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Governor

**SHAN S. TSUTSUI**  
Lt. Governor



State of Hawaii  
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**SCOTT E. ENRIGHT**  
Chairperson, Board of Agriculture

**PHYLLIS SHIMABUKURO-GEISER**  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE**

February 4, 2016  
8:30 A.M.  
CONFERENCE ROOM 312

**HOUSE BILL NO. 1996 HD1**  
**RELATING TO AGRICULTURE**

Chairperson Tsuji and Members of the Committee:

Thank for the opportunity to testify on House Bill No. 1996 HD1. The bill proposes to establish a two-year pilot project to investigate and prosecute agricultural theft and vandalism. The bill will dedicate an enforcement officer specifically to prosecuting agricultural theft and agricultural vandalism incidences in the county of Hawaii; identify best practices for prevention and provide recommendations for a statewide program to address agricultural theft and agricultural vandalism. The department supports this bill provided that it does not impact the priorities submitted in the department's executive budget.

Agricultural theft and agricultural vandalism have been a constant problem for farmers on the island of Hawaii, increasing the cost of production and preventing farming operations to be successful. The vast farming land area on the island of Hawaii and limited law enforcement officers make it difficult to capture perpetrators.

Thank you for the opportunity to testify on this measure.



**MITCHELL D. ROTH**  
PROSECUTING ATTORNEY

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FIRST DEPUTY  
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## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF HOUSE BILL 1996 HD1

A BILL FOR AN ACT RELATING TO AGRICULTURE

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Thursday, February 16, 2016, 2:00 p.m.  
State Capitol, Conference Room 325

Honorable Chair Rhoads, Vice-Chair San Buenaventura, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1996 HD1.

This measure establishes a two-year Agricultural Theft Pilot Project in the Department of Agriculture to focus on investigating and prosecuting agricultural theft and agricultural vandalism in the County of Hawai'i. Appropriates funds.

Agricultural theft and vandalism in the county of Hawai'i is not only an impediment to running a successful and profitable farming operation, but can also prove harmful to consumers. In 2011, the Food and Drug Administration (FDA) halted the importation of all Mexican-sourced papayas into the United States. The FDA found salmonella in about 16% of imported papayas from Mexico and the finding of this human pathogen in papayas caused the FDA to stop the importation of a food-source from the entire country of Mexico. We cannot allow this to happen here. At the time, 65% of all U.S. imported papayas came from Mexico.

Hawai'i county is the breadbasket of the State. Having the ability to identify and track the sources of agricultural products from field to table is crucial in the event a contamination is found to exist.

Agricultural theft is a serious, ongoing problem statewide, with farmers reporting the theft of crops, animals, equipment/tools, and vandalized fences and gates. Much of the theft and trespass goes unreported, as a result, the actual losses can only be estimated, but are believed by many industry experts to run from hundreds of thousands of dollars to millions annually. This pilot project will provide an enforcement officer within the county of Hawai'i with the ability to focus on investigating and prosecuting these agricultural issues, as our over-tasked police department does not have the ability to provide a permanent officer to investigate agricultural crimes.

This pilot project has the capability to increase the safety and sustainability of our farming and agricultural industry by allowing farmers to focus less on the security of their crops and more on high-quality products and safe farming techniques. By having a committed investigator when crime, vandalism, or contamination of our agricultural products occur, we will be able to act swiftly and decisively to tackle the issues.

The Office of the Prosecuting Attorney, County of Hawai‘i supports the passage of House Bill No. 1996 HD1. Thank you for the opportunity to testify on this matter.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 15, 2016 8:15 PM  
**To:** JUDtestimony  
**Cc:** wwalter@whshipman.com  
**Subject:** Submitted testimony for HB1996 on Feb 16, 2016 14:00PM

**HB1996**

Submitted on: 2/15/2016

Testimony for JUD on Feb 16, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
William Walter	W. H. Shipman, Limited	Support	No

Comments: Agricultural theft is a major problem across the State, causing hard working farmers to lose tens of thousand of dollars worth of product and equipment every year. At the same time, as a police and dispatch matter, it is hard to get resources to stop theft which often at the inception looks like trespass. This bill would provide a pilot program to put in place officers whose sole job is stopping agricultural theft - so they could not be pulled away by other priorities. The farmers of the State need this assistance as we continue to try to find ways to solve our theft problems with resources focused on solutions. Please support this bill!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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# Hawaii Floriculture and Nursery Association

Testimony for the Twenty Eighth Legislature, 2016  
State of Hawaii

## COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Joy A. San Buenaventura, Vice Chair

TUESDAY FEBRUARY 16, 2016

2:00 P.M.

Conference Room 325

State Capitol

415 South Beretania Street

A bill for an act

### **HB1996 HD1 RELATING TO AGRICULTURE.**

My name is Eric S. Tanouye and I am the President for the Hawaii Floriculture and Nursery Association. HFNA is a statewide umbrella organization with approximately 300 members. Our membership is made up with breeders, hybridizers, propagators, growers, shippers, wholesalers, retailers, educators, and the allied industry, which supports our efforts in agriculture.

The Hawaii Floriculture and Nursery Association (HFNA) **SUPPORTS** House **Bill 1996 HD1.**

Our industry has noticed an increase in theft targeting Agriculture and agree that steps do need to be taken to help ease the burden off farmers.

We find it unfortunate that farms are being viewed as an easy source of theft due to their size and open nature. My own farm of Green Point Nurseries has been a victim of theft, with vehicles and farm equipment and supplies being stolen. We feel the need to patrol our farms at night and worry that we will be unable to work the next day with tools and supplies gone missing, or that all of our hard work will go towards replacing the items that were stolen.

HFNA supports this bill that will help everyone understand this problem that is facing agriculture and hope that it will help farmers to continue to be farmers.

We thank you for your consideration of HB1996 HD1. If you have any questions at this time, I would be happy to discuss them and can be reached by phone at 808-959-3535 ext 22, cell 960-1433 and email [eric@greenpointnursery.com](mailto:eric@greenpointnursery.com).



# Hawaii Floriculture and Nursery Association

Supporting Agriculture and Hawaii,



Eric S. Tanouye  
President

Hawaii Floriculture and Nursery Association



**Hawaii Cattlemen's Council, Inc.**

**COMMITTEE ON JUDICIARY**  
**REPRESENTATIVE KARL RHOADS, CHAIR**  
**REPRESENTATIVE JOY A. SAN BUENAVENTURA, VICE CHAIR**

DATE: Thursday, February 16, 2016  
TIME: 2:00 PM  
PLACE: Conference Room 312

**HB 1996 HD1 – RELATING TO AGRICULTURE.**

Establishes a two-year Agricultural Theft and Vandalism Pilot Project in the Department of Agriculture to focus on investigating and prosecuting agricultural theft and agricultural vandalism in the County of Hawaii. Appropriates funds.

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

My name is Dale Sandlin, and I am Managing Director of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 140+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **strongly supports** HB 1996 HD1 as this bill addresses agricultural theft and vandalism, issues felt in all agricultural industries in Hawaii.

This issue has become a major problem for ranchers across the state. Many ranchers feel the effects from the actions of trespassers. These include the cut fences, damage to infrastructure, vandalism and damage to farm infrastructure and theft of private property.

Ranchers often experience stretches of fence that have been cut or laid down. Up to 800 feet of fence in one stretch has been found destroyed by the actions of these trespassers. At times these pastures can contain cattle or other livestock and the trespassers actions produce an access point for the livestock to get out. This can lead to other unintended consequences including an animal loose on the roadway or onto a neighboring residential property and could lead to a threat to the animal's safety and that of the public safety.

Damages to infrastructure can also be very costly. Many ranchers utilize gravity flow water systems with flexible pipe to serve remote water troughs for their cattle. Some ranchers have discovered these flexible pipes broken by trespassers, causing great expense to fix these issues.

Our ranchers have also experienced theft of private property including gas cans, chains, spotlights, or anything that they can be easily removed. Ranchers and farmers have installed large and elaborate locking systems to secure their private property and protect themselves from theft and vandalism. Also, gates have been pulled down and boulders that were placed to prevent access have been removed hours after being installed.

The penalties for trespassing carry little penalty and are difficult to prove. This pilot program should help to address these issues.

We ask this committee pass this important measure and we appreciate the opportunity to provide this testimony.





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February 16, 2016

HEARING BEFORE THE  
HOUSE COMMITTEE ON JUDICIARY

TESTIMONY ON HB 1996, HD1  
RELATING TO AGRICULTURE

Room 325  
2:00 PM

Aloha Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

**HFB strongly supports HB 1996, HD1**, which would establish a two-year agricultural theft pilot project to work with the county of Hawaii to hire an enforcement officer within the county of Hawaii to focus on investigating and prosecuting agricultural theft.

Agricultural theft and vandalism are persistent problems facing agriculture. Weather, drought, pests, weeds, disease, activists, unstable markets, transportation and labor issues, and a changing climate all contribute to uncertainty for farmers and ranchers. Few businesses face such challenges, yet we are charged with producing food, fiber, fuel and flowers for the 99% of non-farmers. Add in the constant threat and impacts of trespass, theft and vandalism, and it's a wonder farms and ranches remain viable.

In working with our members, HDOA, and law enforcement, we have collectively concluded that a dedicated enforcement officer housed in the county prosecutor's office would be a giant step forward in minimizing agricultural crimes and enhancing public safety. Too often a farmer or rancher has sweated, worried, and worked to the bone to produce a crop, only to wake up one morning to find that an opportunistic criminal has helped himself to the harvest. Farmers and ranchers are fed up with this activity and frankly, deserve better. We understand that law enforcement resources are often prioritized for public health and safety. Is the health, safety and livelihood of a farmer and his family any less important? We think not.

Thank you for the opportunity to comment on this measure.





February 12, 2016

Representative Karl Rhoads, Chair  
Representative Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary

**Comments in Support of HB 1996, H.D.1, Relating to Agriculture.  
(Establishes a two-year Agricultural Theft and Vandalism Pilot Project in  
the Department of Agriculture (DOA) to focus on investigating and  
prosecuting agricultural theft and agricultural vandalism in the County of  
Hawaii. Appropriates funds.)**

**Tuesday, February 16, 2016, 2:00 p.m., in Conference Room 325**

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 a utility company. 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 provide comments **in support of HB 1996, H.D.1.**

**HB 1996, H.D.1.** This bill proposes to establish in the DOA, a two-year agricultural theft and vandalism pilot project to focus on investigating and prosecuting agricultural theft and vandalism in the county of Hawaii. The effort involves partnering between DOA and the County of Hawaii to hire an enforcement officer within the prosecuting attorney's office or any other law enforcement agency to assess the implementation of the pilot project, including the project's effectiveness after two years.

**LURF's Position.** LURF fully supports the intent of HB 1996, H.D. 1, which is to protect farmers who have been the victims of agricultural theft and vandalism for years and have reportedly suffered losses totaling millions of dollars. Currently, it is difficult for law enforcement agencies to enforce the agricultural theft and vandalism laws in effect. LURF understands that farmers have, in the past, initiated contact with the police in an attempt to work toward more effective enforcement efforts, but that such undertakings have proved unsuccessful.

The proposed pilot project should assist in, amongst other things, identifying best practices for prosecuting perpetrators of, and preventing agricultural theft and vandalism; and making recommendations for a statewide program to address this critical issue.

The bill confirms the need for collaboration amongst diverse sectors of the community - business, government, and agricultural stakeholders - and the importance for them to work together cooperatively to improve the economic viability of the State's agricultural industry.

LURF therefore **supports HB 1996, H.D.1** as an effort to promote the importance of the issue raised by the bill, as well as the issues relating to the enforcement of agricultural theft and vandalism laws. LURF further respectfully requests that the proposed project allow input by all stakeholders, including, but not limited to farmers and ranchers, government and law enforcement agencies, and legal experts in order that all interested parties may arrive at a consensus regarding the pilot project and any future statewide program that may be developed as a result.

Thank you for the opportunity to present testimony regarding this matter.



## We Grow 93% of Hawaii Island Agriculture Crops

~ 625,000 acres of land in production ~ \$194 Million in Revenue ~

### TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON JUDICIARY

FEBRUARY 16, 2016

#### TESTIMONY ON HB 1996 – RELATING TO AGRICULTURE THEFT

#### Founding Association Members

Hawaii Papaya Industry  
Association (HPIA)

Hawaii Cattlemen's Council

Big Island Banana Growers

Hamakua, Hilo & Kohala Farm  
Bureau Counties

Hawaii Floriculture & Nursery  
Association

STRONGLY SUPPORT

**LATE**

Aloha Chair Rhoads and Committee Members,

My Name is Lorie Farrell; I am the Project Director for Hawaii Farmers and Ranchers United, Mahalo for allowing us to testify on this matter.

Agriculture theft is a huge problem for Hawaii Island and across the State. Big Island is the perfect location for this pilot project as we have suffered tremendous ag theft losses. I have watched as farmers have ceased farming due to their ag losses; many are unaware of how theft and vandalism impact our farmers futures. We need to take every opportunity to thwart ag theft.

We encourage you to pass HB 1996 as it Supports Ag sustainability, preserving agriculture's future.

Thank you for your consideration in this matter.

Lorie Farrell  
Hawaii Farmers & Ranchers United

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 10:38 AM  
**To:** JUDtestimony  
**Cc:** lorie.farrell@gmail.com  
**Subject:** Submitted testimony for HB1996 on Feb 16, 2016 14:00PM

**HB1996**

Submitted on: 2/16/2016

Testimony for JUD on Feb 16, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lorie Farrell	Individual	Support	No

Comments: I STRONGLY Support this Bill, Ag Theft is a huge problem for Hawaii farmers. Over the years I have witness farmers going out of business do to theft, it needs to be curtailed.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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