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8 Attorneys for Plaintiffs Independent Living Center
9 of Southern California, Inc.; Gerald Shapiro, Pharm.D.,
dba Uptown Pharmacy & Gift Shoppe; Sharon Steen,
10 dba Central Pharmacy; and Tran Pharmacy, Inc., dba
Tran Pharmacy
11

12 IN THE UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

14 MANAGED PHARMACY CARE, a
California corporation;¹ INDEPENDENT LIVING
15 CENTER OF SOUTHERN CALIFORNIA, INC.,
a California corporation; GERALD SHAPIRO,
16 Pharm.D., doing business as Uptown Pharmacy &
Gift Shoppe; SHARON STEEN, doing business as
17 Central Pharmacy; and Tran Pharmacy, Inc., a
California corporation,

CV-09-0382 CAS (MANx)

Date: Feb. 23, 2009
Time: 10 a.m.
Courtroom: 5
Judge: Honorable Christina
A. Snyder

18 Plaintiffs,

-vs.-

19 DAVID MAXWELL-JOLLY, Director of
Department of Health Care Services of the
20 State of California,

Defendant.

**PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE OF
LEGISLATIVE HISTORY
OF AB 1183 AND AB 1781**

21 _____ /
22 _____
23 1

This plaintiff, Managed Pharmacy Care "MPC") was dismissed as a plaintiff on January 26, 2009 by virtue of filing a voluntary dismissal of MPC's causes of action in this case.

1 **PLAINTIFFS' JUDICIAL NOTICE REQUEST OF LEGISLATIVE**
2 **HISTORY OF ASSEMBLY BILLS 1781 AND 1183**

3 Plaintiffs INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA,
4 INC., et al., pursuant to Evidence Code §§ 451(a) and 452(c),(h), request the Court to take
5 judicial notice of the following:

6 1. The provisions of Govt. Code § 10248.

7 2. That Govt. Code § 10248 provides that the California Legislative Counsel,
8 an officer of the State of California, shall maintain a website which make the provisions
9 and the legislative history of every bill in the California Legislature available to the public.

10 3. That pursuant to these provisions of Govt. Code § 10248 that the Legislative
11 Counsel has established a public website, www.leginfo.ca.gov, which makes the
12 provisions of Assembly Bill ("AB") 1781, (the Budget Act of 2008, for the fiscal year
13 2008-2009), and AB 1183, a trailer bill to AB 1781, and their legislative history available
14 to the public.

15 4. That the relevant legislative history of AB 1183 (**Exhibit A** attached), is set
16 forth on the aforesaid public website of the Legislative Counsel, as required by Govt. Code
17 § 10248.

18 5. That the Bill Documents related to AB 1183 (**Exhibit B**) attached, is set forth
19 on the aforesaid public website of the Legislative Counsel, as required by Govt. Code §
20 10248.

21 6. That the Current Bill Status of AB 1183, (**Exhibit C** attached) shows that
22 AB 1183 was enacted and chaptered on September 30, 2008 by the Secretary of State as
23 Chapter 758, Statutes of 2008.

24 7. The relevant Bill History of the Budget Act of 2008 and of its trailer bill, AB
25 1183, is as follows:

2008	AB 1781	2008	AB 1183
1/15	Introduced, as a one-sentence bill to make statutory changes "related to the Budget Act of 2008."		
		2/23	Introduced, 7 pages, as a bill relating only to hazardous materials.
		4/17	Amended, still as a bill relating only to hazardous materials.
		4/18	Amended, still as a bill relating only to hazardous materials.
		5/10	Passed by House , still as a bill relating only to hazardous materials. Sent to Senate
6/4	Amended, to now provide it is "the Budget Act of 2008." ¹		
6/5	Senate Analysis: "This bill will now be the vehicle for the annual budget conference committee." ²		
		6/21	Amended by Senate , still as a bill relating only to hazardous materials. Referred to Senate Appropriations Committee.
		7/3	Reported out by the Senate Appropriations Committee , still as a bill relating only to hazardous materials.

¹
AB 1781, as amended, is still at this time a bill with only one sentence.

²
This is the joint budget conference committee of the House and the Senate, which does not conduct its business in public, does not receive public testimony, and there is no record of what reports or correspondence it receives or relies upon in making its legislative decisions.

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7/17	<p>Reported out by the joint budget conference committee of both Houses, as the "Proposed Conference Report No. (sic) July 17, 2008.").</p> <p>Amended, to now be the budget bill for 2008, and contains the appropriation for Medi-Cal for 2008-09 in Appropriation Item 4260-101-0001, (page 353).</p>			
		8/22	<p>Amended by Senate Appropriations Committee, still as a bill relating only to hazardous waste materials.</p>	
		8/30	<p>Referred to Senate Rules Committee, still as a bill relating only to hazardous materials.</p>	
		9/15	<p>Amended by the Senate, to now be the health trailer bill for the Budget Act of 2008. _____ pages long, amending _____ statutes relating to _____ different health care subjects, including, in Section 44, terminating the 10% Medi-Cal provider payments cuts of AB 5 as of 2/28/09; and, imposing a new 5% provider payment cut for pharmacy services furnished on or after March 1, 2009.</p>	
		9/15	<table border="1"> <tr> <td data-bbox="974 1354 1494 1837"> <p>Senate Rules Committee Analysis:</p> <p>"SUBJECT: Budget Trailer Bill: human services</p> <p>" . . .</p> <p>"ANALYSIS: This is the Omnibus Health Trailer Bill for the Budget Act of 2008. . . ."</p> </td> </tr> </table>	<p>Senate Rules Committee Analysis:</p> <p>"SUBJECT: Budget Trailer Bill: human services</p> <p>" . . .</p> <p>"ANALYSIS: This is the Omnibus Health Trailer Bill for the Budget Act of 2008. . . ."</p>
<p>Senate Rules Committee Analysis:</p> <p>"SUBJECT: Budget Trailer Bill: human services</p> <p>" . . .</p> <p>"ANALYSIS: This is the Omnibus Health Trailer Bill for the Budget Act of 2008. . . ."</p>				

<p>1 9/16</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p>	<p>Senate adopts Joint Budget Conference report. Sent to the Assembly, a few minutes after midnight of 9/15/08.³</p>	<p>9/16</p>	<p>Passed by the Senate as amended, just a few minutes before the Senate adopted the Joint Budget Conference Report on AB 1781 (Budget Act of 2008) and recessed, at 12:37 a.m. of 9/16/08.⁴ Sent to the Assembly.</p>
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18 ³

19 The Senate recessed at 12:37 a.m. of 9/16/2008, just after passing both AB 1183 and AB
 20 1781. (See, pages 5595-5598 of the official *Senate Journal* .)

21 ⁴
 22 *Senate Journal*, 9/16/08, at page 5596:

23 "FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED
 WITH (AB 1781)
 24 On Motion of Senator Ducheny, further proceedings under the call of the
 Senate were dispensed with.

25 ...
 The roll was called and the bill was passed[.]”

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9/16	Assembly adopts Joint Budget Conference Report by a 2:08 a.m. rollcall on 9/16/08, -- within 2 hours after the Senate (above) adopted the Joint Budget Conference report. ⁵ To enrollment.	9/16	Amendments by Senate are concurred in by Assembly, just a few minutes before AB 1781 (Budget Act of 1008) was passed by the Assembly) at 2:08 a.m. of 9/16/08.”⁶ To enrollment.
9/17	Enrolled. To the Governor.	9/17	Assembly Analysis: “SUMMARY: 2008-09 Health Trailer Bill. Enacts statutory changes necessary to implement the 2008-09 Budget related to health programs.”
		9/19	Enrolled. To Governor.

⁵

Assembly Journal, 9/16/08, at page 7252:

“At 2:08 a.m, on motion of Assembly Member Laird, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Conference Committee Report on Assembly Bill 1781 adopted[.]”

⁶

Assembly Journal, 9/16/08, at pages 7229-7230:

“Assembly Member Laird was granted unanimous consent to take up consideration of Assembly Bill 1183, without reference to file. . . .

Bill presented by Assembly Member Laird.

The question being, Shall the Assembly concur in the Senate amendments to the above bill?

. . .

The roll was opened, and the Assembly concurred in Senate amendments[.]. Above bill ordered enrolled.”

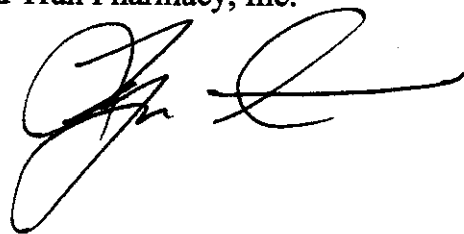
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9/23	2008-09 Budget Act Approved by Governor and chaptered by Secretary of State as Stats. 2008, Chapter 268.		
		9/30	AB 1183 , the health trailer bill for the 2008-09 Budget Act, was approved by Governor and chaptered by Secretary of State as Stats. 2008, Chapter 758, on September 30, 2008.

February 2, 2009

Respectfully submitted,

/s/ Lynn S. Carman
 Co-Counsel for Plaintiffs
 Independent Living Center of Southern
 California, Inc.; Gerald Shapiro; Sharon Steen'
 and Tran Pharmacy, Inc.



A

COMPLETE BILL HISTORY

BILL NUMBER : A.B. No. 1183
 AUTHOR : Committee on Budget
 TOPIC : Health.

TYPE OF BILL :

Inactive
 Urgency
 Appropriations
 2/3 Vote Required
 State-Mandated Local Program
 Fiscal
 Non-Tax Levy

BILL HISTORY

2008

Sept. 30 Chaptered by Secretary of State - Chapter 758, Statutes of 2008.
 Sept. 30 Approved by the Governor.
 Sept. 19 Enrolled and to the Governor at 6:30 p.m.
 Sept. 16 In Assembly. Concurrence in Senate amendments pending. Urgency clause adopted. Senate amendments concurred in. To enrollment. (Ayes 55. Noes 21. Page 7229.)
 Sept. 16 Read third time. Urgency clause adopted. Passed and to Assembly. (Ayes 36. Noes 3. Page 5595.)
 Sept. 15 Joint Rule 61(b)(16) suspended. (Page 5562.) Withdrawn from committee. Ordered placed on third reading file. Read third time, amended. To second reading. Senate Rule 29.3 suspended.
 Aug. 30 Re-referred to Com. on RLS.
 Aug. 29 Action rescinded whereby the bill was reported from committee with author's amendments and whereby the bill was read second time, amended, and re-referred to committee. To third reading.
 Aug. 29 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS. Withdrawn from committee. Ordered placed on third reading file.
 Aug. 25 Read second time. To third reading. Re-referred to Com. on RLS.
 Aug. 22 Read third time, amended. To second reading.
 July 10 Read second time. To third reading.
 July 7 From inactive file. To second reading.

2007

Sept. 7 To inactive file on motion of Senator Simitian.
 July 5 Read second time. To third reading.
 July 3 From committee: Be placed on second reading file pursuant to Senate Rule 28.8.
 June 21 Read second time, amended, and re-referred to Com. on APPR.
 June 20 From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 7. Noes 0.)
 May 17 Referred to Com. on E.Q.
 May 10 In Senate. Read first time. To Com. on RLS. for assignment.
 May 10 Read third time, passed, and to Senate. (Ayes 72. Noes 0. Page 1436.)
 May 7 Read second time. To Consent Calendar.
 May 3 From committee: Do pass. To Consent Calendar. (May 2).
 Apr. 23 In committee: Hearing postponed by committee.
 Apr. 19 Re-referred to Com. on NAT. RES. Re-referred to Com. on APPR. by unanimous consent.
 Apr. 18 Re-referred to Com. on NAT. RES. From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read

second time and amended.

Apr. 17 Read second time and amended.

Apr. 16 From committee: Amend, do pass as amended, and re-refer to Com. on NAT. RES. (Ayes 7. Noes 0.) (April 10).

Mar. 22 Referred to Coms. on E.S. & T.M. and NAT. RES.

Feb. 26 Read first time.

Feb. 25 From printer. May be heard in committee March 27.

Feb. 23 Introduced. To print.

B



Bill Documents

I want to search again.

Documents associated with AB 1183 in the 2007-2008 Session

Status - 11/05/2008 2064 bytes

History - 09/30/2008 3536 bytes

Bill Text

In order to view the PDF version of the bill text documents, you may need a free viewer from Adobe.

Chaptered	- 09/30/2008	HTML - 303067 bytes	PDF - 465717 bytes
Enrolled	- 09/17/2008	HTML - 302958 bytes	PDF - 513889 bytes
Amended	- 09/15/2008	HTML - 318378 bytes	PDF - 589327 bytes
Amended	- 08/22/2008	HTML - 18934 bytes	PDF - 170337 bytes
Amended	- 06/21/2007	HTML - 10185 bytes	PDF - 154753 bytes
Amended	- 04/18/2007	HTML - 11881 bytes	PDF - 162361 bytes
Amended	- 04/17/2007	HTML - 11543 bytes	PDF - 155105 bytes
Introduced	- 02/23/2007	HTML - 14027 bytes	PDF - 160657 bytes

Analyses

Assembly Floor	- 09/17/2008 - 34121 bytes
Senate Floor	- 09/15/2008 - 42161 bytes
Senate Floor	- 07/05/2007 - 10902 bytes
Senate Committee	- 06/14/2007 - 14564 bytes
Assembly Committee	- 05/01/2007 - 5101 bytes
Assembly Committee	- 04/10/2007 - 7725 bytes

Votes

Senate Floor	- 09/16/2008 - 1088 bytes
Assembly Floor	- 09/16/2008 - 1377 bytes
Senate Floor	- 09/15/2008 - 1090 bytes
Senate Floor	- 09/15/2008 - 1090 bytes
Senate Floor	- 09/15/2008 - 1090 bytes
Senate Committee	- 06/18/2007 - 944 bytes
Assembly Floor	- 05/10/2007 - 1423 bytes
Assembly Committee	- 05/02/2007 - 987 bytes
Assembly Committee	- 04/10/2007 - 947 bytes

C

CURRENT BILL STATUS

MEASURE : A.B. No. 1183
AUTHOR(S) : Committee on Budget.
TOPIC : Health.
+LAST AMENDED DATE : 09/15/2008

TYPE OF BILL :

Inactive
Urgency
Appropriations
2/3 Vote Required
State-Mandated Local Program
Fiscal
Non-Tax Levy

LAST HIST. ACT. DATE: 09/30/2008
LAST HIST. ACTION : Chaptered by Secretary of State - Chapter 758,
Statutes of 2008.

TITLE : An act to amend Sections 1266, 1279, 1324.21, 1324.23, 1324.28, 1324.29, 1324.30, 2805, 106925, 123853, 125191, 130501, 130506, and 130542 of, and to add Section 130542.1 to, the Health and Safety Code, to amend Sections 12693.43, 12693.63, and 12693.65 of, and to add Section 12693.271 to, the Insurance Code, and to amend Sections 4061, 4783, 4860, 5777, 14005.11, 14007.9, 14011.16, 14080, 14105.19, 14105.3, 14105.86, 14126.027, 14126.033, 14154, 14154.5, 14166.9, 14166.12, 14166.20, 14166.25, 14301.1, 14526.1, and 16809 of, to amend, repeal, and add Sections 14005.25 and 14166.245 of, to add Sections 4100.2, 4646.4, 7502.5, 14005.42, 14011.17, 14011.18, 14053.3, 14104.93, 14105.191, 14124.11, 14126.034, and 17605.051 to, and to add and repeal Article 2.93 (commencing with Section 14091.3), and Article 6.6 (commencing with Section 14199) of, Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.