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Senate Bill 33 Sponsor Testimony

Chair Callender, Vice Chair Wilkin, Ranking Member Smith and Members of the House Public Utilities Committee, thank you for allowing me the opportunity to present sponsor testimony on Senate Bill 33. This bill, the “Ohio Critical Infrastructure Protection Act,” is written to provide much needed safeguards for our state’s critical infrastructure.

In the past several years, there has been a heightened focus on critical infrastructure and associated facilities. On the Positive side, this means that people are beginning to understand how critical infrastructure safely delivers products that are essential for modern life. On the other hand, some individuals and organizations are going beyond the scope of peaceful protest and are targeting such facilities. This not only puts facilities and workers at risk, but also the end users. There have been numerous incidents in which individuals and groups, alike, have attempted to disrupt operations at facilities and/or damage critical infrastructure in the name of “protest.”

For example, several reports reference the tampering with of valves and control systems at pipeline facilities. This may sound like a minor act, but the activation of valves during improper times or at improper settings can create extremely dangerous situations throughout transport lines or at energy generating facilities, putting others in unnecessary jeopardy. Another example being on-site construction equipment being intentionally set on fire. The facilities that are often the targeted by such actions provide essential energy, communications and other vital services and products to the entire state of Ohio and, in some cases, the country as several sections of national critical infrastructure cross our state.

Senate Bill 33 seeks to discourage and, frankly, deter such incidents spreading to Ohio by stepping up the penalties associated with certain types of wrongful acts. Specifically, the bill before this committee would punish certain acts such as criminal mischief, criminal trespass and aggravated trespass committed at a critical infrastructure facility or site. It will also impose fines on those individuals and/or organizations found to be complicit in such offenses, and impose civil liability for damages caused by such wrongful acts at critical infrastructure facilities.

To be clear, Senate Bill 33 is not an attempt to restrict anyone’s First Amendment right of free speech or one’s ability to protest peacefully. I would, actually, encourage citizens to exercise their right to free speech in the proper manner and to voice their opinion – I spent my entire military career defending The People’s right to do just that.

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As you may recall, I introduced Senate Bill 250 during the 132nd General Assembly, which passed in the Senate with bi-partisan support. Our office has worked tirelessly to take into account the opinions and concerns of many individuals, my fellow legislators, organizations and agencies, in order to craft a bill not only focused on increased security for critical infrastructure facilities but also the proper level of safety for **ALL** individuals – protestors, workers, and the citizens of Ohio that would be affected, should such an incident occur.

This proposed legislation is aimed at those who cross the line and intentionally damage critical infrastructure and, in turn, place the facilities and, more importantly, the workers and citizens of Ohio in jeopardy. For your reference, I have attached a flyer from an “action camp” in Monroe County and an excerpt from the Federal Register detailing a coordinated effort of individuals to tamper with pipelines in other states. In response to the uptick in attention regarding critical infrastructure facilities and the increased protesting on or near such facilities, roughly 16 states have put forth legislation pertaining to critical infrastructure protective and preemptive measures. Six states have currently enacted legislation.¹

There are many Ohio companies and organizations that support this legislation and you will be hearing from them throughout the committee process. I’d like to thank you for your time and urge your favorable consideration of Senate Bill 33. I am more than happy to answer any questions.

¹ <http://www.icnl.org/usprotestlawtracker/>