

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-FOURTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, March 1, 2005

The Senate met at 9 a.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:

Ackerman, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—37.

Quorum present.

*(NOTE: Senators Aanestad, Alarcón, and Speier will be excused this day on legislative business.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
February 28, 2005

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent.



I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Alfredo Colon Armendariz, President of Digikon and former Associate Deputy Administrator, United States Small Business Administration. Appointed 02/11/05. Effective 02/25/05.

Member, Alcoholic Beverage Control Appeals Board vice Edward Lynn Brown, being replaced, term ending at the pleasure of the Governor.

Above appointment referred to the Committee on Rules.

#### **MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 28, 2005

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

SCR 2

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

Above measure ordered to unfinished business file.

Assembly Chamber, February 28, 2005

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

ACR 14

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 14**—Relative to the recent election in Ukraine.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Public Safety**

Senate Chamber, March 1, 2005

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

SB 96

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

ALQUIST, Chair



**Second Reading of Bills—Author's Amendments**

**Senate Bill 96**—An act to add Section 653.15 to the Penal Code, relating to crime.

Bill read second time.

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

**Committee on Agriculture**

Senate Chamber, March 1, 2005

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

SB 42

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

DENHAM, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 42**—An act to amend Sections 6025.2, 6025.5, 6026, 6026.5, 6027, 6028, and 6029 of, and to add Sections 6025.3 and 6027.1 to the Penal Code relating to vertebrate pests, 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 measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1104:** By the Committee on Banking, Finance and Insurance (Senators Speier (Chair), Cox, Denham, Figueroa, Hollingsworth, Maldonado, Murray, Ortiz, and Scott)—An act to repeal Section 1748.12 of the Civil Code, to amend Section 1985.4 of the Code of Civil Procedure, to add Sections 4058.1, 4058.2, and 4058.3 to the Financial Code, and to amend Section 19271.6 of the Revenue and Taxation Code, relating to financial privacy.

**Senate Bill 1105:** By the Committee on Banking, Finance and Insurance (Senators Speier (Chair), Cox, Denham, Figueroa, Hollingsworth, Maldonado, Murray, Ortiz, and Scott)—An act to amend Sections 1872.83, 1874.1, and 1877.1 of the Insurance Code, relating to insurance fraud.

**Senate Concurrent Resolution 30:** By Senator Perata—Relative to the selection of the Legislative Counsel of California.



**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 363** was withdrawn from the Committee on Health and re-referred to the Committee on Rules;

**SB 61** and **SB 186** were withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules; and

**SB 228**, **SB 229**, **SB 230**, **SB 231**, **SB 232**, **SB 233**, **SB 246**, **SB 247** and **SB 248** were withdrawn from the Committee on Rules and re-referred to the Committee on Business, Professions and Economic Development.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Alarcón, and Speier.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Kathleen Hocking-Betschart of Sacramento and Wellington W. White of Citrus Heights.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, March 2, 2005.

PAULA K. ROSSETTO, Minute Clerk

