

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, October 28, 2009

The Senate met at 2:30 p.m.
Hon. Darrell Steinberg, of the 6th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Zach Twilla reading.

ROLL CALL

The roll was called and the following Senators answered to their names:

Alquist, Ashburn, Benoit, Cedillo, Cogdill, Cox, Denham, Ducheny, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete, McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wiggins, Wolk, and Wright—25.

Quorum present.

(NOTE: Senators Corbett (waiving per diem), Correa (waiving per diem), DeSaulnier (waiving per diem), Florez, Harman, Strickland, Walters, Wyland, and Yee will be excused this day on legislative business, Senators Aanestad, Hancock, and Liu will be excused this day on personal business, Senator Calderon will be excused this day due to family illness, and Senators Dutton and Oropeza will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, October 15, 2009

Mr. President: The Committee on Rules has examined:

| | | |
|--------|--------|-------|
| SB 65 | SB 67 | SB 81 |
| SB 132 | SB 517 | |

And reports that the same have been correctly enrolled, and presented to the Governor on the 15th day of October, 2009, at 11:30 a.m.

STEINBERG, Chair



Senate Chamber, October 20, 2009

Mr. President: The Committee on Rules has examined:

| | | |
|--------|--------|--------|
| SB 131 | SB 140 | SB 313 |
| SB 367 | SB 599 | SB 832 |

And reports that the same have been correctly enrolled, and presented to the Governor on the 20th day of October, 2009, at 2:15 p.m.

STEINBERG, Chair

Senate Chamber, October 21, 2009

Mr. President: The Committee on Rules has examined:

SB 66

And reports that the same has been correctly enrolled, and presented to the Governor on the 21st day of October, 2009, at 11:30 a.m.

STEINBERG, Chair

State Capitol, October 28, 2009

Mr. President: On a vote of 3–0, the Senate Rules Committee has appointed Senators Alquist, DeSaulnier, Florez, Maldonado, Price and Strickland as members of the Senate Select Committee on Obesity and Diabetes to fill the existing vacancies.

STEINBERG, Chair

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
October 23, 2009

To the Members of the California State Senate:

I am returning Senate Bill 81 without my signature.

I am concerned that this bill runs counter to the intent of recently enacted K–12 categorical flexibility provisions that were part of the 2009–10 state budget agreement. Those provisions were included to assist K–12 schools in meeting their highest priorities in an environment of significant funding constraints.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bill

I acknowledge receipt this 23rd day of October at 12:18 p.m., of Senate Bill 81 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Giorgos Kazamis.

BERNADETTE McNULTY
Acting Secretary of the Senate



Governor's Office, State Capitol
October 28, 2009

To the Members of the California State Senate :

I have the honor to transmit to you herewith the following appointments or reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

JEANNINE ENGLISH, is president of the AARP since 2007 and previously served on the State Bar of California Board of Governors as an appointee of former Assembly Speaker Fabian Nunez from 2006 to 2007. She was a founding partner of Lehman, English, Kelly and O'Keefe from 2002 to 2005 and a legislative advocate for Robinson and Associates from 1999 to 2002. English served the Little Hoover Commission as executive director from 1989 to 1999 and deputy director from 1985 to 1989. Appointed 10/13/09. Effective 10/21/09.

Member, Board of Governors of the State Bar of California, vice, James B. Hussey, term expired, term ending 09/01/12.

GEORGE O. DAVIS, is owner and principal of the Davis Broadband Group, a media and entertainment consultancy focused on international business development and technical operations and has served on the State Bar of California Board of Governors since 2007. He previously served Technicolor Network Services as senior vice president of North and South America as well as the Asia-Pacific Rim from 2004 to 2006. Davis worked for Sony Pictures Entertainment as vice president of international channels for Sony Pictures Television International from 1999 to 2001 and corporate vice president for Worldwide Satellite Operations from 1996 to 1999. Reappointed 10/13/09. Effective 10/24/09.

Member, Board of Governors of the State Bar of California, term ending 09/01/12.

MARIO SANTOYO, is assistant general manager with Friant Water Authority since 2004 and previously served as water resources manager from 2001 to 2004, maintenance manager from 1993 to 2001, manager of the operation and maintenance division from 1989 to 1993 and construction staff engineer from 1986 to 1989. Santoyo previously worked as a project engineer for Sorensen and Keller Consulting Civil Engineers from 1985 to 1986 and civil engineer for the U.S. Bureau of Reclamation from 1978 to 1985. Appointed 10/21/09. Effective 10/28/09.

Member, State Park and Recreation Commission, vice, Acquanetta Warren, resigned, term ending 01/15/13.

Above appointments referred to the Committee on Rules.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, October 26, 2009

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

| | | | |
|---------|---------|---------|--------|
| AB 187 | AB 188 | AB 189 | AB 813 |
| AB 1009 | AB 1188 | AB 1575 | |

Assembly Chamber, October 26, 2009

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 1358

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURE

The following measure was read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 1358—An act to amend Section 4 of Chapter 217 of the Statutes of 2009, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

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

Assembly Bill 1329—An act to add Section 25 to Chapter 21 of the Statutes of 2009, relating to waste management.

Bill read second time and ordered to third reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Florez, Harman, Strickland, Walters, Wyland, and Yee.

The following Senators were granted leaves of absence for the day due to legislative business (waiving per diem): Senators Corbett, Correa, and DeSaulnier.

The following Senators were granted leaves of absence for the day due to personal business: Senators Aanestad, Hancock, and Liu.

The following Senator was granted leave of absence for the day due to family illness: Senator Calderon.

The following Senators were granted leaves of absence for the day due to illness: Senators Dutton and Oropeza.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Cogdill requested that when the Senate adjourns this day it do so in memory of Donald D. Laub of Easton, Bill Reid of Bridgeport, and Freda Wampler of Tracy.

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of Brandon Whitehurst and Darius Jones of Antioch.

Senator Liu requested that when the Senate adjourns this day it do so in memory of Marybell Bakewell and Mark Wittenberg of Los Angeles.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Charles “Cece” Ellison of Lancaster.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Ms. Mardi Wormhoudt of Santa Cruz.

Senator Strickland requested that when the Senate adjourns this day it do so in memory of Mike Sandoval of Ventura.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators’ requests until 9 a.m., Thursday, October 29, 2009.

PAULA K. ROSSETTO, Minute Clerk

O

