susan Richman, Anne Hunnewell, Richard Hunnewell, Linda Mattlage, Karen Ulmer Dorsch, Margaret Henrichon, Cybele Grier, Karen Dewey, Jennifer Delaney (AARP New Hampshire), Gail Laker-Phelps, Barbara Reed, Eric Loveless, and Benjamin Stinson.

Who opposes the bill: Kevin Grady (State Veterans Advisory Committee) and Russan Chester.

Who is neutral on the bill: Melissa St. Cyr and John Williams (DHHS).

Summary of testimony presented in support:

Senator Cindy Rosenwald

Senate District 13

- Senator Rosenwald said that SB 413-FN-A is the Protect Our Veterans and Seniors Act. She said that SB 413-FN-A will appropriate a small sum of federal funds for an independent review of the impact of COVID-19 on long-term care facilities and the Veterans Home, to make recommendations for how to improve the process, protocols, standards, and rules in place to protect the safety and wellbeing of elders and veterans.
- Senator Rosenwald said that in a normal year, 10% of Veterans Home die from an infectious disease, such as influenza or diarrhea, but, once the COVID-19 pandemic hit the Veterans Home, 20% of residents died in two months.
- Senator Rosenwald said that, despite the availability of vaccines and personal protective equipment (PPE), there are still outbreaks of COVID-19 at long-term care facilities. She said that many facilities are not accepting new admissions despite the state allocating \$45,000 per bed.
- Senator Rosenwald said that there are people who are ready to be discharged from hospitals beds who cannot be discharged because there is not a facility bed available for them, which has a compound effect.
- Senator Rosenwald said that in March of 2021, the Department of Health and Human Services conducted an onsite assessment of the Veterans Home. She said that it was a limited assessment which considered the availability of PPE, hand hygiene, surface cleaning, and testing and screening protocols. She said that it did not evaluate the impacts of isolation on residents and only looked at the Veterans Home and not the broader-scope industry.
- Senator Rosenwald said that there will be more outbreaks of COVID-19, which are currently preventing the health care system from functioning properly.
- Senator Rosenwald said that the Senate appropriated \$3 million to fix the road in Tilton that leads to the Veterans Home. She said that the Senate should spend less than 10% of that sum to safeguard the lives of the veterans who live at the end of that road, as well as the additional 3,000 Granite Staters who reside in long-term care facilities.

Summary of testimony presented in opposition:

Kevin Grady

State Veterans Advisory Committee (SVAC)

- Mr. Grady said that, despite the bipartisan nature and noble purpose of SB 413-FN-A, SVAC opposes the bill.
- Mr. Grady said that SVAC does not feel that the methodology or resources involved in SB 413-FN-A would produce new information in a timely manner.

- Mr. Grady said that there have been many phases to the COVID-19 pandemic – including the early lockdown, medium reopening, Fall 2020 surge, vaccines, larger reopening, Delta, and Omicron – and the situation has rapidly evolved with each phase. He said that there is a need for long-term care facilities and the Veterans Home to evolve in real-time.
- Mr. Grady said that the likely timeline for the report being released was the summer of 2023. He said that the situation could change a lot in that time.
- Mr. Grady said that the Granite State Health Care Coalition produced a 200-page report with best practices and procedures.
- Mr. Grady said that the vendor chosen to implement SB 413-FN-A would likely be the same vendor that DHHS used in their assessment in 2021. He said that the response needs to be as nimble as possible. He said that the 18-month timeline likely involved would not meet the need.
- Mr. Grady said that the average age of a resident at the Veterans Home is 83.5 years old. He said COVID-19 hits older adults especially hard. He said that there were not as many tools against COVID-19 when the outbreak hit the Veterans Home.
- Mr. Grady said that between January 1 and December 31, 2021 not a single resident of the Veterans Home tested positive for, or died from, COVID-19. He said that that is a safety record that the Veterans Home is proud of.
- Mr. Grady said that SVAC does not think that SB 413-FN-A will produce timely, substantive changes.
- Senator Sherman asked if Mr. Grady had discussed his concerns with Senator Rosenwald.
 - Mr. Grady said that he had not. He said that it is difficult for SVAC to see the language of a bill, have a meeting, and then catch up with a sponsor. He said that his preference is for sponsors to go to SVAC before they file legislation. He said that of the 18 bills SVAC is tracking, SVAC opposes 5 of them. Mr. Grady said that he hates opposing legislation.
- Senator Sherman asked Mr. Grady to talk with Senator Rosenwald.
 - Mr. Grady said that he would. He said that there is a SVAC meeting soon and he would like the opportunity to speak with the SVAC members.

Neutral Information Presented:

John Williams,

Legislative Director, DHHS

- Mr. Williams said that he applauded Senator Rosenwald’s efforts and that DHHS will engage with Senator Rosenwald if they have concerns.

Speakers

Senate Health & Human Services Committee SIGN-IN SHEET

Date: Thursday, January 27th, 2022 **Time:** 9:00 a.m.

**SB 413-
FN-A** AN ACT requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home, and making an appropriation therefor.

Name/Representing (please print neatly)

	Support	Neutral	Oppose	Speaking?	Yes	No
Kevin Grady State Veterans Advisory Committee	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen Rosewood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Senate Remote Testify

Health and Human Services Committee Testify List for Bill SB413 on 2022-01-

Support: 44 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Casino, Joanne	A Member of the Public	Myself	Support
Carson, Senator Sharon	An Elected Official	Myself	Support
Cavanaugh, Senator Kevin	An Elected Official	Myself	Support
Soucy, Donna	An Elected Official	SD 18	Support
Gordon, Laurie	A Member of the Public	Myself	Support
Torpey, Jeanne	A Member of the Public	Myself	Support
Gordon, Margaret	A Member of the Public	Myself	Support
Hampton, Doris	A Member of the Public	Myself	Support
Hackmann, Kent	A Member of the Public	Myself	Support
Sherman, Senator	An Elected Official	SD24	Support
perencevich, ruth	A Member of the Public	Myself	Support
Rettew, Annie	A Member of the Public	Myself	Support
Damon, Claudia	A Member of the Public	Myself	Support
Willing, Maura	A Member of the Public	Myself	Support
Woods, Renia	A Member of the Public	Myself	Support
King, Walter	A Member of the Public	Myself	Support
Hatch, Sally	A Member of the Public	Myself	Support
Thynap, Linda	A Member of the Public	Myself	Support
), Bonnie	A Member of the Public	Myself	Support
Erickson, Amy	A Member of the Public	Myself	Support
Cote, Lois	A Member of the Public	Myself	Support
Coon, Kate	A Member of the Public	Myself	Support
Lord, Kit	A Member of the Public	Myself	Support
Pedersen, Michael	An Elected Official	Hillsborough 32, Nashua Ward 5	Support
Hurley, Paula	A Member of the Public	Myself	Support
Clark, Denise	A Member of the Public	Myself	Support
Straiton, Marie	A Member of the Public	Myself	Support
Keeler, Margaret	A Member of the Public	Myself	Support
Maddocks, William	A Member of the Public	Myself	Support
Clifford, Virginia	A Member of the Public	Myself	Support
Lewis, Elizabeth	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support
Hunnewell, Anne	A Member of the Public	Myself	Support
Hunnewell, Richard	A Member of the Public	Myself	Support
Mattlage, Linda	A Member of the Public	Myself	Support
Ulmer Dorsch, Karen	A Member of the Public	Myself	Support
Henrichon, Margaret	A Member of the Public	Myself	Support
GRIER, CYBELE	A Member of the Public	Myself	Support
Dewey, Karen	A Member of the Public	Myself	Support
Delaney, Jennifer	A Lobbyist	AARP New Hampshire	Support
Laker-Phelps, Gail	A Member of the Public	Myself	Support
d, Barbara	A Member of the Public	Myself	Support
Loveless, Eric	A Member of the Public	Myself	Support
Stinson, Benjamin	A Member of the Public	Myself	Support

Testimony



45 South Main Street | Concord, NH 03301
1-866-542-8168 (toll free) | Fax:1-603-224-6211
aarp.org/nh | nh@aarp.org | twitter: @aarprh
facebook.com/nh

January 27, 2022

Senate Health and Human Services Committee
New Hampshire Senate
State House
Concord, New Hampshire 03301

RE: AARP New Hampshire Testimony in Support of SB 413

Dear Chairman Bradley and Committee Members:

Thank you for your support on the issues most important to residents 50+ in the Granite State. AARP NH urges favorable passage of Senate Bill No. 413 requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire Veterans' home be completed by October 2022. The bill also makes an appropriation to the department of health and human services to hire a qualified independent auditor.

AARP NH also recommends SB413 be amended to focus more broadly on pandemic preparedness, using lessons learned from COVID-19 to help with future outbreaks or pandemics, both including COVID-19, but also unforeseen events. The preparedness plan should focus on best-practices in infection prevention and control coupled with general emergency preparedness strategies.

As we have sadly seen across the Granite State, a number of conditions at nursing homes and other long-term care facilities can exacerbate the spread of disease including:

- frequent physical contact between residents and staff, understaff
- employees who work in multiple facilities, increasing chances for exposure
- residents sharing rooms
- transfers of residents from hospitals and other settings
- shortages of personal protective equipment (PPE) such as masks, gowns and gloves
- lagging COVID-19 vaccination rates

These factors make nursing homes potential breeding grounds for viral and bacterial diseases, especially given chronic problems with infection control that predate the pandemic. A May 2020 report from the U.S. Government Accountability Office found that 4 in 5 nursing homes surveyed between 2013 and 2017 were cited for deficiencies in infection prevention and control, leading the Centers for Medicare & Medicaid Services (CMS) to announce tougher rules for infection-control inspections and enforcement.

As vaccinations have increased throughout 2021, restrictions have loosened, particularly those regarding visitation. But COVID-19 and other pandemics are still a threat to nursing home residents and staff, particularly given the recent rise of the delta variant. Hundreds of residents continue to die from the virus each month, so some infection control practices still remain.

AARP and many others in the long-term care community are now also working toward major long-term care industry reforms to ensure another crisis like COVID-19 is avoided. For the safety of Granite Staters and their families, we urge these important amendments to SB413, and the passage of legislation requiring independent audit and needs assessment regarding pandemic preparedness at long term care facilities, nursing homes, and the New Hampshire Veterans' home be completed by October 2022.

Respectfully submitted,

AARP New Hampshire

AARP New Hampshire

By: S.
Todd C. Fahey, J.D.
State Director
tfahey@aarp.org
(603) 738-9260 (c)
(603) 230-4109 (o)

By: S.
Jennifer A. Delaney
Associate State Director - Advocacy
jddelaney@aarp.org
(603) 937-4230(c)
(603) 230-4106 (o)

<https://www.aarp.org/caregiving/health/info-2020/nursing-homes-coronavirus-faqs.html>



Voting Sheets

Senate Health and Human Services Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # SB 413-FU-A

Hearing date: 1-27-22

Executive Session date: 2-2-22

Motion of: OTP Vote: 2-3

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Gray, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Avard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: IS Vote: 3-2

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Bradley, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Avard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Gray

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, February 2, 2022

THE COMMITTEE ON Health and Human Services

to which was referred **SB 413-FN-A**

AN ACT

requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home, and making an appropriation therefor.

Having considered the same, the committee recommends that the Bill

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 3-2

Senator James Gray
For the Committee

Cameron Lapine 271-2104

HEALTH AND HUMAN SERVICES

SB 413-FN-A, requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home, and making an appropriation therefor.

Interim Study, Vote 3-2.

Senator James Gray for the committee.

Docket of SB413

Docket Abbreviations

Bill Title: requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home, and making an appropriation therefor.

Official Docket of SB413.:

Date	Body	Description
12/23/2021	S	To Be Introduced 01/05/2022 and Referred to Health and Human Services; SJ 1
1/14/2022	S	Hearing: 01/27/2022, Room 101, LOB, 09:00 am; SC 4
2/2/2022	S	Committee Report: Referred to Interim Study, 02/16/2022; SC 7
2/16/2022	S	Refer to Interim Study, RC 13Y-10N, MA ; 02/16/2022; SJ 3

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 413 - EN-A

Senate Committee: HHS

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

- amendment # _____ - amendment # _____

- amendment # _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____

- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) (Clerk's Office)

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: (Clerk's Office)

as amended by the senate as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Cameron M. Zapine
Committee Aide

7-18-22
Date

Senate Clerk's Office AK