



General Assembly

January Session, 2019

***Raised Bill No. 804***

LCO No. 3668



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT REQUIRING THE STATE OMBUDSMAN TO INVESTIGATE COMPLAINTS CONCERNING RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-405 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) As used in this chapter:

4 (1) "State agency" means the Department of Rehabilitation Services.

5 (2) "Office" or "Office of the Long-Term Care Ombudsman" means  
6 the organizational unit which is headed by the State Long-Term Care  
7 Ombudsman established in this section.

8 (3) "State Ombudsman" means the individual who heads the office  
9 established in this section.

10 (4) "Assistant State Ombudsman" means the person appointed by  
11 the State Ombudsman to assist the State Ombudsman in carrying out

12 the duties of the State Ombudsman pursuant to section 17a-408, as  
13 amended by this act.

14 [(4)] (5) "Program" means the long-term care ombudsman program  
15 established in this section.

16 [(5)] (6) "Representative of the office" includes the Assistant State  
17 Ombudsman, a regional ombudsman, a residents' advocate or an  
18 employee of the Office of the Long-Term Care Ombudsman who is  
19 individually designated by the State Ombudsman.

20 (7) "Recipient" means an individual receiving home and  
21 community-based services who is sixty years of age or older.

22 [(6)] (8) "Resident" means an individual who resides in a long-term  
23 care facility.

24 [(7)] (9) "Long-term care facility" means any skilled nursing facility,  
25 as defined in Section 1819(a) of the Social Security Act, (42 USC 1395i-  
26 3(a)) any nursing facility, as defined in Section 1919(a) of the Social  
27 Security Act, (42 USC 1396r(a)) a board and care facility as defined in  
28 Section 102(19) of the federal Older Americans Act, (42 USC 3002(19))  
29 and for purposes of ombudsman program coverage, an institution  
30 regulated by the state pursuant to Section 1616(e) of the Social Security  
31 Act, (42 USC 1382e(e)) and any other adult care home similar to a  
32 facility or nursing facility or board and care home.

33 [(8)] (10) "Commissioner" means the Commissioner of Rehabilitation  
34 Services.

35 [(9)] (11) "Applicant" means an individual who has applied for  
36 admission to a long-term care facility or for home and community-  
37 based services.

38 (12) "Home and community-based services" means long-term care  
39 provided in a home or community setting, or both, to a recipient.

40 [(10)] (13) "Resident representative" means (A) an individual chosen

41 by the resident or recipient to act on behalf of the resident or recipient  
42 in order to support the resident or recipient in decision making,  
43 accessing medical, social or other personal information of the resident  
44 or recipient, managing financial matters, or receiving notifications; (B)  
45 a person authorized by state or federal law to act on behalf of the  
46 resident or recipient in order to support the resident or recipient in  
47 decision making, accessing medical, social or other personal  
48 information of the resident or recipient, managing financial matters, or  
49 receiving notifications; (C) a legal representative, as used in Section 712  
50 of the Older Americans Act; or (D) the court-appointed guardian or  
51 conservator of a resident or recipient.

52 (b) There is established an independent Office of the Long-Term  
53 Care Ombudsman within the Department of Rehabilitation Services.  
54 The Commissioner of Rehabilitation Services shall appoint a State  
55 Ombudsman who shall be selected from among individuals with  
56 expertise and experience in the fields of long-term care and advocacy  
57 to head the office and the State Ombudsman shall appoint an Assistant  
58 State Ombudsman and regional ombudsmen. In the event the State  
59 Ombudsman or a regional ombudsman is unable to fulfill the duties of  
60 the office, the commissioner shall appoint an acting State Ombudsman,  
61 [and the State Ombudsman shall appoint] In the event the Assistant  
62 State Ombudsman or a regional ombudsman is unable to fulfill the  
63 duties of the office, the State Ombudsman shall appoint an acting  
64 Assistant State Ombudsman or an acting regional ombudsman.

65 (c) Notwithstanding the provisions of subsection (b) of this section,  
66 on and after July 1, 1990, the positions of State Ombudsman and  
67 regional ombudsmen shall be classified service positions. The State  
68 Ombudsman and regional ombudsmen holding said positions on said  
69 date shall continue to serve in their positions as if selected through  
70 classified service procedures. As vacancies occur in such positions  
71 thereafter, such vacancies shall be filled in accordance with classified  
72 service procedures.

73 (d) The activities of the State Ombudsman or representatives of the

74 office do not constitute lobbying under 45 CFR Part 93.

75 Sec. 2. Subsection (a) of section 17a-406 of the general statutes is  
76 repealed and the following is substituted in lieu thereof (*Effective July*  
77 *1, 2019*):

78 (a) Residents' advocates shall be appointed by the State  
79 Ombudsman, in consultation with the regional ombudsmen, for each  
80 region in sufficient number to serve the long-term care facilities and  
81 recipients of home and community-based services within such region.  
82 Such residents' advocates shall, if possible, be residents of the region in  
83 which they will serve, and shall have demonstrated an interest in the  
84 care of individuals who reside in long-term care facilities or who are  
85 recipients of home and community-based services. Residents'  
86 advocates shall serve without compensation but may be reimbursed  
87 for reasonable expenses incurred in the performance of their duties,  
88 within available appropriations.

89 Sec. 3. Section 17a-407 of the general statutes is repealed and the  
90 following is substituted in lieu thereof (*Effective July 1, 2019*):

91 No person may perform any functions as a residents' advocate until  
92 the person has successfully completed a course of training required by  
93 the State Ombudsman. Any residents' advocate who fails to complete  
94 such a course within a reasonable time after appointment may be  
95 removed by the State Ombudsman or the regional ombudsman for the  
96 region in which such residents' advocate serves. The Commissioner of  
97 Rehabilitation Services, after consultation with the State Ombudsman,  
98 shall adopt regulations, in accordance with the provisions of chapter  
99 54, to carry out the provisions of this section. Such regulations shall  
100 include, but need not be limited to, the course of training required by  
101 this section.

102 Sec. 4. Section 17a-408 of the general statutes is repealed and the  
103 following is substituted in lieu thereof (*Effective July 1, 2019*):

104 (a) The State Ombudsman shall establish and operate ombudsman

105 programs in this state pursuant to Sections 711 to 713, inclusive, of the  
106 federal Older Americans Act of 1965, as amended from time to time,  
107 and all regulations promulgated thereunder.

108 (b) The State Ombudsman shall serve on a full-time basis, and shall,  
109 to the extent permissible under federal law and within available  
110 appropriations, personally or through representatives of the office:

111 (1) Identify, investigate and resolve complaints that:

112 (A) Are made by, or on behalf of, residents and recipients or, as to  
113 complaints involving the application for (i) admission to a long-term  
114 care facility, or (ii) home and community-based services by or on  
115 behalf of applicants; and

116 (B) Relate to action, inaction or decisions that may adversely affect  
117 the health, safety, welfare or rights of the residents and recipients,  
118 including the welfare and rights of the residents and recipients with  
119 respect to the appointment and activities of guardians and  
120 representative payees, of (i) providers or representatives of providers  
121 of long-term care services, including home and community-based  
122 services, (ii) public agencies, or (iii) health and social service agencies;

123 (2) Provide services to protect the health, safety, welfare and rights  
124 of the residents and recipients;

125 (3) Inform the residents and recipients about means of obtaining  
126 services provided by providers or agencies described in subparagraph  
127 (B) of subdivision (1) of this subsection or services described in  
128 subdivision (2) of this subsection;

129 (4) Ensure that the residents, recipients and [, as to issues involving  
130 applications for admission to long-term care facilities,] applicants have  
131 regular and timely access to the services provided through the office  
132 and that the residents, recipients, applicants and other complainants  
133 receive timely responses from representatives of the office to  
134 complaints;

135 (5) Represent the interests of the residents, recipients and [of]  
136 applicants in relation to issues concerning applications to long-term  
137 care facilities, or for home and community-based services before  
138 governmental agencies and seek administrative, legal and other  
139 remedies to protect the health, safety, welfare and rights of the  
140 residents, recipients and applicants;

141 (6) Provide administrative and technical assistance to  
142 representatives of the office and training in areas including, but not  
143 limited to, Alzheimer's disease and dementia symptoms and care;

144 (7) (A) Analyze, comment on and monitor the development and  
145 implementation of federal, state and local laws, regulations, and other  
146 governmental policies and actions that pertain to the health, safety,  
147 welfare and rights of the residents and recipients with respect to the  
148 adequacy of long-term care facilities and home and community-based  
149 services in this state and to the rights of applicants in relation to  
150 applications to long-term care facilities and for home and community-  
151 based services;

152 (B) Recommend any changes in such laws, regulations, policies and  
153 actions as the office determines to be appropriate; and

154 (C) Facilitate public comment on such laws, regulations, policies  
155 and actions;

156 (8) Advocate for:

157 (A) Any changes in federal, state and local laws, regulations and  
158 other governmental policies and actions that pertain to the health,  
159 safety, welfare and rights of residents and recipients with respect to  
160 the adequacy of long-term care facilities and home and community-  
161 based services in this state and to the health, safety, welfare and rights  
162 of applicants [which] that the State Ombudsman determines to be  
163 appropriate;

164 (B) Appropriate action by groups or agencies with jurisdictional

165 authority to deal with problems affecting individual residents and  
166 recipients and the general resident population and applicants in  
167 relation to issues concerning applications to long-term care facilities  
168 and for home and community-based services; and

169 (C) The enactment of legislative recommendations by the General  
170 Assembly and of regulatory recommendations by commissioners of  
171 Connecticut state agencies;

172 (9) (A) Provide for training representatives of the office;

173 (B) Promote the development of citizen organizations to participate  
174 in the program; and

175 (C) Provide technical support for the development of resident and  
176 family councils to protect the well-being and rights of residents;

177 (10) Coordinate ombudsman services with the protection and  
178 advocacy systems for individuals with developmental disabilities and  
179 mental illnesses established under (A) Part A of the [Development]  
180 Developmental Disabilities Assistance and Bill of Rights Act (42 USC  
181 6001, et seq.), and (B) The Protection and Advocacy for Mentally Ill  
182 Individuals Act of 1986 (42 USC 10801 et seq.);

183 (11) Coordinate, to the greatest extent possible, ombudsman services  
184 with legal assistance provided under Section 306(a)(2)(C) of the federal  
185 Older Americans Act of 1965, (42 USC 3026(a)(2)(C)) as amended from  
186 time to time, through the adoption of memoranda of understanding  
187 and other means;

188 (12) Create, and periodically update as needed, a training manual  
189 for nursing home facilities identified in section 19a-522c that provides  
190 guidance on structuring and implementing the training required by  
191 said section;

192 (13) Develop policies and procedures regarding the communication  
193 and documentation of informed consent in the case of resident or  
194 recipient complaints, including, but not limited to, the use of auxiliary

195 aids and services or the use of a resident representative; and

196 (14) Carry out such other activities and duties as may be required  
197 under federal law.

198 Sec. 5. Section 17a-409 of the general statutes is repealed and the  
199 following is substituted in lieu thereof (*Effective July 1, 2019*):

200 The State Ombudsman is authorized to investigate and make  
201 reports and recommendations concerning any act or the failure to act  
202 by any agency, official or public employee, with respect to their  
203 responsibilities and duties in connection with long-term care facilities  
204 or home and community-based services, except the courts and their  
205 personnel, legislative bodies and their personnel and the chief  
206 executive of the state and the chief executive's personal staff and all  
207 elected officials.

208 Sec. 6. Section 17a-410 of the general statutes is repealed and the  
209 following is substituted in lieu thereof (*Effective July 1, 2019*):

210 The regional ombudsmen shall, in accordance with the policies and  
211 procedures established by the Office of the Long-Term Care  
212 Ombudsman and within available appropriations:

213 (1) Provide services to protect the health, safety, welfare and rights  
214 of residents and recipients;

215 (2) Ensure that residents and recipients in service areas have regular  
216 timely access to representatives of the office and timely responses to  
217 complaints and requests for assistance;

218 (3) Identify, investigate and resolve complaints made by or on  
219 behalf of residents and recipients that relate to action, inaction or  
220 decisions that may adversely affect [the] their health, safety, welfare or  
221 rights [of the residents] or by, or on behalf of, applicants in relation to  
222 issues concerning applications for admission to long-term care  
223 facilities or for home and community-based services;



224 (4) Represent the interests of residents, recipients and applicants, in  
225 relation to their applications [to long-term care facilities] for admission  
226 to long-term care facilities or for home and community-based services,  
227 before government agencies and seek administrative, legal and other  
228 remedies to protect the health, safety, welfare and rights of the  
229 residents, recipients and applicants;

230 (5) (A) Review and, if necessary, comment on any existing and  
231 proposed laws, regulations and other government policies and actions  
232 that pertain to the rights and well-being of residents, recipients and  
233 applicants in relation to their applications, [to long-term care facilities,]  
234 and (B) facilitate the ability of the public to comment on the laws,  
235 regulations, policies and actions;

236 (6) Support the development of resident and family councils; and

237 (7) Carry out other activities that the State Ombudsman determines  
238 to be appropriate.

239 Sec. 7. Section 17a-411 of the general statutes is repealed and the  
240 following is substituted in lieu thereof (*Effective July 1, 2019*):

241 (a) Residents' advocates, under supervision of the regional  
242 ombudsmen, shall assist the regional ombudsmen in the performance  
243 of all duties and responsibilities of the regional ombudsmen as  
244 described in section 17a-410, as amended by this act.

245 (b) All long-term care facilities shall post or cause to be posted in a  
246 conspicuous place therein a list of the names of the appropriate  
247 residents' advocates and the names, addresses, and telephone numbers  
248 of the appropriate regional ombudsmen.

249 (c) All providers of home and community-based services shall  
250 provide their clients with a list of residents' advocates and the names,  
251 addresses and telephone numbers of the appropriate regional  
252 ombudsmen.

253 [(c)] (d) The Commissioner of Rehabilitation Services shall have

254 authority to seek funding for the purposes contained in this section  
255 from public and private sources, including, but not limited to, any  
256 federal or state funded programs.

257 Sec. 8. Section 17a-414 of the general statutes is repealed and the  
258 following is substituted in lieu thereof (*Effective July 1, 2019*):

259 (a) The state agency shall, within available appropriations, ensure  
260 that:

261 (1) Adequate legal counsel is available and is able, without conflict  
262 of interest, to: (A) Provide advice and consultation needed to protect  
263 the health, safety, welfare and rights of residents, recipients and  
264 applicants in relation to their applications; [to long-term care facilities;]  
265 and (B) assist the State Ombudsman and representatives of the office in  
266 the performance of the official duties of the State Ombudsman and  
267 representatives of the office; and

268 (2) Administrative, legal and other appropriate remedies are  
269 pursued on behalf of residents, recipients and applicants in relation to  
270 their applications. [to long-term care facilities.]

271 (b) The Assistant State Ombudsman, regional ombudsmen and  
272 residents' advocates shall be considered state employees under section  
273 4-141 for the purposes of any civil action for damages on account of  
274 any act or omission that is not wanton, wilful or malicious and that is  
275 within the scope of employment or duties under sections 17a-405 to  
276 17a-417, inclusive, as amended by this act, 19a-531 and 19a-532.

277 Sec. 9. Section 17a-415 of the general statutes is repealed and the  
278 following is substituted in lieu thereof (*Effective July 1, 2019*):

279 (a) The State Ombudsman, Assistant State Ombudsman, regional  
280 ombudsmen and representatives of the office shall have:

281 (1) Access to long-term care facilities and residents;

282 (2) Appropriate access to review the medical and social records of a

283 resident or recipient, if (A) the representative of the office has the  
284 permission of the resident, recipient or the legal representative of the  
285 resident or recipient, (B) the resident or recipient is unable to consent  
286 to the review and has no legal representative, or (C) access to the  
287 records is necessary to investigate a complaint and a resident  
288 representative refuses to give permission, a representative of the office  
289 has reasonable cause to believe that the resident representative is not  
290 acting in the best interests of the resident or recipient, and the  
291 representative of the office obtains the approval of the [ombudsman]  
292 State Ombudsman;

293 (3) Access to the administrative records, policies and documents, to  
294 which the residents have, or the general public has access, of long-term  
295 care facilities; and

296 (4) Access to and, on request, copies of all licensing and certification  
297 records maintained by the state with respect to long-term care facilities  
298 and providers of home and community-based services.

299 (b) Any person or entity who wilfully interferes with  
300 representatives of the office in the performance of the official duties of  
301 the representatives of the office, or any long-term care facility, home  
302 and community-based service provider or other entity which retaliates  
303 or exacts reprisals with respect to any resident, recipient, employee or  
304 other person for filing a complaint with, providing information to, or  
305 otherwise cooperating with any representative of the office, or long-  
306 term care facility which refuses to permit the State Ombudsman, [or]  
307 Assistant State Ombudsman, any regional ombudsman or any  
308 residents' or recipients' advocate entry into such facility or refuses to  
309 cooperate with the State Ombudsman, or any regional ombudsman or  
310 any residents' or recipients' advocate in the carrying out of [their] his  
311 or her mandated duties and responsibilities enumerated under  
312 sections 17a-405 to 17a-417, inclusive, as amended by this act, 19a-531  
313 and 19a-532 or refuses to permit [residents] any resident or recipient or  
314 staff to communicate freely with the State Ombudsman, [or] Assistant  
315 State Ombudsman, any regional ombudsman or any residents' or

316 recipients' advocate shall be subject to the penalty prescribed for a  
317 class B violation under section 19a-527.

318 (c) In carrying out the duties enumerated in sections 17a-405 to 17a-  
319 417, inclusive, as amended by this act, 19a-531 and 19a-532, the State  
320 Ombudsman, the Assistant State Ombudsman, the regional  
321 ombudsmen and the residents' or recipients' advocates shall have  
322 access to all relevant public records, except that records which are  
323 confidential to a resident or recipient shall only be divulged with the  
324 written consent of the resident or recipient.

325 (d) In the performance of the duties and responsibilities enumerated  
326 under sections 17a-405 to 17a-417, inclusive, as amended by this act,  
327 19a-531 and 19a-532, the State Ombudsman, the Assistant State  
328 Ombudsman, the regional ombudsmen and the residents' or recipients'  
329 advocates may utilize any other state department, agency or  
330 commission, or any other public or private agencies, groups or  
331 individuals who are appropriate and who may be available.

332 Sec. 10. Section 17a-417 of the general statutes is repealed and the  
333 following is substituted in lieu thereof (*Effective July 1, 2019*):

334 The Commissioner of Rehabilitation Services shall require the State  
335 Ombudsman to, within available appropriations:

336 (1) Prepare an annual report:

337 (A) Describing the activities carried out by the office in the year for  
338 which the report is prepared;

339 (B) Containing and analyzing the data collected under section 17a-  
340 418, as amended by this act;

341 (C) Evaluating the problems experienced by and the complaints  
342 made by or on behalf of residents and recipients;

343 (D) Containing recommendations for (i) improving the quality of  
344 the care and life of the residents and recipients, and (ii) protecting the

345 health, safety, welfare and rights of the residents and recipients;

346 (E) (i) Analyzing the success of the program including success in  
347 providing services to residents [of long-term care facilities] and  
348 recipients; and (ii) identifying barriers that prevent the optimal  
349 operation of the program; and

350 (F) Providing policy, regulatory and legislative recommendations to  
351 solve identified problems, to resolve the complaints, to improve the  
352 quality of the care and life of residents and recipients, to protect [the]  
353 their health, safety, welfare and rights [of residents] and to remove the  
354 barriers that prevent the optimal operation of the program.

355 (2) Analyze, comment on and monitor the development and  
356 implementation of federal, state and local laws, regulations and other  
357 government policies and actions that pertain to long-term care facilities  
358 and home and community-based services, and to the health, safety,  
359 welfare and rights of residents and recipients in the state, and  
360 recommend any changes in such laws, regulations and policies as the  
361 office determines to be appropriate.

362 (3) (A) Provide such information as the office determines to be  
363 necessary to public and private agencies, legislators and other persons,  
364 regarding (i) the problems and concerns of [older individuals residing  
365 in long-term care facilities] residents and recipients; and (ii)  
366 recommendations related to the problems and concerns; and (B) make  
367 available to the public and submit to the federal assistant secretary for  
368 aging, the Governor, the General Assembly, the Department of Public  
369 Health and other appropriate governmental entities, each report  
370 prepared under subdivision (1) of this section.

371 Sec. 11. Section 17a-418 of the general statutes is repealed and the  
372 following is substituted in lieu thereof (*Effective July 1, 2019*):

373 The state agency shall establish a state-wide uniform system to: (1)  
374 Collect and analyze data relating to complaints and conditions in long-  
375 term care facilities and, [to residents] within available appropriations,

376 complaints relating to services provided to residents and recipients for  
377 the purpose of identifying and resolving significant problems; and (2)  
378 submit the data, on a regular basis to: (A) The Department of Public  
379 Health; (B) other state and federal entities that the State Ombudsman  
380 determines to be appropriate; and (C) the National Ombudsman  
381 Resource Center, established in Section 202(a)(21) of the federal Older  
382 Americans Act of 1965, as amended from time to time.

383       Sec. 12. Section 17a-419 of the general statutes is repealed and the  
384 following is substituted in lieu thereof (*Effective July 1, 2019*):

385       The state agency shall:

386       (1) Provide that the files and records maintained by the program  
387 may be disclosed only at the discretion of the State Ombudsman or the  
388 person designated by the ombudsman to disclose the files and records;  
389 and

390       (2) Prohibit the disclosure of the identity of any complainant, [or]  
391 resident or recipient with respect to whom the office maintains such  
392 files or records unless (A) the complainant, [or] resident or recipient, or  
393 the legal representative of the complainant, [or] resident or recipient,  
394 consents to the disclosure and the consent is given in writing; (B) (i) the  
395 complainant, [or] resident or recipient gives consent orally; and (ii) the  
396 consent is documented contemporaneously in a writing made by a  
397 representative of the office in accordance with such requirements as  
398 the state agency shall establish; or (iii) the disclosure is required by  
399 court order.

400       Sec. 13. Section 17a-420 of the general statutes is repealed and the  
401 following is substituted in lieu thereof (*Effective July 1, 2019*):

402       In planning and operating the program, the state agency, in  
403 consultation with the State Ombudsman, shall consider the views of  
404 area agencies on aging, long-term care facility residents, recipients and  
405 providers of long-term care, including home and community-based  
406 services.

407       Sec. 14. Subdivision (3) of section 17a-421 of the general statutes is  
 408 repealed and the following is substituted in lieu thereof (*Effective July*  
 409 *1, 2019*):

410       (3) Ensure that the State Ombudsman: (A) Does not have a direct  
 411 involvement in the licensing or certification of a long-term care facility  
 412 or of a provider of a long-term care service, including a home and  
 413 community-based service; (B) does not have an ownership or  
 414 investment interest, represented by equity, debt or other financial  
 415 relationship, in a long-term care facility or a long-term care service,  
 416 including a home and community-based service; (C) is not employed  
 417 by, or participating in the management of, a long-term care facility or a  
 418 home and community-based service and has not been employed by or  
 419 participated in such management in the twelve months prior to being  
 420 State Ombudsman; and (D) does not receive, or have the right to  
 421 receive, directly or indirectly, remuneration, in cash or in kind, under a  
 422 compensation arrangement with an owner or operator of a long-term  
 423 care facility or a home and community-based service; and

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	17a-405
Sec. 2	<i>July 1, 2019</i>	17a-406(a)
Sec. 3	<i>July 1, 2019</i>	17a-407
Sec. 4	<i>July 1, 2019</i>	17a-408
Sec. 5	<i>July 1, 2019</i>	17a-409
Sec. 6	<i>July 1, 2019</i>	17a-410
Sec. 7	<i>July 1, 2019</i>	17a-411
Sec. 8	<i>July 1, 2019</i>	17a-414
Sec. 9	<i>July 1, 2019</i>	17a-415
Sec. 10	<i>July 1, 2019</i>	17a-417
Sec. 11	<i>July 1, 2019</i>	17a-418
Sec. 12	<i>July 1, 2019</i>	17a-419
Sec. 13	<i>July 1, 2019</i>	17a-420
Sec. 14	<i>July 1, 2019</i>	17a-421(3)

***Statement of Purpose:***

To expand the investigatory oversight of the State Ombudsman to include home and community-based services.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*