

DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO  
DIRECTOR

JOANN A. VIDINHAR  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
830 PUNCHBOWL STREET, ROOM 321  
HONOLULU, HAWAII 96813  
[www.labor.hawaii.gov](http://www.labor.hawaii.gov)  
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February 3, 2021

The Honorable Gregg Takayama, Chair  
Committee on Higher Education and Technology  
House of Representatives  
State Capitol, Room 404  
Honolulu, Hawaii 96813

Dear Chair Takayama:

Subject: House Bill (HB) 686 Relating to Critical Electrical Infrastructure

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support HB 686, which establishes the offense of criminal trespass on critical electrical infrastructure and makes it a Class C felony.

The HFD responded to a number of incidents involving trespassing into critical electrical infrastructure facilities, which have resulted in serious injury and, in at least one case, a fatality. The SFC believes HB 686 will improve deterrence to similar incidents in the future and help protect Hawaii's critical electrical infrastructure.

Public safety and property protection are priorities of the SFC and the HFD, and HB 686 helps to fulfill this objective.

The SFC and the HFD urge your committee's support on the passage of HB 686.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

Sincerely,

MANUEL P. NEVES  
Chair

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 5, 2021  
2:00 P.M.  
State Capitol, Teleconference

**H.B. 686**  
**RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE**

House Committee on Higher Education and Technology

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

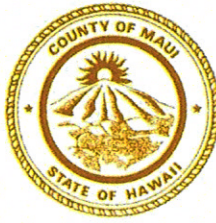
DOT agrees that the class C felony penalty for such trespass is appropriate, given the State's dependency on reliable electrical power for fundamental health, safety, and welfare functions. Nevertheless, DOT would like to expand the definition of "critical electrical infrastructure" to include transmission 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.

**MICHAEL P. VICTORINO**  
Mayor

**DAVID C. THYNE**  
Fire Chief

**BRADFORD K. VENTURA**  
Deputy Fire Chief



**DEPARTMENT OF FIRE & PUBLIC SAFETY**

COUNTY OF MAUI  
200 DAIRY ROAD  
KAHULUI, HI 96732

February 4, 2021

The Honorable Gregg Takayama, Chair  
Committee on Higher Education and Technology  
House of Representatives  
State Capitol, Room 404  
Honolulu, Hawaii 96813

Dear Chair Takayama:

Subject: House Bill (HB) 686 Relating to Critical Electrical Infrastructure

I am David C. Thyne, member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD support HB 686, which establishes the offense of criminal trespass on critical electrical infrastructure and makes it a class C felony.

The MFD has responded to a number of incidents involving trespassing into critical electrical infrastructure facilities which have resulted in serious injury and, at least in one case, a fatality. The SFC believes HB 686 will improve deterrence to similar incidents in the future and help protect Hawaii's critical electrical infrastructure.

Public safety and property protection are priorities of the SFC and the MFD, and HB 686 helps to fulfill this objective.

The SFC and the MFD urge your committee's support on the passage of HB 686.

Should you have questions, please contact SFC Administrative Specialist Lloyd Rogers at (808) 723-7176 or [lrogers@honolulu.gov](mailto:lrogers@honolulu.gov).

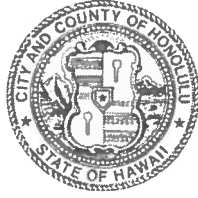
Sincerely,

A handwritten signature in blue ink, appearing to read "David C. Thyne".

DAVID C. THYNE  
Fire Chief

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. McCARTHY  
AARON TAKASAKI-YOUNG  
DEPUTY CHIEFS

OUR REFERENCE

**MK-KK**

February 5, 2021

The Honorable Gregg Takayama, Chair  
and Members  
Committee on Higher Education  
and Technology  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 309  
Honolulu, Hawaii 96813

Dear Chair Takayama and Members:

**SUBJECT: House Bill No. 686, 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, 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, Relating to Critical Electrical Infrastructure.

Thank you for the opportunity to testify.

APPROVED:

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

Susan Ballard  
Chief of Police

Sincerely,

A handwritten signature in black ink that reads "Mikel Kunishima".

Mikel Kunishima, Captain  
Criminal Investigation Division

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM  
PROSECUTING ATTORNEY



THOMAS J. BRADY  
FIRST DEPUTY  
PROSECUTING ATTORNEY

**THE HONORABLE GREGG TAKAYAMA, CHAIR**  
**HOUSE COMMITTEE ON HIGHER EDUCATION AND TECHNOLOGY**  
**Thirty-First State Legislature**  
**Regular Session of 2021**  
**State of Hawai`i**

February 5, 2021

**RE: H.B. 686; RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE.**

Chair Takayama, Vice Chair DeCoite, and members of the House Committee on Higher Education and Technology, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following comments regarding H.B. 686.

The purpose of this bill is to protect the public and critical electrical utilities by establishing a new offense of criminal trespass on critical electrical infrastructure. The Department supports improving protections for Hawaii's critical electrical infrastructure, which provides our citizens with reliable electrical power. However, we have concerns regarding the definition provided in Section 3 (pg. 2-3, line 16-21, 1-7).

The new offense requires an intentional state of mind on the part of the defendant. Because of this, the Department believes that the State will have trouble proving beyond a reasonable doubt that the defendant knew he or she intentionally entered and remained on "a power generation facility used specifically during times of high demand". The Department is not aware whether infrastructures included in the definition have specific signage posted, not just notifying an individual that a particular facility is a "power generation facility," but that is it one "used specifically during times of high demand". Ensuring that individuals have notice they are in fact trespassing on a specific "critical electrical infrastructure" encompassed in this new offense is critical in enforcement.

Based on the foregoing, the Department of the Prosecuting Attorney of the City and County of Honolulu submits comments regarding the passage of H.B. 686. Thank you for the opportunity to testify on this matter.



**Hawaiian  
Electric**

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON  
HIGHER EDUCATION & TECHNOLOGY**

**H.B. 686  
Relating to Critical Electrical Infrastructure**

February 5, 2021  
2:00 p.m., Agenda Item #6  
State Capitol, Via Videoconference

Jonathon Grems  
Security Manager  
Hawaiian Electric Company, Inc.

Chair Takayama, Vice Chair DeCoite, and Members of the Committee,

My name is Jonathon Grems and I am testifying on behalf of Hawaiian Electric Company, Inc. (Hawaiian Electric) in **support of H.B. 686**, Relating to Critical Electrical Infrastructure. The purpose of this bill is to protect the public and electric utility employees from the serious dangers associated with compromised electrical infrastructure and to ensure the resilience of the electric grid that residents, businesses and others rely on for the delivery of safe, clean and reliable electricity.

Under the current law, existing trespass laws do not provide a proportionate level of protection for such a critical and essential resource. Currently, if an individual is convicted of Criminal Trespass in the First Degree (708-813), he or she may receive up to a year in jail and/or pay a fine of up to \$1,000, which is not enough of a deterrent.

Hawaiian Electric's secured facilities, many of which are high-voltage and dangerous environments, are compromised on a regular basis, and while we have implemented tools to deter such activity, including but not limited to, securing our facilities with fencing and installing cameras and signage, these tools are not sufficient in deterring trespassing of our critical facilities. Hawaiian Electric believes increased penalties would be a stronger deterrent to those who unlawfully access Hawaiian Electric properties and intentionally or knowingly commit acts of

vandalism or theft. The impact and duration of a major electrical outage caused by those individuals could last for days or even months. The outages caused by trespassers result in immeasurable costs to our State's residents, businesses, and military partners.

Accordingly, Hawaiian Electric strongly supports H.B. 686. Thank you for this opportunity to testify.

LATE

**HB-686**

Submitted on: 2/5/2021 8:34:03 AM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Friends of Lanai	Friends of Lanai	Oppose	No

Comments:

Friends of Lana'i (FOL) is opposed to this HB686. Here on Lana'i, many protests were held on the site of the Big Wind project — potentially “critical electrical infrastructure” by this bill’s definition. The community’s large and vocal protests at the site were critically important to making sure this absurd project did not advance. Had this bill been the law at the time of Big Wind, all those who protested this project could have been charged with a felony — for simply protesting a project they felt would destroy one-quarter of their island home. They were exercising their protected rights, whereas HB686 would have put a significant barrier in front of these residents. This is an unnecessary infringement of a fundamental right; please do NOT pass this bill.



LATE

**HB-686**

Submitted on: 2/5/2021 9:16:46 AM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jodi Malinoski	Sierra Club of Hawaii	Oppose	No

Comments:

The Sierra Club of Hawaii OPPOSES HB686, which aims to criminalize indigenous and frontline communities who are exercising their First Amendment rights through peaceful protest.

LATE

**HB-686**

Submitted on: 2/5/2021 12:33:56 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sylvia Dolena	PELE LANI FARM LLC	Oppose	No

Comments:

**PLEASE OPPOSE HB 686 THIS BILL WHICH IS TAKING AWAY CONSTITUTIONAL RIGHTS FOR FREEDOM OF SPEECH.**



February 5, 2021

Representative Gregg Takayama, Chair  
Representative Lynn DeCoite, Vice Chair  
House Committee on Higher Education & Technology

**Support of HB 686, RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE  
(Establishes the offense of criminal trespass on critical electrical infrastructure  
and make it a class C felony.)**

**HET Hearing: Friday, February 5, 2021, at 2:00 p.m., Via Videoconference**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and utility companies. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to express its **strong support of HB 686**.

**HB 686.** The purpose of this bill to protect the public and critical electrical utilities by establishing the offense of trespassing on critical electrical infrastructure.

**LURF's Position.** LURF members include Hawaiian Electric and other large landowners and developers who build and maintain electric infrastructure. LURF understands that in the past, the Honolulu Fire Department has responded to incidents involving trespassing into critical electrical infrastructure facilities which have resulted in serious injury and, at least in one case, a fatality. LURF also understands that the trespassers have committed acts of vandalism or theft and have caused electrical outages. According to the county fire departments and Hawaiian Electric, it appears that the existing trespass laws do not provide a proportionate level of protection for electrical resources, and do not deter continuing trespassing, vandalism, and theft. Thus, LURF believes that by establishing the offense of criminal trespass on critical electrical infrastructure as a class C felony, this measure would protect the public and electric utility employees, ensure reliable electrical service in the State, and decrease damage to critical electrical infrastructure caused by trespassing.

For the reasons set forth above, LURF is **in strong support of HB 686**, and respectfully urges your favorable consideration of this bill.

LATE

**HB-686**

Submitted on: 2/4/2021 5:43:25 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Aloha e Chair, Vice Chair Members of the Committee,

I strongly oppose House Bill 686. HB686 is a classic example of corporate encroachment into the legislative process. HB686 resembles legislation that has been passed in other states that has been proven to inhibit first amendment rights (PRWatch.org). Simply put, House Bill 686 is an ALEC Bill that essentially aims to prevent people from protesting energy/chemical/utility corporations. HB686 “prescribes criminal penalties for organizations conspiring with persons who willfully trespass and/or damage critical infrastructure sites” (ALEC.org). This Bill would lead to unnecessary and unlawful criminalization of our residents. For these reasons I humbly ask you to please say “No” to House Bill 686.

Mahalo for your time and consideration.

Clair Mason

LATE

**HB-686**

Submitted on: 2/4/2021 7:28:22 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carrie Ann Shirota	Individual	Oppose	No

Comments:

Dear Legislators,

I am writing to oppose this measure. We already have criminal trespass laws on the books. What data do you have to justify proposal this new criminal offense and elevating it to a Class C felony?

Our jails and prisons are severaly overcrowded, and are making us poorer, not safer. They are also disproportionately filled with Native Hawaiians, persons who are homeless and have significant health and mental health challenges.

Before you propose another criminal offense that contributes to mass incarceration in Hawai'i, consider alternatives to address the harms that you are concerned about.

Please oppose HB 686.

Sincerely,

Carrie Ann Shirota

LATE

**HB-686**

Submitted on: 2/4/2021 7:30:54 PM

Testimony for HET on 2/5/2021 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:

This bill would too easily allow the criminalization of nonviolent protest as an expression of our Constitutional right to First Amendment/free speech.

This bill is rooted in corporate, anti-democratic, and unconstitutional values. Come on people. We can do better.

Thank you for the opportunity to weigh in.

Koohan Paik-Mander

LATE

**HB-686**

Submitted on: 2/4/2021 7:41:22 PM

Testimony for HET on 2/5/2021 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:

This bill allows criminalization of non-violent protests as our constitutional 1st amendment right to free speech. It is appallingly undemocratic.

LATE

**HB-686**

Submitted on: 2/4/2021 7:51:17 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose this bill. Protesting should never be considered a crime.



LATE

**HB-686**

Submitted on: 2/4/2021 7:52:42 PM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nedi McKnight	Individual	Oppose	No

Comments:

Aloha kākou,

With all due respect, none of us want disruptions in electric or utilities. We all saw the fiasco in Washington and understand that there are some radicalized folks out there. However, this bill will criminalize our right to protest environmentally harmful projects, including but not limited to, HÅ« Honua and geothermal on the Island of Hawai'i and Kahuku on O'ahu. The cultural value of malama 'Ä• ina is the foundation of our island society. The Public Trust Doctrine gives us specific rights, and we must be able to protect those rights. We have the right for non-violent, peaceful protests. Stop criminalizing responsible citizen behavior.

LATE

**HB-686**

Submitted on: 2/4/2021 8:05:17 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I strongly oppose

LATE

**HB-686**

Submitted on: 2/4/2021 8:16:30 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

The right for indigenous people to protect their sacred places should be recognized. This bill is against every we were brought up to believe living here in Hawaii. Should they consider passing this bill, they should remove Ua Mau Ke Ea O Ka Aina I Ka Pono from its states seal cause it contradicts the State of Hawaii's action over the past few years. to pass a bill like this is asking for the streets of Waikiki to be flooded with Aloha Aina, Mahi' ai and other kanaka from across this illegal state.

LATE

**HB-686**

Submitted on: 2/4/2021 8:19:09 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

When laws do not protect our environment and we find ourselves peaceably standing to protect our environment we should not be punished with a felony charge.

LATE

**HB-686**

Submitted on: 2/4/2021 8:20:29 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

This bill would too easily allow potential nonviolent protest activity, as protected by the first amendment of our Constitution, to be criminalized. Why is an ALEC bill being introduced by Democratic representatives in our state? <https://www.alec.org/model-policy/critical-infrastructure-protection-act/>

LATE

**HB-686**

Submitted on: 2/4/2021 8:20:56 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nora Cesare-Blanco	Individual	Oppose	No

Comments:

I strongly oppose this bill !

LATE

**HB-686**

Submitted on: 2/4/2021 8:22:29 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I work on the farm that holds 4 of the turbine 30 stories high its monstrously high and huge the people of the community are afraid of what will happen if in the event of the propeller becoming free from the tower people have their right to protect there home

LATE

**HB-686**

Submitted on: 2/4/2021 8:29:05 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

This bill is too vague and leaves too much room for interpretation. This bill would most likely be used to protect corporate interests by threatening citizens with a Class C Felony should the community need to exercise the right to protest should such energy corporations pose a risk to the health and safety of citizens and or our natural environment.

The communities of Hawai'i are not blind to the ill intent of such a bill. With many questionable projects being pushed into our communities at this time, and the people taking a stand for their protection, the state would weild this bill as a dozer to bully more unwanted projects into our communities threatening our 'Ā€ina and well-being of our people.

I strongly Oppose HB686 and am greatly ashamed of Rep. Mark Nakashima who comes from my home town for introducing such a bill riddled with ill intent.



LATE

**HB-686**

Submitted on: 2/4/2021 8:31:09 PM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Hunt	Individual	Oppose	No

Comments:

Vote NO on HB 686. It is the worst type of good old boy cronyism - AND YOU KNOW IT.

The behavior of some of our legislators in relation to Hu Honua is blatantly obviously. And it is reprehensible at best and illegal at worst. Some have attempted to intimidate, undermine or circumvent our PUC and / out the court hearing the ongoing case. Some are trying to muscle this anti-ratepayer, anti-environment, and anti-justice, profit over people foreign SCAM through - regardless of the consequences - and this bill is OBVIOUSLY more of the same.

What other businesses are granted such legislative FAVOR?

NONE.

Big Island residents facing the threat of triple-current-rate-increases, constant chainsaws and diesel trucks, significant air and fragile coastal-water pollution, industrial noise, smell, and light pollution from this fiasco HAVE HAD ENOUGH...!

Your choice regarding WHO you serve WILL also have consequences.

DO YOUR JOB, REPRESENT your CONSTITUENTS.

Stop kowtowing to the few who are trying to push this down our throats...!!!

LATE

**HB-686**

Submitted on: 2/4/2021 8:36:28 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

The people of this island need to be able to assemble and oppose/peacefully protest things on occasion. This bill would take that right away.

LATE

**HB-686**

Submitted on: 2/4/2021 8:36:33 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joanna Maile Pokipala Resurrection	Individual	Oppose	No

Comments:

I opposed this bill. Taking away people's right to protect is wrong.

Mahalo,

J.M.P. Resurrection

LATE

**HB-686**

Submitted on: 2/4/2021 8:41:29 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I strongly oppose this proposed Bill HB686! If there is any concerns about the environment, the land, or Our natural resources we the people or Hawaii and I have that right to Voice Our concerns and/or be able to protect it without being charged with a class c felony. This bill is not for the land, the people Of this land or Our natural resources. This bill should not be passed. Stop this nonsense.

LATE

**HB-686**

Submitted on: 2/4/2021 8:52:20 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose this bill as it makes illegal the act of peacefully protesting at these sites.

Itl supports and pits big business against the individual citizen.

LATE

**HB-686**

Submitted on: 2/4/2021 8:52:52 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I strongly oppose this bill. If we need to protect our land or natural resources we should be able to voice our concerns and protect even if we have to trespass. I don't think anyone should be charged with a class c felony if we are doing what is right. Throw this bill HB686 in the trash.

LATE

**HB-686**

Submitted on: 2/4/2021 9:05:12 PM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diliaur Tellei	Individual	Oppose	No

Comments:

Dear Chair Takayama, Vice Chair DeCoite, and members of the HET committee:

I am concerned that this measure appears to be less of a good faith attempt to protect critical infrastructures and more an attempt to suppress environmental activists and protestors. The vague clause "with intent to commit therein a crime against a person or against property rights" is suspect when the state historically has seen fit to mete out punishment disproportionately against groups like Native Hawaiians in favor of the *protection of property* over the well being of communities. Due to these reasons I must oppose any further movement of this bill and urge the members of the committee to think compassionately and closely.

Sincerely,

Diliaur Tellei

LATE

**HB-686**

Submitted on: 2/4/2021 9:07:24 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Oppose FELONY punishment for a trespassing crime. If facility is critical it should have safeguards 24/7 protections. Believe in CONSTITUTION.



LATE

**HB-686**

Submitted on: 2/4/2021 9:08:25 PM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glennie	Individual	Oppose	No

Comments:

Aloha,

And are you kidding? again, i have to wonder if this is a Blue state or DINO.

This bill would limit democracy and human rights. anyone who supports this bill supports a corporate-dominated system.

Say "NO" to this beyond-words bad bill.

mahalo and sincerely,

janice palma-glennie

kailua-kona

LATE

**HB-686**

Submitted on: 2/4/2021 9:10:04 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Who the fuck would make this a felony? Hawaii has bigger issues to deal with and you clowns are wasting time on this? You should all be ashamed. You're a disgrace and don't deserve to be in office. I yield my time. FUCK YOU!

LATE

**HB-686**

Submitted on: 2/4/2021 9:15:35 PM

Testimony for HET on 2/5/2021 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.

LATE

**HB-686**

Submitted on: 2/4/2021 9:16:18 PM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Matson	Individual	Oppose	No

Comments:

Aloha Committee Chair and the rest of the committee members,

Please oppose this bill. Whatever the original intentions may have been... let's say it was to protect corporate property... or even more noble, to provide uninterrupted, critical utility services to our communities... the actual result of legislation like this is absolutely unconstitutional and will criminalize our right to peacefully assemble to protect our clean air, water, and land for future generations. You are just beginning to see the amount of protests that will be rising up as people realize that we are destroying our climate and environment with dirty energy. If this body doesn't provide some real leadership and support alternative energy options we the people will continue to peacefully protest against these entities that choose corporate greed and their own bottom lines over the health and safety of our people and planet, as is our Constitutionally protected right. Do not pass this bill.

Mahalo,

Shannon Matson  
Ola'a/Mountain View on Hawai'i Island

LATE

**HB-686**

Submitted on: 2/4/2021 9:21:05 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

This bill reflects the larger problem we have all witnessed in the governance of this democracy. Hawaii has long stood alone as the one brave voice speaking for the environment, the generations who share the responsibility of stewarding the earth and the aina from which all possibilities spring. The attempts by a few influenced policy makers to assist in the assault on democracy and the principals that all democratic subscribers adhere to is irresponsible, non supportive and in direct conflict with popular public opinion. Our legeslative leadership collectively needs to rebuke this attempt to stifle the communities voice and our access to first ammendment protections regarding the future of our communities. Shame on the legeslators who support censorship.

Thank you so much for this opportunity to voice my displeasure. Rest assured it will be reflected in my next vote.

LATE

**HB-686**

Submitted on: 2/4/2021 9:21:06 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

This is a very bad bill which I strongly oppose! Please use your intelligence and conscience and do not support HB 686. I trust you can clearly see its dangers and pitfalls. Thank you.

LATE

**HB-686**

Submitted on: 2/4/2021 9:45:52 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

People have a right to peaceful protest and criminalizing it to push agendas is wrong.

LATE

**HB-686**

Submitted on: 2/4/2021 9:48:38 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Protesting is protected under the first Amendment, Freedom of Speech, by the Constitution !!!

This Bill criminalize FREE SPEECH, it UNconstitutional !!!



LATE

**HB-686**

Submitted on: 2/4/2021 9:51:23 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I do not support this bill.

LATE

**HB-686**

Submitted on: 2/4/2021 10:04:08 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I am shocked that my representative, Mark Nakashima is on of the authors of this bill. He knows the community is very against the Hu Honua Plant and this an attempt to stop protests to this project as well as others. I am dismayed to see that the government here is still more concerned about the rights of companies than the people who live near these facilities. There are many concerns that the residents have shared in many community meetings regarding the problems with the environment, roads, noise etc. If the people do not have the ability to protest , no one would know the dangers until it was too late. Please do not pass this bill.

LATE

**HB-686**

Submitted on: 2/4/2021 10:15:59 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

This is dispicable - masquerading as defense of critical infrastructure as if the Russians are coming to sabatoge us...

LATE

**HB-686**

Submitted on: 2/4/2021 10:17:10 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

This bill should NEVER be approved. We must have the right to oppose environmental disasters like Hu Honua without fear of arrest. Please don't let corporate interests outweigh local concerns.

LATE

**HB-686**

Submitted on: 2/4/2021 10:18:58 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Strongly OPPOSE this bill. How can a legal right to demonstrate become criminal? I am appalled that it would even be considered by our legislators. Mary Drayer 557 Imi Dr, Wailuku Hi 96793

LATE

**HB-686**

Submitted on: 2/4/2021 10:29:38 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Noe Noe Wong-Wilson	Individual	Oppose	No

Comments:

Aloha,

Please accept this testimony in opposition of any attempt to curtail any citizen's ability to exercise their First Amendment rights including against any electrical or energy generation project as this bill proposes. Peaceful civil resistance should not be considered a Class C Felony. Any need for citizens to take such a stand against a project like this indicates the efforts by the project to work successfully with the community have failed and citizens find no other resolution than to peacefully resist. It is a right protected by the US Constitution.

Please do not advance this bill.

LATE

**HB-686**

Submitted on: 2/4/2021 10:32:37 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

What have we become? It is very distressing to think my legislators would even consider criminalizing my legal right to protest. Strongly OPPOSE this bill.

LATE

**HB-686**

Submitted on: 2/4/2021 10:36:41 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

AuÄ“. KÄ• naka have the right to protest, and this bill is blatantly trying to take away our first amendment right. Hilahila!



LATE

**HB-686**

Submitted on: 2/4/2021 10:41:47 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I strongly oppose HB686. It's unconstitutional and wrong to be arrested and sent to prison for protesting against issues or protecting our natural resources from conglomerates who are destroying and desecrating and polluting our natural resources and sacred spaces so they can make a profit. While putting our lives in danger!

Dana Keawe

LATE

**HB-686**

Submitted on: 2/4/2021 10:56:15 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara (Bobbi) Cuttance	Individual	Oppose	No

Comments:

I strongly disagree with the Intent of this unconstitutional bill. Please kill this Bill.

LATE

**HB-686**

Submitted on: 2/4/2021 11:04:03 PM

Testimony for HET on 2/5/2021 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:

I strongly oppose HB686 as it is in violation of the First Amendment of the US Constitution. This bill is an obvious attempt to criminalize nonviolent protests conducted by Kia'i 'Äēina and in so doing, abridges the right of people to assemble peacefully. It is already criminal to trespass on the grounds of electrical infrastructure, and land protectors get arrested just for blocking roads as it is. If the goal is truly to protect the citizens, the House will take greater measures to end the wind farms, hydro, geothermal, and wood-fire power plants that communities across the pae 'Ä• ina have fought against for years in the name of survival. Please reject this unconstitutional and profit-driven bill today.

LATE

**HB-686**

Submitted on: 2/4/2021 11:07:42 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose HB686. mahalo

LATE

**HB-686**

Submitted on: 2/4/2021 11:10:42 PM

Testimony for HET on 2/5/2021 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 many reasons

LATE

**HB-686**

Submitted on: 2/4/2021 11:20:34 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Star Nani Pai	Individual	Oppose	No

Comments:

I oppose this bill because it is an attempt to criminalize citizens for speaking out against HÅ« Honua and other energy companies who are damaging our environment.

LATE

**HB-686**

Submitted on: 2/4/2021 11:20:38 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I believe this bill is intended to intimidate and criminalize citizens who would inconvenience energy companies with protest similar to the kahuku/kalaeloa windfarm protest in 2019. For example if a windfarm was being built 2 miles offshore and a group of people wanted to stage a peaceful protest in the waters surrounding the build site I believe this bill would criminalize and infringe on the rights of the people to peacefully assemble. This bill may further demonstrate an ongoing trend of favoring corporations and industries over people and the environment.

LATE

**HB-686**

Submitted on: 2/4/2021 11:25:09 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tanya K.D. Alana	Individual	Oppose	No

Comments:

How dare any of you make PROTECTING THE 'Ä€INA a criminal offense!!! Where you see money, we see life. Where you see empty land, we see food to sustain our people. It's very sad to see how Hawai'i has turned into a paradise for the tourists, money-hungry corporations, and greedy politicians. THIS IS HAWAI'!!!! THIS IS NOT AMERICA!!!! We are the caretakers of this land for us and for future generations!!! Can you eat turbines??? Can you eat concrete??? NO!!! Besides all of these laws are American laws. Please show us the Treaty! Otherwise, you are continuing to break the American supreme law of the land, which are Treaties.

I OPPOSE this bill!!!!



LATE

**HB-686**

Submitted on: 2/4/2021 11:36:45 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Dear State Representatives,

This Bill attempts to criminalize a fundamental constitutional right - "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances".

Supporters of legislation like this are pushing an unconstitutional and anti-democratic agenda, and beg the question: "are they receiving donations from energy corporations?" Can we conclude that legislators who side with private energy companies over the constitutional rights of the people has been corrupted by corporate money?

Thank you for your time and consideration.

Aloha,

Liz Laliberte

Hilo, HI

LATE

**HB-686**

Submitted on: 2/4/2021 11:51:07 PM

Testimony for HET on 2/5/2021 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:

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.

LATE

**HB-686**

Submitted on: 2/4/2021 11:55:53 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose this bill

LATE

**HB-686**

Submitted on: 2/5/2021 12:12:55 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Vote NO. We have federal bills in place to protect against terrorism.

LATE

**HB-686**

Submitted on: 2/5/2021 12:13:33 AM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Mulinix	Individual	Oppose	No

Comments:

Aloha Kakou Higher Education & Technology Committee,

I am writing in strong opposition to passage of HB 686. Although I 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 from a misdemeanor charge to being charged with a felony.

This bill looks like an American Legislative Exchange Council (ALEC) legislative template that is used from state to state. Democratic Party legislators should be very concerned about signing on to any pro-corporate ALEC legislation that undermines freedom of speech and nonviolent civil disobedience.

Some basic points legislators need to know about ALEC and their pro-corporate agenda 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 a project initiated to counter the [Environmental Protection Agency](#).

ALEC's activities, while legal, received public scrutiny after news reports from [The New York Times](#) and [Bloomberg Businessweek](#) described ALEC as an organization that gave corporate interests outsized influence.

The criticism among media outlets like [The Atlantic](#) are that ALEC is secretly subverting democratic institutions to further the aims of its corporate benefactors.

ALEC's 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 resulted in the [killing of of unarmed Trayvon Martin](#) in 2012.

ALEC supported efforts by various states to withdraw from regional [climate change](#) compacts.

ALEC wrote legislation that will weaken state clean energy regulations and penalize homeowners who install their own solar panels.

ALEC adopted a model bill saying that the role of human activity in causing [climate change](#) was uncertain, that man-made climate change could be "deleterious, neutral or possibly beneficial," and that the cost of regulating [greenhouse gas emissions](#) could cause "great economic dislocation.

ALEC opposes the [individual health insurance mandate](#) enacted by the [Patient Protection and Affordable Care Act](#).

ALEC has pushed anti-gay propaganda, and urged legislators to oppose attempts to "homosexualize society." ALEC said that homosexual relations were "probably some of the most destructive and degrading institutions in America today". ALEC claimed homosexuality caused psychological harm, led to pedophilia, and that homosexuals sought to recruit the young.

Please reconsider passing this legislation.

Mahalo for your kind attention,

Dave Mulinix

Kaneohe, Hawaii

LATE

**HB-686**

Submitted on: 2/5/2021 12:30:54 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Criminalizing (felony!) legitimate peaceful protest in this way is completely unacceptable. The energy companies using questionable environmental and/or business practices do not need government "support" of this kind.

LATE

**HB-686**

Submitted on: 2/5/2021 12:35:54 AM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Walter C Dudley Jr	Individual	Oppose	No

Comments:

This bill is clearly biased in favor of utility companies and prohibits constitutional rights of protest again unfair and/or misleading practices.



LATE

**HB-686**

Submitted on: 2/5/2021 1:19:01 AM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Jaworowski	Individual	Oppose	No

Comments:

This bill is overkill. We already have multiple potential charges of criminal trespass or simple trespass, ranging from misdemeanor to mere violation. This bill would substantially increase the penalty for criminal trespass up to a class C felony, merely for entering on the premises to commit any "crime against a person or against property rights." The crime need not even be related to or damage the infrastructure. The crime is also not even restricted to other felonies, and there are numerous crimes in the chapters on crimes against property rights that are misdemeanors or less. For example, someone who comes on to a critical electrical infrastructure site just to add a graffiti tag, which is merely a misdemeanor (see comments to **§708-823.5 Aggravated criminal property damage**), would have it elevated to a felony just because the site is part of our electrical infrastructure. This is not just. The element of trespass by itself should not create a felony where the underlying crime that the person is coming on the property to undertake is itself a misdemeanor, petty misdemeanor, or even a mere violation. The fact that the underlying crime need not impact the infrastructure at all only heightens the potential unfairness.

Please amend this bill, if you are going to pass it out at all, to make the punishment fit the crime. Right now the bill's provisions could easily lead to an unfair and unjust result.

LATE

**HB-686**

Submitted on: 2/5/2021 3:13:11 AM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raul Nohea Goodness	Individual	Oppose	No

Comments:

I strongly oppose hb686.

Felony trespass is not good. Excessive criminalization is destroying too many of our people's lives. Existing laws on the books should be more than enough.

This can also be used to intimidate protected free speech and civil disobedience.

LATE

**HB-686**

Submitted on: 2/5/2021 4:42:29 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

This can be missed and it will be, if enacted. Trespass laws already exist. Opposed.

LATE

**HB-686**

Submitted on: 2/5/2021 5:38:26 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose this bill!

LATE

**HB-686**

Submitted on: 2/5/2021 5:46:49 AM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cecilia Rose Reilly	Individual	Oppose	No

Comments:

Aloha,

In light of the gross mismanagement of resources and cultural health in the Hawaiian islands, i vehemently OPPOSE any criminalization of the citizens of Hawai'i in the face of their own infrastructure. I am disgusted that this bill was even written. Looks like the oligarchy and lobbyists got together to come up with another fascist agenda to criminalize the people of our communities protecting their own communities from dangerous, misplaced and unwanted infrastructures forced on them by incapable and thoughtless politicians just waiting to go home for the day instead of coming up with harmonious, viable solutions. I OPPOSE this fascist agenda!

LATE

**HB-686**

Submitted on: 2/5/2021 6:05:44 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Aloha, The last I heard, we are still honoring the First Amendment in this country. How did this obviously GOP written bill ever land in this blue state? Similar bills are being passed in the red states all across the nation and I find this very disturbing. I strongly oppose the move toward facism which this bill represents.

Mahalo, Mary True

LATE

**HB-686**

Submitted on: 2/5/2021 6:53:06 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

This bill is a violation of my 1st Amendment Rights: Freedom of speech is a principle that supports the freedom of an individual or a community to articulate their opinions and ideas without fear of retaliation, censorship, or legal sanction.

I oppose this bill because it directly violates my 1st Amendment rights, and the right of every American citizen to express these rights through peaceful assembly or demonstration.

LATE

**HB-686**

Submitted on: 2/5/2021 7:06:01 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I strongly oppose this bill.



LATE

**HB-686**

Submitted on: 2/5/2021 7:20:55 AM

Testimony for HET on 2/5/2021 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:

Oppose.

Adequate private property & trespassing laws are already in place; this bill is redundant overkill.

With only 2 months to go in this session, please spend your time more productively & focus on things that are actually crucially important to Hawai`i residents during a pandemic and economic collapse.

This bill is fluff, no different than spending days & resources debating the 'state fish'.

LATE

**HB-686**

Submitted on: 2/5/2021 7:54:50 AM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Dean	Individual	Oppose	No

Comments:

Please, think about what this bill means. The global environment is in a crisis of unprecedented proportions. Corporations that are destroying the environment for profit know this, but they are addicted to their profits and can't stop. It's impossible for them to voluntarily stop, it's a mental disorder, like hoarding. They are terrified that the Government or the citizens will make them stop in an effort to save life on Earth. That's why this bill has been drafted, it's an attempt to silence the citizenry. It's an attempt to protect their destructive behavior, using the violence of police and prison. Prison is violence. Threatening people with violence is just the first step toward a world we don't want to live in. Maybe you think, well, the people can protest in a designated area. That does not help. That's what they want, the people to protest in a place where no one will hear them, where no one will see them, where the truth of their destructive self serving industry will never be revealed. If you love the beauty of our natural world, if you care about protecting your children from unimaginable pain and suffering, you will never sign a bill like this into law. Remember, YOUR children are very likely to be among the victims of this bill. It's their future and unlike older people like us, they see what's happening to their world and they are terrified and they are not going to permit us to destroy their world. So, just remember, you could be signing a bill that would put your sons and daughters in prison with a felony record that will destroy their lives. Why? Because greedy people convinced you to inflict that pain and violence upon them in order to protect their immoral and perverse industrial practices.

LATE

**HB-686**

Submitted on: 2/5/2021 8:03:00 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Freedom to Protect what we love and care about!

LATE

**HB-686**

Submitted on: 2/5/2021 8:06:58 AM

Testimony for HET on 2/5/2021 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:

i belong to a number of non profits which watch for bills that deal with consitutional issues, environment, social justice, good governance - who warn me of new bills. I find it very disturbing that bill HB686 was snuck under the radar, Was this a quick fix way to muzzle dissent and to strip us of our 1st ammendment? The founding fathers slected the first ammendment of free speech as an unalien right. It seems Bill HB 686 is trying to strip us of our rights. It is also disturbing that many people in the legislature are in favor of this bill. STOP THIS BILL from going forwrd!

LATE

**HB-686**

Submitted on: 2/5/2021 8:08:41 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose this bill as citizens of Hawaii should be able to freely protest or support activities related to the environmental welfare of our neighborhoods, state and Earth.

LATE

**HB-686**

Submitted on: 2/5/2021 8:09:01 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

At the core of the First Amendment is the right as a citizen to peacefully assemble and to protest. It is critical for a functioning democracy. To criminalize protesting so-called 'critical electrical infrastructure' in a violation of civil rights. The right to protest, came long before electrical infrastructure existed. Please, do not pass this piece of House legislation.

Thank you,

James

Long

Na'alehu, HI

LATE

**HB-686**

Submitted on: 2/5/2021 8:09:13 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Aloha,

Please oppose this bill to protect our 'Ä• ina.

Mahalo,

Emily

LATE

**HB-686**

Submitted on: 2/5/2021 8:12:09 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I do not support disallowing free speech and the right to peaceful assembly.

I also do not support the lack of transparency about this. Having last minute hearings that do not allow time for the testimony of we citizens.



LATE

**HB-686**

Submitted on: 2/5/2021 8:18:03 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Testimony in Opposition to HB 686

House Bill 686 is a thinly veiled attempt to criminalize protesters who have legitimate concerns about the community impact of Hawaii's energy production. While I strongly believe that Hawaii needs to develop sustainable energy infrastructure, it needs to do this in conversation and collaboration with the neighboring communities. Creating legislation that criminalizes concerned, involved, and active citizen protesters is not the way to achieve the kind of community partnerships needed to improve our energy infrastructure. Class C felonies can result in long term prison sentences for those convicted. This is not an appropriate penalty for people who are protesting because they feel excluded from legitimate channels of political power. Please recognize this bill for what it is, an attempt to frighten and intimidate those who are trying to get involved in their communities future development.

LATE

**HB-686**

Submitted on: 2/5/2021 8:23:46 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Aloha All,

I am writing today to voice my strong opposition to HB686. While it may seem that this bill is reasonable in its measures to protect utility operations that serve the public, I find that language in the bill leaves room for interpretation that may be used to unjustly prosecute citizens that may choose to oppose the methods or means of such utility operations.

I do understand a desire to protect the public from the cost and inconvenience of more serious offenses such as tampering with equipment and disrupting power supply. However, I cannot support any measure that may work to criminalize peaceful protestors that seek to show or voice their opinion, especially when such people most often do so WITH the best interest in their community, the public, AND the planet in mind. The same considerations cannot be assumed of the actors making decisions on the utility side, where profit is often the primary, if not only, motivating factor.

I strongly oppose this bill and ask you to do the same.

Thank you,

Morgan Rochelle

LATE

**HB-686**

Submitted on: 2/5/2021 8:27:37 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

HB686 would pour cold water on the public's fundamental right to protest. Given the definitions proposed by this bill, protests at the site of wind power plants would make the community's protests a felony. This should not be the case. Protests against these projects are important and fundamental to the public's right of expression. Making these expressions at the very site of the projects is critical in drawing attention to the plight these projects provide to communities. This is a dangerous bill, posing a barrier to a basic right. Please do NOT pass this bill.

LATE

**HB-686**

Submitted on: 2/5/2021 8:27:39 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I'm opposing this bill because I know exactly who it's aimed at. It's just another way to block peaceful protestors and in turn criminalizing them for using their voices and taking a stance.

LATE

**HB-686**

Submitted on: 2/5/2021 8:29:24 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Aloha Representatives,

Please oppose this misguided and unconstitutional legislation.

Thank you,

Eden M. Peart

LATE

**HB-686**

Submitted on: 2/5/2021 8:36:05 AM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Merleann Pikake Kamaunu-Tester	Individual	Oppose	No

Comments:

I oppose HB686, it doesn't protect my rights as a native Hawaiian to protest against large companies and or industries from building large electrical infrastructures on Hawaiian lands.

Thank you,

Merleann Pikake Kamaunu-Tester

LATE

**HB-686**

Submitted on: 2/5/2021 8:42:46 AM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Regina Peterson	Individual	Oppose	No

Comments:

How dare you so called leaders try to enact a bill that criminalizes our very right to protest and protect our land and health of our families from destructive money hungry corporations. section 708-813 - criminal trespass in the first degree with possession of a firearm is considered a misdemeanor, and you are trying to enforce a C felony charge of our 1st amendment right to peacefully assemble. Explain to us, the people of THIS land, the logic here!!! There is some personal agenda by those who have reintroduced this bill that was killed last year, but I will tell you this, I, like many others who have deep rooted ties to these lands...THE VERY LANDS THAT FEED US, HEAL US, PROVIDE FOR US...WILL NOT be afraid of your scare tactics...our ancestors have taught us to never be afraid to stand up for what is right...He ali'i ka 'Ä• ina, he kauÄ• ke kanaka, A hiki i ke aloha 'Ä• ina hope loa!!! Kill this bill!!! we oppose it indefinitely!!!

LATE

**HB-686**

Submitted on: 2/5/2021 8:44:45 AM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Will Caron	Individual	Oppose	No

Comments:

Dear Committee members,

I strongly oppose House Bill 686 as it is a blatant attempt to suppress community self-determination and recourse against projects that the state and corporate interests may attempt to force upon a community. The Kahuku windfarm standoff comes to immediate mind. Whether or not the project would have created renewable electricity is irrelevant. What matters is that the community was not adequately involved or consulted during its planning phases, and then was routinely ignored, overridden and legitimate concerns and opposition was discounted. This left the community—which felt the project represented significant health and wellbeing concerns—no choice but to engage in civil disobedience.

Civil disobedience may be inconvenient for law enforcement and lawmakers, but it is a critical check on institutional power. Laws are not inherently good. Just because something is legal, does not make it right. Laws are passed by humans and are, therefore, as flawed as their makers. This is why we revisit laws and have the opportunity to change them every year. Slavery was legal at one point, and brave human being risked everything to stand against that awful institution. If the pursuit of justice and peace is our ultimate goal—as it must be—then there can be no doubt that this bill, which would make it more dangerous for communities to engage in civil disobedience, is a step in the wrong direction. This bill is a naked attempt by the powerful to make it easier to oppress communities that do not always agree with the state. It is antidemocratic and anti-human rights.

HB686 is also a clear demonstration of corporate control over our legislative processes and over our democracy itself. HB686 strongly resembles legislation that has been passed in other states that has been proven to inhibit first amendment rights ([PRWatch.org](http://PRWatch.org)). HB686 is an "ALEC Bill" that "prescribes criminal penalties for organizations conspiring with persons who willfully trespass and/or damage critical infrastructure sites" ([ALEC.org](http://ALEC.org)). Corporate influence over our democracy is a corrosive and eroding force that weakens the institutions of liberty and freedom. This kind of corporate crackdown on the right of a community to protest and commit strategic acts of civil disobedience—like the freedom riders and other emblems of human rights in the past—is shameful and should be immediately killed in this committee.



If the legislature wants to prevent standoffs like Kahuku, or Waimanalo, or Mauna Kea for that matter, then it is the responsibility of a competent administration, at either the county or state level, to do its due diligence in consulting with the community ahead of time. More than half the trouble the state runs into with these projects stems simply from the fact that the state's attitude coming into these projects is not one of cooperation and compromise, but rather one of "we know best" and "get out of our way." A good administration that truly seeks to serve the best interests of the people would enter into these processes with a good faith effort to ensure that the community is fully on-board before any contracts to build are approved.

There is no need to criminalize community members for disagreeing with the state on what is best in said community. This bill is wholly unnecessary and demonstrates only a lack of leadership. People will still engage in civil disobedience no matter what unjust laws you pass. That is literally the point of civil disobedience. If people were willing to challenge segregation and slavery itself using these tactics, do you really think a Class C felony will stop them from defending their lifestyle and home? This will only further damage our communities and forever destroy the chance to repair trust in government. It will also drive more and more of these community members to embrace increasingly radical view points as they lose faith in our democratic institutions entirely. I therefore URGE this committee to vote against this bill.

LATE

**HB-686**

Submitted on: 2/5/2021 8:55:34 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

NO! stop criminalizing citizens who pay for all this infrastructure. You are there to represent the people who voted you into office not protecting corporations. What do we do when windmills go up in our yards or PVG poisons our communities with toxic chemicals? Then most of you are nowhere to be found?

There are already more than enough laws to protect businesses and infrastructure. How about passing some bills that give citizens, taxpayers protection.

LATE

**HB-686**

Submitted on: 2/5/2021 8:57:44 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

In Opposition.

LATE

**HB-686**

Submitted on: 2/5/2021 9:00:03 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

In Opposition.

LATE

**HB-686**

Submitted on: 2/5/2021 9:15:56 AM

Testimony for HET on 2/5/2021 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, Legislators,

Please DO NOT allow this bill to go forward. My name is a Deborah Ward, and I am a retired educator, farmer, conservationist, chair of Sierra Club Hawaii Island Group, and many other roles in our community. I am also a kia'i protector on Mauna Kea, and an advocate for community rights regarding the poorly planned Hu Honua project. I am in my seventies, and I plan to continue my first amendment rights to speak and advocate for my community until I die. I do not believe that I deserve to be called a FELON for carrying out these rights! I can guarantee that I and my fellow advocates will litigate if this bill goes forward, and I believe that a bill such as this one would fail in the courts. Please do not make us proceed to litigation! Thank you!

LATE

Charley Ice  
98-633 Kilinoe Street, Waimalu, Puuloa

05 February 2021

Hearing on HB686 – Relating to Critical Electrical Infrastructure; Criminal Trespass  
House Committee on Higher Education and Technology

Me ke Aloha, Chair Gregg Takayama, Vice Chair Lynn DeCoite, and Committee Members:

HB686 stresses the security and resiliency of the State’s critical electrical infrastructure, and believes that current trespass laws do not adequately protect it. The purpose of the bill is to establish a criminal offense for trespass with the intent to commit a crime against persons or property therein.

On the surface, this might appear to be a simple and even necessary matter to establish this protection, but in a larger view, it is problematic:

- 1) There is no question that public safety depends on critical electrical infrastructural integrity, and clearly the public needs to be protected against willful mischief and clearly criminal intent. Surely our neighbors fully support the intent of this bill – assuming that a clear-cut case can be drawn.
- 2) In my own neighborhood, there are high voltage electrical transmission towers crossing a popular park where hundreds of children and their parents may be at any given time, and adjacent to a residential neighborhood. Under this bill, the towers would not be affected. But these towers are not properly maintained; their footings are corroding, and a high wind could take them down. As hurricane season approaches, this is a serious issue, and we are wondering where is the reciprocal concern for criminal negligence in the lack of protecting public safety.
- 3) How does one prove criminal intent? Whose word do we accept? The self-interested and paranoid purveyor of electrical service behind this bill? We have seen far too much overreach in law enforcement and corporate hegemony. This bill could have a chilling effect on completely innocent behavior taken out of context or even fabricated.
- 4) Given recent roughshod treatment of neighborhood concerns in Kahuku, how is the public expected to feel protected if they exercise their first amendment rights against invasive government and corporate behavior? At what point do authorities assume they know what is criminal intent, and at what point are they liable for criminal intent themselves? Where is the respect for public safety here?
- 5) Hawaii is currently engaged in a massive effort to upgrade its electrical generation facilities, and to convert from fossil fuels to renewable sources, to multiply and decentralize electrical facilities, with different players and partners in providing electrical security, leading to situations not yet imagined nor considered.

In short, the intent of this bill is worthy and appreciated, but larger concerns raise questions about proper implementation or enforcement, harassment, and parity in the treatment of powerful corporations. Like any tool, this one can be misused. Are we being asked to “trust our government”? This is a two-way street.

LATE

**HB-686**

Submitted on: 2/5/2021 9:29:28 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Aloha Chair Takayama, Vice-chair DeCoite, and members of the HET Committee,

My name is Dyson Chee and I am submitting testimony in opposition to HB686. I am greatly concerned that this bill benefits the industry at the expense of the public. When the mask mandates for COVID-19 first came out, most people were furious at the punishment prospects of facing a year in jail and \$5k fine. Learning from this mistake made by the governor, I am equally concerned that HB686's punishment of up to 5 years in jail and a 10k fine is excessive and done to the industry's benefit at the expense of the public.

Mahalo for your consideration,

Dyson Chee

LATE

**HB-686**

Submitted on: 2/5/2021 9:48:10 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I am opposed to establishing the trespass penalty described in this bill. A C felony is not warranted on citizens expressing their right to civil protests. Attempting to criminalize such behavior is tantamount to a revocation of our rights to protest. If an illegal trespass is established in a case for such a cause, it should not be any higher than a misdemeanor, subject only to a fine.



LATE

**HB-686**

Submitted on: 2/5/2021 10:15:49 AM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nana-Honua Manuel	Individual	Oppose	No

Comments:

Reagardless of what level of offense is placed upon kia'i who are opposing desecration and bad development, they will continue to stand and you cannot arrest them all. They are the right holders.

LATE

**HB-686**

Submitted on: 2/5/2021 10:20:16 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Please do not pass this bill. The Hawaiian people have rights to protest what is desecrating their aina. What is good for the corporations to make money is not good for the people living in the area. We have a voice and a right to let you know how this will affect our communities and our natural resources. This is hewa.

LATE

**HB-686**

Submitted on: 2/5/2021 11:08:17 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose this Bill. Trespassing and the destruction of private property is already against the law. Why are we duplicating efforts? This feels like really bad public policy. It interpret this as an agenda to criminalize peaceful protest and free speech.

Andrea Morgan

LATE

**HB-686**

Submitted on: 2/5/2021 11:17:59 AM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel	Individual	Oppose	No

Comments:

This bill is extremely wrong! How dare the ILLEGALLY OCCUPIED state of Hawai'i try to put forth a bill that will make it a Class C felony for peaceful protestors. This would go against the First Ammendment, which prohibits Congress from "*prohibiting ... the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*" This is a clear attempt to silence anyone who opposes the state and their obsession with greed, money, and further benefit corporations at the expense of exploiting the land or its people. To specify, this bill is targeting the communities struggles in Kahuku agaisnt the wind turbines and also Hu Honua on Hawai'i island. What do you plan to do once humans have completely exploited all natural resources? What will your money bring you then? Oh right, nothing because we'll all be dead because you people do not care about the environment. HEWA LOA!

LATE

**HB-686**

Submitted on: 2/5/2021 11:20:33 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Please do not create more ways for people to become felons.

There are laws against trespassing already, the electric companies don't need a special set of laws for their businesses.

LATE

**HB-686**

Submitted on: 2/5/2021 11:22:45 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I OPPOSE this bill!

LATE

**HB-686**

Submitted on: 2/5/2021 11:23:02 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose HB686. The right to peacefully protest is protected by constitutional law.

LATE

**HB-686**

Submitted on: 2/5/2021 11:27:04 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

AuÄ“, hilahila iÄ• 'oukou!



LATE

**HB-686**

Submitted on: 2/5/2021 11:27:27 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

We need our native bats

LATE

**HB-686**

Submitted on: 2/5/2021 11:32:56 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I strongly oppose this measure. It is the unwarranted establishment of a new Felony crime, proposed by one of the most anti-democratic groups in the country - the American Legislative Exchange Council (ALEC). This group is nothing but a front group for polluters like the Koch Brothers and other fossil fuel moguls. Please don't be sucked into their conspiracy theories about attacks on electrical infrastructure.

LATE

**HB-686**

Submitted on: 2/5/2021 11:56:50 AM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose this bill that proposes to suppress peaceful protest.

LATE

**HB-686**

Submitted on: 2/5/2021 12:12:28 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lauren Kamalei Stovall	Individual	Oppose	No

Comments:

I strongly oppose HB686 on the grounds that this bill seeks to criminalize environmental protestors and protectors who care about this 'Āina and how its resources are used and abused. I especially take issue with the fact that it is being introduced by Mark Nakashima, who strongly supports the dirty, wasteful, and grossly unsustainable energy project Hā« Honua. Politicians should not be introducing bills to grease the wheels for their pet projects to go through. If you need to make laws to ensure that you triumph while your opposing constituents become criminals, you do not deserve to have a job in public service. Protestors should always have the right to peacefully assemble in opposition to energy projects that do more harm than good.

Sincerely,

Lauren Kamalei Stovall

LATE

**HB-686**

Submitted on: 2/5/2021 12:17:33 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mark A. Koppel	Individual	Oppose	No

Comments:

HONORABLE COMMITTEE MEMBERS:

Testimony in STRONG OPPOSITION TO HB 686 from

Mark Koppel

Umauma

Hawaii Island

I write in STRONG OPPOSITION to HB686. This is bill written by ALEC, the right wing organization supported by the Koch Brothers. They write right wing bills and ask you to rubberstamp them.

This bill is designed SOLELY to prevent First Amendment protected Free Speech. It has nothing to do with security. Nothing at all.

Shame on you for even considering this bill. We in Hawaii believe in Free Speech.

Please OPPOSE this Fascist-inspired bill.

Mahalo

LATE

**HB-686**

Submitted on: 2/5/2021 12:17:44 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

The intentional attack against those who love and care for Hawaiian Lands is grossly shown by those we elected in office. Do what's right for Hawaii. If you care about what you're leaving for your future generations then stop attacking those trying to protect it today! Stand with the people. Mahalo.

LATE

**HB-686**

Submitted on: 2/5/2021 12:22:27 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

This is a disgraceful attempt to deny my constitutional right to peaceful protest. As citizens of the United State of America, our rights to peaceful protest are guaranteed under the Constitution. Those elected officials voting in favor of denying our constitutional rights will have their names posted on social media so that they will never again be elected to public office. To try and make peaceful protest a C class felony is an outrage!

LATE

**HB-686**

Submitted on: 2/5/2021 12:24:35 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julia Noelle Ku'ulei Hall	Individual	Oppose	No

Comments:

I strongly oppose HB686. This bill clearly goes against our first amendment rights to peacefully assemble. Further, this bill will criminalize these freedoms and rights for those scientists, scholars, and stewards of this land who are brave enough to stand in the face of land corruption and greed. Politicians such as Mark Nakashima should not be allowed to introduce bills that clearly protect their own selfish interests.

Sincerely,

Julia Noelle Ku'ulei Hall



**LATE**

# KA LĀHUI HAWAII

KŌMIKE KALAI'ĀINA

BEFORE THE HOUSE HIGHER EDUCATION AND TECHNOLOGY COMMITTEE

February 5, 2021

HOUSE BILL 686  
RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE.

Aloha Chair Takayama, DeCoite, 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,

Me ka oiai'o,

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

LATE

**HB-686**

Submitted on: 2/5/2021 12:39:05 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

Aloha. I am writing to oppose HB686. Making any kind of peaceful protest a class C felony is wrong. People should be able to voice their opinions peacefully even when opposed to projects the government deems essential. Please consider other perspectives, especially indigenous ones that might be in conflict with such projects for cultural or religious reasons.

Me ka mahalo,

Kapulani Antonio

2710 'Iolani St.

Makawao HI 96768

kapulani66@gmail.com

LATE

**HB-686**

Submitted on: 2/5/2021 12:48:11 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose this bill as we have the freedom to speak up and be heard to preserve our home lands and use it for the sustainability of the hawaiian culture.

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

**HB-686**

Submitted on: 2/5/2021 1:00:22 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I oppose HB686. This legislation threatens our given Constitutional right to protest, and thus violates our rights as citizens. NO ON HB686!

**HB-686**

Submitted on: 2/5/2021 1:01:58 PM

Testimony for HET on 2/5/2021 2:00:00 PM

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

Comments:

I am in strong opposition to this measure. I see no reason for this bill other than to criminalize individuals who are using protest as a last resort to have their voices heard in a system that marginalizes their opinions and pushes through projects that are not in the community's best interest.

This bill will not stop protest. It will just criminalize individuals who care for their communities, and further marginalize them.

**HB-686**

Submitted on: 2/5/2021 1:05:59 PM

Testimony for HET on 2/5/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marissa Baptista	Individual	Oppose	No

Comments:

Aloha! I feel HB686 is incomplete and/or requires modification because it's lacks the following items:

- Evidence detailing why current the current level of punishment necessitates elevation to a Class C felony and
- Acknowledgement of Kanaka Maoli rights to access lands for traditional, customary, and subsistence purposes as detailed in the Constitution of the State of Hawai'i, State statutes, and Hawai'i's common law.

As a Hawai'i State resident and constituent, I feel this House Bill should be tabled until further review and analysis is performed to ensure it does not conflict with existing laws and documentation.

LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

**HB-686**

Submitted on: 2/5/2021 1:45:58 PM

Testimony for HET on 2/5/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Giselle Bocon-Domen	Individual	Oppose	No

Comments:

Hilihila! We have the right to protest!