

SENATE COMMITTEE SERVICES

BILLS PASSED
DURING THE 2012 FIRST & SECOND
SPECIAL LEGISLATIVE SESSIONS
(INCLUDES GOVERNOR'S ACTIONS AS OF MAY 2, 2012)

LISTED BY SENATE COMMITTEE



May 4, 2012



TO: Washington State Senate Senators and Staff

FROM: Richard Rodger, Director (786-7401)
Senate Committee Services

SUBJECT: Bills Passed During the 2012 Legislative Special Sessions Report

DATE: April 12, 2012

We are pleased to provide you this first edition of our summary of "Bills Passed During the 2012 Legislative First and Second Special Sessions, by Committee of Origin." This report includes a brief description of each Senate and House bill passed by the 2012 Legislature. As the Governor takes action on bills during the next few weeks, the electronic version of this document will be updated to reflect those actions. On May 5th the final Session Report will be posted at <http://www.leg.wa.gov/SENATE/COMMITTEES/Pages/default.aspx>.

You will find that bills are listed under their committee of origin in the Senate. This report also includes a bill index at the end of the report.

It was a pleasure to serve you this session, and we hope you find this report useful. Please feel free to contact me or any of our staff if you have any questions or need any further information or assistance.



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ENERGY, NATURAL RESOURCES & MARINE WATERS

786-7419

2ESSB 6406: MODIFYING PROGRAMS THAT PROVIDE FOR THE PROTECTION OF THE STATE'S NATURAL RESOURCES

Prime Sponsor: Senator Hargrove

**Passed during the First Special Legislative Session*

**Signed by the Governor/partial veto*

- Establishes Hydraulic Project Approval (HPA) fees through June 30, 2017, for projects at or below the ordinary high water line at the rate of \$150 per permit. Exemptions from the fees are provided for project types including HPAs on farm and agricultural lands and for mineral prospecting and mining activities.
- Specifically authorizes the issuance of multiple, site-specific HPAs and expands the use of an existing 5 year renewable marina maintenance permit.
- Integrates the HPA for forestry activities into forest practices permitting following the incorporation of relevant HPA fish protection rules into the forest practices rules, which must occur by December 31, 2013.
- Increases the general duration of an approved forest practices application (FPA) from 2 to 3 years, and allows for renewal.
- Increases FPA fees, including from \$50 to \$150 for most commercial timber harvests. The fee is reduced to \$100 for small forest landowners harvesting on a single, contiguous ownership. Forest practices involving conversion from forestry to another land use are increased from \$500 to \$1500.
- Directs the Department of Ecology to conduct rulemaking processes by December 31, 2012 and 2013, in order to update rule-based categorical exemptions and the State Environmental Policy Act (SEPA) checklist.
- Makes changes to SEPA and other local development provisions, including expanding streamlined environmental review for certain non-project actions and authorizing SEPA lead agencies to, in certain circumstances, recognize actions adequately covered by other regulations.
- ~~Specifies circumstances in which a local government may recover expenses incurred in preparing certain non-project environmental impact statements.~~
- Specifies timeframes for certain requirements within the Phase II municipal storm water general permit for Western Washington municipalities scheduled to be issued by July 31, 2012. Extends for an additional one year, for a total of two years, the current Phase II municipal storm water general permit for Eastern Washington municipalities.

GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

786-7432

**HB 2834: PROVIDING COST SAVINGS FOR LOCAL GOVERNMENTS BY
REDUCING A LIMITED NUMBER OF REPORTING REQUIREMENTS**

Prime Sponsor: Representative Alexander

**Passed during the First Special Legislative Session*

**Signed by the Governor/partial veto*

- Eliminates certain reporting requirements for cities and counties.
- Establishes that the requirement that first class cities report total public works construction budgets and supplemental budgets to the state auditor is discretionary.
- ~~Requires the Office of Financial Management (OFM), together with statewide organizations representing cities and counties, to develop a process and criteria to conduct a review of reports, mandates, and programs that create additional expenses for state and local government.~~
- ~~Requires OFM to submit recommendations and executive request legislation to the Legislature every odd-numbered year regarding which reports, mandates, and programs should be terminated or consolidated.~~

**Bill considered on Senate floor – not referred to committee.*

HUMAN SERVICES & CORRECTIONS

786-7414

2E2SSB 6204: MODIFYING COMMUNITY SUPERVISION PROVISIONS

Prime Sponsor: Senator Hargrove;

(HB 2826 Representative Hunter)

**Passed during the First Special Legislative Session*

**Signed by the Governor*

- A new violation process for offenders on community custody is outlined. The Department of Corrections (DOC) must adopt rules creating a structured violation process that includes presumptive sanctions, aggravating and mitigating factors, and definitions for low-level violations and high-level violations.
- Sanctions for violations are swift and certain but reduced in length, ranging from three days for a low-level violation to thirty days for a high-level violation.
- When an offender on community custody commits a new crime, DOC will refer the matter to local law enforcement to charge a new crime and hold the offender for three or thirty days depending on the offender's underlying crime for which the offender is being supervised.

LABOR, COMMERCE & CONSUMER PROTECTION

786-7426

**SHB 2491: ADDRESSING WHEN PREDECESSOR-SUCCESSOR RELATIONSHIPS
DO NOT EXIST FOR PURPOSES OF UNEMPLOYMENT EXPERIENCE
RATING**

Prime Sponsor: Representative Upthegrove

**Passed during the First Special Legislative Session*

**Signed by the Governor*

- Amends the definition of a predecessor-successor relationship for unemployment insurance purposes so that a predecessor-successor relationship does not exist when a significant purpose of the transfer of a business or its operating assets is for the employer to move or expand an existing business, or for an employer to establish a substantially similar business under common ownership, management, and control.

WAYS & MEANS

786-7715

ESB 5127: CONCERNING STATE GENERAL OBLIGATION BONDS AND RELATED ACCOUNTS

Prime Sponsor: Senator Kilmer

(HB 1348/SHB 2793 Representative Dunshee)

**Passed during the Second Special Legislative Session*

**Signed by the Governor*

- The capital budget appropriates \$510.4 million in state general obligation bonds to support projects in the 2011 Supplemental Capital Budget.
- The State Finance Committee is authorized to issue state general obligation bonds to finance \$500.5 million in projects in the 2011 Supplemental Capital Budget.

ESSB 5940: CONCERNING PUBLIC SCHOOL EMPLOYEES' INSURANCE BENEFITS

Prime Sponsor: Senator Hobbs

**Passed during the Second Special Legislative Session*

**Signed by the Governor*

- Requires school districts to modify employee benefits, including requiring premiums for all employees, and establishing a set of goals for benefits that include premium equity for full-family coverage and single employee coverage; establishing at least one benefit option for full-time employees that includes a premium share similar to the state employee premium share (15 percent); offering a high deductible with a health savings account option; and requiring competitive contracting.
- Requires school districts and their benefit providers begin annual reporting of specified data to the Office of the Insurance Commissioner, including detailed financial and experience data, and detailed enrollment data.
- The Office of Insurance Commissioner must produce summary reports annually for the Legislature, beginning December 1, 2013.
- The Health Care Authority must review the data and reports, and submit a report to the Governor, Legislature, and the Joint Legislative Audit and Review Committee (JLARC) by June 1, 2015, on the established goals, and a list of options to be analyzed.
- The JLARC must submit a report to the Legislature by December 31, 2015, to review school progress to meet the established goals, and identify performance in rank order; develop performance grants to assist high ranking districts in reducing employee insurance co-payments and deductibles; and provide recommendations for Legislative action.

ESB 6074: FUNDING CAPITAL PROJECTS

Prime Sponsor: Senator Kilmer

(SHB 2168 Representative Dunshee)

**Passed during the Second Special Legislative Session*

**Signed by the Governor/partial veto*

- New supplemental capital budget appropriations of \$378.1 million are made for the 2011-13 biennium, including all appropriation increases and decreases. State agencies are authorized to enter into alternative financing contracts for projects totaling \$189.8 million.

2ESB 6378: REFORMING THE STATE RETIREMENT PLANS

Prime Sponsor: Senator Zarelli

**Passed during the First Special Legislative Session*

**Signed by the Governor*

- Closes two Alternate Early Retirement options created in 2000 and 2007 in the Public Employees', Teachers', and School Employees' Retirement Systems (PERS, TRS, and SERS) Plans 2 and 3 for the purposes of new members first joining a plan after June 30, 2013.

- Creates a new early retirement option for new members joining PERS, TRS, and SERS Plans 2 and 3 after June 30, 2013, allowing retirement from age 55 for members who have at least 30 years of service, with a benefit reduction of 5 percent per year of difference between the member's age at retirement and age 65.
- Directs the Select Committee on Pension Policy (SCPP) to evaluate high risk job classifications within PERS for possible membership in the Public Safety Employees' Retirement System (PSERS) and the potential need for early retirement options in TRS and SERS.
- Reduces the actuarially assumed rate of return on pension fund investments from 8.0 percent to 7.9 percent effective July 1, 2013, to 7.8 percent effective July 1, 2015, and to 7.7 percent effective July 1, 2017.

ESB 6635: IMPROVING REVENUE AND BUDGET SUSTAINABILITY BY REPEALING, MODIFYING, OR REVISING TAX PREFERENCE AND LICENSE FEES

Prime Sponsor: Senator Murray

**Passed during the Second Special Legislative Session*

**Signed by the Governor*

- A financial business that is located in more than ten states may not deduct from the business and occupation (B&O) tax amounts received from interest earnings on loans secured by first mortgages or deeds of trust on residential properties. The Joint Legislative Audit and Review Committee is directed to review the first mortgage deduction by June 30, 2015, as part of its tax preference review process.
- B&O tax exemptions for manufacturing of fruits or vegetables, dairy, and seafood are extended to July 1, 2015, and are then replaced by a preferential B&O tax rate of 0.138 percent.
- The time is extended for eligible data centers and qualifying tenants of data centers to qualify for the sales and use tax exemption on server equipment and power infrastructure, to those that commenced construction between April 1, 2012, and July 1, 2015. The exemption time is extended for eligible replacement server equipment placed in new data centers and for qualifying tenants until April 1, 2020.
- Exempts craft distilleries from the license issuance fee of 17 percent of all spirits sales revenues under such a license.
- Leasehold interests subject to LET do not include the preferential use of publicly owned cargo cranes and docks and associated areas used in loading and discharging of cargo at a port district marine facility. Preferential use means use by a private party under a written agreement with the public owner in which the public owner or a third party maintains a right to use the property when it is not being used by the private party.
- The definition of a newspaper is amended to include the Internet version of printed newspapers and newspaper supplements. The effect of this is to tax advertising revenue from the online versions of newspapers and newspaper supplements at the same rate as the traditional newspaper. The B&O tax rate for printing and publishing a newspaper, or both, is increased from 0.2904 percent to 0.365 percent until June 30, 2013, and 0.35 percent until July 1, 2015.

SSB 6636: REQUIRING A BALANCED STATE BUDGET FOR THE CURRENT AND ENSUING FISCAL BIENNIUM

Prime Sponsor: Senator Kastama

**Passed during the First Special Legislative Session*

**Signed by the Governor*

- Beginning with the 2013-2015 fiscal biennium, the Legislature must enact a budget bill that leaves a positive ending fund balance in the state General Fund and related funds. In addition, beginning with the 2013-2015 fiscal biennium, the projected maintenance level for the budget in the ensuing biennium may not exceed available fiscal resources.
- Each November, the Economic and Revenue Forecast Council must submit a budget outlook document for state revenues and expenditures for the General Fund and related funds for the current biennium and the next ensuing biennium.
- To assist the council in the preparation of the state budget outlooks, a State Budget Outlook Work Group is created, consisting of one staff person from the Office of Financial Management, the Legislative Evaluation and Accountability Program Committee, the Office of the State Treasurer, the Economic and Revenue Forecast Council, the Caseload Forecast Council, the Senate Ways and Means Committee, and the House of Representatives Ways and Means Committee.

ESJR 8221: AMENDING THE CONSTITUTION TO INCLUDE THE RECOMMENDATIONS OF THE COMMISSION ON STATE DEBT

Prime Sponsor: Senator Parlette

(HJR 4226 Representative Dunshee)

**Passed during the Second Special Legislative Session*

- The constitutional debt limit is reduced over time from 9.0 percent to 8.0 percent by July 1, 2034. It is set at 8.5 percent starting July 1, 2014; 8.25 percent starting July 1, 2016, and 8.0 percent starting July 1, 2034. The percentage debt limit is applied to the average of general state revenues for the previous six fiscal years instead of the current three-year average. The definition of general state revenues includes property taxes deposited in the General Fund.

3ESHB 2127: MAKING 2011-2013 FISCAL BIENNIUM SUPPLEMENTAL OPERATING APPROPRIATIONS

Prime Sponsor: Representative Hunter

(SB 5967 Senator Murray)

**Passed during the Second Special Legislative Session*

**Signed by the Governor/partial veto*

- Adopts the 2011-13 supplemental state operating budget.
- Additional detail can be found at www.leap.leg.wa.gov.

3E2SHB 2565: CONCERNING PERSONS WHO OPERATE A ROLL-YOUR-OWN CIGARETTE MACHINE AT RETAIL ESTABLISHMENTS

Prime Sponsor: Representative Kirby

(SB 6305 Senator Rolfes)

**Passed during the Second Special Legislative Session*

**Signed by the Governor*

- The definition of cigarette used for excise taxation is modified to explicitly include roll-your-own (RYO) cigarettes.
- A tax enforcement and regulatory system for RYO cigarettes is established.
- Retailers that purchase RYO cigarette stamps are provided with compensation to offset the tobacco products tax. The amount is equal to \$0.05 per cigarette.

SHB 2590: EXTENDING THE EXPIRATION OF THE POLLUTION LIABILITY INSURANCE AGENCY'S AUTHORITY AND ITS FUNDING SOURCE

Prime Sponsor: Representative Bailey

(SB 6335 Senator Prentice)

**Passed during the First Special Legislative Session*

**Signed by the Governor*

- Extends the expiration dates to July 1, 2020, for the petroleum excise tax and insurance fee, the underground storage tank and home heating oil program, and the dedicated trust accounts for these purposes
- Reauthorizes and lowers the petroleum products tax from 0.5 to 0.3 percent of the whole sale value of petroleum products.
- Provides a manner in which the whole value of petroleum products is determined.

HB 2822: CONCERNING LOCAL SALES AND USE TAX ACCOUNT DEPOSITS AND DISTRIBUTIONS

Prime Sponsor: Representative Hunter

(SB 6633 Senator Fraser)

**Passed during the First Special Legislative Session*

**Signed by the Governor*

- Beginning January 1, 2013, Department of Revenue (DOR) is required to make deposits in the local sales and use tax account on a monthly basis on the last business day of the month in which distributions are made.
- The State Treasurer must also transfer an amount equal to any foregone interest from the state General Fund to the Local Sales and Use Tax Account and must also distribute that to local jurisdictions.

ESHB 2823: REDIRECTING EXISTING STATE REVENUES INTO THE STATE GENERAL FUND

Prime Sponsor: Representative Hunter

**Passed during the Second Special Legislative Session*

**Signed by the Governor*

- Temporarily redirects all or portions of several dedicated accounts to the general fund and cancels transfers of general funds to the Education Construction Account for the 2013-15 biennium.

HB 2824: ADDRESSING COMPREHENSIVE FUNDING FOR EDUCATION BY DEVELOPING A PLAN FOR FULL FUNDING AND BY FREEING CERTAIN EXISTING REVENUES FOR SUPPORT OF THE BASIC EDUCATION PROGRAM

Prime Sponsor: Representative Eddy

**Passed during the First Special Legislative Session*

**Signed by the Governor*

- Creates a joint task force on education funding that will make recommendations for funding the revised definition of basic education programs, as detailed in Engrossed Substitute House Bill 2261 and Substitute House Bill 2776, and including recommendations for a revised bilingual-program funding formula.
- Repeals the statutory requirement to provide funding in specified annual amounts for the Student Achievement Program, originally enacted as Initiative 728 in 2000.
- Removes statutory references to the Student Achievement Program and provides that any funding previously dedicated to the Student Achievement Program (from excess lottery funds and the Education Legacy Trust Account) goes toward basic education and the support of the common schools.
- Amends the school district levy base statutes to remove reference to the repealed I-728 statute, while continuing the inclusion in the levy base of amounts that would have been received had I-728 not been suspended and, subsequently, repealed.

SHB 2828: Removing the requirement that the department of social and health services or the department of early learning take appropriate action to establish or enforce support obligations whenever it receives an application for subsidized child care services or working connections child care services.

Prime Sponsor: Representative Hunter

**Passed during the First Special Legislative Session*

**Signed by the Governor*

- Removes the requirement that the Department of Social and Health Services (DSHS) or the Department of Early Learning take action to establish or enforce child support obligations when receiving an application for subsidized child care.
- Removes language specifying that a child care subsidy payment constitutes an authorization for DSHS to provide support enforcement services.

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SENATE COMMITTEE CHAIR AND STAFF

(3/30/2012)

SENATE COMMITTEE SERVICES 304 15th Avenue SW; MS: 40466 786-7400

ADMINISTRATIVE STAFF

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AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT 7411

Senator Brian Hatfield, Chair, 237 JAC. 7636
 Bob Lee, Coordinator/Analyst, 421 JAC. 7404
 Diane Smith, Sr. Staff Counsel, 431 JAC. 7410
 Dixie Huff, Committee Assistant, 435 JAC. 7462

EARLY LEARNING & K-12 EDUCATION 7420

Senator Rosemary McAuliffe, Chair, 403 LEG. 7600
 Susan Mielke, Sr. Coordinator/Counsel, 463 JAC. 7422
 Lidia Mori, Counsel, 459 JAC. 7755
 Ingrid Mungia, Counsel, 440 JAC. 7423
 Sandy Wibbels, Committee Assistant, 439 JAC. 7491

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Senator Kevin Ranker, Chair, 215 JAC. 7678
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 Diane Smith, Sr. Staff Counsel, 431 JAC. 7410
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 Kathy Buchli, Coordinator/Counsel, 437 JAC. 7488
 Mich'l Needham, Analyst, 436 JAC. 7442
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 Jennifer Strus, Sr. Coordinator/Counsel, 453 JAC. 7316
 Shani Bauer, Counsel, 457 JAC. 7468
 Kevin Black, Counsel, 449 JAC. 7747
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Senator Adam Kline, Chair, 223 JAC. 7688
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 Mac Nicholson, Coordinator/Counsel, 446 JAC. 7445
 Ingrid Mungia, Counsel, 440 JAC. 7423
 Edith Rice, Counsel, 438 JAC. 7444
 Brittany Yunker, Committee Assistant, 466 JAC. 7407

TRANSPORTATION 7300

Senator Mary Margaret Haugen, Chair, 305 JAC. 7618
 Kelly Simpson, Coordinator/Counsel, 323 JAC. 7403
 Amanda Cecil, Fiscal Analyst, 321 JAC. 7429
 Hayley Gamble, Fiscal Analyst, 317 JAC. 7452
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 Clinton McCarthy, Fiscal Analyst, 314 JAC. 7319
 David Ward, Budget Coordinator, 319 JAC. 7341
 Catherine Nicolai, Committee Assistant, 313 JAC. 7430

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 Dean Carlson, Revenue Analyst, 337 JAC. 7305
 Dianne Criswell, Revenue Counsel, 327 JAC. 7433
 Elise Greef, Fiscal Analyst, 324 JAC. 7708
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 Maria Hovde, Fiscal Analyst, 333 JAC. 7710
 Steve Jones, Budget Counsel, 328 JAC. 7440
 Sherry McNamara, Fiscal Analyst, 312 JAC. 7402
 Bryon Moore, Operating Budget Coordinator, 330 JAC. 7726
 Richard Ramsey, Fiscal Analyst, 331 JAC. 7412
 Brian Sims, Capital Budget Coordinator, 336 JAC. 7431
 Erik Sund, Fiscal Analyst, 332 JAC. 7454
 Tim Yowell, Fiscal Analyst, 329 JAC. 7435
 Devon Nichols, Committee Assistant, 339 JAC. 7716
 Megan Christophersen, Session Committee Assistant, 311 JAC. 7715

JOINT ADMINISTRATIVE RULES REVIEW COMMITTEE (JARRC)

Senator Karen Fraser, Chair, 404 LEG. 7642
 Cece Clynych, Counsel, 238 JLOB. 7195
 Ingrid Mungia, Counsel, 440 JAC. 7423
 Brittany Yunker, Committee Assistant, 466 JAC. 7407

786-	Name	Committee	Room#	786-	Name	Committee	Room#
7446	Atkinson, Megan	Fiscal Analyst, Ways & Means	326 JAC	7423	Mungia, Ingrid	Counsel, Early Learning & K-12	
7468	Bauer, Shani	Counsel, Human Services & Corrections	457 JAC			Education/Labor, Commerce & Consumer Protection/Joint Administrative Rules Review Committee (JARRC)	440 JAC
7449	Bezanson, Michael	Fiscal Analyst, Ways & Means	340 JAC	7442	Needham, Mich'l	Analyst, Health & Long-Term Care ...	436 JAC
7747	Black, Kevin	Counsel, Human Services & Corrections	449 JAC	7716	Nichols, Devon	Committee Assistant, Ways & Means.....	339 JAC
7416	Bridges, William	Counsel, Energy, Natural Resources & Marine Waters.....	418 JAC	7445	Nicholson, Mac	Coordinator/Counsel, Labor, Commerce & Consumer Protection..	446 JAC
7428	Brummel, Jack	Coordinator/Counsel, Economic Development, Trade & Innovation...	433 JAC	7430	Nicolai, Catherine	Committee Assistant, Transportation.....	313 JAC
7488	Buchli, Kathy	Coordinator/Counsel, Health & Long-Term Car	437 JAC	7486	Odano, Jan	Coordinator/Analyst, Environment ..	417 JAC
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7433	Criswell, Dianne	Revenue Counsel, Ways & Means	327 JAC	7444	Rice, Edith	Counsel, Labor, Commerce & Consumer Protection.....	438 JAC
7421	Cushing, Kim	Coordinator/Counsel, Higher Education & Workforce Development	456 JAC	7401	Rodger, Richard	Director, Committee Services.....	447 JAC
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7452	Gamble, Hayley	Fiscal Analyst, Transportation	317 JAC	7474	Schumacher, David	Sr. Staff Coordinator, Ways & Means.....	334 JAC
7437	Gavigan, Curt	Coordinator/Counsel, Energy, Natural Resources & Marine Waters	434 JAC	7403	Simpson, Kelly	Coordinator/Counsel, Transportation.....	323 JAC
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7711	Greenlee, Jenny	Fiscal Analyst, Ways & Means	325 JAC	7410	Smith, Diane	Sr. Staff Counsel, Agriculture, Water & Rural Economic Development/Environment.....	431 JAC
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7462	Huff, Dixie	Committee Assistant, Agri., Water & Rural Econ. Dev./Econ. Dev., Trade & Innovation/Environment/Energy, Nat. Resources & Marine Waters.....	435 JAC	7454	Sund, Erik	Fiscal Analyst, Ways & Means	332 JAC
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7404	Lee, Bob	Coordinator/Analyst, Agriculture, Water & Rural Economic Development	421 JAC	7413	Thompson, Sam	Counsel, Government Operations, Tribal Relations & Elections	420 JAC
7319	McCarthy, Clinton	Fiscal Analyst, Transportation	314 JAC	7341	Ward, David	Budget Coordinator, Transportation.....	319 JAC
7402	McNamara, Sherry	Deputy Director/Committee Services Fiscal Analyst/Ways & Means.....	312 JAC	7491	Wibbels, Sandy	Committee Assistant, Early Learn. & K-12 Ed./Fin. Inst., Housing & Insur./Higher Ed. & Workforce Dev./Judiciary	439 JAC
7439	Melchiori, Aldo	Coordinator/Counsel, Judiciary	461 JAC	7435	Yowell, Tim	Fiscal Analyst, Ways & Means	329 JAC
7483	Mendiola, Alison	Coordinator/Counsel, Financial Institutions, Housing & Insurance	458 JAC	7407	Yunker, Brittany	Committee Assistant, Gov't. Op., Tribal Relations & Elec./Health & Long-Term Care/Human Srvs & Corrections/Labor, Commerce & Cons. Protection/Joint Administrative Rules Review Committee (JARRC)	466 JAC
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7726	Moore, Bryon	Operating Budget Coordinator, Ways & Means	330 JAC				
7755	Mori, Lidia	Counsel, Early Learning & K-12 Education	459 JAC				