

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, January 26, 2009

The Senate met at 2 p.m.  
Senator Leland Y. Yee, of the 8th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.  
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee—36.

Quorum present.

*(NOTE: Senators Cedillo and Correa will be excused this day on legislative business and Senator Wyland will be excused this day on personal business.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Mary McLeod Bethune, a civil rights leader and educator, taught that “Faith is the first factor in a life devoted to service. Without it,” she said “nothing is possible. With it, nothing is impossible.”

We pray to the Holy One to sustain our faith and guide us as we seek to serve. Bless us with wisdom, insight, and success in our daily work.

May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Liu led the Senate in the pledge of allegiance to the Flag.

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****Consideration of Governor’s Appointments**

Senator Steinberg placed the following Governor’s appointments before the Senate:

MARTIN N. HOSHINO, Executive Officer, Board of Parole Hearings  
R. KIRK LINDSEY, Member, California Transportation Commission

The President put the question: “Will the Senate advise and consent to the appointments by the Governor?”

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (32)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, and Yee.

NOES (0)—None.

**Consideration of Governor’s Appointments**

Senator Steinberg placed the following Governor’s appointments before the Senate:

JOHN P. MCGINNESS, Member, Commission on Peace Officer Standards and Training.

GIL VAN ATTENHOVEN, Member, Commission on Peace Officer Standards and Training.

The President put the question: “Will the Senate advise and consent to the appointments by the Governor?”



**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (32)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, and Yee.

NOES (0)—None.

**Consideration of Governor's Appointment**

Senator Steinberg placed the following Governor's appointment before the Senate:

CYNTHIA L. DELLUMS, Member, Commission on the Status of Women.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (22)—Senators Alquist, Calderon, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, and Yee.

NOES (0)—None.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Cedillo and Correa.

The following Senator was granted leave of absence for the day due to personal business: Senator Wyland.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 2:14 p.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Steinberg moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, January 27, 2009.

Motion carried.



**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 96:** By Senator Ducheny—An act to amend Sections 17041 and 17062 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 97:** By Senator Calderon—An act to amend Section 17144.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 98:** By Senator Calderon—An act to amend Section 10113.1 of the Insurance Code, relating to viatical settlements.

**Senate Constitutional Amendment 9:** By Senator Ducheny—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article II thereof, by amending Sections 8 and 12 of Article IV thereof, and by repealing Section 3 of Article XIII A thereof, relating to government finance.

**Senate Constitutional Amendment 10:** By Senator Ducheny—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of, and by adding Section 8.5 to, Article II thereof, relating to initiatives.

**Senate Resolution 12:** By Senator Steinberg—Relative to the Standing Rules of the Senate for the 2009–10 Regular Session.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of James Elms Swett of Redding.

Senator Alquist requested that when the Senate adjourns this day it do so in memory of Amelda Ruth Hatley of Mountain View.

Senator Calderon requested that when the Senate adjourns this day it do so in memory of Martin Ortiz of Whittier.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Brooke Colvin, of Portland Oregon, David Richie of Roseville, Roy Saari of Mammoth Lakes, and Kathryn Day of Atlanta Georgia.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Arthur Crane Risser, Jr., Ph.D. of San Diego.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Rabbi Alan Lew of San Francisco.

Senator Lowenthal requested that when the Senate adjourns this day it do so in memory of Dr. Robert Gumbiner of Long Beach.



Senator Padilla requested that when the Senate adjourns this day it do so in memory of Javier Villarreal of Pacoima.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Ben Underwood of Elk Grove and Emma Bales of Weed.

Senator Strickland requested that when the Senate adjourns this day it do so in memory of SSgt. Joshua Townsend of Solvang.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Donald Roberts of Stockton, Benjamin A. Underwood of Elk Grove, and Edward Keith Boosembark of Davis.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 27, 2009.

PAULA K. ROSSETTO, Minute Clerk

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