

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, April 1, 2009**

**FIFTY-FIRST SESSION DAY**

**ONE HUNDRED TWENTY-SECOND 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to  
Sue Parker, Minute Clerk: Phone 319-2360)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Wednesday, April 1, 2009

The Assembly met at 7 a.m.

Hon. Chuck DeVore, Assembly Member, 70th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Amy Leach reading.

#### ROLL CALL

The following were placed upon the morning roll call—80:

Adams	De La Torre	Hayashi	Pérez, John
Ammiano	De León	Hernandez	Pérez, V. Manuel
Anderson	DeVore	Hill	Portantino
Arambula	Duvall	Huber	Price
Beall	Emmerson	Huffman	Ruskin
Berryhill, Bill	Eng	Jeffries	Salas
Berryhill, Tom	Evans	Jones	Saldaña
Blakeslee	Feuer	Knight	Silva
Block	Fletcher	Krekorian	Skinner
Blumenfield	Fong	Lieu	Smyth
Brownley	Fuentes	Logue	Solorio
Buchanan	Fuller	Lowenthal	Strickland
Caballero	Furutani	Ma	Swanson
Calderon	Gaines	Mendoza	Torlakson
Carter	Galgiani	Miller	Torres
Chesbro	Garrick	Monning	Torrico
Conway	Gilmore	Nava	Tran
Cook	Hagman	Nestande	Villines
Coto	Hall	Niello	Yamada
Davis	Harkey	Nielsen	Mme. Speaker

Quorum present.

**At 2:30 p.m., Hon. Connie Conway, 34th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, April 1, 2009

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

Assembly Bill No. 99

Assembly Bill No. 261

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, April 1, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 285  
Assembly Bill No. 583

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

Assembly Chamber, April 1, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 41

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, April 1, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 37  
Assembly Concurrent Resolution No. 45

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

Assembly Chamber, April 1, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 837  
Assembly Bill No. 854  
Assembly Bill No. 861  
Assembly Bill No. 999  
Assembly Bill No. 1048  
Assembly Bill No. 1070

Assembly Bill No. 1087  
Assembly Bill No. 1177  
Assembly Bill No. 1238  
Assembly Bill No. 1304  
Assembly Bill No. 1305  
Assembly Bill No. 1385

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 1, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 42  
Assembly Bill No. 44  
Assembly Bill No. 46  
Assembly Bill No. 68  
Assembly Bill No. 93  
Assembly Bill No. 111  
Assembly Bill No. 145  
Assembly Bill No. 149

Assembly Bill No. 179  
Assembly Bill No. 350  
Assembly Bill No. 428  
Assembly Bill No. 528  
Assembly Bill No. 665  
Assembly Bill No. 756  
Assembly Bill No. 823  
Assembly Bill No. 828

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 1, 2009

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 11  
Assembly Concurrent Resolution No. 19  
Assembly Concurrent Resolution No. 21  
Assembly Concurrent Resolution No. 22  
Assembly Concurrent Resolution No. 44

And reports the same correctly enrolled, and presented to the Secretary of State on the 1st day of April, 2009, at 2:15 p.m.

E. DOTSON WILSON, Chief Clerk

**COMMUNICATIONS**

The following communication was presented by the Speaker, and ordered printed in the Journal:

April 1, 2009

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

RE: Appointment of Jerry Hill  
to California Council on Criminal Justice

Dear Mr. Wilson: Please be advised I have appointed Assemblymember Jerry Hill to the California Council on Criminal Justice. This is a pleasure appointment starting April 1, 2009.

Sincerely,

KAREN BASS  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Water, Parks and Wildlife, for hearing on Tuesday, April 21, 2009, at 9 a.m.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 21—Charles Calderon.**

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 4 of Article XVIII thereof, relating to initiatives.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 55—Torlakson.** Relative to workplace bullying training at the University of California.

**ASSEMBLY CONCURRENT RESOLUTION NO. 56—Huffman (Principal coauthor: Senator Pavley) (Coauthors: Ammiano, Bass, Block, Blumenfield, Brownley, Chesbro, De León, Feuer, Fong, Hernandez, Hill, Jones, Ma, Nava, Portantino, Ruskin, Saldaña, and Skinner) (Coauthors: Senators Corbett, DeSaulnier, Hancock, Kehoe, Liu, Maldonado, Romero, Wiggins, and Wolk).** Relative to Earth Week 2009.

**AUTHOR'S AMENDMENTS****Committee on Housing and Community Development**

April 1, 2009

Mme. Speaker: The Chair of your Committee on Housing and Community Development reports:

Assembly Bill No. 899

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

TORRES, Chair

**ASSEMBLY BILL NO. 899**—An act to amend Section 1363 of the Civil Code, relating to common interest developments.

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.

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

April 1, 2009

Mme. Speaker: The Chair of your Committee on Judiciary reports:  
Assembly Bill No. 906

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

FEUER, Chair

**ASSEMBLY BILL NO. 906**—An act to amend Section 1092 of the Government Code, relating to conflict of interest.

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.

**AUTHOR'S AMENDMENTS**  
**Committee on Agriculture**

April 1, 2009

Mme. Speaker: The Chair of your Committee on Agriculture reports:  
Assembly Bill No. 537

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

GALGIANI, Chair

**ASSEMBLY BILL NO. 537**—An act to add Section 412 to the Food and Agricultural Code, relating to agriculture.

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.

**AUTHOR'S AMENDMENTS**  
**Committee on Natural Resources**

April 1, 2009

Mme. Speaker: The Chair of your Committee on Natural Resources reports:  
Assembly Bill No. 135

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

SKINNER, Chair

**ASSEMBLY BILL NO. 135**—An act to add Article 4.6 (commencing with Section 4149) to Chapter 1 of Part 2 of Division 4 of the Public Resources Code, relating to fire protection.

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.

**AUTHOR'S AMENDMENTS**  
**Committee on Natural Resources**

April 1, 2009

Mme. Speaker: The Chair of your Committee on Natural Resources reports:  
Assembly Bill No. 453

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

SKINNER, Chair

**ASSEMBLY BILL NO. 453**—An act to amend Section 41964 of the Health and Safety Code, relating to air pollution.

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.

**AUTHOR'S AMENDMENTS**  
**Committee on Insurance**

April 1, 2009

Mme. Speaker: The Chair of your Committee on Insurance reports:  
Assembly Bill No. 409

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

COTO, Chair

**ASSEMBLY BILL NO. 409**—An act to amend Section 1063.5 of the Insurance Code, relating to the California Insurance Guarantee Association.

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.

**AUTHOR'S AMENDMENTS**  
**Committee on Water, Parks and Wildlife**

April 1, 2009

Mme. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:  
Assembly Bill No. 13

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

HUFFMAN, Chair

**ASSEMBLY BILL NO. 13**—An act to add Division 29 (commencing with Section 80500) to the Water Code, relating to the Sacramento-San Joaquin Delta.

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.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

April 1, 2009

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 104

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

CALDERON, Chair

**ASSEMBLY BILL NO. 104**—An act to amend Sections 17085, 17504, and 17506 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

April 1, 2009

Mme. Speaker: The Chair of your Committee on Health reports:  
Assembly Bill No. 830

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

JONES, Chair

**ASSEMBLY BILL NO. 830**—An act to amend Sections 13, 4025, 4053, and 4342 of the Business and Professions Code, to amend Sections 1367.21, 1370.4, 11014, 109920, 109985, 111656.4, and 150204 of the Health and Safety Code, to amend Sections 10123.195 and 10145.3 of the Insurance Code, to amend Section 47121 of the Public Resources Code, and to amend Sections 14105.43 and 14133.2 of the Welfare and Institutions Code, relating to drugs and devices.

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.

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

April 1, 2009

Mme. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 162

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

DE LEÓN, Chair

**ASSEMBLY BILL NO. 162**—An act to amend Sections 398.2, 398.4, and 398.5 of the Public Utilities Code, relating to electrical suppliers.

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.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Elections and Redistricting**

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Elections and Redistricting reports:

Assembly Bill No. 30

Assembly Bill No. 308

Assembly Bill No. 84

Assembly Bill No. 330

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

FONG, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Elections and Redistricting reports:

Assembly Bill No. 101

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

FONG, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Higher Education**

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 552

Assembly Bill No. 581

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

PORTANTINO, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 385

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

PORTANTINO, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Health**

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Health reports:

Assembly Bill No. 108

Assembly Bill No. 119

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

JONES, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 24, 2009

Mme. Speaker: Your Committee on Health reports:

Assembly Concurrent Resolution No. 28

With amendments with the recommendation: Amend, be adopted as amended, and be re-referred to the Committee on Appropriations.

JONES, Chair

Above resolution ordered to second reading.

**Committee on Public Employees, Retirement and Social Security**

Date of Hearing: April 1, 2009

Mme. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 65

Assembly Bill No. 232

Assembly Bill No. 86

Assembly Bill No. 964

Assembly Bill No. 125

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

HERNANDEZ, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: April 1, 2009

Mme. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 399

Assembly Bill No. 506

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

HERNANDEZ, Chair

Above bills re-referred to the Committee on Appropriations.



Date of Hearing: April 1, 2009

Mme. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 468

With the recommendation: Do pass.

HERNANDEZ, Chair

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: April 1, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 70

Assembly Bill No. 121

Assembly Bill No. 107

Assembly Bill No. 239

Assembly Bill No. 114

Assembly Bill No. 240

With the recommendation: Do pass.

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: April 1, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 20

Assembly Bill No. 140

Assembly Bill No. 117

Assembly Bill No. 143

Assembly Bill No. 123

Assembly Bill No. 248

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

DE LEÓN, Chair

Above bills ordered to second reading.

Date of Hearing: April 1, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Concurrent Resolution No. 29

Assembly Concurrent Resolution No. 30

Assembly Concurrent Resolution No. 33

Assembly Concurrent Resolution No. 34

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

DE LEÓN, Chair

Above resolutions ordered to the Consent Calendar.

Date of Hearing: April 1, 2009

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 23

With amendments with the recommendation: amend, and do pass, as amended.

DE LEÓN, Chair

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 589

With the recommendation: Do pass, and be re-referred to the Committee on Veterans Affairs with recommendation: To Consent Calendar.

SOLORIO, Chair

Above bill re-referred to the Committee on Veterans Affairs.

**Committee on Public Safety**

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 61	Assembly Bill No. 383
Assembly Bill No. 151	Assembly Bill No. 412
Assembly Bill No. 297	Assembly Bill No. 504
Assembly Bill No. 316	Assembly Bill No. 538
Assembly Bill No. 337	Assembly Bill No. 576
Assembly Bill No. 382	

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

SOLORIO, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 247	Assembly Bill No. 430
Assembly Bill No. 322	Assembly Bill No. 461
Assembly Bill No. 388	Assembly Bill No. 561

With the recommendation: Do pass, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.

SOLORIO, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 14

With the recommendation: Do pass.

SOLORIO, Chair

Above bill ordered to second reading.

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 509

With amendments with the recommendation: Amend, and do pass, as amended.

SOLORIO, Chair

Above bill ordered to second reading.

**Committee on Insurance**

Date of Hearing: April 1, 2009

Mme. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 483

With the recommendation: Do pass, and be re-referred to the Committee on Judiciary.

COTO, Chair

Above bill re-referred to the Committee on Judiciary.

Date of Hearing: April 1, 2009

Mme. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 76	Assembly Bill No. 299
Assembly Bill No. 280	Assembly Bill No. 725

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

COTO, Chair

Above bills re-referred to the Committee on Appropriations.

**Committee on Aging and Long-Term Care**

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Aging and Long-Term Care reports:

Assembly Joint Resolution No. 6

With the recommendation: Be adopted.

LOWENTHAL, Chair

Above resolution ordered to third reading.

**Committee on Higher Education**

Date of Hearing: March 31, 2009

Mme. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 48

With amendments with the recommendation: Amend, do pass, as amended and be re-referred to the Committee on Business and Professions.

PORTANTINO, Chair

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 261**—An act to amend Sections 49076 and 49076.5 of the Education Code, relating to pupil records.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 375**—An act to amend Section 3064 of the Family Code, relating to child custody.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 457**—An act to amend Sections 3084 and 3146 of the Civil Code, relating to liens.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 285**—An act to amend Section 20 of the Corporations Code, relating to corporations.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 442**—An act to amend Section 1185 of the Civil Code, relating to notaries public.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 99**—An act to amend Section 21628 of the Business and Professions Code, relating to secondhand goods.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 583**—An act to amend Section 680 of the Business and Professions Code, relating to health care practitioners.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 301**—An act to amend Section 111130 of, and to add Section 111131 to, the Health and Safety Code, relating to vended water.

Bill read second time; amendments proposed by the Committee on Environmental Safety and Toxic Materials read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 52**—An act to amend Sections 1627, 1628, and 1630 of, to amend, repeal, and add Sections 102247, 103605, and 103625 of, and to add Sections 1627.5 and 1627.7 to, the Health and Safety Code, relating to umbilical cord blood banking.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 154**—An act to amend Sections 16118 and 16119 of the Welfare and Institutions Code, relating to adoption assistance.

Bill read second time; amendments proposed by the Committee on Human Services read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, April 2, 2009.

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KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 1, 2009**

The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>	
13	0910736	
52	0910765	
104	0909884	
135	0910905	
154	0910768	
162	0910986	
301	0910933	
409	0910670	
442	0911093	
453	0911094	
537	0910591	
830	0910613	
899	0910103	
906	0910694	
<b>Daily Total:</b>		<b>14</b>
<b>Cumulative Total:</b>		<b>220</b>

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