

FIFTY-SIXTH DAY

Tuesday, April 27, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Bob Coggins, Diamond Head Seventh-Day Adventist Church, after which the Roll was called showing all Senators present with the exception of Senator Tanaka who was excused.

The President announced that he had read and approved the Journal of the Fifty-Fifth Day.

The following introductions were then made to the members of the Senate:

Senator Chang introduced a group of Punahou School students, as follows:

"Mr. President, this morning we have with us visiting students from Punahou School. They are members of the 7th and 8th grade student council. They are officers and class representatives. For the members of the Senate Women's Caucus I want to make the observation that all of the officers of the student council are women this year -- a very interesting event. The students are accompanied by Mr. John Saperito, their teacher and guide." (The students and their teacher, seated in the gallery, rose to be recognized.)

Senator Matsuura then introduced Mr. Gregg Chong and said, "Gregg is from the beautiful city of Hilo. He is the president of the students' association at the University of Hawaii, Hilo Campus." (Gregg Chong, also seated in the gallery, stood to be recognized.)

Senator B. Kobayashi then presented Mrs. Joan Kanemori, the 1993 Search for Excellence Awardee of the Hawaii Nurses' Association, and Mr. Mark O'Donnell, executive director of the Hawaii Mental Health Association, as follows:

"Mr. President, today I have the honor to introduce a number of people who have distinguished themselves in the field of health.

"On the floor we have with us the American Nurses Association awardee for the Search of Excellence Award for 1993. This award is given this year to Mrs. Joan Kanemori, a clinical nurse at the Pediatric Intensive Care Unit at the Kapiolani Children's Hospital. She is being honored by the American Nurses Association and the Hawaii Nurses Association for her outstanding leadership as a practitioner, as a teacher, and as a professional. Jane Kanemori graduated from the University of Hawaii with a B.S.N. in nursing and has practiced in a number of places, largely in Hawaii. Joan Kanemori, please stand to be recognized. (Mrs. Kanemori stood to be recognized.)

"I think that many of us who have visited the Pediatric Intensive Care Unit can attest to the extraordinary skill, dedication and human emotion involved in that unit. I've been in that unit and seen babies, literally a pound-and-a-half babies, that would never have lived just 15 years ago. I myself have had several cousins who never lived beyond a few hours and few days and those babies today would now lead healthy lives.

"With Mrs. Kanemori is her husband Walter, Ms. Jennifer Hamada, R.N. at Kapiolani, and her parents,

Mrs. June Harizumi and Mr. Naoshi Harizumi." (All stood to be recognized.)

Senator B. Kobayashi presented Mrs. Kanemori with the Senate certificate of recognition and Senator Holt presented a lei. The Kanemori family and friend were presented leis by various Senators.

Senator B. Kobayashi also introduced the honoree's little daughter Michelle Kanemori, Nancy McGuckin-Smith of the Hawaii Nurses Association and two colleagues of the honoree, Kitha Scherbinske and Adele Auyong.

Senator B. Kobayashi then continued:

"Mr. President, also with us today is Mr. Mark O'Donnell, executive director of the Hawaii Mental Health Association.

"May is Mental Health Month. It is being recognized as such by the governor, the mayor of the City and County of Honolulu and the Honolulu City Council with a theme 'Ring Out Hope for Mental Health.'

"Mental health is the most prevalent health problem in Hawaii, more common than cancer, lung disease, heart disease, combined. It affects, at one time or another, approximately one out of every five people during their lifetime. Mental health is a disease, not a stigma to be avoided. It is curable; it reaches all phases of society -- young, old, rich, poor, male and female; it is characterized at very low levels by anxieties, by insecurities; another level with alcohol and drug abuse, depression, schizophrenia, even alzheimer's disease.

"Mark O'Donnell is recognized as a supporter for mental health awareness in Hawaii and for his good work at the Mental Health Association. Mark, please stand to be recognized." (Mr. O'Donnell stood to be recognized.)

Mr. O'Donnell was presented the Senate certificate of recognition by Senator B. Kobayashi. Senator Tungpalan presented him a lei.

Senator Chang then presented Ms. Pat Tadaki of AD 2 Honolulu, and Mr. Bob Loy of Earthtrust, as follows:

"Mr. President, we have always admired business people who have given their time to others. Ad 2 Honolulu is a group of young professionals in advertising, public relations and related fields. Each year they provide a full scale public awareness campaign for a selected non-profit organization. Most of the time, talent and media are donated, thanks to these dedicated individuals. Their efforts have won six national awards.

"This year their campaign focuses on Earthtrust, an environmental organization dedicated to preserving endangered wild life. You may have seen or heard some of their advertisements, which are already running in the media.

"Today, we'd like to give long overdue recognition to Ad 2 Honolulu for their award-winning public service campaigns.

"With us in the chamber this morning are: Pat Tadaki, public service co-chairman, Ad 2 Honolulu; and Bob Loy, Earthtrust representative. Accompanying the representatives of Ad 2 and Earthtrust, in the gallery, are: Ruth Acadamia, government relations chair for Ad 2 National; Celinda Ayers, president of Ad 2 Honolulu; and

Melissa Chang, government relations director for Ad 2 Honolulu.

"Mr. President, accompanying Melissa Chang is her niece, Ahnya Chang, who was presented to this honorable body ten years ago when she won her first competition. Ahnya, please rise and be recognized. (Ahnya, seated with her classmates from Punahou School, rose to be recognized.)

Senator Chang presented the Senate certificate of recognition to Ms. Tadaki and Mr. Loy. Senators Fukunaga and Blair presented the leis.

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 367 to 369) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 367, informing the Senate that on April 22, 1993, he signed the following bills into law:

House Bill No. 1648 as Act 36, entitled: "RELATING TO PREMARITAL RUBELLA TESTING";

House Bill No. 1651 as Act 37, entitled: "RELATING TO RADIUM FOR MEDICAL AND SURGICAL PURPOSES";

House Bill No. 1656 as Act 38, entitled: "RELATING TO COORDINATION OF SERVICES FOR CHILDREN WITH SEVERE EMOTIONAL AND DEVELOPMENTAL PROBLEMS";

House Bill No. 1699 as Act 39, entitled: "RELATING TO FISCAL YEAR TAX RETURNS";

Senate Bill No. 33 as Act 40, entitled: "RELATING TO THE STATUS OF CONVICTED PERSONS";

Senate Bill No. 120 as Act 41, entitled: "RELATING TO MASSAGE THERAPY";

Senate Bill No. 212 as Act 42, entitled: "RELATING TO INTEREST INCOME";

Senate Bill No. 747 as Act 43, entitled: "RELATING TO GENERAL EXCISE TAX";

Senate Bill No. 1380 as Act 44, entitled: "RELATING TO PAWNBROKERS";

Senate Bill No. 1458 as Act 45, entitled: "RELATING TO USE TAX REPORTS"; and

Senate Bill No. 1523 as Act 46, entitled: "RELATING TO STATE GOVERNMENT PAYMENTS";

was placed on file.

Gov. Msg. No. 368, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nominations of WILLIAM W. PATY, term to expire June 30, 1993, and MICHAEL H. NEKOB, term to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 369, dated April 26, 1993, transmitting his statement of objections to Senate Bill No. 1641 which

he has returned to the Senate without his approval and which reads as follows:

"EXECUTIVE CHAMBERS HONOLULU

April 26, 1992

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1641

Honorable Members
Seventeenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1641, entitled 'A Bill for an Act Relating to the State Capitol.'

The purpose of Senate Bill No. 1641 is to allocate office space in the State Capitol for the exclusive use of the legislative branch or of the executive branch, and to require the Department of Accounting and General Services to provide operational and maintenance services for the space to be occupied by the Legislature. However, various vital services necessary for efficient building operations and maintenance are not addressed in that exclusive allocation. No space for building operations and office functions of essential services, such as security, informational services, and custodial storage, is provided. Those building operations and office functions are not within the control of the Legislature. Lack of space within the building will preclude efficacious operations and maintenance. Further, operational flexibility and organizational needs are hampered since statutory revision will be required whenever space allocations need to be addressed. Assignment of office space through legislation is impractical.

In addition, while provisional space for the executive branch on the fourth floor may be designated by the Legislature, the bill effectively causes the Department of Budget and Finance to be relocated, creating operational difficulties and potential disruptions in integral daily services and activities of the executive branch.

Furthermore, whenever an agency, other than the Department of Accounting and General Services, controls a building, that agency both budgets and provides for its own operational and maintenance services. That methodology is generally the most efficient. However, under this bill, no budget for operations and maintenance is provided.

For the foregoing reasons, I am returning Senate Bill No. 1641 without my approval.

Respectfully,

/s/ John Waihee
JOHN WAIHEE
Governor of Hawaii"

was placed on file.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 21, from the Office of the Auditor dated April 26, 1993, transmitting the first-ever 1992 Annual Report of the Office of the Auditor, was read by the Clerk and was placed on file.

HOUSE COMMUNICATION

Hse. Com. No. 666, informing the Senate that the House reconsidered its action taken in passing H.B. No. 361, S.D. 1, on Final Reading and on April 26, 1993, has disagreed to the amendments proposed by the Senate to said bill, and the Speaker appointed Representatives Tom, chairman, Menor, Thielen as managers on the part of the House at the conference to be held for the consideration of said amendments, was read by the Clerk and was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator George, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1770, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 1770, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and S.B. No. 1770, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Senator Ikeda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 126, S.D. 1, presented a report (Conf. Com. Rep. No. 4) recommending that S.B. No. 126, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4 and S.B. No. 126, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," was deferred for a period of 48 hours.

Senator A. Kobayashi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1975, H.D. 2, presented a report (Conf. Com. Rep. No. 5) recommending that H.B. No. 1975, H.D. 2, S.D. 1, C.D. 2, as amended in C.D. 3, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5 and H.B. No. 1975, H.D. 2, S.D. 1, C.D. 3, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORT

Senator Matsunaga, for the Committee on Science, Technology and Economic Development, presented a report (Stand. Com. Rep. No. 1643) recommending that H.C.R. No. 46 be adopted.

On motion by Senator Matsunaga, seconded by Senator Matsuura and carried, the report of the Committee was adopted and H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE RELATIONSHIP BETWEEN HAWAIIAN ELECTRIC INDUSTRIES AND HAWAIIAN ELECTRIC COMPANY," was adopted.

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:31 o'clock p.m.

ORDER OF THE DAY

FINAL READING

S.B. No. 1164, S.D. 1, H.D. 1:

By unanimous consent, S.B. No. 1164, S.D. 1, H.D. 1, entitled "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was recommitted to the Committee on Ways and Means.

S.B. No. 1538, S.D. 1, H.D. 2:

Senator B. Kobayashi moved that S.B. No. 1538, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Chang.

Senator Matsuura rose to speak against the measure and said:

"Mr. President, I rise to speak against this bill.

"I've been working on the procurement bill for about two years now, and this bill is not an emergency medical service bill. If you closely examine the language of the bill, it is truly a procurement bill. This bill should have amended Chapter 103 which have all the provisions of the procurement process. This bill appears to be trying to do a special procurement law for a specific service.

"One of my main concerns is that DAGS has already issued an invitation for bid document that has been prepared, after many months of work, by the Attorney General's office, Department of Health, and the Department of Accounting and General Services. The last day to submit a bid is this Friday. Why are we passing this bill which I think may nullify this bill. Why not just wait and leave it alone and let the procurement process take its place. The lowest responsible bidder gets the contract.

"I've examined this contract and I've examined a lot of other contracts within the last two years of my committee investigation. I've never seen a contract more detailed than this ambulance service contract. This contract is a very fair contract for everyone to bid. I am told that the Department of Health is worried that somebody might sue because of this contract. I called the attorney general who wrote this contract. She said, 'One of the objections is the multiple step bidding process in awarding the contract.' I asked, 'Is this the problem?' And the attorney general's response was, 'No, we have done several multi-step bidding process contracts already, and that is not a problem. So you don't have to worry, if somebody sues, we can defend this invitation for bid contract.'

"It is true that many of the employees who are presently working for the existing ambulance company are worried about their jobs. This is one contract that takes care of that. Let me read a portion of this contract. It reads:

'List of employees. In step 3, the bidder submitting the lowest evaluated total bid price in step 2 shall be required to submit within 15 working days, from the date of the letter from DAGS, a complete list of all employees proposed to work under this contract. This list shall include the names and qualifications of the physician, key manager, and ambulance crew as described in the specifications, Section 2-d, personnel, parts 1, 2 and 3, and in special provision evaluation step 3. At this stage of the procurement process, the bidder is required to make all reasonable effort to recruit and hire TNTs and MICTs from the incumbent labor force. Proof of this effort must be presented to the state. Reasonable effort is defined as having accomplished the following at the minimum.' And it goes on.

"This is exactly why one of the bidders has already started to advertise in the Maui and Molokai newspaper for the existing labor force, that should they, a new company, get the contract they can be hired. They're asking them to work for them because they're going to have to submit the work force within 15 days of the signing of the contract. They'll be given the same wages, pretty much the same benefits, seniority and so on.

"The present company has had this sole source contract for the past seven years. The question is, has this been good for the taxpayers? Would the people of Maui or Molokai be treated any differently if the contract went out for a bid? My contention is that, looking at all the specs, the quality of service that is going to be rendered on Maui and Molokai will be equal to what is happening today. That's the reason why I'm saying passage of this bill is really not necessary. When I examine the present contract, there is no performance bond. There's never been a performance bond on this contract. Why? I found out, that they're using the sole source contract process to avoid the performance bond. This is against the law for this type of emergency service.

"These are the kind of things that I have been picking up in my procurement investigation. It's time that we pass a good procurement bill, and we don't start end-running some of the procurement process by passing this type of special interest bill. We should continue with the procurement process which they have initiated. The departments worked on this bid for over a year and they used a lot of specialists from the working force to draft this contract bid proposal. I'm asking to let this procurement process continue. This Friday is the deadline. So why are we passing this bill now? Let the people bid, and then evaluate and select the best bid proposal with the least cost.

"Thank you."

Senator B. Kobayashi rose to speak in support of the bill and said:

"Mr. President, I rise to speak in favor of the bill.

"I've been assured, yesterday and previously, that there is no conflict between the bill and the bid specifications that are currently out. The bid specifications that were originally out were revised and in one instance, having to do with the evaluation team or the evaluation committee, changes were made, so the bill and the bid specs coincide.

"I'd like to state that the Department of Health wants this bill. They have said that to myself. They have said that to the prior speaker. They feel that they will have an additional comfort level for possible lawsuits should this bill pass. The reason for passing the bill is not so much the Maui bid specs which are out, but rather, that the Kauai bid specs will be out, perhaps nine months from now in January or February of next year when the Kauai emergency medical service ambulance contract is opened. We will not be able, I believe, in January or February to pass a bill next session in time to affect the Kauai contract.

"I would note that it is the Department of Health, not the Attorney General working for the Department of Accounting and General Services, that is the program manager. The prior speaker had said that he had spoken to the Attorney General and that the Attorney General feels comfortable with the current process. Albeit that the Attorney General feels comfortable with the current process since the Attorney General had shepherded the bid process through, in the end the Attorney General gives advice to the program administrators, the people in

the Department of Health. And on two levels of administration in the Department of Health the people specifically responsible for the emergency service program have said to me they would like the bill. So on this basis, I have persisted in support of the bill.

"I should note further that the question of performance bond is irrelevant to the bill itself. I think that we should have performance bonds and, to the extent necessary, they should be tough performance bonds. But at the risk of perhaps sounding like Betty Tatum of NFIB, I note that every time you have a performance bond you have a cost which is passed on to the taxpayers. Performance bonds in and of themselves don't always help you; they add to cost and, number two, they only protect you if there is failure to perform. If you fail to perform in a service like emergency medical service, no amount of performance bond will solve the problems and the human grief and suffering that may occur. So what you need is a system which will speak to quality early on in the bidding process. And this is what the department has attempted to do in their most recent invitation for bid, and the bill attempts to do this by laying out at least the glimmer of a multi-step process in which, at an early step, qualifications for potential contractors are reviewed. And upon that review they pass on to a second step. Thank you."

Senator Blair also rose to speak on the measure and said:

"Mr. President, on behalf of my constituents from the Valley Isle, I thank the previous speaker for his words.

"This bill will help to assure that the Department of Health has the flexibility necessary to assure that quality emergency medical service will continue to be provided to the people of Kauai and Maui.

"We've heard a suggestion that the location of this bill, in a particular section of the Hawaii Revised Statutes, is an argument against it. This is nonsense. It was also suggested that Friday is a critical date and that we're rushing this through because there will be a different legal effect from passing today instead of after the date of the responses to the bid proposal. That is equally nonsense. The effective date of the bill is on the signature of the governor. Whether we do it today or a week from today will have no impact on that. Attempts to infer that there is something nefarious about this bill are wholly without merit.

"The important point was made by the Senator from Kaimuki. There is no conflict between the bid specifications, which the Senator from Hilo thinks are excellent, and the bill, which he opposes. Both the community that is going to be served and the agency that is administering the program want the bill.

"It is certainly possible that the taxpayers' economic interest could be better served by providing less appropriate medical service to the people of Maui and Kauai. I have no doubt that we could devise a way of providing cheaper services and that those taxpayers who will not suffer from the diminished service may even applaud us for saving their money. But we must also recognize that in the tradeoff between cost and quality there is not just a benefit to the taxpayers who will save money. There is also a detriment to the people who need emergency medical services of the quality that they are currently getting. The fact that Senator Matsuura may personally believe that, without this bill, the people of Maui and Kauai will continue to get good emergency medical service, and this is not in derogation of the Senator from Hilo, does not make it a fact. He is not, by

experience or otherwise, qualified to predict the future of emergency medical services under various scenarios.

"All that this bill does is give the department the flexibility that it needs to provide the communities with adequate emergency medical service. For that reason, on behalf of my constituents and the citizens on Kauai, I would urge all of the members to vote 'no.'

"As an aside, I'd like to touch on the performance issue that was also addressed by Senator Kobayashi. We need a performance bond when the only criteria is who was the lowest bidder. But once you have a complex process of negotiating a contract the issue of whether the performance bond adds more in cost than it adds in assurance of performance is a very real question. This bill does not purport to dispose of that issue. If Senator Matsuura wants to take that up in the broader context, I would certainly encourage him to do so. Thank you."

Senator A. Kobayashi then said:

"Mr. President, we've been arguing this issue for a few days and have deferred the bill twice. As a compromise, since some want the bill and some worry about the Friday deadline, could we possibly vote on this bill on Monday? And that would avoid the conflict of the deadline on Friday and the bill will still be passed.

"We can deal with it on Monday so that there would not be any cloud. I feel that this could be a compromise if we could vote on it on Monday."

At 12:48 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:57 o'clock p.m.

Senator B. Kobayashi then said:

"Mr. President, during the recess I believe we have agreed to the following procedure: The bill before us will be debated on the floor today. I've agreed to defer the actual vote on the bill till Monday. On Monday, debate having occurred today, we will vote up or down on the bill. I believe that is the understanding that we currently have on the bill."

Senator Blair then rose to state:

"Mr. President, I have a demonstrated propensity to misstate what I intend. Earlier in this session I referred to the Legislative Management Committee when I meant to refer to the Executive Appointments Committee. I even referred, on one occasion, to Maui as the Garden Isle. Similarly, I previously suggested that members vote against this bill. I want the record to reflect that, in doing so, I once again stuck my foot into my mouth. I'd like to now extract it. I urge the members to vote in favor of the bill."

Senator Matsuura, in support of the measure, then added:

"I guess I gotta say my side of the agreement because we'll vote on it on Monday with no discussion. I'm agreeable to that. However, I just want to get an assurance also that the department also realizes that the date of submittal of the bid continues at 10:00 a.m. on April 30, 1993; just to make sure that this occurs.

"As the last discussion here, I have no problem in terms of the agreement that we have come to and I will agree to no discussion. We will vote up or down on Monday. Thank you."

Senator A. Kobayashi then said:

"Mr. President, I just want to make sure that the department gets the message that the bid is made on Friday at 10:00 a.m. or whatever, and because we delayed the bill that we would be very suspect if the date of the bid was also delayed or changed. Thank you."

By unanimous consent, action on S.B. No. 1538, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Monday, May 3, 1993.

S.B. No. 1629, S.D. 1, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Iwase and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1629, S.D. 1, and S.B. No. 1629, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 2 (George, Grauly). Excused, 5 (Holt, Koki, Mizuguchi, Reed, Tanaka).

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The President re-referred the following House concurrent resolutions that were received:

House

Concurrent
Resolution

Referred to:

No. 5, H.D. 1 Committee on Health

No. 63, H.D. 1 Jointly to the Committee on Government Operations, Environmental Protection and Hawaiian Programs and the Committee on Science, Technology and Economic Development

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 5, S.D. 1 (H.D. 2):

Senator Iwase moved that the Senate reconsider its action taken on April 16, 1993, in disagreeing to the amendments proposed by the House to S.B. No. 5, S.D. 1, seconded by Senator Blair and carried.

On motion by Senator Iwase, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 5, S.D. 1, and S.B. No. 5, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," was placed on the calendar for Final Reading on Wednesday, April 28, 1993.

S.B. No. 1819, S.D. 1 (H.D. 1):

Senator Levin moved that the Senate reconsider its action taken on April 16, 1993, in disagreeing to the amendments proposed by the House to S.B. No. 1819, S.D. 1, seconded by Senator Blair and carried.

On motion by Senator Levin, seconded by Senator Blair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1819, S.D. 1, and S.B. No. 1819, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," was placed on the calendar for Final Reading on Wednesday, April 28, 1993.

APPOINTMENT OF CONFeree

S.B. No. 952, S.D. 2 (H.D. 2):

The President discharged Senator B. Kobayashi as a co-chairman and appointed Senator Kanno as a co-chairman on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 952, S.D. 2.

Senator B. Kobayashi then rose to speak on a point of personal privilege, as follows:

"Mr. President, I rise to speak on a point of personal privilege.

"I'd like to, like the Senator from Maui, take my foot out of my mouth. I believe in discussions on an earlier topic I said something to the effect, 'at the risk of sounding like Betty Tatum of NFIB,' I'd be happy to sound like Betty Tatum of NFIB any day. I would note that she's a fine woman and has a son who happens to have graduated from Michigan State University as I did.

"I'd like to recant those words. Thank you."

ADJOURNMENT

At 1:03 o'clock p.m., on motion by Senator Ikeda, seconded by Senator George and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 28, 1993.