

CALIFORNIA LEGISLATURE
2009–10 FIFTH EXTRAORDINARY SESSION

SENATE DAILY JOURNAL

EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, November 3, 2009

The Senate met at 11:34 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:

Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—37.

Quorum present.

(NOTE: Senators Aanestad, Oropeza, and Runner will be excused this day on personal business.)



PRAYER

Upon invitation of the President, the following prayer was offered by Senator Mark Leno:

We pray to the Holy One, Ha'Shem, the Creator of us all.

We give thanks for the many blessings in our lives, the blessings of good health and strength, energy and well-being.

We thank you for the opportunity to learn, to serve and to share for the betterment of our families and our communities.

May your favor rest upon this land, be with those who work to bring harmony, peace and prosperity to all its inhabitants.

Be our inspiration and our light, guiding us to act with kindness, thoughtfulness, clarity and compassion.

(She'he'che yanu) . . .

Baruch atah adonoi, eloheynu melech ha'olom, she'he'che yanu, V'Ke'yeh manu, v'he ge yanu, la'z'man hazeh.

Blessed are you creator of the universe, who has given us life, sustained us and brought us to this time and place.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

SENATE RULES 29 AND 29.3 SUSPENDED

Without objection, Senate Rules 29 and 29.3 were suspended to permit SB 1 and SB 2 to be taken up at this time, for purpose of consideration.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing, November 3, 2009

Mr. President: The Committee on Appropriations, to which was referred:

SB 2

Reports the same back with the recommendation: Do pass as amended.

KEHOE, Chair

Above measure ordered to second reading.

Date of Hearing, November 3, 2009

Mr. President: The Committee on Appropriations, to which was referred:

SB 1

Reports the same back with the recommendation: Do pass as amended.

KEHOE, Chair

Above measure ordered to second reading.

SECOND READING OF SENATE BILL (OUT OF ORDER)

Senate Bill 1—An act to amend Sections 10601.5, 10804, 47602, and 60900 of, to add Article 10 (commencing with Section 48350) to Chapter 2 of Part 27 of Division 4 of Title 2 of, and to add Article 5 (commencing



with Section 52065) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT (SB 1)

Senator Romero asked for, and was granted, unanimous consent to take up SB 1 without reference to file.

Consideration of Senate Bill 1

Senate Bill 1—An act to amend Sections 10601.5, 10804, 47602, and 60900 of, to add Section 47604.7 to, to add Article 10 (commencing with Section 48350) to Chapter 2 of Part 27 of Division 4 of Title 2 of, and to add Article 5 (commencing with Section 52065) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Steinberg moved the adoption of amendments to SB 1.

Amendments read and adopted.

SENATE RULE 29.3 SUSPENDED

Without objection, Senate Rule 29.3 was suspended to permit consideration of SB 1 at this time, as amended, in print, and properly before the Senate.

Consideration of Senate Bill 1 as Amended

Senate Bill 1—An act to amend Sections 10601.5, 10804, 47602, and 60900 of, to add Section 47604.7 to, to add Article 10 (commencing with Section 48350) to Chapter 2 of Part 27 of Division 4 of Title 2 of, and to add Article 5 (commencing with Section 52065) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to public schools.

Roll Call

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

AYES (21)—Senators Alquist, Ashburn, Benoit, Cedillo, Cogdill, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Huff, Kehoe, Maldonado, Price, Romero, Simitian, Steinberg, Strickland, Walters, and Wyland.

NOES (12)—Senators Corbett, DeSaulnier, Ducheny, Hancock, Leno, Liu, Lowenthal, Pavley, Wiggins, Wolk, Wright, and Yee.

Bill ordered transmitted to the Assembly.



Senator Romero Presiding**REQUEST FOR UNANIMOUS CONSENT (SB 2)**

Senator Simitian asked for, and was granted, unanimous consent to take up SB 2 at this time, without reference to file.

RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION

The following resolution was offered by Senator Simitian:

Resolved, That SB 2 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, considered engrossed, and placed upon its passage.

Resolution read and presented by Senator Simitian.

Roll Call

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

AYES (34)—Senators Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Wyland.

NOES (0)—None.

SECOND READING OF SENATE BILL (OUT OF ORDER)

Senate Bill 2—An act to amend Section 1798.24 of the Civil Code, and to amend Section 49076 of, and to add Section 49079.5 to, the Education Code, relating to pupil data.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Consideration of Senate Bill 2 as Amended

Senate Bill 2—An act to amend Section 1798.24 of the Civil Code, and to amend Section 49076 of, and to add Section 49079.5 to, the Education Code, relating to pupil data.

Bill read third time and presented by Senator Simitian.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.



Senator Simitian Presiding

IN SENATE

Senate Chamber, Sacramento
Wednesday, November 4, 2009

RECESS

At 12 a.m., the Senate recessed in order to convene Regular Session.

REASSEMBLED

At 5:59 a.m., the Senate reconvened.

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

LEAVES OF ABSENCE FOR THE DAY

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

ADJOURNMENT

At 5:59 a.m., the President declared the Senate adjourned on call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

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