

CALIFORNIA LEGISLATURE
2009–10 FIRST EXTRAORDINARY SESSION

SENATE DAILY JOURNAL

SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, December 8, 2008

The Senate met at 5:21 p.m.
Hon. Leland Yee, of the 8th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

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

Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa (waiving per diem), Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee—36.

Quorum present.

(NOTE: Senator Kehoe will be excused this day on legislative business, Senator Wyland will be excused this day on personal business, and Senator Oropeza will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Robert Collier, a 20th century American author wrote these words more than a half century ago, but sadly seems to apply to our generation as well: "Sooner or later comes a crises in our affairs, and how we meet it determines our future happiness and success."

O God, We are in difficult times and the well-being of our State is in our hands. Provide us with guidance and insight to navigate the coming months with wisdom and creativity, compassion and diligence. May we work together to lay the groundwork for a future filled with happiness and success.

May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, December 8, 2008

Mr. President: The Committee on Rules, to which were referred:

Req. No. 09 362 (SB 1)	Req. No. 09 378 (SB 2)
Req. No. 09 374 (SB 3)	Req. No. 09 376 (SB 4)
Req. No. 09 370 (SB 5)	Req. No. 09 369 (SB 6)
Req. No. 09 366 (SB 7)	Req. No. 09 363 (SB 8)
Req. No. 09 371 (SB 9)	Req. No. 09 373 (SB 10)
Req. No. 09 375 (SB 11)	Req. No. 09 368 (SB 12)

Has had the same under consideration and finds the same within the purview of the call and refers them to the Committee on Rules pursuant to the provisions of Rule 24.

STEINBERG, Chair

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Bill 1: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 2: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 3: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 4: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 5: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 6: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 7: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 8: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 9: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 10: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 11: By Senator Ducheny—An act relating to the Budget Act of 2008.

Senate Bill 12: By Senator Ducheny—An act relating to the Budget Act of 2008.

REQUEST FOR UNANIMOUS CONSENT (SCR 1)

Senator Steinberg asked for, and was granted, unanimous consent that SCR 1 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 1

Senate Concurrent Resolution 1—Relative to the Joint Rules for the 2009–10 First Extraordinary Session.

Resolution read third time and presented by Senator Steinberg.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (35)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

RECESS

At 5:23 p.m., on motion of Senator Yee the Senate recessed in order to convene in extraordinary session.

REASSEMBLED

At 5:26 p.m., the Senate reconvened.

Hon. Darrell Steinberg, of the 6th District, presiding.



WITHDRAW FROM COMMITTEE

Senator Ducheny asked for, and was granted, unanimous consent that **SB 1, SB 2, SB 3, SB 4, SB 5, SB 6, SB 7, SB 8, SB 9, SB 10, SB 11, and SB 12** be withdrawn from the committee on Rules.

RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION

The following resolution was offered by Senator Ducheny:

Resolved, That **SB 1, SB 2, SB 3, SB 4, SB 5, SB 6, SB 7, SB 8, SB 9, SB 10, SB 11, and SB 12** present cases of urgency as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read and presented by Senator Ducheny.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

SECOND READING OF SENATE BILLS

Senate Bill 1—An act relating to the Budget Act of 2008.

Bill read second time.

Senate Bill 2—An act relating to the Budget Act of 2008.

Bill read second time.

Senate Bill 3—An act relating to the Budget Act of 2008.

Bill read second time.

Senate Bill 4—An act relating to the Budget Act of 2008.

Bill read second time.

Senate Bill 5—An act relating to the Budget Act of 2008.

Bill read second time.

Senate Bill 6—An act relating to the Budget Act of 2008.

Bill read second time.

Senate Bill 7—An act relating to the Budget Act of 2008.

Bill read second time.

Senate Bill 8—An act relating to the Budget Act of 2008.

Bill read second time.



Senate Bill 9—An act relating to the Budget Act of 2008.
Bill read second time.

Senate Bill 10—An act relating to the Budget Act of 2008.
Bill read second time.

Senate Bill 11—An act relating to the Budget Act of 2008.
Bill read second time.

Senate Bill 12—An act relating to the Budget Act of 2008.
Bill read second time.

REQUEST FOR UNANIMOUS CONSENT

Senator Ducheny asked for, and was granted, unanimous consent that SB 1, SB 2, SB 3, SB 4, SB 5, SB 6, SB 7, SB 8, SB 9, SB 10, SB 11, and SB 12 be taken up at this time, consecutively, without reference to file.

Consideration of Senate Bill 1

Senate Bill 1—An act relating to the Budget Act of 2008.
Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

Consideration of Senate Bill 2

Senate Bill 2—An act relating to the Budget Act of 2008.
Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

Consideration of Senate Bill 3

Senate Bill 3—An act relating to the Budget Act of 2008.
Bill read third time and presented by Senator Ducheny.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SB 4)

Senator asked for, and was granted, unanimous consent to take up SB 4 at this time, without reference to file.

Consideration of Senate Bill 4

Senate Bill 4—An act relating to the Budget Act of 2008.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

Consideration of Senate Bill 5

Senate Bill 5—An act relating to the Budget Act of 2008.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

Consideration of Senate Bill 6

Senate Bill 6—An act relating to the Budget Act of 2008.

Bill read third time and presented by Senator Ducheny.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

Consideration of Senate Bill 7

Senate Bill 7—An act relating to the Budget Act of 2008.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

Consideration of Senate Bill 8

Senate Bill 8—An act relating to the Budget Act of 2008.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

Consideration of Senate Bill 9

Senate Bill 9—An act relating to the Budget Act of 2008.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal,



Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

Consideration of Senate Bill 10

Senate Bill 10—An act relating to the Budget Act of 2008.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

Consideration of Senate Bill 11

Senate Bill 11—An act relating to the Budget Act of 2008.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

Consideration of Senate Bill 12

Senate Bill 12—An act relating to the Budget Act of 2008.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.



LEAVES OF ABSENCE FOR THE DAY

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

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

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, December 8, 2008

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

AB 2	AB 5	AB 8	AB 11
AB 3	AB 6	AB 9	AB 12
AB 4	AB 7	AB 10	AB 13

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Bill 2—An act relating to the Budget Act of 2008.

Assembly Bill 3—An act relating to the Budget Act of 2008.

Assembly Bill 4—An act relating to the Budget Act of 2008.

Assembly Bill 5—An act relating to the Budget Act of 2008.

Assembly Bill 6—An act relating to the Budget Act of 2008.

Assembly Bill 7—An act relating to the Budget Act of 2008.

Assembly Bill 8—An act relating to the Budget Act of 2008.

Assembly Bill 9—An act relating to the Budget Act of 2008.

Assembly Bill 10—An act relating to the Budget Act of 2008.

Assembly Bill 11—An act relating to the Budget Act of 2008.

Assembly Bill 12—An act relating to the Budget Act of 2008.

Assembly Bill 13—An act relating to the Budget Act of 2008.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, December 8, 2008

Mr. President: The Senate Rules Committee has appointed the following members to the Senate Committee on Budget and Fiscal Review: Senators Ducheny (Chair), Dutton (Vice-Chair), Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee (1 vacancy).

STEINBERG, Chair

ADJOURNMENT

At 5:33 p.m., the President declared the Senate adjourned on call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

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