



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2014**

ON THE FOLLOWING MEASURE:

S.B. NO. 2742, S.D. 1, RELATING TO ESTABLISHMENT OF THE PACIFIC-ASIA INSTITUTE FOR RESILIENCE AND SUSTAINABILITY.

BEFORE THE:

HOUSE COMMITTEE ON VETERANS, MILITARY & INTERNATIONAL AFFAIRS & CULTURE AND THE ARTS

DATE: Wednesday, March 12, 2014 **TIME:** 8:30 a.m.

LOCATION: State Capitol, Room 312

TESTIFIER(S): David M. Louie, Attorney General, or
Bryan C. Yee, Deputy Attorney General

Chair Takai and Members of the Committee:

The Department of the Attorney General offers the following comments regarding constitutional and legal concerns as to the contents of this bill.

This bill, among other things, proposes to create a nonprofit entity under chapter 414D, Hawaii Revised Statutes, named the Pacific-Asia Institute for Resilience and Sustainability, which is to be placed within the Office of the Lieutenant Governor.

We first note that the Pacific-Asia Institute for Resilience and Sustainability is to be created as a nonprofit entity under chapter 414D, but placed within the executive branch. Consequently, it is unclear whether or not such an entity would be a state agency, subject to the various rights and responsibilities of state agencies, such as sovereign immunity, the State Code of Ethics, etc. If you wish to create a state agency, then we recommend that you delete the phrase "under chapter 414D" on page 2, line 7, of this bill. If you wish to create a private entity, we recommend that you delete the phrase "and to be placed within the office of the lieutenant governor for administrative purposes only" on page 2, lines 8-10, of this bill. This latter change would also resolve the concern regarding compliance with article V, section 6, of the Hawaii State Constitution discussed below.

Under article V, section 6, of the Hawaii State Constitution,

[a]ll executive and administrative offices, departments and instrumentalities of the state government and their respective powers and duties shall be allocated by law among and within not more than twenty principal departments in such a manner as to group the same according to common purposes and related functions. Temporary commissions or

agencies for special purposes may be established by law and need not be allocated within a principal department.

Only temporary agencies established for a special purpose, therefore, may validly be placed within the Lieutenant Governor's Office.

In order to comply with article V, section 6, of the Hawaii State Constitution and assuming you wish to create a state entity, we respectfully recommend that page 2, lines 9-10, of this bill be amended to place the Pacific-Asia Institute for Resilience and Sustainability within one of the principal departments of the State.

These changes will resolve our constitutional and legal concerns as to the contents of this bill. We respectfully submit these comments to the Committee for its information.



**OFFICE OF PLANNING
STATE OF HAWAII**

NEIL ABERCROMBIE
GOVERNOR

JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

Statement of the
OFFICE OF PLANNING
before the
**HOUSE COMMITTEE ON VETERANS, MILITARY, AND INTERNATIONAL
AFFAIRS, AND CULTURE AND THE ARTS**

Wednesday, March 12, 2014
8:30 AM
State Capitol, Conference Room 312

in consideration of
SB 2742 SD1
**RELATING TO ESTABLISHMENT OF THE PACIFIC-ASIA INSTITUTE FOR
RESILIENCE AND SUSTAINABILITY.**

Chair Takai, Vice Chair Ito, and Members of the House Committee on Veterans,
Military, and International Affairs, and Culture and the Arts.

The Office of Planning (OP) offers the following comments on SB 2742, SD1, which would establish the Pacific-Asia Institute for Resilience and Sustainability (herein after referred to as the “Institute”) – an innovative public-private partnership with the purpose of developing the next generation of leaders to address problems of global concern, including climate change, environmental degradation, public health, sustainable use of natural resources, critical infrastructure protection, and cyber resilience.

OP has long been involved in the topic of climate change and recently guided the development and passage of Act 286, Hawaii’s Climate Change Adaptation Priority Guidelines, which was signed by Governor Abercrombie in 2012, and is codified as HRS § 226-109. Since then, we have been working with county, state, and federal agencies to implement Act 286 through Hawaii’s major statewide land use policies (i.e., State Land Use Law (HRS

Chapter 205); Coastal Zone Management Act (HRS Chapter 205A); and State Planning Act (HRS Chapter 226)). In doing so, OP has recognized an increasing need to better align scientific information with resource management decisions and sees the Institute as an excellent opportunity for bridging the apparent science-policy disconnect.

In particular, OP recommends that the Institute not only operate “through multisector integration and coordination of three core activities,” but also under the guidance of an appointed Board of Directors, whose members would include, among others, ex officio representatives from state and county agencies with the jurisdiction and resources to address issues related to sustainability and resilience. The latter would ensure that the Institute’s approach to community resilience is consistent with the everyday needs of decision-makers.

Thank you for the opportunity to provide testimony on this measure.

SB 2742 SD1

RELATING TO THE ESTABLISHMENT OF THE PACIFIC-ASIA INSTITUTE FOR
RESILIENCE AND SUSTAINABILITY

BEAU MONDAY
DIRECTOR – INFORMATION SECURITY
HAWAIIAN TELCOM

March 12, 2014

Chair Takai and members of the Veterans, Military, & International Affairs & Culture and the Arts Committee:

I am Beau Monday, testifying on behalf of Hawaiian Telcom on SB2742 SD1– Relating to the Establishment of the Pacific-Asia Institute for Resilience and Sustainability. This measure establishes the Pacific-Asia institute for resilience and sustainability to provide the structure and opportunity for a new generation of leaders to emerge who possess the ability to address Hawaii and the Pacific-Asia region's risks from natural and man-made hazards and to develop solutions for sustainable economic growth within the region's unique physical and cultural diversity.

Hawaiian Telcom supports this measure.

One of the primary goals of establishing this non-profit institute is to foster additional education and employment opportunities in high-technology fields that are in high demand by employers in our state. These fields include cybersecurity, information assurance, security technology business policy/process, and security awareness. Hawaiian Telcom has been a strong advocate for cybersecurity issues for many years, and supports this important initiative.

Based on the aforementioned, Hawaiian Telcom respectfully requests that this measure be passed. Thank you for the opportunity to testify.

**TESTIMONY OF
Kenneth Y. Kaneshiro**

**IN SUPPORT OF SB 2742, SD1
Relating to the Establishment of the Pacific-Asia Institute for
Resilience & Sustainability**

**BEFORE THE
HOUSE COMMITTEE ON VETERANS, MILITARY, & INTERNATIONAL AFFAIRS
AND CULTURE AND THE ARTS
Rep. K. Mark Takai, Chair
Rep. Ken Ito, Vice Chair**

Date: Wednesday, March 12, 2014
Time: 8:30 a.m.
Place: Conference Room 312

Aloha Chair Takai, Vice Chair Ito and members of the Committee on Veterans, Military, and International Affairs and Culture and the Arts. My name is Ken Kaneshiro and I am the Director of the Center for Conservation Research & Training at the University of Hawai'i at Manoa. However, I am presenting testimony on SB 2742 as a private individual and my comments do not reflect the opinion of the University of Hawai'i.

I am in strong support of the intent of SB 2742 to establish a Pacific-Asia Institute for Resilience and Sustainability which is "...envisioned to provide an opportunity for a new generation of leaders..." who will become tomorrow's leaders in addressing challenges within the global commons. Hawaiian island environments provide ideal test beds for developing the models and technologies required to achieve sustainability and resilience in face of impending climate change scenarios. There is an urgent need to enhance the development of the emerging field of "Sustainability Science and Resilience" and the Hawaiian Islands serve as a microcosm of real-world sustainability issues such as conservation of biodiversity, habitat protection and restoration of ecosystem services and resilience, etc., where research on these issues can be studied at manageable spatial scales. Furthermore, lessons in sustainability can be assimilated from traditional Hawaiian cultural practices where intensive and productive agricultural uses of the landscape supported remarkably high population densities.

The establishment of the Pacific-Asia Institute for Resilience & Sustainability would foster the kind of research and education necessary to train the next generation of leaders with the capacity to address issues not only in Hawai'i but within the Pacific-Asia Region and beyond.

I am in strong support of SB 2742.

LATE

TESTIMONY ON SENATE BILL 2742

A BILL RELATING TO ESTABLISHMENT OF THE PACIFIC-ASIA INSTITUTE
FOR RESILIENCE AND SUSTAINABILITY

TO THE SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

FROM Professor Wesley Rhodes
Chief Technology Officer
International Business Machines

Dear House Committee on Veterans, Military, and International Affairs, and Culture and Arts
Chair Takai and Vice Chair Ito:

I am Wesley Rhodes and am employed by the International Business Machines Corporation in the capacity of Chief Technology Officer. I am also a co-director of the Network Science Research Center (NSRC) which enables collaboration among scholars and researchers from IBM, MIT, Harvard University, Brown University, Columbia University, Swansea University, and other organizations. I am testifying as an individual in **SUPPORT** of Senate Bill 2742—the establishment of the Pacific-Asia Institute for Resilience and Sustainability.

Through our experiences over the past several years, it has become crystal clear how critical it is to collaborate with other groups to address complex societal issues. One lesson learned by all organizations attempting to achieve effective collaborations is that they do not assemble organically; there must be a convening force to bring organizations and issues together, and to give the response direction and velocity. From this knowledge, I am excited for the solidification of this institute and the opportunity to collaborate with other groups to address complex societal issues in Hawaii and the Pacific Region. IBM has always encouraged its employees to engage and share their skills to address many of the world's most complex problems from climate change and the sustainable use of resources, to critical infrastructure, and cyber resilience.

Through passing Senate Bill 2742 and establishing the institute within the State of Hawaii, you will allow many organizations to participate through this innovative partnership model in a way not possible without it. I am confident in proceeding with this legislation and firmly believe it will give rise to great benefits from many organizations through providing a platform to combine the expertise and experience of others into innovative solutions.

Thank you very much for the opportunity to testify in **SUPPORT** of Senate Bill 2742.

Regards,

Wesley Rhodes

March 11, 2014

Statement of
Nelson Kanemoto
President and CEO
Referentia Systems Incorporated

In consideration of
TESTIMONY ON SB2742
A BILL RELATING TO ESTABLISHMENT OF THE PACIFIC-ASIA INSTITUTE
FOR RESILIENCE AND SUSTAINABILITY

TO THE HOUSE COMMITTEE on VETERANS, MILITARY, & INTERNATIONAL AFFAIRS,
& CULTURE and the ARTS

Dear Chair Takai, Vice Chair Ito and members of the Committee on Veterans, Military, & International Affairs, & Culture and the Arts.

My name is Nelson Kanemoto, President and CEO of Referentia Systems Incorporated. Referentia is a Hawaii-based, SBA certified small disadvantaged business that is a nationally recognized provider of cybersecurity solutions for the federal government, the Department of Defense (DoD), State governments and other critical infrastructure.

I am testifying in **SUPPORT** of SB2742—the establishment of the Pacific-Asia Institute for Resilience and Sustainability (AIRS).

As a developer and solutions provider of cybersecurity and advanced network solutions for critical infrastructure in Hawaii, Referentia recognizes the importance of establishing an organization that will address the sustainable use of natural resources, critical infrastructure protection, and cyber resilience.

The cybersecurity threat against our State and nation’s security, economy and well-being requires a community-focused solution. Referentia supports SB2742 because it will address sustainability and resilience issues in Hawaii and the Pacific through an innovative public and private partnership that will work together to achieve community resilience.

Thank you very much for the opportunity to testify in **SUPPORT** of Senate Bill 2742.

Sincerely,



Nelson Kanemoto
President and CEO



March 11, 2014

TESTIMONY ON SENATE BILL 2742
A BILL RELATING TO ESTABLISHMENT OF THE PACIFIC-ASIA INSTITUTE
FOR RESILIENCE AND SUSTAINABILITY
HOUSE COMMITTEE on VETERANS, MILITARY and INTERNATIONAL AFFAIRS and
CULTURE and ARTS

Dear Chair Takai and Vice Chair Ito:

I am Chad Kobashigawa from ACTT. I am testifying in SUPPORT of Senate Bill 2742—the establishment of the Pacific-Asia Institute for Resilience and Sustainability.

We are excited for the opportunity of possible collaborations with other groups to address complex societal issues in Hawaii and the Pacific Region. We strongly feel that there's a need for a greater capacity of individuals to understand risks, prepare, and improve on decision making that increases community resilience. We are confident that this could play a leading role in the Pacific-Asia region as a Center of Excellence, and provide a platform to combine the expertise and experience of others to develop sustainable solutions.

Thank you very much for the opportunity to testify in SUPPORT of Senate Bill 2742.

Very Respectfully,

Chad Kobashigawa

Chad Kobashigawa
President/Owner ACTT

LATE

Roxanne Kamalu

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 12, 2014 7:12 AM
To: vmitestimony
Cc: terry@se-hi.com
Subject: *Submitted testimony for SB2742 on Mar 12, 2014 08:30AM*

SB2742

Submitted on: 3/12/2014

Testimony for VMI on Mar 12, 2014 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Terry Oyama	Solution Engineering Hawaii Inc.	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 2742 SD1
A BILL RELATING TO RELATING TO RELATING TO ESTABLISHMENT OF THE PACIFIC-
ASIA INSTITUTE FOR RESILIENCE AND SUSTAINABILITY

PRESENTATION TO
THE HOUSE COMMITTEE ON VETERANS, MILITARY,
& INTERNATIONAL AFFAIRS, & CULTURE AND THE ARTS

BY

DARRYLL D. M. WONG
STATE ADJUTANT GENERAL AND DIRECTOR OF STATE CIVIL DEFENSE
March 12, 2014

Chair Takai, Vice Chair Ito, and Members of the House Committee on Veterans, Military, & International Affairs, & Culture and the Arts

I am Major General Darryll D. M. Wong, State Adjutant General and Director of State Civil Defense. I would like to offer testimony in **SUPPORT** about Senate Bill 2742 SD1.

Resilience is the key in responding to chronic and catastrophic risks and assuring security, safety, and prosperity in the 21st century. Establishing this organization will provide the partnership model to develop a new generation of leaders and the necessary capabilities to mitigate our risks.

Representing the State Department of Defense and the role of the State Adjutant General as the Homeland Security Advisor to the Governor, I can say that a lack of community resilience is a competitive disadvantage when it comes to economic growth and investment in Hawaii. Individuals and investors will gravitate away from localities and companies that cannot provide continuity of essential services and operations. Resilience also serves as deterrence to man-made threats such by adversaries or terrorists because they find little disruptive return for their effort.

At the heart of the Institute is a network of many organizations representing the public, private and civil sectors of our community. The State Department of Defense is already working with U.S. Pacific Command (PACOM), private companies, academic institutions, and other public and civil sector agencies in and out of Hawaii to form the foundation of this initiative.

Thank you for the opportunity to provide testimony in **SUPPORT** of Senate Bill 2742 SD1.