



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1035, H.D. 1, RELATING TO HOMELAND SECURITY.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Tuesday, February 28, 2023      **TIME:** 11:30 a.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Craig Y. Iha or Trista N. Speer, Deputy Attorneys General

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Chair Yamashita and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

The purpose of this bill is to establish protections for critical infrastructure information (CII) that is received or maintained by the Office of Homeland Security, on behalf of the State of Hawai'i, for use regarding the security of critical infrastructure and protected systems, analysis, warning, interdependency study, recovery, reconstitution, or other information purposes (section 1 on page 1, lines 6-11). The bill amends chapter 128A, Hawaii Revised Statutes (HRS), to protect CII from public disclosure, notwithstanding section 92F-11, HRS, or any other law to the contrary. Proper protection of CII and its confidentiality is essential to enhance the sharing of this information between infrastructure owners and operators and the state government and to ensure the protection, security, and resiliency of the State.

Section 3 of House Draft 1 of the bill on page 2, lines 14-15, limits the definition of CII to "information not subject to public disclosure under chapter 92F", HRS. This limitation makes CII subject to the same disclosure requirements as other government records under chapter 92F and defeats the purpose of this bill.

To address this concern, we recommend reverting to the definition of CII contained in the original draft of the bill by amending page 2, lines 14-17, to read as follows:

"Critical infrastructure information" means information not [~~subject to public disclosure under chapter 92F~~] customarily in the public domain and related to the security of critical infrastructure or protected systems, including documents, records, or other information concerning: . . . ."

Thank you for the opportunity to provide these comments.

JOSH GREEN  
GOVERNOR  
KE KIA'ĀINA



KENNETH S. HARA  
MAJOR GENERAL  
ADJUTANT GENERAL  
KA 'AKUKANA KENELALA

STEPHEN F. LOGAN  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL  
KA HOPE 'AKUKANA KENELALA

STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
**KA 'OIHANA PILI KAUA**  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 1035  
RELATING TO HOMELAND SECURITY  
BEFORE THE HOUSE COMMITTEE ON FINANCE

BY

MAJOR GENERAL KENNETH S. HARA  
ADJUTANT GENERAL  
DIRECTOR OF HAWAII EMERGENCY MANAGEMENT AGENCY  
AND HOMELAND SECURITY ADVISOR

FEBRUARY 28, 2023

Aloha Chair Yamashita, Vice-Chair Kitagawa, and members of the committee:

I am Major General Kenneth Hara, Adjutant General, Director of Hawaii Emergency Management Agency, and Homeland Security Advisor, State of Hawaii, Department of Defense.

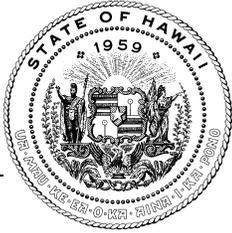
The Department of Defense (DEF) provides written testimony in **SUPPORT** of HB1035.

This measure would establish protections for critical infrastructure information that is received or maintained by the Hawaii Office of Homeland Security (OHS). The proposed protections are aligned with those under the Critical Infrastructure Information Act of 2002 and would enhance the sharing of critical infrastructure information between owners and operators and the State of Hawaii. Providing homeland security partners additional reassurance that their shared proprietary information will be protected.

The holding and protection of this information is crucial for OHS in supporting the security and resilience of the State of Hawaii.

Thank you for the opportunity to provide testimony in **SUPPORT** of HB1035.

MG Kenneth S. Hara, [Kenneth.s.hara@hawaii.gov](mailto:Kenneth.s.hara@hawaii.gov); 808-672-1001  
Frank Pace, Administrator: [frank.j.pace@hawaii.gov](mailto:frank.j.pace@hawaii.gov), 808-369-3570



# HAWAII STATE ENERGY OFFICE STATE OF HAWAII

JOSH GREEN, M.D.  
GOVERNOR

MARK B. GLICK  
CHIEF ENERGY OFFICER

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Testimony of  
**MARK B. GLICK, Chief Energy Officer**

before the  
**HOUSE COMMITTEE ON FINANCE**

Tuesday, February 28, 2023  
11:30 AM  
State Capitol, Conference Room 308 and Videoconference

In SUPPORT of  
**HB 1035, HD1**

**RELATING TO HOMELAND SECURITY.**

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee, the Hawai'i State Energy Office (HSEO) supports HB 1035, HD1, which establishes protections for critical infrastructure information that is received or maintained by the Office of Homeland Security (OHS) for use regarding the security of critical infrastructure.

HSEO collaborates with OHS on planning activities related to the protection and resilience of critical energy infrastructure that often requires sensitive information and data from critical infrastructure owners and operators. This measure would offer strong reassurance that proprietary information and data shared with OHS will have statutory protection. Further, it is also important that confidentiality will be maintained and extended as OHS works closely with agencies such as HSEO.

Thank you for the opportunity to testify.

**JOSH GREEN**  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
**KA 'OIHANA PILI KAUA**  
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STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
HAWAII OFFICE OF HOMELAND SECURITY

TESTIMONY ON HOUSE BILL 1035  
RELATING TO HOMELAND SECURITY  
BEFORE THE HOUSE COMMITTEE ON FINANCE

BY

FRANK J. PACE  
ADMINISTRATOR  
HAWAII OFFICE OF HOMELAND SECURITY

FEBRUARY 28, 2023

Aloha Chair Yamashita, Vice-Chair Kitagawa, and members of the committee:

I am Frank Pace, Administrator for the Hawaii Office of Homeland Security. Thank you for the opportunity to submit testimony in **SUPPORT** of HB1035.

This bill would establish protections for critical infrastructure information that is received or maintained by the Office of Homeland Security (OHS) – on behalf of the State of Hawaii - for use regarding the security of critical infrastructure and protected systems, analysis, warning, interdependency study, recovery, reconstitution, or other informational purposes.

To succeed in the legislated responsibilities of the State regarding protection of critical infrastructure under chapter 128A, Hawaii Revised Statutes, it is necessary to establish state-based protections for critical infrastructure information.

The protections offered by this bill will enhance sharing of critical infrastructure information between infrastructure owners and operators and the state government. Critical infrastructure information protected under the bill is crucial for OHS for direct support of the security and resilience of the State of Hawaii. The protections will provide homeland security partners reassurance that their proprietary information provided to the State of Hawaii government will be protected.

**JOSH GREEN**  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII  
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KA HOPE 'AKUKANA KENELALA

If passed, this measure would establish protections for the critical infrastructure information that is received and/or maintained by OHS on par with the protections that our federal counterpart, the Department of Homeland Security, can afford to those entities under the Critical Infrastructure Information Act of 2002. With ever-increasing threats across all the critical infrastructure sectors nationwide, the ability to offer commiserate protections to those entities within the state is paramount. The protections give the Office of Homeland Security added ability to truly partner with the critical infrastructure entities within the state crucial to the security and resilience of the State of Hawaii.

Thank you for the opportunity to provide testimony in SUPPORT of HB1035.

Frank Pace, Administrator: [frank.j.pace@hawaii.gov](mailto:frank.j.pace@hawaii.gov), 808-369-3570

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: House Committee on Finance

From: Cheryl Kakazu Park, Director

Date: February 28, 2023, 11:30 a.m.  
State Capitol, Conference Room 308

Re: Testimony on H.B. No. 1035, H.D. 1  
Relating to Homeland Security

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Thank you for the opportunity to submit testimony on this bill, which would create a confidentiality requirement for “critical infrastructure information” held by the Office of Homeland Security. The Office of Information Practices (OIP) testified previously to recommend an amendment to the definition of “critical infrastructure information.” That amendment was made in the H.D. 1 and **OIP has no further concerns regarding this bill.**



**Hawaiian  
Electric**

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON FINANCE**

**HB 1035, HD 1**

**Relating to Homeland Security**

February 28, 2023

11:30 am, Agenda Item #2

State Capitol, Conference Room 308, via videoconference

Lisa Dangelmaier

Director, System Operations (Hawaii-Maui)

Hawaiian Electric

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

I am testifying on behalf of Hawaiian Electric in support of HB 1035 HD 1.

If enacted, this bill would provide assurances that information about our critical infrastructure shared during emergency events will be kept confidential. This would be useful when providing transmission system diagrams for emergency situations, when Hawaiian Electric is involved in discussing potential community impacts. For example, Hawaiian Electric shared critical infrastructure information with government entities when we were involved in considering the potential impact on the electric system associated with the recent lava flow on the Big Island on the electric system. This type of shared information should remain confidential.

Accordingly, Hawaiian Electric supports H.B. No. 1035 HD 1. Thank you for this opportunity to testify.

**HB-1035-HD-1**

Submitted on: 2/25/2023 5:08:49 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB1035, HB1036 & HB1037. No to the Homeland Security Fusion Center; no to militarization of police forces; no to the police state.