



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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Tuesday, February 25, 2014

TIME: 9:20 a.m.

LOCATION: State Capitol, Room 211

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



Chair Ige 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.

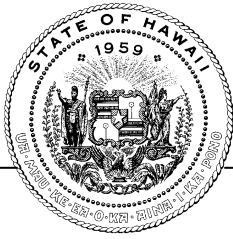
Under article V, section 6, of the Hawaii State Constitution,

[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**

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

NEIL ABERCROMBIE
GOVERNOR

JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

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

Statement of
JESSE K. SOUKI
Director, Office of Planning
before the
SENATE COMMITTEE ON WAYS AND MEANS
Tuesday, February 25, 2014
9:30 AM
State Capitol, Conference Room 211

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

Chair Ige, Vice Chair Kidani, and Members of the Senate Committee on Ways and Means.

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

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

WRITTEN TESTIMONY FOR
BEAU MONDAY
DIRECTOR – INFORMATION SECURITY
February 25, 2014

Chair Ige and members of the Committee:

I am Beau Monday, testifying on behalf of Hawaiian Telcom on SB2742– 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
Relating to the Establishment of the Pacific-Asia Institute for
Resilience & Sustainability**

**BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair**

Date: Tuesday, February 25, 2014

Time: 9:20 a.m.

Place: Conference Room 211

Aloha Chair Ige, Vice Chair Kidani and members of the Committee on Ways and Means. 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.