

CALIFORNIA LEGISLATURE
2009–10 EIGHTH EXTRAORDINARY SESSION

SENATE DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 18, 2010

The Senate met at 10:55 a.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:

Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, 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—38.

Quorum present.

(NOTE: Senator Harman will be excused this day on personal business.)



PRAYER

Upon invitation of the President, the following prayer was offered by Senator Alan Lowenthal

Eternal One, This body gathers once again to draw upon the wisdom of each of us as we wrestle with the challenges in our way.

Eternal One, lift our spirits so that we will live together in unity and peace. We each have our personal aspirations and ideas of what is best, yet may we also know the joy of mutual accomplishment.

Teach us to treat one another with respect and honor. Encourage us to have the courage to speak honestly and thoughtfully. Let this be a place where trust is valued. Let us say—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MOTION TO SUSPEND JOINT RULE

Senator Ducheny moved to suspend Joint Rule 10.5 on the following measures, **AB 1**, **AB 2**, **AB 3**, **AB 4**, **AB 7**, **AB 8**, and **AB 10** in order that they may be considered at this time.

Roll call requested.

Roll Call

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

AYES (28)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Hollingsworth, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wyland, and Yee.

NOES (0)—None.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing, February 18, 2010

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

SB 34

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

KEHOE, Chair

Above measure ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill 34—An act to add Sections 2069 and 2099 to the Fish and Game Code, to amend Sections 11430.30, 11430.70, and 11430.80 of the

Government Code, and to add Section 25524 to the Public Resources Code, relating to energy, and making an appropriation therefor.

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.

MEASURE RE-REFERRED TO COMMITTEE

Without objection **SB 34** was re-referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1—An act to amend and supplement the Budget Act of 2009 (Chapter 1 of the 2009-10 Third Extraordinary Session) by amending Items 4265-001-0890 and 4265-111-0890 of Section 2.00 of that act, relating to the support of state government, and making an appropriation therefor.

Bill read third time and presented by Senator Ducheny.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2—An act relating to the Budget Act of 2010.

Bill read third time and presented by Senator Ducheny.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 3—An act to amend Section 76104.7 of the Government Code, relating to fines and forfeitures.

Bill read third time and presented by Senator Ducheny.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 4—An act to amend Sections 4639.5, 4640.6, and 11401 of the Welfare and Institutions Code, and to amend Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, relating to social services.

Bill read third time and presented by Senator Ducheny.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 8—An act to amend Sections 31 and 7145.5 of the Business and Professions Code, and to amend Sections 6203, 19116, 19504, and 19777 of, to add Sections 18407.5, 19265, 19266, 19560.5, 19571, and 19777.1 to, and to repeal and amend Section 19755 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Ducheny.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 10—An act to amend Section 63048.66 of the Government Code, relating to tribal gaming.

Bill read third time and presented by Senator Ducheny.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 7—An act to amend Sections 14560, 14580, and 14581 of, and to amend, repeal, and add Section 14574 to, the Public Resources Code, and to amend Sections 13476 and 13480 of the Water Code, relating to the environment, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.



Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill 29—An act to add Sections 19852.2, 19852.3, and 19852.4 to the Government Code, relating to public employment.

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 (30)—Senators Aanestad, Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Florez, Hancock, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (6)—Senators Ashburn, Denham, Hollingsworth, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1)**

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

Roll Call

The names of the absentees were called and AB 1 was passed by the following vote:

AYES (38)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, 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 transmitted to the Assembly.



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

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

Roll Call

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

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Wright.

NOES (15)—Senators Aanestad, Ashburn, Cogdill, Correa, Cox, Denham, Dutton, Hollingsworth, Huff, Maldonado, Runner, Strickland, Walters, Wyland, and Yee.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 3)**

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

Roll Call

The names of the absentees were called and AB 3 was passed by the following vote:

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Cogdill, Correa, Cox, Denham, Dutton, Hollingsworth, Huff, Maldonado, Runner, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 4)**

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

Roll Call

The names of the absentees were called and AB 4 was passed by the following vote:

AYES (30)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete



McLeod, Oropeza, Padilla, Romero, Runner, Simitian, Steinberg, Walters, Wiggins, Wolk, Wright, and Wyland.

NOES (8)—Senators Correa, Denham, Hancock, Liu, Pavley, Price, Strickland, and Yee.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 8)**

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

Roll Call

The names of the absentees were called and AB 8 was passed by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (15)—Senators Aanestad, Ashburn, Cogdill, Correa, Cox, Denham, Dutton, Hollingsworth, Huff, Maldonado, Runner, Strickland, Walters, Wright, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 10)**

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

Roll Call

The names of the absentees were called and AB 10 was passed by the following vote:

AYES (32)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (6)—Senators Aanestad, Ashburn, Correa, Denham, Strickland, and Walters.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 7)**

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



Urgency Clause

The names of the absentees were called and the urgency clause to AB 7 was adopted by the following vote:

AYES (31)—Senators Aanestad, Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (6)—Senators Ashburn, Cogdill, Denham, Hollingsworth, Strickland, and Walters.

Roll Call

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

AYES (31)—Senators Aanestad, Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (6)—Senators Ashburn, Cogdill, Denham, Hollingsworth, Strickland, and Walters.

Above bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 32—An act to amend Sections 17008.5, 17020.6, 17024.5, 17041, 17052.12, 17062, 17063, 17072, 17085, 17132.5, 17144.5, 17152, 17206, 17250, 17250.5, 17255, 17275.5, 17276, 17501, 17551, 17952.5, 18165, 18180, 18631, 19116, 19131, 19134, 19164, 19166, 19172, 19179, 19443, 21015.5, 23045, 23051.5, 23456, 23609, 23712, 23732, 23772, 24305, 24356, 24357, 24357.1, 24357.7, 24358, 24416, 24949.5, 24990.6, and 24993 of, to add Sections 17020.15, 17131.3, 17132.8, 17204, 17225, 17257, 17257.2, 17257.4, 17275.2, 17275.3, 17279.6, 17560.5, 17681.3, 17755, 18031.5, 18037.5, 18151.5, 18155.6, 19165, 19172.5, 19185, 19186, 23046.5, 23703.7, 24303, 24329, 24349.2, 24462, 24831.3, 24941.5, 24950.5, 24990.2, and 24990.8 to, and to repeal Sections 24355.3, 24981, and 24988 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Wolk.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 31—An act to add Article 3.7 (commencing with Section 81665) to Chapter 3 of Part 49 of Division 7 of Title 3 of the Education Code, relating to community colleges.

Bill read third time and presented by Senator Cedillo.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 32)**

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

Roll Call

The names of the absentees were called and SB 32 was passed by the following vote:

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

NOES (14)—Senators Aanestad, Ashburn, Calderon, Cogdill, Correa, Cox, Denham, Dutton, Hollingsworth, Huff, Strickland, Walters, Wright, and Wyland.

Above bill ordered transmitted to the Assembly.

REQUEST TO BE ADDED TO ROLL CALL

February 18, 2010

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

AB 7—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 personal business: Senator Harman.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 18, 2010

The Committee on Rules has re-referred the following measure to committee:

Energy, Utilities and Communications—SB 34.

Committee on Energy, Utilities and Communications

Date of Hearing, February 16, 2010

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 22

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

PADILLA, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, February 18, 2010

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

SB 26

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KEHOE, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 26—An act to add Division 16.2 (commencing with Section 26100) to the Public Resources Code, relating to energy, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time:

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

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

Assembly Bill 12—An act relating to the Budget Act of 2009.

Bill read third time.



Amendments Adopted

Amendments to AB 12 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations****SB 29—Do pass**

AYES (7)—Senators Alquist, Cox, Kehoe, Leno, Liu, Price, and Yee.

NOES (1)—Senator Wyland.

SB 31—Do pass

AYES (8)—Senators Alquist, Cox, Kehoe, Leno, Liu, Price, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 2/17/2010

Kehoe (Chair)

Committee on Appropriations**SB 34—Do pass as amended**

AYES (9)—Senators Alquist, Corbett, Cox, Denham, Kehoe, Leno, Liu, Price, and Wyland.

NOES (1)—Senator Walters.

Date of Hearing: 2/18/2010

Kehoe (Chair)

Committee on Energy, Utilities and Communications**SB 22—Do pass as amended and re-refer to Committee on Rules**

AYES (9)—Senators Corbett, Dutton, Florez, Kehoe, Lowenthal, Oropeza, Padilla, Strickland, and Wright.

NOES (0)—None.

SB 26—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Corbett, Dutton, Florez, Kehoe, Lowenthal, Oropeza, Padilla, Strickland, and Wright.

NOES (0)—None.

SB 31—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Corbett, Dutton, Florez, Kehoe, Lowenthal, Oropeza, Padilla, Strickland, and Wright.

NOES (0)—None.

SB 34—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Corbett, Lowenthal, Oropeza, Padilla, Strickland, and Wright.

NOES (0)—None.

Date of Hearing: 2/16/2010

Padilla (Chair)



ADJOURNMENT

At 12:13 p.m., the President declared the Senate adjourned on call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

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