

CALIFORNIA LEGISLATURE
2009–10 SEVENTH EXTRAORDINARY SESSION

SENATE DAILY JOURNAL

FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, November 3, 2009

The Senate met at 3:17 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 man, 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.

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

Senate Bill 6—An act to add Part 2.11 (commencing with Section 10920) to Division 6 of, and to repeal and add Section 12924 of, the Water Code, relating to groundwater.

Bill read third time and presented by Senator Steinberg.

Roll Call

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

AYES (21)—Senators Alquist, Benoit, Calderon, Cedillo, Correa, Ducheny, Florez, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, and Wright.

NOES (13)—Senators Ashburn, Cogdill, Cox, Denham, DeSaulnier, Dutton, Hancock, Huff, Strickland, Walters, Wolk, Wyland, and Yee.

Bill ordered transmitted to the Assembly.

RECESS

At 11:30 p.m., the Senate recessed in order to convene in 5th Extraordinary Session.



IN SENATE

Senate Chamber, Sacramento
Wednesday, November 4, 2009

REASSEMBLED

At 12:01 a.m., the Senate reconvened.

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, November 3, 2009

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

SB 1 SB 6 SB 7

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measures ordered to unfinished business file.

RECESS

At 12:08 a.m., the Senate recessed in order to convene in regular session.

REASSEMBLED

At 12:09 a.m., the Senate reconvened.

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

REQUEST FOR UNANIMOUS CONSENT (SB 1)

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

Consideration of Senate Bill 1**Consideration of Assembly Amendments**

Senate Bill 1—An act to amend Sections 29702, 29725, 29727, 29733, 29735, 29735.1, 29738, 29741, 29751, 29752, 29754, 29756.5, 29763, 29771, and 29780 of, to add Sections 29703.5, 29722.5, 29722.7, 29728.5, 29759, 29773, 29773.5, and 29778.5 to, to add Division 22.3 (commencing with Section 32300) to, to repeal Section 29762 of, and to repeal and add Sections 29736, 29739, 29753, 29761, 29761.5, and 29764 of, the Public Resources Code, and to add Division 35 (commencing with Section 85000) to, and to repeal Division 26.4 (commencing with Section 79400) of, the Water Code, relating to public resources, and making an appropriation therefor.

Measure presented by Senator Simitian.

The question being: Shall the Senate concur in the Assembly amendments to SB 1?

Roll Call

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

AYES (27)—Senators Alquist, Ashburn, Benoit, Cedillo, Cogdill, Correa, Ducheny, Florez, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wright, and Wyland.

NOES (7)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Wolk, and Yee.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 6)

Senator Steinberg asked for, and was granted, unanimous consent to take up SB 6 at this time, without reference to file.

Consideration of Senate Bill 6**Consideration of Assembly Amendments**

Senate Bill 6—An act to add Part 2.11 (commencing with Section 10920) to Division 6 of, and to repeal and add Section 12924 of, the Water Code, relating to groundwater.

Measure presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 6?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

REQUEST FOR UNANIMOUS CONSENT (SB 7)

Senator Steinberg asked for, and was granted, unanimous consent to take up SB 7 at this time, without reference to file.

Consideration of Senate Bill 7**Consideration of Assembly Amendments**

Senate Bill 7—An act to amend and repeal Section 10631.5 of, to add Part 2.55 (commencing with Section 10608) to Division 6 of, and to repeal and add Part 2.8 (commencing with Section 10800) of Division 6 of, the Water Code, relating to water.

Measure presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 7?



Roll Call

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

AYES (21)—Senators Alquist, Benoit, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, and Wright.

NOES (13)—Senators Ashburn, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Strickland, Walters, Wolk, Wyland, and Yee.

Above measure ordered enrolled.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, November 4, 2009

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

SB 8

SB 2

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

Above measures ordered to unfinished business file.

Assembly Chamber, November 4, 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

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time:

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

REQUEST FOR UNANIMOUS CONSENT (SB 8)

Senator Steinberg asked for, and was granted, unanimous consent to take up SB 8 at this time, without reference to file.

Consideration of Senate Bill 8**Consideration of Assembly Amendments****Senate Bill 8**—An

act to amend Sections 5100, 5101, 5103, and 5107 of, to add Chapter 2.7 (commencing with Section 348) to Division 1 of, and to repeal Section 5108 of, the Water Code, (PU 20090AB__090095AMD) (PU RN20092516504) and to amend and supplement the Budget Act of 2009 (Chapter 1 of the 2009?10 Third Extraordinary Session) by amending Items 3940–001–0439 and 3940–001–3058 of Section 2.00 of the Budget



Act of 2009, relating to water resources, and making an appropriation therefor.

Measure presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 8?

Roll Call

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

AYES (23)—Senators Alquist, Benoit, Cedillo, Cogdill, Ducheny, Florez, Hancock, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Wiggins, and Wright.

NOES (3)—Senators Cox, Denham, and Dutton.

Above measure ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 6)

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

Roll Call

The names of the absentees were called and SB 6 was passed by the following vote:

AYES (22)—Senators Alquist, Benoit, Cedillo, Correa, Ducheny, Florez, Hancock, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, and Wright.

NOES (13)—Senators Ashburn, Cogdill, Cox, Denham, DeSaulnier, Dutton, Harman, Huff, Strickland, Walters, Wolk, Wyland, and Yee.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 2)

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

Consideration of Senate Bill 2

Consideration of Assembly Amendments

Senate Bill 2—An act to add Division 26.7 (commencing with Section 79700) to the Water Code, relating to a safe drinking water and water supply reliability program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of



California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Cogdill.

The question being: Shall the Senate concur in the Assembly amendments to SB 2?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 2)

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

Roll Call

The names of the absentees were called and SB 2 was passed by the following vote:

AYES (27)—Senators Alquist, Ashburn, Benoit, Cedillo, Cogdill, Correa, Ducheny, Dutton, Florez, Harman, Hollingsworth, Huff, Kehoe, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wright, and Wyland.

NOES (8)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Leno, Wiggins, and Yee.

Above measure ordered enrolled.

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 Seventh Extraordinary Session of the Legislature.

Roll Call

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

AYES (31)—Senators Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



SENATE COMMITTEE ROLL CALLS
Committee on Budget and Fiscal Review

SB 1—Do pass as amended

AYES (25)—Senators Alquist, Benoit, Cedillo, Cogdill, Ducheny, Dutton, Florez, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, and Wyland.

NOES (4)—Senators Corbett, Cox, Wolk, and Yee.

SB 2—Do pass as amended

AYES (29)—Senators Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Correa, Ducheny, Dutton, Florez, Harman, Hollingsworth, Huff, Kehoe, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wright, and Wyland.

NOES (7)—Senators Corbett, Cox, Denham, DeSaulnier, Leno, Wolk, and Yee.

SB 5—Do pass as amended

AYES (18)—Senators Alquist, Calderon, Cedillo, Ducheny, Florez, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, and Wright.

NOES (16)—Senators Ashburn, Benoit, Cogdill, Corbett, Cox, Denham, DeSaulnier, Dutton, Harman, Hollingsworth, Huff, Strickland, Walters, Wolk, Wyland, and Yee.

Failed passage

SB 5—Reconsideration granted

AYES (21)—Senators Alquist, Cedillo, Ducheny, Florez, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Walters, Wiggins, Wright, and Wyland.

NOES (0)—None.

SB 6—Do pass as amended

AYES (30)—Senators Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Denham, Ducheny, Florez, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wright, Wyland, and Yee.

NOES (3)—Senators Cox, Dutton, and Wolk.

SB 7—Do pass as amended

AYES (21)—Senators Alquist, Benoit, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, and Wright.

NOES (13)—Senators Ashburn, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Strickland, Walters, Wolk, Wyland, and Yee.



SB 8—Do pass as amended

AYES (21)—Senators Alquist, Calderon, Cedillo, Correa, DeSaulnier, Ducheny, Florez, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, and Wright.

NOES (14)—Senators Ashburn, Cogdill, Corbett, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Strickland, Walters, Wolk, Wyland, and Yee.

Date of Hearing: 11/2/2009

Ducheny (Chair)

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.

PAULA K. ROSSETTO, Minute Clerk

O

