

CALIFORNIA LEGISLATURE
2009–10 EIGHTH EXTRAORDINARY SESSION

SENATE DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 11, 2010

The Senate met at 9:08 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, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, 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—38.

Quorum present.

(NOTE: Senator Calderon will be excused this day on legislative business.)



PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Dr. Pamela Anderson, Countyside Community Church in Esparto:

A painter, a priest and a cowboy went to the Grand Canyon. The painter said, "What a beautiful place, I must paint a picture of it." The priest said, "What a beautiful place, I must write a prayer." The cowboy said, "What a horrible place to lose a cow."

Loving and Eternal God, We pray for our California State Senate today and that they will be able to understand and appreciate different worldviews and perspectives other than their own. May they all be able to deliberate with integrity, honesty and with great respect for their fellow colleagues. We pray for clarity of mind and for positive decisions to be made today that will better the lives of all in this great state of California.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****Consideration of Assembly Amendments**

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 presented by Senator Wolk.

The question being: Shall the Senate concur in the Assembly amendments to SB 32?

The roll was called.

CALL OF THE SENATE

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

Motion carried.



**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 the Senate concurred in Assembly amendments to SB 32 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, Wolk, and Yee.

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

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 11, 2010

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

SB 34

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

REQUEST FOR UNANIMOUS CONSENT (SB 34)

Senator Padilla asked for, and was granted, unanimous consent to take up SB 34 at this time, without reference to file.

Consideration of Senate Bill 34**Consideration of Assembly Amendments**

Senate Bill 34—An act to add Sections 2069, 2099, and 2099.5 to the Fish and Game Code, to amend Section 11430.70 of the Government Code, and to add Section 25524 to the Public Resources Code, relating to energy, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Padilla.

The question being: Shall the Senate concur in the Assembly amendments to SB 34?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (32)—Senators Aanestad, Alquist, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Dutton, Florez, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod,



Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, 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 (32)—Senators Aanestad, Alquist, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Dutton, Florez, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SCR 2)

Senator Steinberg asked for, and was granted, unanimous consent to take up SCR 2 at this time, without reference to committee or file.

Consideration of Senate Concurrent Resolution 2

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

The roll was called.

CALL OF THE SENATE

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

Motion carried.

RECESS

At 11:40 a.m., the Senate recessed in order to convene regular session.

REASSEMBLED

At 11:52 a.m., the Senate reconvened.

Hon. S. Joseph Simitian, of the 11th District, presiding.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 11, 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 measure was read the first time and referred to the Committee on Rules:

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

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 committee or file.

Consideration of Assembly Concurrent Resolution 1

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

Roll Call

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

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

NOES (9)—Senators Aanestad, Ashburn, Cogdill, Cox, Denham, Dutton, Hollingsworth, Huff, and Wyland.

Resolution ordered transmitted to the Assembly.

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

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

The roll was called.

Roll Call

The names of the absentees were called and the resolution was adopted by the following vote:

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

NOES (11)—Senators Aanestad, Ashburn, Cogdill, Cox, Denham, Dutton, Hollingsworth, Huff, Runner, Strickland, and Wyland.

LEAVES OF ABSENCE FOR THE DAY

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



Committee on Environmental Quality

Senate Chamber, March 11, 2010

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 42

SB 56

Reports the same back without further action.

SIMITIAN, Chair

Committee on Rules

Senate Chamber, March 11, 2010

Mr. President: The Committee on Rules, to which were referred:

SB 40

SB 48

SB 54

SB 63

SB 43

SB 49

SB 55

SB 64

SB 44

SB 50

SB 58

SB 67

SB 45

SB 51

SB 59

SB 68

SB 46

SB 52

SB 60

SB 47

SB 53

SB 62

Reports the same back without further action.

STEINBERG, Chair

Committee on Governmental Organization

Senate Chamber, March 11, 2010

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

SB 24

Reports the same back without further action.

WRIGHT, Chair

Committee on Environmental Quality

Senate Chamber, March 11, 2010

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

SB 57

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

SIMITIAN, Chair

Above measure ordered filed with the Secretary of the Senate.



Committee on Banking, Finance and Insurance

Senate Chamber, March 11, 2010

Mr. President: The Committee on Banking, Finance and Insurance, to which was referred:

SB 38

Reports the same back without further action.

CALDERON, Chair

Committee on Revenue and Taxation

Senate Chamber, March 11, 2010

Mr. President: The Committee on Revenue and Taxation, to which were referred:

SB 21

SB 22

SB 25

SB 39

Reports the same back without further action.

WOLK, Chair

Committee on Labor and Industrial Relations

Senate Chamber, March 11, 2010

Mr. President: The Committee on Labor and Industrial Relations, to which were referred:

SB 66

SB 70

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

DESAULNIER, Chair

Above measure ordered filed with the Secretary of the Senate.

Committee on Transportation and Housing

Senate Chamber, March 11, 2010

Mr. President: The Committee on Transportation and Housing, to which were referred:

SB 36

SB 37

Reports the same back without further action.

LOWENTHAL, Chair

Committee on Rules

Senate Chamber, March 11, 2010

Mr. President: The Committee on Rules, to which were referred:

SB 23

SB 33

Reports the same back without further action.

STEINBERG, Chair



SENATE COMMITTEE ROLL CALLS**Committee on Health**

SB 41—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Aanestad and Cox.

NOES (5)—Senators Alquist, Cedillo, Leno, Pavley, and Romero.

Failed passage

SB 65—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Aanestad and Cox.

NOES (5)—Senators Alquist, Cedillo, Leno, Pavley, and Romero.

Failed Passage

Date of Hearing: 2/24/2010

Alquist (Chair)

DIED ON FILE

Subsequent to adjournment *sine die*, the following measures died on file: SB 6, SB 28, AB 13, AB 15, and AB 16.

Above Assembly measures returned to the Assembly.

SENATE JOURNALS APPROVED

Without objection, the Senate Journals for the 2009–2010 Eighth Extraordinary Session were approved as corrected by the Minute Clerk.

ADJOURNMENT SINE DIE

At 11:52 a.m., pursuant to the provisions of ACR 1, the President declared the Eighth Extraordinary Session of the Senate adjourned *sine die*.

PAULA K. ROSSETTO, Minute Clerk

O

└