

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 2742 SD1 HD1
A BILL RELATING TO RELATING TO RELATING TO ESTABLISHMENT OF THE PACIFIC-
ASIA INSTITUTE FOR RESILIENCE AND SUSTAINABILITY

PRESENTATION TO
THE HOUSE COMMITTEE ON FINANCE

BY

DARRYLL D. M. WONG
ADJUTANT GENERAL AND DIRECTOR OF STATE CIVIL DEFENSE
April 1, 2014

Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and Members of the House Committee on Finance:

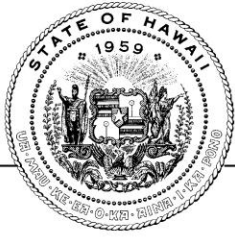
I am Major General Darryll D. M. Wong, State Adjutant General and Director of State Civil Defense. I would like to offer testimony in **SUPPORT** of Senate Bill 2742 SD1 HD1.

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 HD1.



OFFICE OF PLANNING STATE OF HAWAII

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

NEIL ABERCROMBIE
GOVERNOR

LEO R. ASUNCION
ACTING DIRECTOR
OFFICE OF PLANNING

Telephone: (808) 587-2846
Fax: (808) 587-2824
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Statement of
LEO R. ASUNCION
Acting Director, Office of Planning
before the
HOUSE COMMITTEE ON FINANCE

Tuesday, April 1, 2014
2:00 PM
State Capitol, Conference Room 308

in consideration of
SB 2742 SD1 HD1
**RELATING TO ESTABLISHMENT OF THE PACIFIC-ASIA INSTITUTE FOR
RESILIENCE AND SUSTAINABILITY.**

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the House Committee on Finance.

The Office of Planning (OP) offers the following comments on SB 2742, SD1, HD1, 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.

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET • HONOLULU, HAWAII 96813
PHONE: (808) 723-8960 • FAX: (808) 524-3439

KIRK CALDWELL
MAYOR



MELVIN N. KAKU
DIRECTOR

PETER J.S. HIRAI
DEPUTY DIRECTOR

March 31, 2014

The Honorable Sylvia Luke, Chair
Committee on Finance
House of Representatives
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Luke and Members:

SUBJECT: S.B. 2742 SD1, HD1, Relating to Establishment of the Pacific Asia
Institute for Resilience and Sustainability

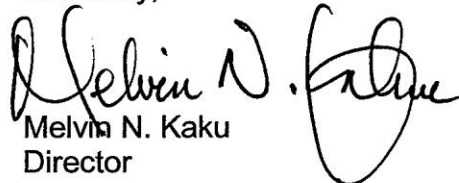
I am Melvin Kaku, Director of the Department of Emergency Management (DEM),
City and County of Honolulu (City).

DEM supports the intent of S.B. 2742 SD1, HD1, to establish a structure and
opportunity for the foreseeable future to train future leaders in Community Resiliency and
Sustainable economic growth within the State of Hawaii.

DEM supports a focused and structured educational program for our future leaders
who will be better prepared to understand the challenges that await them. We also provide
them the tools and knowledge to be adaptable, flexible, and become a passionate
community leader that can interact and develop collaborative programs that will stimulate
sustainable community organizations comprised of dedicated and motivated volunteers.

I urge your committee to support and pass S.B. 2742 SD1, HD1. Thank you for the
opportunity to testify.

Sincerely,


Melvin N. Kaku
Director

cc: Ember Lee Shinn, Managing Director

March 31, 2014

Statement of
Nelson Kanemoto
President and CEO
Referentia Systems Incorporated

In consideration of

SB2742

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

TO THE HOUSE COMMITTEE on FINANCE

April 1, 2014 2:00pm

State Capitol Conference Room 308

Dear Chair Luke, Vice Chairs Nishimoto and Johanson, and the House Finance Committee.

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 SB2742.

Sincerely,



Nelson Kanemoto
President and CEO

SB 2742 SD1HD1
FINANCE COMMITTEE – AGENDA #1

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

BEAU MONDAY
DIRECTOR – INFORMATION SECURITY
HAWAIIAN TELCOM

April 1, 2014

Chair Luke and members of the Finance Committee:

I am Beau Monday, testifying on behalf of Hawaiian Telcom on SB2742 SD1 HD1– 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.



AT&T Business Solutions

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

FROM: BRETT D. PEREZ
FEBRUARY 18, 2014

Dear Chair Ige and Member of the Ways and Means Committee:

AT&T appreciates the opportunity to lend its support to Senate Bill 2742, a bill relating to the establishment of the Pacific-Asia Institute for Resilience and Sustainability. The purpose of which is to develop the next generation of leaders to address the world's most difficult problems; including climate change, environmental degradation, public health, sustainable use of natural resources, critical infrastructure protection, and cyber resilience.

AT&T is a premier communications holding company and one of the most honored companies in the world. Its subsidiaries and affiliates – AT&T operating companies – are the providers of AT&T services in the United States and internationally. With a powerful array of network resources that includes the nation's fastest and most reliable 4G LTE wireless network, Wi-Fi, high speed Internet, voice and cloud-based services. The company's suite of IP-based business communications services is one of the most advanced in the world.

AT&T has a long-standing commitment to advancing education and collaboration. We have a number of education programs focused on increasing student's success and workforce readiness. Through our philanthropic initiatives, online resources, and partnerships, AT&T creates learning opportunities and promotes academic achievements for students throughout the world.

Moreover, AT&T understands and appreciates the need for and importance of collaboration. Recognizing the tremendous value that brings together a wide array of industry experts, innovators and developers can produce, the company founded the AT&T Foundry Innovation Centers. These centers are fast-paced and collaborative environments where AT&T and technology providers team with developers to deliver the latest applications and services into the hands of customers more quickly than ever before. More than just showrooms or test labs, AT&T Foundry facilities are unique spaces, built to foster collaboration. We bring the expertise of AT&T innovators into an environment where we can work with industry technology experts and developers from all over the world to innovate in new ways. Developers who work with us in the AT&T Foundry innovation centers gain access to resources they couldn't get anywhere else.

On September 10, 2013 AT&T hosted its 15th annual Cyber Security Conference which took place in New York City. The day-long event was hosted by the AT&T Chief Security Office. Combining the expertise of its security experts, the scale and reliability of its global IP network and the innovation of AT&T Labs, AT&T is giving businesses some of the most powerful weapons available today in their battle against cyber security attacks. This conference brought together more than 2500 network and security executives; as well as industry analysts from around the globe to learn about the innovations AT&T is bringing to the marketplace in helping businesses, large and small, and government agencies manage the increasingly complex and critically important security of their IT networks and assets. Among the topics covered by AT&T and other industry experts were the latest security technology and trends in mobility and cloud; the constantly morphing aspects of cyber security and its impact across all aspects of business.

We are focusing all over the world because we feel there is an increase in both the need to address these complex issues and the global spotlight depicting problems and solutions in all regions.

Establishing an institute within the State of Hawaii will allow our organization to participate with this innovative partnership model. We are confident in proceeding with this legislation and believe it will give rise to great benefits for the State of Hawaii by 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.



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

TO THE SENATE WAYS AND MEANS COMMITTEE

FROM: *Amir Dossal, Chairman, Global Partnerships Forum, New York*

FEBRUARY 14, 2014

Dear Chair Ige, Vice Chair Kidani and Members of the Ways and Means Committee:

I am Amir Dossal, from the Global Partnerships Forum. Our mission is to support of the global agenda of the United Nations, we bring together thought leaders and practitioners from across sectors to address global challenges, to foster economic growth and help achieve greater prosperity around the world.

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

We are warmly welcome the State of Hawaii's intention to consider this important program for addressing sustainability and resilience in Hawaii and the Pacific region. The proposed Institute can serve as a Center of Excellence not only for the region, but also showcase United States' global leadership role in addressing complex societal challenges.

Moreover, the Institute can provide a much-need multi-stakeholder platform for partnerships for a broad cross-section of the community to address many of the world's most complex problems ranging from climate change and the sustainable use of resources, to critical infrastructure, and cyber resilience. The Institute could thus serve as a model for international diplomacy in action.

The Global Partnerships Forum is privileged to be part of this important program. Thank you very much for the opportunity to testify in **SUPPORT** of Senate Bill 2742.

Yours truly,

Amir A. Dossal
Chairman, Global Partnerships Forum
Special Representative of the Secretary-General of ITU

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.

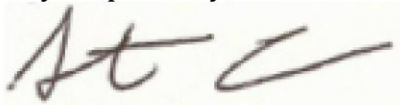
TESTIMONY ON SENATE BILL 2742
A BILL RELATING TO ESTABLISHMENT OF THE PACIFIC-ASIA INSTITUTE
FOR RESILIENCE AND SUSTAINABILITY
TO THE HOUSE COMMITTEE ON VETERANS, MILITARY, INTERNATIONAL AFFAIRS, AND
CULTURE AND ARTS
FROM *Dr. Steve Chan*
Chief Technology Officer, MIT E-Lab
Massachusetts Institute of Technology
MARCH 11, 2014

Dear Chair Takai and Vice Chair Ito:

I am Dr. Steve Chan, Chief Technology Officer of the MIT E-Lab from the Massachusetts Institute of Technology. I am also the Professorial Chair of the Network/Relationship Science Analytics PhD Program at Swansea University and a Senior Fellow at the Harvard Kennedy School. I am testifying in support of Senate Bill 2742—the establishment of the Pacific-Asia Institute for Resilience and Sustainability (AIRS). AIRS represents a new symbiosis of technological innovation and human leadership, whose formula is focused upon capacity building and applied solutions toward a new kind of community resilience in Hawaii and the Pacific.

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

Very respectfully,



Professor Steve Chan, PhD
Chair, Network/Relationship Science Analytics PhD Programme, Swansea University
Co-Founder/Director, Network Science Research Center, Swansea University
Co-Founder/Director, Network Science Research Center, IBM
Senior Fellow, Center for Public Leadership, Harvard Kennedy School
CTO, CyberPsychology Research Center, Royal College of Surgeons in Ireland
Co-Founder/CTO, Laboratory for Public Engagement with Science, MIT
Email: s_chan@mit.edu

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

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,

A handwritten signature in cursive script that reads "Wesley Rhodes". The signature is written in black ink and is positioned at the bottom of the page, below the typed name.



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

**TESTIMONY OF
Kenneth Y. Kaneshiro**

**IN SUPPORT OF SB 2742, SD1, HD1
Relating to the Establishment of the Pacific-Asia Institute for
Resilience & Sustainability**

**BEFORE THE
HOUSE COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair**

Date: Tuesday, April 1, 2014
Time: 2:00 pm
Place: Conference Room 308

Aloha Chair Luke, Vice Chairs Nishimoto and Johanson and members of the Committee on Finance. 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 throughout the Pacific-Asia Region and beyond.

I am in strong support of SB 2742.



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TESTIMONY ON SENATE BILL 2742 SD1 HD1
A BILL RELATING TO ESTABLISHMENT OF THE PACIFIC-ASIA INSTITUTE
FOR RESILIENCE AND SUSTAINABILITY

TO THE HOUSE FINANCE COMMITTEE

FROM: *Amir Dossal, Chairman, Global Partnerships Forum, New York*

MARCH 31, 2014

Dear Chair Luke, Vice Chairs Johanson and Nishimoto, and the House Finance Committee:

I am Amir Dossal, from the Global Partnerships Forum. Our mission is to support the global agenda of the United Nations; we bring together thought leaders and practitioners from across sectors to address global challenges, to foster economic growth and help achieve greater prosperity around the world.

I am honored to submit my testimony in **SUPPORT** of Senate Bill 2742—to establish the Pacific-Asia Institute for Resilience and Sustainability.

We enthusiastically welcome the State of Hawaii's intention to consider establishing this pioneering initiative to address sustainability and resilience in Hawaii and the Pacific region. The proposed Institute would play a leadership role in the region, and also serve as a model for international cooperation to address complex societal challenges.

The Institute can provide a unique multi-stakeholder platform for partnerships for dealing with many of the world's most complex problems ranging from climate change and the sustainable use of resources, to critical infrastructure, and cyber resilience. The Institute could thus serve as a Center of Excellence for international diplomacy in action.

The Global Partnerships Forum is privileged to be part of this important program. Thank you very much for the opportunity to testify in **SUPPORT** of Senate Bill 2742.

Yours truly,

Amir A. Dossal
Chairman, Global Partnerships Forum
Special Representative of the Secretary-General of ITU



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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Tuesday, April 1, 2014

TIME: 2:00 p.m.

LATE

LOCATION: State Capitol, Room 308

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

Chair Luke and Members of the Committee:

The Department of the Attorney General offers the following comments regarding constitutional and legal concerns about 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 are informed that the Pacific-Asia Institute for Resilience and Sustainability is intended to be a private, nonprofit entity. The creation of a private nonprofit entity by this bill is inconsistent with the basic distinctions between government entities and private entities and would create an inherent ambiguity as to whether the agency is subject to the State Code of Ethics, state procurement law, etc. Accordingly, we recommend that the creation of a private nonprofit entity be left to private individuals to establish pursuant to chapter 414D, Hawaii Revised Statutes.

In the absence of an amendment to page 2, lines 6-10, the bill as currently drafted would also violate article V, section 6, of the Hawaii State Constitution by creating a permanent agency within the Office of the Lieutenant Governor. The proposed changes above 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.