

HB 1996,
HD1

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TESTIMONY IN SUPPORT OF HOUSE BILL 1996, HD1

A BILL FOR AN ACT RELATING TO AGRICULTURE

COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Sen. Clarence K. Nishihara, Chair
Sen. Will Espero, Vice Chair

COMMITTEE ON WATER, LAND, AND AGRICULTURE

Sen. Mike Gabbard, Chair
Sen. Clarence K. Nishihara, Vice Chair

Friday, March 18, 2016, 2:45 P.M.
State Capitol, Conference Room 224

Honorable Chairs Nishihara and Gabbard, Honorable Vice-Chairs Espero and Nishihara, and Members of the Committees on Public Safety, Intergovernmental, and Military Affairs and Water, Land, and Agriculture, 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 the office of -
Council Member
District 4 – Puna Makai



Office: (808) 965-2712
Fax: (808) 965-2707
Email: gilagan@hawaiiicounty.gov

GREGGOR ILAGAN

25 Aupuni Street, Hilo, Hawai'i 96720

March 15, 2016

The Honorable, Clarence K. Nishihara Chair
Committee on Public Safety, Intergovernmental, and Military Affairs

The Honorable Mike Gabbard
Committee on Water, Land, and Agriculture

Dear Chair Nishihara, Chair Gabbard, and Joint Committee members,

Thank you for the opportunity to write in support of HB 1996, HD 1. This bill establishes under the Department of Agriculture a two-year agricultural theft and vandalism pilot project in Hawai'i County.

I have met with farmers in Puna who have been victims of the crime of ag theft, and with Prosecuting Attorney Mitch Roth, about the need for efforts to tackle the problem.

The district of Puna, a portion of which I represent on the Hawai'i County Council, has been in agricultural production for more than a century. Beginning with sugar plantations and continuing to the present day with diversified crops like papayas, macadamia nuts, avocados, ornamental flowers, and livestock. As a result, Puna is particularly susceptible to ag theft, although it is a problem among all districts.

Agricultural theft and vandalism have wide-ranging impacts in the form of lost income for farmers and higher food costs for customers.

Again, I thank you for the opportunity, and for your consideration of this bill.

Sincerely,

Greggor Ilagan
Council Member



March 11, 2016

Senator Clarence K. Nishihara, Chair
Senator Will Espero, Vice Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair
Senate Committee on Water, Land, and Agriculture

**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.)**

Friday, March 18, 2016, 2:45 p.m., in Conference Room 224

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.



Hawaii Floriculture and Nursery Association

Testimony for the Twenty Eighth Legislature, 2016
State of Hawaii

**COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS**

Senator Clarence K. Nishihara, Chair
Senator Will Espero, Vice Chair

COMMITTEE ON WATER, LAND, AND AGRICULTURE

Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

Friday, March 18, 2016
2:45 p.m.
Conference Room 224
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.

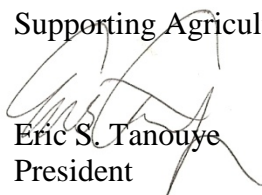
HFNA supports this bill that will help everyone understand this problem that is facing agriculture and hope that it will help farmers to continue to be farmers.



Hawaii Floriculture and Nursery Association

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.

Supporting Agriculture and Hawaii,



Eric S. Tanouye

President

Hawaii Floriculture and Nursery Association



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 18, 2016

HEARING BEFORE THE
SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS

TESTIMONY ON HB 1996, HD1
RELATING TO AGRICULTURE

Room 24
2:45 PM

Aloha Chair Gabbard, Chair Nishihara, Vice Chair Espero, and Members of the Committees:

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.

From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: warrenmcfb@gmail.com
Subject: *Submitted testimony for HB1996 on Mar 18, 2016 14:45PM*
Date: Wednesday, March 16, 2016 10:39:17 PM

HB1996

Submitted on: 3/16/2016

Testimony for WLA/PSM on Mar 18, 2016 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------|-------------------------|--------------------|--------------------|
| Warren Watanabe | Maui County Farm Bureau | Support | No |

Comments:

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Hawaii Cattlemen's Council, Inc.

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATOR WILL ESPERO, VICE CHAIR

COMMITTEE ON WATER, LAND, AND AGRICULTURE
SENATOR MIKE GABBARD, CHAIR
SENATOR CLARENCE K. NISHIHARA, VICE CHAIR

DATE: Friday, March 18, 2016
TIME: 2:45 p.m.
PLACE: Conference Room 224

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.

Chairs Nishihara & Gabbard, Vice Chairs Espero & Nishihara, Members of the Committees:

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.



From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: gottlieb@hawaii.rr.com
Subject: *Submitted testimony for HB1996 on Mar 18, 2016 14:45PM*
Date: Tuesday, March 15, 2016 12:09:05 PM

HB1996

Submitted on: 3/15/2016

Testimony for WLA/PSM on Mar 18, 2016 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|----------------|-----------------------|-----------------------|
| Alan Gottlieb | Ponoholo Ranch | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: surfgeorge@yahoo.com
Subject: *Submitted testimony for HB1996 on Mar 18, 2016 14:45PM*
Date: Tuesday, March 15, 2016 9:57:57 AM

HB1996

Submitted on: 3/15/2016

Testimony for WLA/PSM on Mar 18, 2016 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|-----------------------|-----------------------|
| George Pace | Individual | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: ashman.janet@gmail.com
Subject: Submitted testimony for HB1996 on Mar 18, 2016 14:45PM
Date: Thursday, March 17, 2016 7:36:44 PM

HB1996

Submitted on: 3/17/2016

Testimony for WLA/PSM on Mar 18, 2016 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|-----------------------|-----------------------|
| J Ashman | Individual | Support | No |

Comments: Please vote in support of this bill to help farmers combat agricultural theft and vandalism. Criminals know that farmers and ranchers are easy targets and that the police department is short staffed, with other priorities. Farmers who repeatedly lose their crops and equipment to thieves cannot keep farming. Thank you.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: gordines@kauaiflowers.com
Subject: *Submitted testimony for HB1996 on Mar 18, 2016 14:45PM*
Date: Tuesday, March 15, 2016 12:12:42 PM

HB1996

Submitted on: 3/15/2016

Testimony for WLA/PSM on Mar 18, 2016 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|-----------------------|-----------------------|
| John R. Gordines | Individual | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: jonikamiya@gmail.com
Subject: Submitted testimony for HB1996 on Mar 18, 2016 14:45PM
Date: Wednesday, March 16, 2016 1:20:16 PM

HB1996

Submitted on: 3/16/2016

Testimony for WLA/PSM on Mar 18, 2016 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Joni Kamiya | Individual | Support | No |

Comments: Aloha Chairs and Committee Members, I ask you to support this bill to address a major problem in the ag community. There is so much talk about growing local food and supporting farms, however, action to actually undertake that effort is lacking. If we want to grow Hawaii, we need to look at all the issues that stop this from meeting its potential. Ag theft is a huge factor that farmers must face. Please support this bill and take action to show the farmers you support them.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: kevinjmulkern@gmail.com
Subject: *Submitted testimony for HB1996 on Mar 18, 2016 14:45PM*
Date: Thursday, March 17, 2016 10:16:44 AM

HB1996

Submitted on: 3/17/2016

Testimony for WLA/PSM on Mar 18, 2016 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------|-----------------------|-----------------------|
| Kevin Mulkern | Individual | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: susan.mulkern@gmail.com
Subject: *Submitted testimony for HB1996 on Mar 18, 2016 14:45PM*
Date: Thursday, March 17, 2016 10:13:05 AM

HB1996

Submitted on: 3/17/2016

Testimony for WLA/PSM on Mar 18, 2016 14:45PM in Conference Room 224

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------------|--------------|-----------------------|-----------------------|
| Susan Shaheen Mulkern | Individual | Support | No |

Comments:

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