

FORTY-SECOND DAY

Tuesday, April 2, 1991

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1991, convened at 11:39 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Julia McKenna-Dubin of the Ministry for Divine Harmony, after which the Roll was called showing all Senators present with the exception of Senators Mizuguchi and Wong who were excused.

The Chair announced that he had read and approved the Journal of the Forty-First Day.

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

Senator Levin introduced a group of members from the Kalihi/Palama Health Clinic's Health Care for the Homeless Project: Dr. Margaret Copi, psychiatrist; Diane Roth, psychiatric nurse practitioner; Linda Patterson, R.N., Diane Stephens, social worker; Beth Giesting, executive director; Michael Dempsey, project director; and Bruce Kitchener, patient.

Senator Reed introduced: Mr. Howard Kihune, chairman of the Maui County Council; Mr. Joe Tanaka, Maui County Council member; and Mr. Miles Inokuma, deputy county clerk, County of Maui; all of whom were also seated in the gallery.

Senator Nakasato introduced his student "shadows," Dawn Tsuha, Kyung Kim, Michele Smith and Kerem Esteban, eighth grade students from Moanalua Intermediate School, seated in the gallery.

Senator Yamasaki, on behalf of Senator Aki, introduced a group of fifth grade students, seated in the gallery, from Nanaikapono Elementary School and their teacher, Mr. Clinton Hirai, who was a former Ways and Means Committee staff member.

Senator Yamasaki also introduced Ms. Stephanie Ohigashi, chairperson of the Maui County Democratic Party, and a group of Democratic Party members from Kauai, Lanai, Molokai and the Big Island, who were seated in the gallery.

Senator Fernandes Salling recognized and introduced Mr. Owen Miyamoto, the 1991 Engineer of the Year, as follows:

"Mr. President, seated on the floor today are two gentlemen who are no strangers to all of us, one of which we will be honoring and congratulating, and one of which perhaps hopes that today we will also be honoring him in another capacity, entirely.

"All editing aside, it gives me great pleasure, on behalf of the Senate, to congratulate Mr. Owen Miyamoto who was selected as the 1991 Engineer of the Year.

"Let me tell you a little bit about Owen. Of course, most of you know that he has worked with the state's Airports Division for 29 years. As the administrator since 1969, Owen has undertaken immense responsibility and has invested hours of hard work to administrate and coordinate planning efforts to improve Hawaii's airports statewide.

"Mr. Miyamoto has served as a member of several professional engineering organizations. He has also

served the community and received several meritorious awards including the Top Ten Leader-of-the-Year award by the American Public Works Association, and in 1991 Engineer of the Year award which reflect his dedication, perseverance and professionalism.

"The Senate of the Sixteenth Legislature of the State of Hawaii hereby congratulates you, Owen, for applying your professional engineering abilities and fine administrative and leadership skills to public service in Hawaii for three decades."

Mr. Miyamoto, accompanied by interim Director of Transportation Ed Hirata, rose to be recognized and was presented the congratulatory Senate certificate by Senator Fernandes Salling and leis by Senators A. Kobayashi and Tungpalan. Senator Solomon presented a lei to Mr. Hirata.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:54 o'clock a.m.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 410 and 411) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 410, returning S.B. No. 952, S.D. 1, which passed Third Reading in the House of Representatives on April 1, 1991, in an amended form, was placed on file.

By unanimous consent, action on S.B. No. 952, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred until Wednesday, April 3, 1991.

Hse. Com. No. 411, informing the Senate that pursuant to the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1453, H.D. 2, and the request for a conference on the subject matter of said amendments, on April 1, 1991, the Speaker appointed Representatives Cachola, Souki, co-chairmen, Kanoho, Lee, Say, Marumoto as managers on the part of the House for the consideration of said amendments, was placed on file.

STANDING COMMITTEE REPORTS

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1000) recommending that H.B. No. 73, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 73, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 4, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1001) recommending that H.B. No. 1317, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 1317, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 4, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1002) recommending that H.B. No. 1918, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 1918, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIZED CRIME," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 4, 1991.

Senator Blair, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1003) recommending that H.B. No. 2014, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2014, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 4, 1991.

Senator McCartney, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1004) recommending that H.B. No. 275 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 275, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION ON HIGHER EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 4, 1991.

Senator McCartney, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1005) recommending that H.B. No. 958 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Solomon, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 958, entitled: "A BILL FOR AN ACT RELATING TO ATTENDANCE OF BLIND AND DEAF CHILDREN," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 4, 1991.

ORDER OF THE DAY

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 8, from the Honorable George J. Mitchell, Majority Leader, United States Senate, dated March 26, 1991, acknowledging receipt of S.R. No. 55, expressing support for the nomination and confirmation of Patricia Saiki as administrator of the Small Business Administration, was read by the Clerk and was placed on file.

Senator Crozier rose to speak on a point of personal privilege as follows:

"Mr. President, this year in the Governor's state of the state address he talked about reaching out to help the

homeless. He considered the homeless problem a major social problem that the whole state had to rally around and help try to resolve. He put in two key pieces of legislation. One, to construct homeless shelters across the Island of Oahu to react so that our homeless can find some kind of adequate shelters. We all remember that in the last, I guess, 15 days we had a lot of rain, at least ten of the 15, and the homeless were out there all ten days. He also put in another piece of legislation so that non-profit organizations could get involved to help service the homeless.

"It's one thing to just create homeless shelters and then let the people of the homeless move in there. We tried that experiment with Maile land -- not in your district, Mr. President. Without the proper supervision, it didn't take those people who moved into the Maile land to destroy the complex. We needed to bring in professional non-profit organizations to run the place and today the Maile land is an example that many non-profit organizations go to and see how they can manage homeless shelters.

"Anyway, Mr. President, what the Governor is trying to do is to create homeless shelters where there will be a holistic approach so that when we create these shelters we create a very simple structure, just a one-room structure where the families, these homeless families, and I have to reiterate families, would move in to. And while they're there they would get the necessary social services like health care; also have guidance in employment skills; guidance in crisis management ... many of these people are in the homeless situation because they did not know how to react to crises. They also need to have guidance in the management of their finances. But we need to do that in a holistic approach.

"Another key thing is, with these non-profit organizations, when they have the homeless sites prepared they will have security so that tenants can feel safe within that environment; so that we can make sure that the laws of the land are being obeyed; so that we can also feel the neighbors of these homeless shelters can feel safe that there is somebody out there making sure that they are not threatened.

"Over this weekend, the Advertiser has written articles. On Saturday they talked about some legislators with the 'NIMBY' mentality, not wanting to have any homeless shelters in their district, and they focused on the House. They didn't talk about the members of the Senate. This morning's editorial page, they had a big editorial about the 'NIMBY' mentality and there was also a big cartoon. And that's a realistic concern.

"We all come here; we all want to do good for the state; we want to make social changes so that everyone can prosper in Hawaii but at the same, as elected officials, we also fear the ramifications of the voters who choose to put us into office.

"Mr. President, I'd just like to share with my colleagues that I'm taking a very bold and daring step and I don't know what the consequence is going to be. I hope the consequences turn out to be positive for my political career.

"Last week in the newspaper there were 51 sites recommended for potential homeless shelters and of the 51 there are five in the 23rd Senatorial District, the district that I represent. And of those five, I personally had recommended four of the five. As the chair of the Housing and Hawaiian Programs Committee who is responsible for the homeless legislation I felt that I could not ask anyone of my colleagues to accept a homeless

shelter in their community unless I was willing to make that same sacrifice.

"Of the four sites that were chosen or that I recommended, the Kahe powerplant area is one because there's big acreage over there. Another site is near the deep draft harbor called Camp Malakole, a former military reservation; and also an area down in the Ewa area. The prime location that I have suggested is Fort Barrette.

"For my colleagues who don't know where Fort Barrette is, it is at the base of Makakilo, across the highway from the new Kapolei villages. It is an old military Navy installation where they used to have these gigantic 16-inch guns. It's been abandoned for many years. They City has had control of this property for over 20 years. For the oldtimers who remember that Mayor Fasi wanted to make a zoo out of that parcel, nothing ever became of it. In that parcel, there are five buildings already in place. These are giant buildings; they were great warehouses before. I have suggested that we use that as a homeless shelter. First, because it's close to the bus route. You cannot have a homeless shelter stuck out in the 'kuahiwi' where people cannot get to the bus line. They need transportation. It's about a half a mile away from a school site, so the young children can have access to schools. It is also close to a community so that they can have interaction; they're not isolated; they're not branded as homeless people so they can fit in. They can partake in little league, bobby sox, and soccer like all the other kids, because these programs are dedicated to families.

"I would hope that my constituents share the same concerns that I have because when we see the homeless down at Kahe Park or we see them down in Maile Beach Park or down at Mokuleia Park, we see them down at Kualoa, Waimanalo, Ala Moana Park, Sand Island ... those families were not born there, they originally came from some community. They originally came from Makakilo, from Ewa Beach, from Waipahu, or Hawaii Kai or Kaneohe. They came from somewhere. I think all of us have to be willing to take the political risk to resolve these problems.

"So I ask my colleagues to share with me and when an area is chosen in your district please reach out and help the homeless and try to share with your constituents that we all have to take some of the burden, even our constituents.

"Thank you very much, Mr. President."

ADJOURNMENT

At 12:04 o'clock p.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 3, 1991.