

FORTY-FIRST DAY

Friday, March 31, 2017

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Regular Session of 2017, convened at 11:36 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fortieth Day.

At this time, Senator Espero recognized Ernest "Ernie" D. Libarios, Sr., who was recently selected as the 2017 Distinguished Alumnus by the University of Hawai'i at Mānoa College of Education Alumni Association. Senator Espero noted that Mr. Libarios was the first Filipino counselor in a student service department of the UH Community Colleges system when he joined the newly established Leeward Community College in 1969, as well as the first Filipino male graduate of Chaminade University in 1961. Mr. Libarios was present in the gallery with his son, Ernest "Niki" Libarios, Jr., director of student services at the UHM College of Education; Leon Florendo, a friend and former student of Mr. Libarios, who works as an assistant professor and counselor at Leeward Community College Wai'anāe; and Ken Sabog, a friend and parishioner at Resurrection of the Lord Catholic Church, where Mr. Libarios is a deacon.

Senator Kahele introduced a group of student leaders from the Daniel K. Inouye College of Pharmacy at the University of Hawai'i Hilo, who were seated in the gallery with Dr. Carolyn Ma, Dean of the College of Pharmacy; Dr. Wesley Sumida, Associate Specialist; and Gerald De Mello. Senator Kahele noted that the students were enrolled in a four-year course of study leading to a doctor of pharmacy degree, with an emphasis on patient care as well as research in pharmacy science to help drive the improvement of quality healthcare in Hawai'i and throughout the Pacific.

Senator Kim expressed gratitude to Dr. Amefil "Amy" Agbayani for her exceptional leadership and service to the University of Hawai'i and innumerable contributions to the State of Hawai'i, and presented the following remarks:

"Mr. President, it is an honor, and fitting, on this last day of Women's History Month to recognize a woman who has contributed so much to the people of Hawai'i. This morning, I speak of Dr. Amy Agbayani, who recently retired as the assistant vice chancellor for student diversity and director of the Office of Student Equity, Excellence and Diversity at the University of Hawai'i at Mānoa.

"Amy has been contributing to our society for more than 50 years. She arrived in Hawai'i in 1964 as an East-West Center scholar. She earned her doctorate from the University of Hawai'i and immediately began demonstrating a combination of scholarship and leadership that would distinguish her tenure at the university and in our community. She's perhaps best known for co-founding Operation Manong, a program to tutor Filipino and other immigrant students in the public schools. Over time, this type of service would be expanded to provide opportunities to Native Hawaiians, African Americans, Pacific Islanders, women, students with disabilities, preschool children, senior citizens, and many others. Just as importantly, she secured millions of dollars to underwrite scholarships and various services. All the while, Dr. Agbayani continued to conduct research on Filipinos in Hawai'i and produce papers and books as well as serve on boards, like the Hawaii Civil Rights Commission and the Judicial Selection Commission. She never lost her desire to fight for the disenfranchised, mobilizing individuals and groups and mentoring them on bringing

meaningful change to society. Dr. Agbayani has received numerous awards for these achievements, including from the YWCA, Filipino Community Center, and the Honpa Hongwanji Mission as a Living Treasure. While she is retired, her work will continue through her Endowed Scholarship for Civil Rights, which will enable young people to continue her work in building a more equitable and inclusive society.

"As a resident and representative of Kalihi, Amy, who is my constituent, has been a longtime community leader who has been selfless in her service to others as a friend, a good neighbor. She never hesitates to answer a call to help, to do whatever is in her power to contribute or give freely of her precious time and talents to build a better society.

"So, joining her today are family members Gus, Aleli, and Lina; Associate Justice Sabrina McKenna; Associate Justice Michael Wilson; from the University of Hawai'i, Amy's former boss, Dr. Doris Ching; Regent Simeon Acoba; Regent Michelle Tagorda; Vice Chancellor for Students Lori Ideta; and faculty and staff and students from the Equity, Excellence and Diversity – or SEED – program and Pamantasan Council; Faye Kennedy from the Hawaii Friends of Civil Rights; and other friends of Amy who supported her efforts in the Filipino community, with the Patsy Mink Political Action Committee, at Parenthood, and the Commission on the Status of Women; and all of you who are here to show your support for Amy, please stand to be recognized. Amy, if you will stand, and, members, will you join me in congratulating Amy Agbayani on her retirement? We wish her nothing but the best in coming years, and we also wish her hau'oli lā hānau, happy birthday – it's also her birthday today."

Senator Galuteria rose to request that the words of the previous speaker be entered into the Journal as his own, and the Chair so ordered (by reference only). Senator Galuteria expressed his gratitude as "the tallest Filipino in the Legislature" to Dr. Agbayani, a wonderful woman who had provided him unwavering support and guidance during his tenure as state chair of the Democratic Party 12 years ago.

At 11:45 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 743 to 745) were read by the Clerk and were placed on file:

Gov. Msg. No. 743, letter dated March 29, 2017, correcting the name of the commission on Gov. Msg. No. 719, gubernatorial nominee to the Natural Area Reserves System, SCOTT ROWLAND, term to expire June 30, 2021, commission name amended to the Natural Area Reserves System Commission.

Gov. Msg. No. 744, informing the Senate that on March 29, 2017, the Governor withdrew the nomination of KERRI OKAMURA to the Board of Pharmacy, under Gov. Msg. No. 705, from consideration by the Senate.

In compliance with Gov. Msg. No. 744, the nomination listed under Gov. Msg. No. 705 was returned.

Gov. Msg. No. 745, informing the Senate that on March 30, 2017, the Governor withdrew the nomination of JANET PRIMIANO to the Board of Dental Examiners, under Gov. Msg. No. 675, from consideration by the Senate.

In compliance with Gov. Msg. No. 745, the nomination listed under Gov. Msg. No. 675 was returned.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 384) was read by the Clerk and was placed on file:

Hse. Com. No. 384, transmitting H.C.R. No. 35, H.D. 1, which was adopted by the House of Representatives on March 30, 2017, was placed on file.

By unanimous consent, H.C.R. No. 35, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII CENTER ON AGING TO CONVENE A TASK FORCE TO ASSESS CURRENT ELDER AND KUPUNA CARE SERVICES AND THE ANTICIPATED DEMAND FOR THOSE SERVICES IN ORDER TO IMPROVE THOSE SERVICES AND MEET ANTICIPATED DEMAND," was referred jointly to the Committee on Higher Education and the Committee on Human Services.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Commerce, Consumer Protection, and Health, presented a report (Stand. Com. Rep. No. 1273) recommending that H.B. No. 561, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and H.B. No. 561, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2017.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1274) recommending that H.B. No. 1182, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1274 and H.B. No. 1182, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred until Monday, April 3, 2017.

Senator Tokuda, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1275) recommending that H.B. No. 144, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1275 and H.B. No. 144, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MITIGATION OF HAZARDOUS SITUATIONS STATEWIDE," was deferred until Monday, April 3, 2017.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM THURSDAY, MARCH 30, 2017

S.B. No. 335, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 335, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM FAMILY LAW ARBITRATION ACT," was deferred until Monday, April 3, 2017.

S.B. No. 488, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 488, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO

SEARCH WARRANTS," was deferred until Monday, April 3, 2017.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, MARCH 30, 2017

Stand. Com. Rep. No. 1267 (S.C.R. No. 7):

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE HISTORIC SUCCESS OF COMMUNITY STEWARDSHIP UNDER THE TRADITIONAL KONOHIKI FISHING RIGHTS SYSTEM IN SUSTAINING AN ABUNDANT NEARSHORE ENVIRONMENT AND A THRIVING POPULATION AND CULTURE, AND URGING THE STATE TO SUPPORT THE DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF CULTURALLY-GROUNDED, COMMUNITY-DRIVEN FISHERIES MANAGEMENT PROPOSALS TO STEWARD, RESTORE, AND PERPETUATE OUR NEARSHORE RESOURCES AND MAINTAIN AND PROTECT ASSOCIATED CULTURAL TRADITIONS AND VALUES," was adopted.

Stand. Com. Rep. No. 1268 (S.C.R. No. 162):

On motion by Senator Espero, seconded by Senator English and carried, the joint report of the Committees was adopted and S.C.R. No. 162, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO COORDINATE WITH HIGH SCHOOL ASSOCIATIONS AND HIGHER EDUCATION INSTITUTIONS IN HAWAII AND TO PARTNER WITH DEBATE ORGANIZATIONS IN ORGANIZING EVENTS FOR STUDENTS TO DEBATE ON CURRENT ISSUES AFFECTING HAWAII AND THE NATION," was adopted.

Stand. Com. Rep. No. 1269 (S.C.R. No. 9, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 9, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO CARRY ON ITS WORK TO BETTER ENGAGE COMMUNITY GROUPS IN THE EDUCATION OF CHILDREN AND YOUTH IN HAWAII'S PUBLIC SCHOOLS," was adopted.

Stand. Com. Rep. No. 1270 (S.C.R. No. 32, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 32, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP OF STAKEHOLDERS TO EXAMINE THE NEED FOR POSSIBLE REGULATION AND OVERSIGHT OF AMERICAN SIGN LANGUAGE INTERPRETERS AND AMERICAN SIGN LANGUAGE INTERPRETER REFERRAL AGENCIES IN HAWAII," was adopted.

Stand. Com. Rep. No. 1271 (S.C.R. No. 78, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.C.R. No. 78, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING APRIL 15 THROUGH APRIL 22, 2018, AS VOLUNTEER WEEK IN THE STATE OF HAWAII," was adopted.

Stand. Com. Rep. No. 1272 (S.R. No. 30, S.D. 1):

On motion by Senator Espero, seconded by Senator English and carried, the report of the Committee was adopted and S.R. No. 30, S.D. 1, entitled: "SENATE RESOLUTION RECOGNIZING APRIL 15 THROUGH APRIL 22, 2018, AS VOLUNTEER WEEK IN THE STATE OF HAWAII," was adopted.

**RE-REFERRAL OF A
HOUSE CONCURRENT RESOLUTION**

The Chair re-referred the following House concurrent resolution that was received:

H.C.R. No.: Re-referred to:

H.C.R. No. 12 Committee on Transportation and Energy

At this time, Senator Kim invited the members to a reception for Dr. Agbayani in Conference Room 016.

ADJOURNMENT

At 11:55 a.m., on motion by Senator Espero, seconded by Senator English and carried, the Senate adjourned until 11:30 a.m., Monday, April 3, 2017.