

CALIFORNIA LEGISLATURE
2009–10 THIRD EXTRAORDINARY SESSION

SENATE DAILY JOURNAL

FIFTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, October 14, 2009

The Senate met at 12:03 p.m.
Hon. S. Joseph Simitian, of the 11th 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:

Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—39.

Quorum present.

(NOTE: Senator Florez will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

The American author Doris Mortman once wrote: “Until you make peace with who you are, you’ll never be content with what you have.”

In a society that places so much value on external things, it is easy to forget that a real sense of peace and accomplishment comes not when we look at our lives through the eyes of others, nor by measuring success by what we own, but rather, real success is found when we can look into our own hearts and souls and are content with what we see.

We pray to our Creator, who has endowed each of us with insight and understanding to grant us the ability to live our lives with integrity and honesty. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 12, 2009

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

AB 37

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 28, 2009

Mr. President: The Committee on Rules has examined:

SB 18

And reports that the same has been correctly enrolled, and presented to the Governor on the 28th day of September, 2009, at 1 p.m.

STEINBERG, Chair

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****Consideration of Senate Bill 37**

Senate Bill 37—An act relating to the Budget Act of 2009.

Bill read third time.

Motion to Suspend Joint Rule 10.5

Senator Ducheny moved to suspend Joint Rule 10.5 to amend SB 37 after the deadline.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal,

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

NOES (0)—None.

Consideration of Senate Bill 37

Senate Bill 37—An act relating to the Budget Act of 2009.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 37 pursuant to Joint Rule 58.

SENATOR ASHBURN

Permission of Rules Committee

Senate Chamber, October 14, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 37.

STEINBERG, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to SB 37.

Amendments read and adopted.

Motion to Suspend Senate Rule 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of SB 37 at this time, as amended, in print, and properly before the Senate.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Consideration of Senate Bill 37 as Amended

Senate Bill 37—An act to amend Section 17059 of the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ashburn.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado,



Negrete McLeod, Oropeza, Padilla, Pavley, Price, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.
NOES (1)—Senator Hancock.

Roll Call

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

AYES (35)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.
NOES (1)—Senator Hancock.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 13—An act to amend Section 124250 of, and to repeal Section 124251 of, the Health and Safety Code, relating to domestic violence, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Alquist.

The question being: Shall the Senate concur in the Assembly amendments to SB 13?

Urgency Clause

The roll was called and the Senate concurred in Assembly amendments to SB 13 by the following vote:

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.



RECESS

At 1:53 p.m., the Senate recessed in order to convene in Regular Session.

REASSEMBLED

At 4:45 p.m., the Senate reconvened.

Hon. Gloria Romero, of the 24th District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 56—An act relating to the Budget Act of 2009.
Bill read third time.

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 56.
Amendments read and adopted.

Motion to Suspend Joint Rule 10.5

Senator Ducheny moved to suspend Joint Rule 10.5 as it relates to AB 56.

Roll call requested.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Motion to Suspend Senate Rule 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 56 at this time, as amended, in print, and properly before the Senate.

Consideration of Assembly Bill 56 as Amended

Assembly Bill 56—An act to amend Section 5 of Chapter 3 of, and to repeal Section 39 of Chapter 2 of, the Fourth Extraordinary Session of the Statutes of 2009, relating to education finance, and making an appropriation therefor.

Bill read.

Roll Call

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

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete

McLeod, Oropeza, Padilla, Pavley, Price, Romero, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (13)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, and Walters.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (AB 81)

Senator Price asked for, and was granted, unanimous consent to take up AB 81 at this time, without reference to file.

RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION

The following resolution was offered by Senator Price:

Resolved, That AB 81 presents a case 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 bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read and presented by Senator Price.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Price moved a call of the Senate.

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH CONSTITUTIONAL PROVISION

On the motion of Senator Price, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the constitutional provision was dispensed with by the following vote:

AYES (28)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Dutton, Hancock, Harman, Huff, Leno, Liu, Maldonado, Negrete McLeod, Oropeza, Padilla, Price, Romero, Runner, Steinberg, Strickland, Walters, Wiggins, Wright, and Yee.

NOES (7)—Senators Ashburn, Cox, Hollingsworth, Kehoe, Pavley, Wolk, and Wyland.



MOTION TO SUSPEND JOINT RULE 10.5

Senator Price moved to suspend Joint Rule 10.5 to permit AB 81 to be amended after the deadline.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (28)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Dutton, Hancock, Harman, Huff, Leno, Liu, Maldonado, Negrete McLeod, Oropeza, Padilla, Price, Romero, Runner, Steinberg, Strickland, Walters, Wiggins, Wright, and Yee.

NOES (7)—Senators Ashburn, Cox, Hollingsworth, Kehoe, Pavley, Wolk, and Wyland.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 81—An act to add Section 65701 to the Government Code, relating to land use.

Bill read second time.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 81—An act to add Section 65701 to the Government Code, relating to land use.

Bill read third time.

Motion to Amend—Set 1

Senator Wyland moved the adoption of amendments—Set 1 to AB 81. Amendments read.

Motion to Lay on the Table

Senator Oropeza moved that the amendments—Set 1 to AB 81 be laid on the table.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (22)—Senators Aanestad, Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (14)—Senators Ashburn, Benoit, Cogdill, Cox, Denham, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Maldonado, Runner, Walters, and Wyland.

Bill read third time.

Motion to Amend—Set 2

Senator Wyland moved the adoption of amendments—Set 2 to AB 81. Amendments read.



Motion to Lay on the Table

Senator Oropeza moved that the amendments—Set 2 to AB 81 be laid on the table.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (21)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (13)—Senators Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Runner, Strickland, Walters, and Wyland.

Motion to Re-refer

Senator Cox moved that AB 81 be re-referred to the committee on Local Government.

Roll Call

The roll was called and the motion lost by the following vote:

AYES (13)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Hollingsworth, Maldonado, Runner, Strickland, Walters, and Wyland.

NOES (20)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Harman, Kehoe, Leno, Liu, Lowenthal, Oropeza, Padilla, Pavley, Price, Romero, Steinberg, Wiggins, Wright, and Yee.

Consideration of Assembly Bill 81

Assembly Bill 81—An act to add Section 65701 to the Government Code, relating to land use.

Bill read third time and presented by Senator Price.

Roll Call

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

AYES (21)—Senators Alquist, Benoit, Calderon, Cedillo, Cogdill, Correa, DeSaulnier, Dutton, Harman, Liu, Maldonado, Oropeza, Padilla, Price, Romero, Runner, Steinberg, Strickland, Walters, Wright, and Yee.

NOES (14)—Senators Ashburn, Corbett, Cox, Denham, Ducheny, Hancock, Hollingsworth, Kehoe, Leno, Lowenthal, Pavley, Wiggins, Wolk, and Wyland.

Bill ordered transmitted to the Assembly.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, October 14, 2009

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 1

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered held at Desk.

REQUEST FOR UNANIMOUS CONSENT (SCR 2)

Senator Steinberg asked for, and was granted, unanimous consent that SCR 2 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 2

Senate Concurrent Resolution 2—Relative to final adjournment of the 2009–10 Third Extraordinary Session of the Legislature.

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly

REQUEST TO BE ADDED TO ROLL CALL

October 14, 2009

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measure taken up on this day:

AB 56—Aye

DARRELL STEINBERG, President pro Tempore

LEAVES OF ABSENCE FOR THE DAY

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

ADJOURNMENT

At 7:06 p.m., the President declared the Senate adjourned.

PAULA K. ROSSETTO, Minute Clerk

