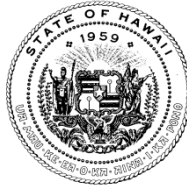


DAVID Y. IGE  
GOVERNOR



**TESTIMONY BY:**

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 16, 2021  
2:00 P.M.  
State Capitol, Teleconference

**H.B. 686, H.D. 1**  
**RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE**

**HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

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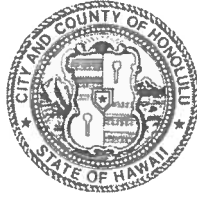
The Department of Transportation (DOT) **supports** H.B. 686, H.D. 1 to amend Chapter 708 of the Hawaii Revised Statutes by adding a new section that specifically criminalizes trespassing on critical electrical infrastructure.

The DOT agrees that the class C felony penalty for such trespass is appropriate, given the State's dependency on reliable electrical power for fundamental health, safety, and welfare functions. Nevertheless, the DOT would like to expand the definition of "critical electrical infrastructure" to include transmission equipment and appurtenances that transmit power to government facilities and fixtures such as streetlights and traffic signals.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



RICK BLANGIARDI  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
AARON TAKASAKI-YOUNG  
DEPUTY CHIEFS

OUR REFERENCE MK-KK

February 16, 2021

The Honorable Mark M. Nakashima, Chair  
and Members  
Committee on Judiciary  
and Hawaiian Affairs  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

SUBJECT: House Bill No. 686, H.D. 1, Relating to Critical Electrical Infrastructure

I am Mikel Kunishima, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 686, H.D. 1, Relating to Critical Electrical Infrastructure.

Attacks on critical electrical infrastructure could be used to cause widespread panic and economic distress. The risks associated with criminal threats include damage, vandalism, copper theft, and unauthorized access into the facility. The government's primary responsibilities are to ensure the health, safety, and security of its citizens; thus having a vested interest in protecting these facilities. This bill will emphasize the importance in protecting our critical electrical infrastructure and deter criminal activity by making trespassing on these facilities a felony.

The HPD urges you to support House Bill No. 686, H.D. 1, Relating to Critical Electrical Infrastructure.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

A handwritten signature in black ink that reads "Susan Ballard".

Susan Ballard  
Chief of Police

A handwritten signature in black ink that reads "Mikel Kunishima".  
Mikel Kunishima, Captain  
Criminal Investigation Division



**Hawaiian  
Electric**

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
JUDICIARY & HAWAIIAN AFFAIRS**

**HB 686, HD 1 - Relating to Critical Electrical Infrastructure**

February 16, 2021  
2:00 pm., Agenda Item #12  
State Capitol, Via Videoconference

Jonathon Grems  
Security Manager  
Hawaiian Electric Company, Inc.

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

My name is Jonathon Grems and I am testifying on behalf of Hawaiian Electric Company, Inc. (Hawaiian Electric) in strong **support of H.B. 686 H.D. 1**, Relating to Critical Electrical Infrastructure. The purpose of this bill is to protect the public, electric utility employees, first responders, as well as the trespassers themselves from the serious consequences associated with entering facilities used for the generation, transmission, and distribution of electricity. Ultimately, this bill is to protect against serious bodily injuries and the loss of life.

Currently, if an individual trespasses into these facilities they may only be charged with a petty misdemeanor. These facilities are high-voltage and dangerous environments that require individuals to receive special training before being allowed to enter without an escort. While we continue to improve safety measures which include, but are not limited to, fencing, cameras, and deploying security guards, these measures have not been enough to deter unsafe activities from occurring inside our facilities. Hawaiian Electric believes increased penalties would be a stronger deterrent to those who place themselves at risk by unlawfully accessing Hawaiian Electric properties.

Over the last three years there have been approximately 80 trespassing incidents in which actors have gained access to secured, fenced, and enclosed facilities. A number of these incidents included close calls in which the actor cut

live high-voltage power lines. In recent history, several trespassers have suffered serious injuries and at least one incident resulted in the trespasser's death.

Hawaiian Electric is very sensitive to the public's right to exercise their First Amendment right of free speech. It is important to note that "Critical electrical infrastructure" does not include support offices, land used for the transmission of electricity, or right-of-way that is not completely enclosed and maintained by the electric utility.

Hawaiian Electric is aware of the Attorney General's suggested language and have no objections.

Accordingly, the Hawaiian Electric Companies strongly support H.B. 686, H.D. 1 and are open to suggestions that would ensure the bill accomplishes its purpose of protecting the public and the safe delivery of electrical power.

Thank you for this opportunity to testify.



# SIERRA CLUB OF HAWAI'I

## HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

February 16, 2021 2:00 PM

In **OPPOSITION** to **HB686 HD1**: Relating to Critical Electrical Infrastructure

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Aloha Chair Nakashima, Vice Chair Matayoshi, and members of the committee,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **opposes HB686**, a bill introduced by the Hawaiian Electric Company (HECO) to turn criminal trespass at "critical electricity infrastructure" into a Class C Felony.

### **HB686 is Undemocratic-**

HB686 is fundamentally designed to criminalize those who choose to exercise their First Amendment rights through peaceful protest and non-violent direct action. In fact, HB686 is modeled after similar anti-protest bills being introduced across the U.S. on behalf of the fossil fuel industry. In 2017 and 2018, a Koch brothers funded corporate lobby group known as the American Legislative Exchange Council (ALEC) approved and pushed a model bill called the "Critical Infrastructure Protection Act." The summary of the model policy is to "codify criminal penalties for a person convicted of willfully trespassing or entering property containing a critical infrastructure facility without permission by the owner of the property, and hold a person liable for any damages to personal or real property while trespassing."<sup>1</sup>

From its inception at a corporate lobby group to this bill introduced in Hawai'i, this legislation favors corporate interests over the interests of the people. Our freedom of speech should not be suppressed by our state on behalf of a private corporation.

### **Hawai'i has Existing Laws to Deter Crime-**

Although the Hawaiian Electric Company says it introduced this bill to better deter crime, we believe HB686 is unnecessary, as Hawai'i already has criminal trespass laws which are sufficient to prevent trespassing on HECO property. Furthermore, Hawai'i already has existing laws on the books to protect HECO from vandalism and theft. Currently, if someone does something illegal while on HECO property like damages property over \$1,000, then that is a Class C Felony (HRS 708-821) or even a Class B Felony (HRS 708-820). If someone steals

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<sup>1</sup> <https://www.alec.org/model-policy/critical-infrastructure-protection-act/>

something valued over \$20,000 it is a Class B Felony, while theft over \$750 is a Class C Felony (HRS 708-830 and 831). The theft of copper is also already a Class C Felony.

### **HB686 Exacerbates Environmental and Racial Justice Issues-**

Native Hawaiian, low income, and more rural communities have historically suffered the impacts from the siting of dirty, polluting fossil fuel refineries and electrical power plants in their communities. Now that our state is transitioning to clean and renewable energy, we often see these new renewable energy projects being placed in the same overburdened, marginalized communities.

Instead of trying to work with those who have concerns over the power plants located in their neighborhood—or wind turbines that are being put up next to their homes and school—the Hawaiian Electric Company is pushing this bill to steamroll community opposition and prosecute protesters as Class C felons. To put this into perspective, the maximum prison sentence for a Class C Felony is 5 years per each offense convicted and up to a \$10,000 fine for the first offense (HRS 706-660(1)(b) and HRS 706-640). In addition, convicted felons lose a variety of rights and privileges including the right to vote, ability to travel abroad, the right to bear arms, jury service, employment in certain fields, access to public housing and social benefits, and possibly parental benefits.<sup>2</sup>

Native Hawaiians are also disproportionately represented in our criminal justice system and all of Hawai'i's jails are overcrowded. Our criminal justice system needs reform and HB686 sends us in the wrong direction to address these systemic issues.

Overall, HB686 aims to intimidate and discourage people from opposing controversial energy projects by imposing felony charges for trespassing at any facility that generates, transmits, or distributes electricity. This infringes on Constitutional rights to freedom of speech, is unnecessary in light of existing laws, and serves HECO's interests at the expense of criminalizing Hawai'i's people. For these reasons, the Sierra Club opposes HB686 and asks the committee to defer this measure.

Mahalo for the opportunity to testify in **opposition to HB686 HD1**.

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<sup>2</sup> <https://thelawdictionary.org/article/what-rights-do-convicted-felons-lose/>



# Environmental Caucus of The Democratic Party of Hawai'i

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February 16, 2021

To: Senate Committee on Judiciary & Hawaiian Affairs  
Senator Mark M. Nakashima, Chair  
Senator Scot Z. Matayoshi, Vice Chair, and  
Members of the Committee on Judiciary & Hawaiian Affairs

Re: HB 686 – RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE

Meeting: Tuesday, February 16, 2021, 2:00 p.m., Room 325 via videoconference

Position: **STRONG OPPOSITION**

Aloha, Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee on Judiciary & Hawaiian Affairs:

The Environmental Caucus of the Democratic Party of Hawai'i and its Human Environmental Impacts Committee are in strong opposition of HB 686, which purports to protect the public and critical electrical utilities by establishing the offense of trespassing on critical electrical infrastructure as a Class C felony which carries very serious penalties. Class C felonies are punishable by up to five years' imprisonment and a fine of up to \$10,000. (Haw. Rev. Stat. § 706-640, 706-660.)

The Democratic Party of Hawai'i (Party) has adopted at its 2018 State Convention, clear safeguards to protect the First Amendment rights of our community. At page 20 of the Party Platform, it specifically provides, "We support safety and security in all dimensions as a basic function of government. We support just law enforcement and enhancement of crime prevention, without compromising civil liberties."

We note that HB 686 provides for very high monetary penalties and significant prison terms which will result in the chilling effect of limiting civil demonstration and would leave demonstration organizers and participants liable to substantial penalties. Enactment of this aggravated offense will create a chilling effect on the environmental protectors and community protesters' ability to organize civil demonstrations against new and proposed energy power plant projects as we have seen at the AEA Na Pua Makani - North Shore Wind Farm at Kahuku or may see at the Hu Honua nka Honua Ola Bioenergy Facility at Pepeekeo or other places deemed as critical electrical infrastructures. We must not create a situation where one's civil liberties are impeded and or compromised by overreaching laws.

No law should be made to ward against protected speech and the right to assemble under the U.S. Constitution or that can be used or is intentionally designed to prevent or prohibit the lawful assembly and peaceful and orderly petition for the redress of grievances. There is no balance between the protection of critical electrical infrastructure for the public good while allowing the protest of the same infrastructure also for the public good under this disproportionate bill.

We strongly urge you to defer SB 612 at your decision-making meeting. While HB 686 purports to protect the public and critical electrical utilities by establishing the offense of trespassing on critical electrical infrastructure as a Class C felony, it ultimately will stifle the U.S. Constitutional Free Speech rights under the First Amendment of community protesters and environmental protectors, all of which are inconsistent with the Democratic Party Platform, *supra*.

Thank you very much for the opportunity to testify on this key issue.

Respectfully yours,

Alan B. Burdick and  
Melodie R. Aduja  
Co-Chairs, Environmental Caucus  
Co-Chairs, Human Environmental Impacts Committee  
Democratic Party of Hawai`i  
Email: [burdick808@gmail.com](mailto:burdick808@gmail.com) and  
[legislativepriorities@gmail.com](mailto:legislativepriorities@gmail.com)



**HB-686-HD-1**

Submitted on: 2/15/2021 1:35:58 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Mulinix	Our Revolution Hawaii	Oppose	No

Comments:

Aloha Judiciary & Hawaiian Affairs Committee Members,

On behalf of Our Revolution Hawaii's 7,000 members and supporters statewide I am writing in **STRONG OPPOSITION** to passage of HB686. Although we understand the concern about protecting critical infrastructure, this legislation isn't really about that. What it is actually about is stifling Freedom of Speech and criminalizing protest.

The state of Hawaii already has trespass and vandalism laws that are effective, we don't need to make it easier to move a protestor asserting their First Amendment Rights from a misdemeanor charge to a felony.

This bill is practically a copy and paste from an American Legislative Exchange Council (ALEC) legislative template that is used from state to state. Democratic Party legislators should be very wary about signing onto any pro-corporate ALEC legislation that undermines Freedom of Speech and Nonviolent Civil Disobedience.

Before aligning with this strategy, Legislators need to be fully aware of ALEC and their pro-corporate agenda which, as reported by national news agencies, is deliberately designed to subvert democratic institutions, disenfranchise voters, and undermine environmental protection laws.

- ALEC was founded in 1973 in Chicago as the Conservative Caucus of State Legislators to counter the Environmental Protection Agency.

- The New York Times and Bloomberg Businessweek described ALEC as an organization that gave corporate interests outsized influence.
- The Atlantic reported that ALEC is secretly subverting democratic institutions to further the aims of its corporate benefactors.
- ALEC pushes for tough Voter ID laws that have made voting more difficult for students, people of color, the elderly, and the poor.
- 'Stand Your Ground' gun laws were expanded to 30 states through the support of ALEC, which ultimately resulted in the killing of unarmed innocent Trayvon Martin in 2012.
- ALEC supported efforts by various states to withdraw from regional Climate Change compacts.
- ALEC wrote legislation that weakens state clean energy regulations and penalize homeowners who install their own solar panels.
- ALEC adopted a model anti-science bill saying that the role of human activity in causing Climate Change was uncertain.
- ALEC opposed the individual health insurance mandate enacted by the Patient Protection and Affordable Care Act.
- ALEC pushed anti-gay propaganda claiming homosexuality caused psychological harm, led to pedophilia, and that homosexuals sought to recruit the young.

The real purpose of legislation like HB686 is to pile on the charges and to send the message to protestors to not even think about engaging in Civil Disobedience.

**Civil Disobedience in the U.S. is a time an honored tradition that started at the founding of our nation when the founders signed the The Declaration of Independence in 1776. Since then, Civil Disobedience has led to Worker Rights, Women's Rights, the Desegregation for African Americans, and countless other times when moral obligations have risen. Had ALEC been as powerful then as it is now, I shudder to think what type of country we would now all be living in.**

HB686 is specifically created to prevent or prosecute protestors asserting their First Amendment Rights and engaging in Civil Disobedience. It is essential that our

Democratic Party Representatives vote against this anti First Amendment Rights legislation.

Mahalo for your kind attention,

Dave Mulinix

Statewide Community Organizer

Our Revolution Hawaii

Kaneohe, Hawaii

**HB-686-HD-1**

Submitted on: 2/15/2021 2:31:24 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ku Kahakalau, Ph.D.	Ku-A-Kanaka LLC	Oppose	No

Comments:

STRONG OPPOSITION TO HB 686 HD1 - My name is Dr. Kā« Kahakalau and I am writing this testimony in strong opposition to HB 686. I am a resident of Hā• mā• kua on Hawai'i Island and CEO of Kā«-A-Kanaka, a Native Hawaiian social enterprise and EA Ecovercity headquartered in Hilo. I am also an award-winning educator, researcher, songwriter, social entrepreneur, cultural practitioner and grassroots activist. In addition, I am recognized as the founder of the Hawaiian-focused charter school movement and have lectured on six continents about my Pedagogy of Aloha, which emerged as a result of working with tens of thousands of Hawaiian students of all ages and abilities in and out of the classroom on multiple islands over the past three plus decades.

My husband is also a Native Hawaiian licensed public school teacher and continues to teach at Kanu o ka 'Ā«ina New Century Public Charter School, which we founded in 2000. In 1990 both of us were arrested protesting geothermal development in Waokele o Puna, the last low-lying rainforest in the world. This arrest led to a gathering of eight then "young" Hawaiians that evening where we discussed critical mass and what it would take to stop the desecration of our native island resources by greedy individuals who had no relation to, or aloha and respect for the land - like we Hawaiians do - and were only interested in making a profit.

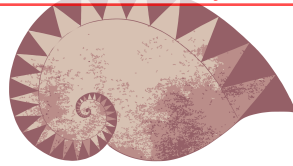
This discussion resulted in one month, culturally-driven Kā«kulu Kumuhana camps in Waipi'o Valley, that laid the foundation for what we know today as Pedagogy of Aloha, Education with Aloha (EA) or Hawaiian culture-based education. This ancient yet modern way has been shown to reach even those most alienated by Hawai'i's public school system, that has failed Hawai'i's native student population, resulting in reducing us from being among the top three educated nations in the world at the time of the illegal overthrow of our constitutional monarchy, to being Hawai'i's most under and uneducated major ethnic population today.

If our 1990's arrest had resulted in us being convicted as felons, we would not only have lost our job as teachers, but would have been prevented from doing the work recognized by the Kamehameha Schools, who awarded me their prestigious Order of Ke Ali'i Pauahi, the Hawaii Community Foundation which presented me with the Ho'okele Community Leadership Award, the Hawai'inuiĀ• kea School of Hawaiian Knowledge, UH MĀ• noa, which recognized my accomplishments by giving me Ulu I Ke Kumu Award, The Senate State of Hawai'i Certificate No 1433 and most recently the

Hawai'i Children's Action Network, which declared me a Champion for Children, just to name a few.

PLEASE DO NOT PASS HB 686, which will cause upstanding citizens like myself to be convicted as felons, because as Native Hawaiians and true kama'āina IT IS OUR KULEANA, OUR RESPONSIBILITY TO PROTECT OUR ENVIRONMENT FROM POLLUTION, DESECRATION AND MISMANAGEMENT! This responsibility is non-negotiable.

Mahalo nui, Kā« Kahakalau, Ph.D.



Pono Hawai'i Initiative

Patrick Shea - Treasurer • Lena Mochimaru - Secretary  
Nelson Ho • Summer Starr

Monday, February 15, 2021

Relating to Critical Electrical Infrastructure  
Testifying in Strong Opposition

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **strongly opposes HB 686 HD1 Relating to Critical Electrical Infrastructure**. This measure establishes the offense of criminal trespass on critical electrical infrastructure and makes it a Class C felony. The activities described in HB686, trespassing and property damage are already illegal so there is no need for additional legislation. **HB686** is bad policy and bad politics, is unnecessary, and is a gross over-reach.

It is shameful really that during this time of COVID with tremendous health and economic needs, that this measure has even been introduced and continues to move forward.

**Please vote no on HB686 HD1.** This is not the peoples work, it is the work of corporatists who care little about the people. Whose side are you on?

Mahalo for the opportunity to testify,

Gary Hooser  
Executive Director  
Pono Hawai'i Initiative

**HB-686-HD-1**

Submitted on: 2/15/2021 8:03:44 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jim Albertini	Malu 'Aina	Oppose	No

Comments:

We are strongly opposed to this bill to further criminalize protest of Hawaii energy projects. Our organization was the hub for the Big Island Rainforest action group protest to save the Wao Kele O Puna Rainforest together with the Pele Defense Fund back in the 1980s and 90s. As part of that campaign, we trained people in nonviolent protest that resulted in hundreds of arrests and the eventual end to that boondoggle project. That project would have destroyed Hawaii's last lowland rainforest for 500 megawatts of geothermal power to be exported by undersea cable to Oahu so Waikiki could look a little more like the Vegas strip. By the way, the Kilauea eruption of nearly 10 years ago that nearly destroyed Pahoia town went through that rainforest. If the geothermal 500 megawatt project had been built all that power would have been cut and the power plants destroyed. We never received one word of thanks for our protest to stop that project that kept Oahu from being in the dark. Not one word of thanks from any legislator on Oahu. How come? Instead you want to criminalize what was our saving action for you. Have you no shame? Where is your aloha?

# KA LAHUI HAWAII'

## KOMIKE KALAI'ĀINA

BEFORE THE SENATE JUDICIARY AND HAWAIIAN AFFAIRS

February 16, 2021

House Bill 686  
RELATING TO "CRITICAL" ELECTRICAL INFRASTRUCTURE.

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

Ka Lāhui Hawai'i Kōmike Kalai'āina submits the following written testimony in **STRONG OPPOSITION** to House Bill 686 which would make "trespassing" on the property of "critical" electrical infrastructure a criminal class C felony punishable with 5 years imprisonment and a fine of up to \$10,000.

The Ka Lāhui Hawai'i Political Action Committee (KPAC) affirms and defends the rights of native Hawaiians and their descendants aka Kanaka Maoli. Kanaka Maoli rights to access lands for traditional, customary, and subsistence purposes are recognized in the Hawaii State Constitution (1978) Article XII Section 7 which gives the government a duty to "protect all rights customarily and traditionally exercised for subsistence, cultural and religious purposes." The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. The cultural and customary access rights of Kanaka Maoli were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions.

This bill criminalizes Kanaka Maoli rights to access lands for traditional, customary, and subsistence purposes and provides no accommodations and protections for Kanaka Maoli and initially assumes guilt - putting the burden of legal protection of rights upon the Kanaka Maoli people. This coupled with the fact that Kanaka Maoli as a group are socio-economically challenged would give undue hardship and stress to the people of the 'āina (land) especially when faced with the possibility of five years' imprisonment and a fine of up to \$10,000 for asserting our rights.

Lastly, this bill targets future peaceful protectors of large energy projects like the windmills. Over the period of 38 nights starting in mid October, 2019 into November, 2019 there were 206 arrests of peaceful protesters who were attempting to stop the transport of eight turbines from Kalaeloa to Kahuku. The Nā Pua Makani wind farm in Kahuku commissioned eight 56 stories tall (taller than the tallest building on Oahu) colossal wind turbines close to schools, churches and homes. In this case the voice of the people was not heard and so drastic steps were taken to stop this project approved by the Department Permitting and Planning. This bill would silence and criminalize any peaceful protests of future projects electrical infrastructure projects that jeopardize the health and safety of communities.

Respectfully Submitted,

M. Healani Sonoda-Pale  
Public Affairs Officer, Ka Lāhui Hawai'i Kōmike Kalai'āina



**HB-686-HD-1**

Submitted on: 2/12/2021 8:10:00 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Noelani Ahia	Individual	Oppose	No

Comments:

I strongly oppose this bill.

This will clearly target kia'i standing up to environmental racism and is absolutely unacceptable.

Please kill this bill.

Mahalo Nui,

Jennifer Noelani Ahia

**HB-686-HD-1**

Submitted on: 2/12/2021 8:54:13 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Hanada	Individual	Oppose	No

Comments:

Please do not support this bill. Thank you.

**HB-686-HD-1**

Submitted on: 2/13/2021 12:06:41 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
briana kawata	Individual	Oppose	No

Comments:

Don't allow the prosecution of protesters as felons.

Hawaiian Electric should work with the communities for resolutions.

**HB-686-HD-1**

Submitted on: 2/13/2021 3:10:06 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nathan Yuen	Individual	Oppose	No

Comments:

I strongly oppose HB686 HD1 which criminalizes peaceful protesters. Instead of trying to work with communities who have concerns over the power plants located in their neighborhood—or wind turbines that are too close to their homes HECO wants to prosecute peaceful protesters with a Class C Felony, or up to 5 years in prison and a \$10,000 fine. The bill is authoritrian. I strong oppose HB686.

**HB-686-HD-1**

Submitted on: 2/13/2021 3:42:38 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Will Caron	Individual	Oppose	No

Comments:

This is a totalitarian attempt to outlaw legitimate public dissent to major infrastructure projects that the state and private corporations routinely commit to over the objections of communities - particularly those that are indigenous and/or under-resourced. This bill promotes the continuation of a cycle of environmental racism whereby these communities are expected to bear the burden of environmental degradation and climate chaos AND the infrastructure costs necessary to address it, while NONE of the benefits of that exploitation are retained but are, instead, entirely extracted.

When government and lawmakers ignore community concerns, or simply do a poor job of notifying communities of life-altering projects, the people living near these projects are left with no choice but to engage in civil disobedience. To criminalize this legitimate form of political dissent is to both misidentify the cause of the conflict (government failure), and double down on it, deepening the divide between government and the people at a time when we need to be working together to address climate change.

Please kill this terrible bill. It takes Hawai'i in exactly the wrong direction.

**HB-686-HD-1**

Submitted on: 2/13/2021 3:56:38 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelsey Amos	Individual	Oppose	No

Comments:

I am concerned this bill would lead to harsh penalties for peaceful protest.

**HB-686-HD-1**

Submitted on: 2/13/2021 11:50:51 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raelyn Reyno Yeomans	Individual	Oppose	No

Comments:

Strong opposition!

**HB-686-HD-1**

Submitted on: 2/14/2021 1:19:34 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nanea Lo	Individual	Oppose	No

Comments:

Hello,

My name is Nanea Lo and I'm a lifelong resident of Hawai'i in my ancestral homelands. I'm writing in STRONG oppositon of HB686.

HB686 is a bill introduced by the Hawaiian Electric Company to turn criminal trespass at "critical electricity infrastructure" into a Class C Felony. â•

â•

Instead of trying to work with communities who have concerns over the power plants located in their neighborhood—or wind turbines that are being put up next to their homes and school—the Hawaiian Electric Company is behind this bill to prosecute peaceful protesters with a Class C Felony, or up to 5 years in prison and a \$10,000 fine.

Please OPPOSE HB686.â•

me ke aloha 'Ä• ina,

Nanea Lo



**HB-686-HD-1**

Submitted on: 2/14/2021 2:09:08 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Brandt	Individual	Oppose	No

Comments:

Oppose

**HB-686-HD-1**

Submitted on: 2/14/2021 4:17:47 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Max Castanera	Individual	Oppose	No

Comments:

'A'ole HB 686. Criminalizing the ability of communities to protest large projects that they feel will negatively impact them and the environment - projects that they were not given the proper avenue to voice their concerns about - will lead to increased tension between lower resourced communities in which these projects usually occur and the state/county. In addition, these lower resourced communities will be disproportionately affected by this bill, because they are the ones that often do not have a say in which projects are developed in their communities and the ability to peacefully protest is one of the few ways they can show their dissent. Mahalo for your consideration.

**HB-686-HD-1**

Submitted on: 2/14/2021 7:56:01 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
brandi corpuz	Individual	Oppose	No

Comments:

Aloha my name is Brandi Corpuz and I am from Kihei Maui. I strongly oppose the creation of any bill and organizations that seeks to imprison people for using their freedom of speech. There has been a trend since Standing Rock about 5 years ago to pass bills to protect "infrastructure" from being protested against. As we plan to move forward with renewable energy, there will be bumps along the way and opposition to certain aspects of renewable energy. We can not be silenced when It comes to such critical things that are happening in our own communities. This bill shows very bad politics, revealing the truth behind money and politics. Our natural resources and the people of the land should be valued more than the mighty dollar. This bill would punish peaceful protestors while protecting the big corporations. Please oppose this discriminating bill. Thank you, Brandi Corpuz

**HB-686-HD-1**

Submitted on: 2/14/2021 10:31:49 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laura Ramirez	Individual	Oppose	No

Comments:

Peaceful protestors should NEVER be prosecuted! A felony charge is an extreme punishment that in no way fits the crime of trespassing, especially if property is not damaged. This is an anti-protest bill meant to silence the community as it seeks to be heard and protect their families.

**HB-686-HD-1**

Submitted on: 2/14/2021 11:13:24 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan Ramos	Individual	Oppose	No

Comments:

Aloha,

Please vote against HB686. While I completely understand the concern and logic behind supposed justifications, we already have trespassing laws on the books and more than enough means to persecute those who would actually target critical infrastructure in an attack on state, and by extension, national security. The only real effect this bill would have had already been covered by other testimony in opposition, and that is a chilling effect on protests and First Amendment rights. We must not cut our nose to spite our face. We've already seen projects facing public opposition move forward anyway, so clearly this measure is unnecessary.

Thank you,

Dylan Ramos

96816

**HB-686-HD-1**

Submitted on: 2/15/2021 8:37:13 AM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vickie Parker Kam	Individual	Oppose	No

Comments:

I am writing in opposition of HB686

Instead of threatening the community members that oppose electric power plants or wind turbines near out homes, why isn't more being done to work with all affected? This bill infringes on our right to voice our views.

Mahalo for listening.

**HB-686-HD-1**

Submitted on: 2/15/2021 10:47:16 AM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Fitzpatrick	Individual	Oppose	No

Comments:

Aloha Honorable House of Representatives,

I adamately oppose HB 685 because it takes the speach of way of my often Hawaiian brothers and sisters that may not want a huge windmill placed right next to their childs school. It paves the way so electric companies and rich land owners can do their will to make money instead of the will of the people.

I am all for renewable energy and getting off of fossil fuels, but I think we the people should be able to protest against projects like the Dakotah access pipeline, or wind and solar farms that may have a negative impact to our communities.

For these reasons I ask you to kill this bill today!

Mahalo,

Fitz

**HB-686-HD-1**

Submitted on: 2/15/2021 10:58:24 AM

Testimony for JHA on 2/16/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Biechler	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE this bill. Please defer this bill. We already have sufficient criminal trespassing laws on the books. Making trespassing a felony is unnecessary. It will only serve to hurt the homeless, clog up the judicial system and the prisons, and is not likely to have additional deterrent effects.

In fact, this bill appears to be a bill adopted by ALEC to protect corporate interests at the expense of first amendment activities.

- See <https://www.theatlantic.com/ideas/archive/2020/06/first-amendment-rights-if-you-agree-with-the-president/612211/> "[O]ur analysis finds that legislators often explicitly introduce proposals to limit the rights of people whose positions they dislike. That's not adherence to the First Amendment, which protects the rights of those we disagree with—it's adherence to self-interest. Specifically, we find a direct correlation between recent years' astonishing rise in collective action, particularly by Black Lives Matter and Standing Rock activists, and a rise in attempts to delegitimize and criminalize those very demonstrations.

From session to session and state to state, these bills look remarkably similar. That's no coincidence. **In January 2018, the American Legislative Exchange Council, or ALEC, published a model Critical Infrastructure Protection Act, which drew heavily from two Oklahoma anti-trespass bills, H.B. 1123 and H.B. 2128.** This bill defined *critical infrastructure* to include oil pipelines and dramatically raised the penalties for 'trespass' upon such property. Since then, more than 20 bills modeled on it have also passed. Activists are challenging one law in Louisiana that targets protests near gas and oil pipelines. House Bill 727 passed in 2018 and allows for felony charges of up to five years' imprisonment for protesters. **This, and bills like it, clearly aim to criminalize mass-protest actions such as those against the Dakota Access Pipeline."**

- See <https://www.energyandpolicy.org/utilities-anti-protest-bills/>
- See <https://www.desmogblog.com/2017/12/11/alec-model-bill-pipeline-protesters>
- See <https://www.alec.org/model-policy/critical-infrastructure-protection-act/>

It's not hard to see that this bill is a wolf in sheeps clothing! PLEASE DEFER!



Aloha,

Mike Biechler

Waiialua, HI

**HB-686-HD-1**

Submitted on: 2/15/2021 12:28:14 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Meredith Buck	Individual	Oppose	No

Comments:

My name is Meredith Buck and I strongly oppose HB686. This bill criminalizes protests against electrical & utility operations by making it a class C felony to trespass on such grounds. I believe this abridges the people's constitutional right to assemble and to peacefully demonstrate their opposition to development. Trespassing is already a crime, and many police are trained to act violently (particularly those brought in from other states during times of increased tension against land and water protectors). Adding felony charges would only frustrate the people and fuel greater tensions. Standoffs like those at Mauna Kea, HÅ«nÄ• nÄ• niho, and Kahuku would only escalate much more quickly and extremely if protectors were further criminalized. I believe that the solution is to listen to the cries of the communities who are only trying to ensure a livable environment and future for their families and loved ones. They are humans doing the best they can, not corporations trying to take over every inch of the island for profit. Please reject HB686 and instead prioritize community health and wellbeing over development.

**HB-686-HD-1**

Submitted on: 2/15/2021 1:01:06 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dawn Bruns	Individual	Oppose	No

Comments:

If you don't start listening to the science, you will find yourself on the wrong side of history if you don't prevent wind turbines from being constructed on our small populated islands - what a waste of our precious time and money for turbines that will be removed.

It would be safer to live in Russia than Oahu - In the Na Pua Makani EIS the 8 Hz sound level at our elementary school would be 83 dB so that means the 1-2 Hz pulses will be around 25 dB higher, so around 106 dB at the schools. Compare that to "Table 7" below - Russia set a 75 dB limit for 2 Hz low-frequency sound for "living and public premises" (and a 65 dB limit for 8 Hz sound). Occupational industrial premises limits are higher (up to 100 dB at 2 Hz, but there are time limits to prevent the person from being exposed for very long - see full text: Stepanov 2000 Biological effects of low frequency oscillations, page 15. The paper is online here:<https://apps.dtic.mil/dtic/tr/fulltext/u2/a423963.pdf> - I downloaded and put the paper in the Russia folder on my wind turbine sound folder on my Google Drive, here: [https://drive.google.com/drive/folders/1x2bYkbITkTN\\_wmeht3eh8Row3tLpmkoO?usp=sharing](https://drive.google.com/drive/folders/1x2bYkbITkTN_wmeht3eh8Row3tLpmkoO?usp=sharing)

Wind farm installations increased suicide rates during windy periods in residents located upwind and downwind of turbines a distance of more than 25 km. University of Illinois researcher studied 828 turbine installation events spanning 39 states in the United States from 2001 to 2013 - Turbines installed between 2001 and 2013. Wind turbine installation resulted in a total of 34,000 life years lost (LYL) due to increased suicides within a year after installation. To put this number in perspective, during the same one-year time window, the new wind capacity generated roughly 150 million megawatt hours (mwh) of clean energy; by comparison, based on existing estimates of the per mwh health cost of coal-generated electricity (Epstein et al., 2011), generating the same amount of electricity with coal would have resulted in around 53,000 life years lost due to air pollution.

Protesters are trying to tell you something - please start listening rather than taking away their rights to try to help you hear them.

**HB-686-HD-1**

Submitted on: 2/15/2021 1:08:15 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Koohan Paik	Individual	Oppose	No

Comments:

Aloha,

House Bill 686 presents itself as a “law and order” bill that purports to criminalize trespassing. In reality, it would obstruct our First Amendment right to oppose ‘aina-killing power projects while more deeply embedding systemic racism.

Notice that "trespassing" is not the operative phrase in HB686. It's “trespassing on critical electrical infrastructure” that are the key words. That's the boilerplate language that keeps popping up in similar bills across the nation that are being pushed by the notorious American Legislative Exchange Council (ALEC), a lobbying group that encourages state lawmakers to pass industry-friendly legislation.

It's all part of a ferocious battle now underway for control of the energy industry, during this historic moment, as global society examines how our ways of producing energy have brought all life on Earth to the brink of extinction. Will decisions continue to be made by industry, or will they be made by the people? Will benefits and burdens be distributed equitably -- or will they continue to unfairly burden indigenous communities? These are the questions at stake.

ALEC pressured a similar bill into law last year in West Virginia -- the Critical Infrastructure Protection Act. It creates new felony penalties for protest actions targeting “critical infrastructure” -- the same vague key words found in the Hawaii bills. On its face, the bill appears to be about trespassing, but it was actually written to push back against opposition to construction of two huge, controversial natural-gas pipelines in West Virginia.

Likewise, the industry is hawking HB686 to criminalize protests at power plants in Hawaii. The bills are inherently racist, as energy facilities are routinely sited in neighborhoods occupied by people of color, indigenous and the poor. It will justify more disproportionate arrests of Native Hawaiians, such as those protecting their community from obnoxious 56-story-high wind turbines in Kahuku, Oahu, or members of the Pepeekeo Fishermen's Association who have been protesting Hu Honua Bioenergy, the fake-renewable tree-burning power plant on the Hamakua coast (which will release 1.5x more carbon than coal, and draw 21 million gallons per day of water from the aquifer). Similarly, the bills target Puna residents who have been protesting

controversial Puna Geothermal Venture since the 1990s after toxic leaks of hydrogen sulfide have sent untold residents to the emergency room.

Don't fall for the bill's linguistic sleight of hand. House Representative Sonny Ganaden pointed out in a recent hearing that there is no need to criminalize trespassing. It is already illegal.

Please follow the lead at the federal level. The Biden administration has just created a Department of Energy Deputy Director position to oversee Energy Justice, and filled it with former UH law professor Shalanda Baker. Deputy Director Baker's central philosophy is that racism is not only systemic, it is infrastructural -- as in energy infrastructure. Energy infrastructure is so all-encompassing that it has the power to "lock in" either systemic justice or systemic oppression, depending on policy. HB686 is a perfect example of the latter.

The creation of Baker's high-level position at the Department of Energy is the Biden administration's full-throated acknowledgement that our transition to carbon-free energy systems cannot succeed without equity. To ensure equity, community voices must be centered in all energy decision-making -- a fundamental tenet of democracy. Instead of criminalizing even more Native Hawaiians and others protecting our communities, let's include them in decision-making so that protests don't become necessary.

Please vote down HB686!

Thank you for giving me this opportunity to weigh in.

Koohan Paik-Mander

**HB-686-HD-1**

Submitted on: 2/15/2021 1:21:42 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherry Pollack	Individual	Oppose	No

Comments:

I strongly oppose HB686 which aims to criminalize communities who are exercising their First Amendment rights through peaceful protest. This bill is not at all about what it states... this bill is from a template created by the American Legislative Exchange Council (ALEC), a conservative group, mostly funded by corporations that creates model legislation for state lawmakers--it is an industry-funded attempt to stifle free speech.

I am shocked and dismayed this bill with its ill-intent would receive a hearing. I will assume the committee was not aware of the origins and true impetus for this legislation. However, now that you are aware, I urge you to defer this measure that attacks an honored American tradition, peaceful protest, which has helped our country achieve workers' rights, women's rights, desegregation, just to name a few.

**HB-686-HD-1**

Submitted on: 2/15/2021 1:21:45 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeff Mcknight	Individual	Oppose	No

Comments:

I am in strong opposition of HB 686, which purports to protect the public and critical electrical utilities by establishing the offense of trespassing on critical electrical infrastructure as a Class C felony which carries very serious penalties.

HB 686 provides for very high monetary penalties and significant prison terms which will result in the chilling effect of limiting civil demonstration and would leave demonstration organizers and participants liable to substantial penalties. Enactment of this aggravated offense will create a chilling effect on the environmental protectors and community protesters' ability to organize civil demonstrations against new and proposed energy power plant projects.

No law should be made to ward against protected speech and the right to assemble under the U.S. Constitution or that can be used or is intentionally designed to prevent or prohibit the lawful assembly and peaceful and orderly petition for the redress of grievances. There is no balance between the protection of critical electrical infrastructure for the public good while allowing the protest of the same infrastructure also for the public good under this disproportionate bill.

We strongly urge you to oppose HB 686.. While HB 686 purports to protect the public and critical electrical utilities by establishing the offense of trespassing on critical electrical infrastructure as a Class C felony, it ultimately will stifle the U.S. Constitutional Free Speech rights under the First Amendment of community protesters and environmental protectors.

Mahalo for the opportunity to testify.

**HB-686-HD-1**

Submitted on: 2/15/2021 1:40:10 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deborah Ward	Individual	Oppose	No

Comments:

Aloha,

I strongly OPPOSE this legislation proposed by ALEC to criminalize protests at power plants in Hawaii. The bills are inherently racist, as power plants are routinely sited in neighborhoods occupied by people of color, indigenous and the poor. It will justify more disproportionate arrests of Native Hawaiians, such as those protecting their community from obnoxious 56-story-high wind turbines in Kahuku, Oahu, or members of the Pepeekeo Fishermen's Association who have been protesting Hu Honua Bioenergy, the fake-renewable tree-burning power plant on the Hamakua coast (which will release 1.5x more carbon than coal, and draw 21 million gallons per day of water from the aquifer). Similarly, the bills target Puna residents who have been protesting controversial Puna Geothermal Venture since the 1990s after toxic leaks of hydrogen sulfide have sent untold residents to the emergency room. PLEASE HOLD this legislation!

Mahalo!



**HB-686-HD-1**

Submitted on: 2/15/2021 1:46:49 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Oppose	No

Comments:

STRONGLY OPPOSE!!! And strongly oppose ANY ALEC like bills!

**HB-686-HD-1**

Submitted on: 2/15/2021 1:46:49 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Monica Stone	Individual	Oppose	No

Comments:

I OPPOSE HB686. This bill could easily be used to block first amendment rights. Mahalo for receiving my testimony.

Monica Rott Stone

**HB-686-HD-1**

Submitted on: 2/15/2021 1:48:47 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jacob Wiencek	Individual	Support	No

Comments:

Protecting our critical infrastructure is a key homeland security challenge. All sorts of everyday activity uses our electrical grid and infrastructure; and many of our long terms plans for sustainability and zero carbon require a robust, and resilient electrical infrastructure. I support this measure to enhance physical security for our electrical infrastructure. Failure to do so would result in an insecure and vulnerable grid.

**HB-686-HD-1**

Submitted on: 2/15/2021 2:06:04 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Merle Hayward	Individual	Oppose	No

Comments:

This bill blocks the rights of citizens to step up in public to protest issues that could suppress their freedom to speak out on employment, culture, environmental, climate crisis, health and well being. After the Trump administration has violated right to protest and promoted violence against legal protestors, this is not what we want to see in multi-culture Hawaii where citizens want equity, not systemic oppression. With so much to be done for energy and climate issues citizen participation must not be blocked.

**HB-686-HD-1**

Submitted on: 2/15/2021 2:17:59 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Lacques	Individual	Oppose	No

Comments:

Testimony in strong OPPOSITION to HB 686.

This cookie cutter bill inspired here in Hawai'i by ALEC, along with similar bills in states around the country is backing corporations who are trying to stop 1st amendment protests.

Listen to your constituents and defer this bill.

**HB-686-HD-1**

Submitted on: 2/15/2021 2:44:11 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marion McHenry	Individual	Oppose	No

Comments:

This description of this bill is misleading. This is a bad bill for our communities. Hawaiian Electric needs to work with neighborhoods and communities, not criminalize them.

I strongly oppose!

Marion McHenry

Princeville, Kauai

**HB-686-HD-1**

Submitted on: 2/15/2021 2:49:08 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alana Naomi Pohakulehua Makaio- San Jose	Individual	Oppose	No

Comments:

I stand OPPOSED to any thing that does not perpetuate the land in righteousness.

**HB-686-HD-1**

Submitted on: 2/15/2021 3:49:16 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
samantha canon	Individual	Oppose	No

Comments:

I strongly oppose any bill that restricts individual first amendment rights to free speech or peaceful protest anywhere. Limiting anyone's ability to publicly push back against issues arising within their community or neighboring communities that are potentially controversial is wrong and unconstitutional.



**HB-686-HD-1**

Submitted on: 2/15/2021 5:20:55 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandy	Individual	Oppose	No

Comments:

I oppose HB686

**HB-686-HD-1**

Submitted on: 2/15/2021 5:43:33 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lanny Sinkin	Individual	Oppose	No

Comments:

The Obama Administration halted the construction of the Dakota Access Pipeline and ordered the preparation of an Environmental Impact Statement. On his first day in office, then President Trump reversed that decision and ordered the Army Corps of Engineers to issue the permit at issue. That same day, then President Trump issued an executive order creating the category of "critical energy infrastructure." The executive order was clearly intended to suppress any further opposition from the thousands who had gathered at Standing Rock to oppose the pipeline. HB 686 is the spawn of the same campaign.

Criminalizing dissent is the wrong way to win a political argument. You will be opening the door for harsh punishments to be directed at those who are trying to protect the Earth from the ravages of exploitation.

I urge you to reject HB 686.

Mahalo for your consideration.

**HB-686-HD-1**

Submitted on: 2/15/2021 5:58:36 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeffrey Kekauoha-Schultz	Individual	Oppose	No

Comments:

HB686 is an attempt to silence a voice that has a first amendment right to be heard. Criminalizing a people's right to peaceful assemble and protect their values should never be written into law. Unfortunately, hb686 has been introduced by a few who share a view that in Hawaii our rights come second to corporate ambitions. In the end, the passing of hb686 will prove to be a bill targeting native Hawaiians and those who support native Hawaiian values. I believe in the ability to exercise our first amendment right and I don't support bills that target a specific group of people, therefore, I oppose hb686 as should you.

**HB-686-HD-1**

Submitted on: 2/15/2021 6:30:05 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynn Aaberg	Individual	Oppose	No

Comments:

Dear Chair Nakashima and Committee Members,

I oppose HB686 and ask you to defer it. This is an anti-protest bill, and mirrors other attempts by the fossil fuel industry across the nation. to silence protesters. The current laws protect property and this bill is unnecessary. The right to peaceful protest is important to the people of Hawai'i and all Americans. Everyone has something to lose with this bill, and this is a civil liberties and civil rights issue, as long as a climate justice issue. HECO should be more concerned about how to be a good neighbor, address concerns that citizens have about power plants and power production.

Sincerely,

LYnn Aaberg

**HB-686-HD-1**

Submitted on: 2/15/2021 7:32:47 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gordon B. Lindsey	Individual	Oppose	No

Comments:

I strongly oppose HB686, for varrious reasons

**HB-686-HD-1**

Submitted on: 2/15/2021 10:17:36 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Fern Anuenue Holland	Individual	Oppose	No

Comments:

Mahalo Representatives for considering my testimony. My 'ohana and I are in strong opposition to HB686 and are deeply concerned with the constitutionality of this measure, among other things. Please defer HB686!

**HB-686-HD-1**

Submitted on: 2/16/2021 12:22:54 AM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandee Moniz Ps	Individual	Oppose	No

Comments:

Strongly oppose!

**HB-686-HD-1**

Submitted on: 2/16/2021 7:20:45 AM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katrina Berry	Individual	Oppose	No

Comments:

I oppose this bill



**HB-686-HD-1**

Submitted on: 2/16/2021 8:27:48 AM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Samantha Fannon	Individual	Oppose	No

Comments:

Hello to whom it may concern,

My name is Samantha and I oppose HB686. If a corporation wants to coexist within our community they need to work with us-- not the other way around and make us enemies of our land. In the last year, we've watched the Hawaiian Electric Company become more profitable while people couldn't pay their bills during a pandemic, now they want to criminalize their community members to continue making more profits instead of benefitting the community.

Not to mention, this bill attacks our constitutional right to assemble and protest. The 'benefit' of this bill is only to protect more profits and shady behavior from the Hawaiian Electric Company. The work of our local elected officials is to protect the people, not the corporations.

Thank you for your time and opportunity to testify on behalf of this bill.

Sincerely,  
Samantha Raven Fannon

**HB-686-HD-1**

Submitted on: 2/16/2021 8:38:09 AM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
carol lee kamekona	Individual	Oppose	No

Comments:

Hawaiian Electric should prioritize PEOPLE over profits! Place your wind turbines and other "critical electricity infrastructure" away from our homes, schools and parks! Hawai'i Still has much open land that can be used.

**HB-686-HD-1**

Submitted on: 2/16/2021 9:35:04 AM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Phaethon Keeney	Individual	Oppose	No

Comments:

Please OPPOSE HB686, trespassing is already illegal and this bill serves to further obstruct First Amendment rights to oppose 'aina-harming power projects while more deeply embedding systemic racism in Hawaii. The solution is to listen and work with the community.

Aloha wins in Hawaii, not strong arm scare tactics.

Thank you,

Phaethon Keeney, Honokaa HI 96727

**HB-686-HD-1**

Submitted on: 2/16/2021 11:47:40 AM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tina Taniguchi	Individual	Oppose	No

Comments:

I oppose HB686

**HB-686-HD-1**

Submitted on: 2/16/2021 12:27:10 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
tlaloc tokuda	Individual	Oppose	No

Comments:

Who wrote this bill? Its taking away our first ammendment and bills like these should be illegal!

I read somewhere in Civil Beat that many in the legislature agree with this facist bill? Stop this bill!

Tlaloc Tokuda

Kailua Kona HI 96740

February 5, 2021

HB686

RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I Opposed for the following reasons;

1. HRS 708-800 means that signs and area of that for safety will be close off it does not mean all the area needs to be close.
2. HRS 711-1107 means DESECRATION (b) A place of worship or burial. Therefore if there is an area that these electrical infrastructure need to be, it should not be in an area were a there is a place of worship or burial AREA.
3. Therefore there should be an independent ANALYSTS should be done.
4. Therefore the rightful holders, practitioner, kanaka Maoli is put on the table with a discussion should be heard.

Mahalo

Cindy Freitas

**HB-686-HD-1**

Submitted on: 2/16/2021 2:04:02 PM

Testimony for JHA on 2/16/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mavis Oliveira-Medeiros	Individual	Oppose	No

Comments:

I strongly oppose HB 686 HD1. Exercising ones right to protest peacefully should not be illegal in the first place, but to throw in a "felony charge" is just hewa...wrong.

Please throw out this bill which is designed to criminalize Hawaiians protesting as is their right.