

STAND. COM. REP. NO.

167

Honolulu, Hawaii

FEB 11 , 2021

RE: H.B. No. 686  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Higher Education & Technology, to which was referred H.B. No. 686 entitled:

"A BILL FOR AN ACT RELATING TO CRITICAL ELECTRICAL  
INFRASTRUCTURE,"

begs leave to report as follows:

The purpose of this measure is to protect the public and critical electrical utilities by establishing the offense of trespassing on critical electrical infrastructure and making the offense a class C felony.

Your Committee received testimony in support of this measure from the Department of Transportation; Hawaii State Fire Council; Honolulu Fire Department; Maui Fire Department; Honolulu Police Department; Hawaiian Electric Company, Inc.; and Land Use Research Foundation of Hawaii. Your Committee received testimony in opposition to this measure from the Friends of Lana'i, Sierra Club of Hawaii, Pele Lani Farm LLC, Ka Lāhui Hawai'i Kōmike Kalai'āina, and numerous individuals. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and one individual.

Your Committee finds that this measure is intended to protect Hawaii's critical electrical infrastructure by making criminal trespass on critical electrical infrastructure a class C felony to

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serve as a greater deterrent. While this measure seeks to prevent theft of and damage to critical electrical infrastructure, it is also intended to prevent authorized persons who access critical electrical infrastructure from endangering themselves, while protecting electric utility employees from the dangers of compromised electrical infrastructure.

Your Committee notes the concerns raised by the opposition and acknowledges that criminal trespass laws already exist. As such, should your Committee on Judiciary & Hawaiian Affairs choose to hear this measure, your Committee asks that it consider whether it is appropriate to make criminal trespass on critical infrastructure a class C felony or whether existing trespass laws, which are a misdemeanor and petty misdemeanor, suffice in accomplishing the intention of this measure.

Your Committee further notes that this measure is not intended to interfere with peaceful demonstrations or lawful protests.


Your Committee has amended this measure by:

- (1) Removing power generation facilities used specifically during times of high demand from the definition of "critical electrical infrastructure"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education & Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 686, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 686, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on  
behalf of the members of the  
Committee on Higher Education &  
Technology,

  
\_\_\_\_\_  
GREGG TAKAYAMA, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

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**Record of Votes of the Committee on Higher Education & Technology**

Bill/Resolution No.: <b>HB 686</b>	Committee Referral: <b>HET, JHA</b>	Date: <b>2-5-21</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HET Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	✓			
2. DeCOITE, Lynn (VC)	✓			
3. BELATTI, Della Au	✓			
4. GANADEN, Sonny			✓	
5. GATES, Cedric Asuega	✓			
6. HASHIMOTO, Troy N.	✓			
7. KAPELA, Jeanne			✓	
8. OHNO, Takashi	✓			
9. QUINLAN, Sean	✓			
10. WOODSON, Justin H.	✓			
11. YAMANE, Ryan I.	✓			
12. OKIMOTO, Val	✓			
<b>TOTAL (12)</b>	<b>10</b>	<b>0</b>	<b>2</b>	<b>0</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u><i>Lynn DeCoite</i></u>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				