

CALIFORNIA LEGISLATURE
2007–08 SECOND EXTRAORDINARY SESSION

SENATE DAILY JOURNAL

FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, October 9, 2007

The Senate met at 2 p.m.
Hon. Don Perata, of the 9th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Kipchoge Randall reading.

ROLL CALL

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

Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee—36.

Quorum present.

(NOTE: Senator Scott will be excused this day on personal business, Senators Margett and Vincent will be excused this day due to illness, and Senator Denham will be excused this day due to a death in the family.)



PRAYER

Prayer was offered by the Chaplain, Rev. Canon James Richardson:

O God, from Whom All Good Proceeds: Grant that by your inspiration we may understand those things that are right, and by your merciful guiding, that we may do them.—AMEN.

(Adapted from the *Book of Common Prayer*)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Natural Resources and Water**

Date of Hearing, October 8, 2007

Mr. President: The Committee on Natural Resources and Water, to which were referred:

SB 1 SB 2 SB 5

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

STEINBERG, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Appropriations

Date of Hearing, October 9, 2007

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

SB 1 SB 2 SB 5

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bills ordered to second reading.

Senator Romero Presiding**RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION**

The following resolution was offered by Senators Perata and Wiggins:

Resolved, That SB 1 and SB 5 present cases 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 bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read and presented by Senator Perata.

Roll Call

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

AYES (28)—Senators Aanestad, Ackerman, Alquist, Battin, Calderon, Cedillo, Corbett, Correa, Ducheny, Dutton, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla,

Perata, Ridley-Thomas, Romero, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (7)—Senators Ashburn, Cogdill, Cox, Harman, Maldonado, McClintock, and Wyland.

Consideration of Senate Bill 1

Senate Bill 1—An act to add Division 33 (commencing with Section 83000) to the Water Code, relating to water, and making an appropriation therefor.

Bill read second time.

Senate Bill 1—An act to add Division 33 (commencing with Section 83000) to the Water Code, relating to water, and making an appropriation therefor.

Bill read third time.

Consideration of Senate Bill 5

Senate Bill 5—An act to add Section 6217.3 to the Public Resources Code, relating to public resources, and making an appropriation therefor.

Bill read second time.

Senate Bill 5—An act to add Section 6217.3 to the Public Resources Code, relating to public resources, and making an appropriation therefor.

Bill read third time.

REQUEST FOR UNANIMOUS CONSENT (SB 2)

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

Consideration of Senate Bill 2

Senate Bill 2—An act to add Division 26.7 (commencing with Section 79700) to the Water Code, relating to financing a water supply reliability and environmental restoration 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.

Urgency Clause

Urgency clause read and refused adoption by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Dutton, Harman, Hollingsworth, McClintock, Runner, and Wyland.

Motion to Reconsider (SB 2)

Senator Perata moved to reconsider the vote whereby the urgency clause to SB 2 was refused adoption.



Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Measure ordered returned to third reading.

REQUEST FOR UNANIMOUS CONSENT (SB 5)

Senator Wiggins asked for, and was granted, unanimous consent to take up SB 5 at this time, without reference to file.

Consideration of Senate Bill 5

Senate Bill 5—An act to add Section 6217.3 to the Public Resources Code, relating to public resources, and making an appropriation therefor.

Roll Call

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

AYES (26)—Senators Aanestad, Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (10)—Senators Ackerman, Ashburn, Battin, Cogdill, Cox, Dutton, Hollingsworth, McClintock, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations****SB 1—Do pass**

AYES (10)—Senators Cedillo, Corbett, Florez, Kuehl, Oropeza, Ridley-Thomas, Simitian, Steinberg, Torlakson, and Yee.

NOES (7)—Senators Aanestad, Ashburn, Battin, Cox, Dutton, Runner, and Wyland.

SB 2—Do pass

AYES (10)—Senators Cedillo, Corbett, Florez, Kuehl, Oropeza, Ridley-Thomas, Simitian, Steinberg, Torlakson, and Yee.

NOES (7)—Senators Aanestad, Ashburn, Battin, Cox, Dutton, Runner, and Wyland.



SB 5—Do pass

AYES (11)—Senators Aanestad, Cedillo, Corbett, Florez, Kuehl, Oropeza, Ridley-Thomas, Simitian, Steinberg, Torlakson, and Yee.

NOES (6)—Senators Ashburn, Battin, Cox, Dutton, Runner, and Wyland.

Date of Hearing: 10/9/2007

Torlakson (Chair)

Committee on Natural Resources and Water**SB 1—Do pass and re-refer to Committee on Appropriations**

AYES (5)—Senators Kehoe, Kuehl, Machado, Migden, and Steinberg.

NOES (1)—Senator Hollingsworth.

SB 2—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Kehoe, Kuehl, Machado, Migden, and Steinberg.

NOES (1)—Senator Hollingsworth.

SB 3—Do pass

AYES (2)—Senators Cogdill and Hollingsworth.

NOES (4)—Senators Kehoe, Kuehl, Machado, and Steinberg.

Failed passage

SB 4—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Cogdill and Hollingsworth.

NOES (4)—Senators Kehoe, Kuehl, Machado, and Steinberg.

Failed passage

SB 5—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Kehoe, Kuehl, Machado, Migden, and Steinberg.

NOES (2)—Senators Cogdill and Hollingsworth.

Date of Hearing: 10/8/2007

Steinberg (Chair)

LEAVES OF ABSENCE FOR THE DAY

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

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

The following Senator was granted leave of absence for the day due to a death in the family: Senator Denham.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 3:25 p.m., on motion of Senator Romero, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Perata moved that the Senate adjourn.

Motion carried.



REQUESTS TO ADJOURN IN MEMORIAM

Senators Battin and Hollingsworth requested that when the Senate adjourns this day it do so in memory of Myra Goldwater of Palm Springs.

Senator Correa requested that when the Senate adjourns this day it do so in memory of Margarita Solorzano of Santa Ana.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Ronald Joseph Pizzi and Ronald E. Tognoli of Stockton.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Isaul Eli Herrera and Bill Sorro of San Francisco and Nicholas Olson of Novato.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Wesley Patterson and Charlene Layne of Lancaster and William T. Gibson of Yountville.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned, pursuant to the Senators' requests, upon call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

O

└