

CALIFORNIA LEGISLATURE  
2009–10 SIXTH EXTRAORDINARY SESSION

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# SENATE DAILY JOURNAL

FORTY-NINTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, October 7, 2010

The Senate met at 4:29 p.m.  
Hon. S. Joseph Simitian, of the 11th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary Zachary L. Twilla reading.

### ROLL CALL

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

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

Quorum present.

*(NOTE: Senator Aanestad will be excused this day on personal business and Senators Oropeza and Wiggins will be excused this day due to illness.)*



**PRAYER**

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

We gather on this Thursday morning in October, the most important day of our professional year, to conclude our deliberations, our considerations and debate of our annual budget.

As we do so, I am reminded of the thoughtful and insightful words of Dr. Martin Luther King. Dr. King has said that - "Power without love is reckless and abusive. Love without power is sentimental and anemic. Power at its best is love implementing the demands of justice." So as we proceed with our task today, let us use the privilege and the power of our elective office, infuse it with love so that we can begin to implement justice as best can be accomplished through bipartisan compromise.

Baruch atah adonoi, eloheynu me'lech ha'olom, sh'he'cheyanu, v'keyamanu v'hegeyanu la'zeman ha'zeh. 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 Price led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE GOVERNOR****A PROCLAMATION**

**by the Governor of the State of California**

WHEREAS, on September 29, 2009, I issued a proclamation to cause the Legislature to convene in extraordinary session to consider and act upon legislation relating to the state tax system; and

WHEREAS, an extraordinary occasion has arisen and now exists requiring that this proclamation be amended to include an additional subject in the extraordinary session.

NOW THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 29th day of September 2009, at a time to be determined, and thereafter, for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation to address and improve the state tax system, including but not limited to the following: establish a tax structure that fits with the state's 21st century, stabilize state revenues and reduce volatility, promote the long-term economic prosperity of the state and its citizens, improve California's ability to successfully compete with other states and nations for jobs and investments, reflect principles of



sound tax policy, and ensure that the tax structure is fair and equitable.

2. To consider and act upon legislation to address the creation of a Secretary of Service and Volunteerism.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 7th day of October, 2010.

ARNOLD SCHWARZENEGGER  
Governor of California

[SEAL]

ATTEST:  
DEBRA BOWEN  
Secretary of State

#### **REQUEST FOR UNANIMOUS CONSENT (SB 22)**

Senator Ashburn asked for, and was granted, unanimous consent to take up SB 22 at this time, without reference to file.

#### **RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION**

The following resolution was offered by Senator Ashburn:

*Resolved*, That SB 22 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 Ashburn.

#### **Roll Call**

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

AYES (36)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

#### **Consideration of Senate Bill 22**

**Senate Bill 22**—An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

Bill read second time.

**Senate Bill 22**—An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

Bill read third time and presented by Senator Ashburn.



**CALL OF THE SENATE**

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

Motion carried.

**CONSIDERATION OF DAILY FILE  
THIRD READING OF SENATE BILLS**

**Senate Bill 21**—An act to add Sections 195.176, 195.177, 195.178, 218.6, 17207.8, and 24347.10 to the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to SB 21 proposed by Senator Yee were read and adopted and the measure ordered printed, engrossed, and to second reading.

**MOTION TO SUSPEND SENATE RULE 29.3**

Senator Yee moved to suspend Senate Rule 29.3 to permit consideration of SB 21 at this time, as amended, in print, and properly before the Senate.

Motion carried.

**Consideration of Senate Bill 21 as Amended**

Bill read third time and presented by Senator Yee.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**RECESS**

At 4:48 p.m., on motion of Senator Simitian the Senate recessed in order to convene in regular session.



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Senate Chamber, Sacramento  
Friday, October 8, 2010

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**REASSEMBLED**

At 4:52 a.m., the Senate reconvened.

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

**MESSAGES FROM THE GOVERNOR**

**A PROCLAMATION**

**by the Governor of the State of California**

WHEREAS, on September 29, 2009, I issued a proclamation to cause the Legislature to convene in extraordinary session to consider and act upon legislation relating to the state tax system; and

WHEREAS, on October 7, 2010, I issued a proclamation to cause the Legislature to convene in extraordinary session to consider and act upon legislation to address the creation of a Secretary of Service and Volunteerism; and

WHEREAS, an extraordinary occasion has arisen and now exists requiring that this proclamation be amended to include an additional subject in the extraordinary session.

NOW THEREFORE, I, ARNOLD SCHWARZENEGGER, Governor of the State of California, by virtue of the power and authority vested in me by Section 3(b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California on the 29th day of September 2009, at a time to be determined, and thereafter, for the following purposes and to legislate upon the following subjects:

1. To consider and act upon legislation to address and improve the state tax system, including but not limited to the following: establish a tax structure that fits with the state's 21st century, stabilize state revenues and reduce volatility, promote the long-term economic prosperity of the state and its citizens, improve California's ability to successfully compete with other states and nations for jobs and investments, reflect principles of sound tax policy, and ensure that the tax structure is fair and equitable.
2. To consider and act upon legislation to address the creation of a Secretary of Service and Volunteerism.

3. To consider and act upon legislation to provide for pension reform.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 8th day of October, 2010.

ARNOLD SCHWARZENEGGER  
Governor of California

[SEAL]

ATTEST:  
DEBRA BOWEN  
Secretary of State

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 22)**

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

**Roll Call**

The names of the absentees were called and SB 22 was passed by the following vote:

AYES (21)—Senators Alquist, Ashburn, Blakeslee, Corbett, Correa, DeSaulnier, Dutton, Emmerson, Florez, Harman, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wright, and Yee.

NOES (13)—Senators Calderon, Cogdill, Denham, Ducheny, Hancock, Huff, Kehoe, Negrete McLeod, Runner, Strickland, Walters, Wolk, and Wyland.

Bill ordered transmitted to the Assembly.

**RECESS**

At 4:53 a.m., on motion of Senator Romero the Senate recessed in order to convene in regular session.

**REASSEMBLED**

At 7:28 a.m., the Senate reconvened.

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

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 2:** By Senator Steinberg—Relative to final adjournment of the 2009–10 Sixth Extraordinary Session of the Legislature.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, October 8, 2010

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

AB 11



Assembly Chamber, October 8, 2010

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

AB 10

Assembly Chamber, October 8, 2010

Mr. 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

#### **FIRST READING OF ASSEMBLY MEASURES**

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

**Assembly Bill 11**—An act to add Sections 195.176, 195.177, 195.178, 218.6, 17207.8, and 24347.10 to the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 10**—An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

**Assembly Concurrent Resolution 1**—Relative to final adjournment of the 2009–10 Sixth Extraordinary Session of the Legislature.

#### **REQUEST FOR UNANIMOUS CONSENT (AB 11)**

Senator Wolk asked for, and was granted, unanimous consent to take up AB 11 at this time, without reference to file.

#### **RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION**

The following resolution was offered by Senator Wolk:

*Resolved*, That AB 11 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.

#### **Roll Call**

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

**AYES (31)**—Senators Alquist, Ashburn, Blakeslee, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

**NOES (0)**—None.



**Consideration of Assembly Bill 11**

**Assembly Bill 11**—An act to add Sections 195.176, 195.177, 195.178, 218.6, 17207.8, and 24347.10 to the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Assembly Bill 11**

**Assembly Bill 11**—An act to add Sections 195.176, 195.177, 195.178, 218.6, 17207.8, and 24347.10 to the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Wolk.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

**Roll Call**

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

AYES (34)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (AB 10)**

Senator Ashburn asked for, and was granted, unanimous consent to take up AB 10 at this time, without reference to file.

**RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION**

The following resolution was offered by Senator Ashburn:

*Resolved*, That AB 10 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.



**Roll Call**

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

AYES (31)—Senators Alquist, Ashburn, Blakeslee, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

**Consideration of Assembly Bill 10**

**Assembly Bill 10**—An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

Bill read second time.

**Assembly Bill 10**—An act to add Section 65037.1 to the Government Code, relating to service and volunteering.

Bill read third time and presented by Senator Ashburn.

**Roll Call**

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

AYES (23)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Correa, DeSaulnier, Dutton, Emmerson, Florez, Harman, Kehoe, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wolk, and Yee.

NOES (10)—Senators Cogdill, Corbett, Denham, Ducheny, Hancock, Huff, Runner, Strickland, Walters, and Wyland

Bill ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, October 8, 2010

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

SB 22

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

**REQUEST FOR UNANIMOUS CONSENT (SB 22)**

Senator Hollingsworth asked for, and was granted, unanimous consent to take up SB 22 at this time, without reference to file.

**Consideration of Senate Bill 22****Consideration of Assembly Amendments**

**Senate Bill 22**—An act to amend Sections 21251.13, 21353, 21354.1, 21363, 21363.1, 21363.3, 21363.4, 21363.8, 21369, and 21369.1 of,



and to add Section 20037.15 to, the Government Code, relating to state employees.

Measure presented by Senator Hollingsworth.

The question being: Shall the Senate concur in the Assembly amendments to SB 22?

#### **Roll Call**

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

AYES (22)—Senators Alquist, Ashburn, Ducheny, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wolk, and Wyland.

NOES (10)—Senators Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Denham, DeSaulnier, Dutton, Runner, and Yee.

Above measure ordered enrolled.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 21)**

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

The names of the absentees were called and the urgency clause to SB 21 was refused adoption by the following vote:

#### **Urgency Clause**

AYES (20)—Senators Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Denham, Dutton, Emmerson, Harman, Hollingsworth, Huff, Negrete McLeod, Padilla, Runner, Simitian, Strickland, Walters, Wright, Wyland, and Yee.

NOES (15)—Senators Alquist, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Price, Romero, Steinberg, and Wolk.

#### **REQUEST FOR UNANIMOUS CONSENT (ACR 1)**

Senator Steinberg asked for, and was granted, unanimous consent to take up ACR 1 at this time, without reference to file.

#### **Consideration of Assembly Concurrent Resolution 1**

**Assembly Concurrent Resolution 1**—Relative to final adjournment of the 2009–10 Sixth Extraordinary Session of the Legislature.

Resolution read.

#### **Roll Call**

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

AYES (35)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno,



Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

#### **LEAVES OF ABSENCE FOR THE DAY**

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

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

#### **ADJOURNMENT**

At 7:44 a.m., the President declared the Senate adjourned.

PAULA K. ROSSETTO, Minute Clerk

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