

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, August 6, 1997**

**ONE HUNDRED TWENTY-FIRST SESSION DAY**

**TWO HUNDRED FORTY-EIGHTH 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  
Wednesday, August 6, 1997

The Assembly met at 7 a.m.

Hon. Steven T. Kuykendall, Assembly Member, 54th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—49:

Aguiar	Firestone	Machado	Pacheco
Ashburn	Floyd	Margett	Pringle
Baca	Frusetta	Martinez	Shelley
Battin	Gallegos	Mazzoni	Sweeney *
Baugh	Granlund	McClintock	Takasugi
Bordonaro	Hertzberg	Migden	Thompson
Bowler	Honda	Miller	Torlakson
Brown	House	Morrissey	Wildman
Campbell	Kaloogian	Murray	Woods
Cardenas	Keeley	Murray	Mr. Speaker
Ducheny	Kuehl	Napolitano	
Escutia	Kuykendall	Olberg	
Figueroa	Leonard	Ortiz	

Quorum present.

\* (NOTE: Per diem waived by Assembly Member Sweeney. See communication printed later this day.)

**At 2:25 p.m., Hon. Robert M. Hertzberg, 40th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

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

#### 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 Ackerman, Alquist, Aroner, Baldwin, Bowen, Brewer, Caldera, Cardoza\*, Cunneen\*, Davis, Goldsmith, Havice, Knox, Leach, Oller, Papan, Perata, Poochigian, Prenter, Richter, Runner, Strom-Martin, Villaraigosa, Vincent, Washington, Wayne\*, and Wright.*

(NOTE: \*Per diem waived during period of 1997 Budget delay. See Assembly Journal, (Cardoza, page 3344; Cunneen, page 3267; Wayne, page 3448.)

*On personal business, and waiving per diem: Assembly Members Lempert, Scott, and Thomson.*

*Because of illness: Assembly Member Alby.*

**EXPLANATIONS OF ABSENCE**

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

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker, California State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I am writing to request to be excused from Session on Wednesday, August 6, 1997 due to Legislative business in the Seventy-Second Assembly District. I will be within two hours of the Capitol and will be there if necessary.

Thank you for your consideration. Please contact me if I can be of further assistance.

Sincerely,

DICK ACKERMAN, Assembly Member  
 Seventy-second District

August 5, 1997

*The Honorable Cruz Bustamante*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I am requesting approval to be excused from Check-in Session on Wednesday, August 6, 1997 due to the fact that I am conducting legislative business in my District. I am holding an important school's facility meeting in the morning and then a meeting in the afternoon regarding Agnews Hospital.

If you have any questions, please feel free to call me at 445-4253. Thank you for your consideration of this matter.

Sincerely,

ELAINE ALQUIST, Assembly Member  
 Twenty-second District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*Room 219, State Capitol*  
*Sacramento, California*

Dear Speaker Bustamante: I am requesting to be excused from check-in session tomorrow, August 6, 1997 on legislative business. I will be meeting with constituents and local city and county officials regarding the proposed budget.

Thank you in advance for your consideration.

Sincerely,

STEVE BALDWIN, Assembly Member  
 Seventy-seventh District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I am writing to request that I be excused from check-in session on Wednesday, August 6th, as I have meetings with constituents in my district office.

Please feel free to contact me should you have any questions.

Sincerely,

DEBRA BOWEN, Assembly Member  
Fifty-third District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I am respectfully requesting to be excused from check-in session on Wednesday, August 6, 1997, due to legislative business in my District Office.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 445-7222.

Sincerely,

MARILYN C. BREWER, Assembly Member  
Seventieth District

August 5, 1997

*Hon. Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: This letter is to request that I be excused from check-in session on Wednesday, August 6, 1997, due to legislative business in my district office.

Thank you for your attention to this matter.

Sincerely,

LOUIS CALDERA, Assembly Member  
Forty-sixth District

August 6, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I am requesting to be excused on Legislative Business today Wednesday, August 6, 1997 as I will be touring UC Santa Cruz.

Thank you for consideration to this request.

Sincerely,

DENNIS CARDOZA, Assembly Member  
Twenty-sixth District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session Wednesday, August 6, for legislative business. I will be attending the CTA Summer Institute in Los Angeles.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

August 6, 1997

*The Honorable Cruz Bustamante, Speaker*  
*California Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: The purpose of this letter is to notify you that I will be absent from Check-in Session on Wednesday, August 6, 1997. I will be in my district for legislative business.

Thank you for your attention to this matter. Please call on me if there are any questions.

Sincerely,

SUSAN A. DAVIS, Assembly Member  
Seventy-sixth District

August 4, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I would like to request approval to travel to my district Wednesday, August 6, 1997. I will be on legislative business.

Thank you for your consideration to this request.

Sincerely,

SALLY M. HAVICE, Assembly Member  
Fifty-sixth District

August 6, 1997

*Cruz M. Bustamante*  
*Speaker of the Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Speaker Bustamante: I would like to be excused from check-in session on Wednesday, August 6 as I have legislative business in my district. If you have any questions or comments, please contact me in the D.O. at 213-932-1201. Thank you.

Sincerely,

WALLY KNOX, Assembly Member  
 Forty-second District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*Room 219*  
*State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: Please excuse me from check-in Session on August 6, 1997, due to previously scheduled legislative commitments in my district.

Thank you for your attention to this request.

Sincerely,

LYNNE C. LEACH, Assembly Member  
 Fifteenth District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*

Dear Mr. Speaker: As per our earlier conversation, I request permission to be excused from Session for the remainder of this week. I will be in Philadelphia to attend the National Conference of State Legislators.

Thank you.

Sincerely,

LOUIS J. PAPAN, Assembly Member  
 Nineteenth District

August 5, 1997

*The Honorable Cruz Bustamante*  
*State Assembly Speaker*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session Wednesday August 6, 1997. I have some District Office business to attend to.

Sincerely,

DON PERATA, Assembly Member  
 Sixteenth District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I respectfully request permission to be excused from check-in session on Wednesday, August 6, so that I may attend to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

CHARLES S. POOCHIGIAN, Assembly Member  
Twenty-ninth District

August 6, 1997

*The Honorable Cruz Bustamante*  
*Speaker, California State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: I respectfully request that I be excused from Check-in Session on Wednesday, August 6, 1997. I will be in my District on legislative business.

Thank you for your consideration. Please contact my staff at 445-7558 with any questions or concerns.

Sincerely,

ROBERT PRENTER, Assembly Member  
Thirtieth District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the House*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Bustamante: Please excuse me from session today, August 6, 1997, on legislative business.

Sincerely,

BERNIE RICHTER, Assembly Member  
Third District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from check-in session on Wednesday, August 6th, 1997 due to legislative business in my district.

Thank you in advance for your consideration of this request. Should you have any questions please contact my Chief of Staff, Rick Van Nieuwburg at 445-7498.

Sincerely,

GEORGE RUNNER, Assembly Member  
Thirty-sixth District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the California State Assembly*  
*State Capitol*  
*Sacramento, California*

Dear Speaker Bustamante: Please excuse me from Assembly Check In Session on Wednesday, August 6, 1997. I will be in my district for legislative business.

Thank you for your attention to this request.

Sincerely,

VIRGINIA STROM-MARTIN, Assembly Member  
 First District

August 5, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to travel to my district tomorrow, August 6, on legislative business.

Thank you for your consideration in this matter.

Sincerely,

ANTONIO R. VILLARAIGOSA, Assembly Member  
 Forty-fifth District

August 6, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: Due to legislative business, I would like to respectfully request that I be excused from session the remainder of this week.

Thank you for your consideration.

Sincerely,

EDWARD VINCENT, Assembly Member  
 Fifty-first District

August 6, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: Please excuse me from check-in session today, August 6, 1997. I am conducting legislative business in my district and I waive per diem.

I respectfully appreciate your consideration of this request.

Sincerely,

HOWARD WAYNE, Assembly Member  
 Seventy-eighth District



August 4, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session on Wednesday, August 6, 1997. I will be in my district on legislative business. Should you have any questions, please feel free to contact me at (916) 445-2363.

Thank you for your attention to this request.

Sincerely,

RODERICK D. WRIGHT, Assembly Member  
 Forty-eighth District

(NOTE: For letters explaining the absences of Assembly Members Aroner, Goldsmith, Oller, and Washington on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Tuesday, August 5, 1997.)

#### COMMUNICATIONS

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

August 1, 1997

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

Dear Mr. Wilson: Please be advised that pursuant to Health and Safety Code Sec. 50901, I have named Mr. Robert N. Klein to serve on the California Housing Finance Agency. The effective date of the appointment is August 1, 1997, and this is a term appointment ending March 16, 2003. Mr. Klein will be replacing Ms. Claudine Cheng.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

August 6, 1997

*The Honorable Cruz Bustamante*  
*Speaker of the Assembly*  
*Room 219, State Capitol*  
*Sacramento, California*

Dear Mr. Speaker: I respectfully request that my per diem be waived for August 6, 1997.

Respectfully,

MICHAEL SWEENEY, Assembly Member  
 Eighteenth District

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor was received and ordered printed in the Journal:

Governor's Office, Sacramento  
August 5, 1997

*To the Members of the Assembly:*

Assembly Bill 1542, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill 1542 as an emergency measure.

Sincerely,

PETE WILSON

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 6, 1997

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

Assembly Bill No. 1008

Assembly Bill No. 1542

And reports the same correctly enrolled, and presented to the Governor at 10:45 a.m., August 6, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 6, 1997

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

Assembly Constitutional Amendment No. 24

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 27—Runner.** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Section 12 of Article IV thereof, by amending Section 10.5 of, by amending, repealing, and adding Sections 1, 2, 3, and 8 of, Article XIII B thereof, and by amending Sections 8 and 8.5 of Article XVI thereof, relating to the state budget.

**AUTHOR'S AMENDMENTS****Committee on Public Safety**

August 6, 1997

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 1115

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

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 1115**—An act to amend Section 12021 of, and to amend, repeal, and add Section 246.1 of, the Penal Code, and to add and repeal Section 12803 of the Vehicle Code, relating to crimes.

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 Consumer Protection, Governmental Efficiency and Economic Development**

August 6, 1997

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Senate Bill No. 1086

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

DAVIS, Chairwoman

**SENATE BILL NO. 1086**—An act to amend Section 21701 of, and to add Section 21701.1 to, the Business and Professions Code, relating to business regulation.

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**

August 6, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Senate Bill No. 57

Senate Bill No. 842

Senate Bill No. 95

Senate Bill No. 1198

Senate Bill No. 275

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

MIGDEN, Chairwoman

**SENATE BILL NO. 57**—An act to amend Section 148 of the Penal Code, relating to arrest.

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.

**SENATE BILL NO. 95**—An act to amend Sections 11124.1, 11125, 11125.1, 11125.5, 11125.7, 11126, 11126.3, 11129, 11130, 11130.7, and 11131 of, and to add Sections 11121.95, 11125.4, 11125.8, 11128.5, and 11131.5 to, the Government Code, relating to open meetings.

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.

**SENATE BILL NO. 275**—An act to amend Sections 33080.1, 33349, and 33437 of, and to add Sections 33437.5 and 33763.5 to, the Health and Safety Code, and to amend Section 97.4 of the Revenue and Taxation Code, relating to redevelopment.

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.

**SENATE BILL NO. 842**—An act to amend Section 23221 of the Revenue and Taxation Code, relating to taxation.

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.

**SENATE BILL NO. 1198**—An act to amend Sections 226, 55403, 55435.5, 55483, 55485, 55523, 55525, 55721, 55722, 55741, 55742, 55743, 55744, 55861, 56109, 56133.5, 56161, 56186, 56381, 56382, and 56571 of, to amend and renumber Sections 55751, 56252, and 56451 of, to amend and repeal Sections 55861.7 and 56571.7 of, to add Sections 55462, 55484.5, 55484.75, 55485.5, 55485.75, 55524.5, 55524.75, 55525.75, 55722.5, 56183.5, 56185.5, 56185.75, 56186.5, 56186.75, 56382.5, 56701.5, and 56717 to, to repeal Sections 55486, 55487, 55489, 55490, 55526, 55527, 55528.5, 55529, 55529.5, 55745, 55745.5, 55746, 55747, 55748, 55749, 55750, 56187, 56188, 56191, 56191.5, 56192, 56192.5, 56446, 56447, 56448, 56449, 56450, and 56452 of, to repeal Article 13 (commencing with Section 55781) and Article 15 (commencing with Section 55841) of Chapter 6 of, and Article 14 (commencing with Section 56471) and Article 16 (commencing with Section 56531) of Chapter 7 of, and Chapter 7.5 (commencing with Section 56701) of, Division 20 of, and to repeal and add Sections 55484, 55488, 55524, 55528, 56185, 56190, 56443, 56444, and 56445 of, the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

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**

August 6, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Bill No. 1180

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

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 1180**—An act to add Chapter 8 (commencing with Section 117135) to Part 12 of Division 104 of, the Health and Safety Code, relating to financing a safe drinking water program by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, 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.

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

August 6, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Senate Bill No. 487

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

MIGDEN, Chairwoman

**SENATE BILL NO. 487**—An act to amend Sections 33334.17, 50880, 50881, 50881.5, 50882, 50887, 50888.3, 50888.5, 50888.7, 50889.5, 50890, 50893.5, 50893.7, and 50895 of, and to repeal Section 50884 of, the Health and Safety Code, relating to housing.

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**

August 6, 1997

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 231

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

MACHADO, Chairman

**SENATE BILL NO. 231**—An act to add Article 3.5 (commencing with Section 2086) to Chapter 1.5 of Division 3 of the Fish and Game Code, and to add Article 8.6 (commencing with Section 570) to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, relating to endangered species.

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 Appropriations**

Date of Hearing: July 30, 1997

Mr. Speaker: Your Committee on Appropriations reports:  
Senate Bill No. 860

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE**  
**SENATE BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

**Senate Bills Nos. 500, 980, and 1224**, ordered to third reading.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as Committees on Conference concerning:

Senate Bill No. 1227: Villaraigosa, Leonard, and Mazzoni;

Senate Bill No. 250: Villaraigosa, Leonard, and Mazzoni.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, August 7, 1997.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 6, 1997**

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

<b>AB</b>	<b>RN</b>
1115	9719445
1180	9717806

<b>SB</b>	<b>RN</b>
57	9720148
95	9719891
231	9720236
275	9720334
487	9720161
842	9720279
1086	9720168
1198	9720237

<b>Daily Total:</b>	<b>10</b>
<b>Cumulative Total:</b>	<b>2980</b>

O