

CALIFORNIA LEGISLATURE  
2003-04 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 27, 2003**  
**FIFTEENTH SESSION DAY**  
**FIFTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, January 27, 2003

The Assembly met at 11 a.m.  
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,  
presiding.  
Chief Clerk E. Dotson Wilson at the Desk.  
Assistant Clerk Francesca Vega reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Lieber moved a quorum call of the Assembly.  
Motion carried. Time, 11:01 a.m.  
The Speaker pro Tempore directed the Sergeant at Arms to close the  
doors, and to bring in the absent Members.

#### Quorum Present

At 11:12 a.m., Speaker pro Tempore Kehoe declared a quorum of the  
Assembly present.

The roll call was completed, and the following answered to their  
names—76:

Aghazarian	Dutton	Leslie	Pacheco
Bates	Dymally	Levine	Parra
Benoit	Firebaugh	Lieber	Pavley
Berg	Frommer	Liu	Plescia
Bermudez	Garcia	Longville	Reyes
Bogh	Goldberg	Lowenthal	Richman
Calderon	Hancock	Maldonado	Ridley-Thomas
Campbell	Harman	Matthews	Runner
Canciamilla	Haynes	Maze	Salinas
Chan	Horton, Shirley	McCarthy	Samuelian
Chu	Houston	Montanez	Simitian
Cogdill	Jackson	Mountjoy	Spitzer
Cohn	Keene	Mullin	Steinberg
Corbett	Kehoe	Nakanishi	Strickland
Correa	Koretz	Nakano	Vargas
Cox	La Malfa	Nation	Wiggins
Daucher	La Suer	Negrete McLeod	Wolk
Diaz	Laird	Nunez	Yee
Dutra	Leno	Oropeza	Mr. Speaker

**PRAYER**

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

*O God, You have been the refuge of our forefathers through many generations. Be our refuge today in every time and circumstance of need. Be our guide through all that is dark and doubtful. Be our guard against all that threatens our spiritual welfare. Be our strength in time of testing. Gladden our hearts with Your peace, now and always.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kehoe, Assembly Member Wolk then led the Assembly in the pledge of allegiance to the Flag.

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Firebaugh, seconded by Assembly Member Cogdill.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Chavez and Maddox.*

*On personal business, and waiving per diem: Assembly Member Wyland.*

*Because of illness: Assembly Member Jerome E. Horton.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 9, 2003

*The Honorable Herb J. Wesson, Jr.*

*Speaker*

*California State Assembly*

*State Capitol, Room 219*

*Sacramento, California*

Dear Mr. Speaker Wesson: I respectfully request that I be excused from session on Monday, January 27, 2003. The purpose is to attend to legislative business in my district.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member  
Fifty-seventh District

January 21, 2003

*The Honorable Herb Wesson*  
*Speaker of the California State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request authorization to be absent from session on Monday, January 27th. I will be in my district on legislative business.

Thank you for your consideration of my request.

Sincerely,

KEN MADDOX, Assembly Member  
Sixty-eighth District

#### COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 23, 2003

*Mr. E. Dotson Wilson*  
*Chief Clerk, California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

RE: Appointment of Clifton Johnson  
to California Board of Accountancy

Dear Mr. Wilson: Please be advised I have appointed Mr. Clifton Johnson to the California Board of Accountancy. This is a term appointment starting January 23, 2003 and the expiration date is January 1, 2007.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

January 24, 2003

*Mr. E. Dotson Wilson*  
*Chief Clerk, California State Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

RE: Appointment of Reed Holderman  
to Tahoe Regional Planning Agency

Dear Mr. Wilson: Please be advised I have appointed Mr. Reed Holderman to the Tahoe Regional Planning Agency. This is a pleasure appointment starting January 24, 2003. Mr. Holderman will be replacing Ms. Catherine Derringer.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

January 27, 2003

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: This is to advise you that I have removed Assemblymember Manny Diaz from the Assembly Public Safety Committee, creating a vacancy on the committee.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

January 27, 2003

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have created the Select Committee on Emerging Issues in California Communities for the 2003–04 Regular Session and have appointed Assemblymember Fabian Nunez as the Chair.

Sincerely,

HERB J. WESSON, JR.  
Speaker of the California Assembly

#### REPORTS

The following reports were presented by the Chief Clerk:

**Annual Report on the Substance Abuse Treatment Program  
at the Substance Abuse Treatment Facility  
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated January 9, 2003, referred by the Speaker to the Committee on Public Safety.

**Prison Representative Program Annual Report  
(Pursuant to Assembly Bill 2848, Chapter 1038, Statutes of 1980)**

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated January 9, 2003, referred by the Speaker to the Committee on Public Safety.

**2001 Status Report on  
the Pesticide Contamination Prevention Act  
(Pursuant to Food and Agricultural Code Section 13144 (b))**

Above transmitted report, together with letter of transmittal from Paul E. Helliker, Director, Department of Pesticide Regulation, dated January 9, 2003, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Law Revision Commission 2002–2003 Annual Report  
(Pursuant to Government Code Sections 8291 and 9795)**

Above transmitted report, together with letter of transmittal from Nathaniel Sterling, Executive Secretary, California Law Revision Commission, dated January 10, 2003, referred by the Speaker to the Committee on Judiciary.

**2003 Report on the  
Safe at Home Confidential Address Program  
(Pursuant to Section 6210 of Division 7 and Title 1 of the Government Code)**

Above transmitted report, together with letter of transmittal from Kevin Shelley, Secretary of State, dated January 10, 2003, referred by the Speaker to the Committee on Judiciary.

**An Evaluation of the Implementation of  
Ignition Interlock in California  
(Pursuant to Assembly Bill 762, Chapter 756  
Statutes of 1998)**

Above transmitted report, together with letter of transmittal from Steven Gourley, Director, Department of Motor Vehicles, dated January 23, 2003, referred by the Speaker to the Committee on Transportation.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 27, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- Assembly Bill No. 8
- Assembly Bill No. 32
- Assembly Bill No. 55

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee:

*Assembly*

<i>Bill No.</i>	<i>Committee</i>
<b>71</b> -----	G.O. and Rev. & Tax.
<b>103</b> -----	Health and B. & P.
<b>129</b> -----	Jud.
<b>140</b> -----	Pub. S.
<b>142</b> -----	Nat. Res.
<b>144</b> -----	P.E.,R. & S.S.
<b>145</b> -----	Pub. S.
<b>146</b> -----	Jud.
<b>147</b> -----	Health
<b>149</b> -----	Ins.
<b>150</b> -----	Pub. S.
<b>151</b> -----	U. & C. and Nat. Res.
<b>153</b> -----	Higher Ed.
<b>154</b> -----	Health

*House*

<i>Resolution No.</i>	<i>Committee</i>
<b>10</b> -----	Rls.

**AUTHOR'S AMENDMENTS**  
**Committee on Appropriations**

January 27, 2003

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 38

With author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chairman

**ASSEMBLY BILL NO. 38**—An act relating to the West Fresno Elementary School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 27, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 38

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

Date of Hearing: January 27, 2003

Mr. Speaker: Your Committee on Rules reports:  
Assembly Concurrent Resolution No. 13

With the recommendation: Be adopted.

NATION, Chairman

Above resolution ordered to third reading.

Date of Hearing: January 27, 2003

Mr. Speaker: Your Committee on Rules reports:  
House Resolution No. 10

With the recommendation: Be adopted.

NATION, Chairman

Above resolution ordered to third reading.

**ASSEMBLY RULE 118 TEMPORARILY SUSPENDED**

Assembly Member Chan was granted unanimous consent that Assembly Rule 118 be temporarily suspended for the purpose of permitting guests at the Members' desks on the Floor of the Assembly.

**REQUEST FOR PHOTOGRAPHER**

Assembly Member Chan was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

**ADJOURN IN MEMORY**

Assembly Member Aghazarian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lou Souza, of Stockton.

(Assembly Rule 45.5 suspended.)

Assembly Member Goldberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Nell Carter, of Beverly Hills.

(Assembly Rule 45.5 suspended.)

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Chan was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting at this time, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 38 for hearing.

**RECESS**

By unanimous consent, at 11:23 a.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

**RECONVENED**

At 11:33 a.m., the Assembly reconvened.

Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE****THIRD READING OF ASSEMBLY BILLS**

**HOUSE RESOLUTION NO. 7 (Jackson)**—Relative to National Mentoring Month.

Resolution read.

**Members Made Coauthors of House Resolution No. 7**

Assembly Member Jackson was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 7.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Aghazarian, Benoit, Berg, Bermudez, Bogh, Calderon, Campbell, Canciamilla, Chan, Chu, Cogdill, Cohn, Correa, Cox, Daucher, Diaz, Dutra, Dutton, Dymally, Firebaugh, Frommer, Garcia, Goldberg, Hancock, Harman, Shirley Horton, Houston, Keene, Kehoe, Koretz, La Malfa, La Suer, Laird, Leno, Leslie, Levine, Lieber, Liu, Longville, Lowenthal, Maldonado, Matthews, Maze, McCarthy, Montanez, Mountjoy, Mullin, Nakanishi, Nakano, Nation, Negrete McLeod, Nunez, Oropeza, Pacheco, Parra, Pavley, Plescia, Reyes, Richman, Ridley-Thomas, Runner, Salinas, Simitian, Spitzer, Steinberg, Strickland, Vargas, Wesson, Wiggins, Wolk, and Yee.



**Request for Unanimous Consent**

Assembly Member Jackson was granted unanimous consent to take up House Resolution No. 7, as amended, without reference to print or file.

**Consideration of House Resolution No. 7, as Amended**

**HOUSE RESOLUTION NO. 7**—Relative to National Mentoring Month.

Resolution read, as amended, and adopted.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing: January 27, 2003

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 38

With the recommendation: Do pass.

STEINBERG, Chairman

Above bill ordered to second reading.

**ASSEMBLY BILL NO. 38 TAKEN UP BY UNANIMOUS CONSENT  
FOR SECOND READING**

Assembly Member Chan was granted unanimous consent to take up Assembly Bill No. 38 without reference to file, for the purpose of reading the bill a second time.

**ASSEMBLY BILL NO. 38**—An act relating to the West Fresno Elementary School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**CONSIDERATION OF ASSEMBLY BILL NO. 38 BY UNANIMOUS CONSENT**

Assembly Member Reyes was granted unanimous consent to take up Assembly Bill No. 38 without reference to file, for purpose of consideration.

**ASSEMBLY BILL NO. 38 (Reyes)**—An act relating to the West Fresno Elementary School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—74**

Aghazarian	Dutton	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maldonado	Ridley-Thomas
Calderon	Harman	Matthews	Runner
Campbell	Haynes	Maze	Salinas
Canciamilla	Horton, Shirley	McCarthy	Samuelian
Chan	Houston	Montanez	Simitian
Chu	Jackson	Mountjoy	Spitzer
Cogdill	Keene	Mullin	Steinberg
Cohn	Kehoe	Nakanishi	Strickland
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Leslie	Pacheco	

**NOES—1**

Dymally

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—74**

Aghazarian	Dutton	Levine	Parra
Bates	Firebaugh	Lieber	Pavley
Benoit	Frommer	Liu	Plescia
Berg	Garcia	Longville	Reyes
Bermudez	Goldberg	Lowenthal	Richman
Bogh	Hancock	Maldonado	Ridley-Thomas
Calderon	Harman	Matthews	Runner
Campbell	Haynes	Maze	Salinas
Canciamilla	Horton, Shirley	McCarthy	Samuelian
Chan	Houston	Montanez	Simitian
Chu	Jackson	Mountjoy	Spitzer
Cogdill	Keene	Mullin	Steinberg
Cohn	Kehoe	Nakanishi	Strickland
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Yee
Daucher	Laird	Nunez	Mr. Speaker
Diaz	Leno	Oropeza	
Dutra	Leslie	Pacheco	

**NOES—1**

Dymally

Bill ordered transmitted to the Senate immediately.

**ADJOURN IN MEMORY**

Assembly Member Chu was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lloyd Monserratt, of Alhambra.

Assembly Member Frommer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tamara Zarian Tassalian, of Glendale.

Assembly Member Shirley Horton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Janeen Kerper, of San Diego.

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elvira Quintanilla, of Portland, Oregon.

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Oropeza announced that the Committee on Budget would meet today at 3 p.m.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

**Assembly Bill No. 38, Urgency:** Canciamilla and Mountjoy—Aye.

**MOTION TO ADJOURN**

At 11:47 a.m., Assembly Member Bogh moved that the Assembly do now adjourn.

Assembly Member Chan seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 11:49 a.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 179—Chan.** An act to amend Sections 130120 and 130150 of the Health and Safety Code, relating to child development.

**ASSEMBLY BILL NO. 180—Shirley Horton and Wyland.** An act to add Section 9103 to the Welfare and Institutions Code, relating to aging, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 181—Shirley Horton (Principal coauthor: Senator Florez) (Coauthors: Benoit, Cox, Daucher, Dutton, Haynes, La Suer, Leslie, Maldonado, Maze, Pacheco, Plescia, Runner, and Wyland) (Coauthors: Senators Johnson and Soto).** An act to add Section 290.15 to the Penal Code, relating to sex offenders.

**ASSEMBLY BILL NO. 182—Harman.** An act to amend Sections 681.030, 703.140, 704.010, 704.030, 704.040, 704.060, 704.080, 704.090, and 704.100 of, and to add Section 703.150 to, the Code of Civil Procedure, and to amend Section 17409 of the Welfare and Institutions Code, relating to exempt property.

**ASSEMBLY BILL NO. 183—Nation.** An act to amend Section 14132 of the Welfare and Institutions Code, relating to Medi-Cal.

**ASSEMBLY BILL NO. 184—Lowenthal.** An act to amend Section 1808.21 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 185—Jerome Horton.** An act to add Section 486 to the Food and Agricultural Code, relating to cooperative agreements.

**ASSEMBLY BILL NO. 186—Correa.** An act to amend Sections 4059, 4060, and 4061 of the Business and Professions Code, relating to optometrists.

**ASSEMBLY BILL NO. 187—Runner.** An act to amend Sections 23536, 23538, 23540, 23542, 23546, 23548, 23550, 23550.5, 23554, 23552, 23556, 23560, 23562, 23566, and 23568 of, and to add Section 42012 to, the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 188—Maze.** An act to amend Sections 3020 and 3311 of, and to add Section 3004.5 to, the Elections Code, and to add Section 12173 to the Government Code, relating to absentee voters.

**ASSEMBLY BILL NO. 189—Cogdill.** An act to add Section 6363.8 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 190—Negrete McLeod.** An act to amend Section 87407 of the Government Code, relating to the Political Reform Act of 1974.

**ASSEMBLY BILL NO. 191—Cogdill.** An act to add Section 6203.5 to the Penal Code, relating to conservation camps, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 192—Harman.** An act to amend Section 56742 of the Government Code, relating to local agency formation.

**ASSEMBLY BILL NO. 193—Cohn.** An act relating to health care.

**ASSEMBLY BILL NO. 194—Lieber.** An act to amend Section 16122 of the Welfare and Institutions Code, relating to public social services.

**ASSEMBLY BILL NO. 195—Chan.** An act to amend Sections 51890 and 51913 of the Education Code, relating to health education.

**ASSEMBLY BILL NO. 196—Leno (Coauthors: Berg, Goldberg, Hancock, Kehoe, Koretz, Laird, Lieber, and Longville).** An act to amend Section 12926 of, and to add Section 12949 to, the Government Code, relating to discrimination.

**ASSEMBLY BILL NO. 197—Strickland.** An act to amend Section 12419.10 of the Government Code, relating to offset payments.

**ASSEMBLY BILL NO. 198—Nation.** An act to add Section 30807.5 to the Streets and Highways Code, relating to streets and highways.

### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 16—Nation.** Relative to nutrition.

**ASSEMBLY CONCURRENT RESOLUTION NO. 17—Cogdill.** Relative to highways.

**ASSEMBLY JOINT RESOLUTION NO. 4—Mountjoy.** Relative to the National Slave Memorial Act.

**HOUSE RESOLUTION NO. 13—Strickland.** Relative to Ronald Reagan's Birthday.

**HOUSE RESOLUTION NO. 14—Firebaugh.** Relative to California Museum Month.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Bogh, the Assembly adjourned until 1:30 p.m., Tuesday, January 28, 2003, out of respect to the memory of Lou Souza, on motion of Assembly Member Aghazarian; out of respect to the memory of Nell Carter, on motion of Assembly Member Goldberg; out of respect to the memory of Lloyd Monserratt, on motion of Assembly Member Chu; out of respect to the memory of Tamara Zarian Tassalian, on motion of Assembly Member Frommer; out of respect to the memory of Janeen Kerper, on motion of Assembly Member Shirley Horton; and out of respect to the memory of Elvira Quintanilla, on motion of Assembly Member Reyes.

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HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 27, 2003**

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The following measure was amended in the Assembly on this day:

**AB RN**

38 0302644

**Daily Total: 1**

**Cumulative Total: 11**

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