

NEIL ABERCROMBIE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

JAMES J. NAKATANI
Deputy to the Chairperson

**TESTIMONY OF RUSSELL KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE
February 11, 2011
9:00 A.M.

**HOUSE BILL NO. 12
RELATING TO PLANT THEFT**

Chairperson Tsuji and Members of the Committee:

Thank you for this opportunity to provide testimony on HB 12 relating to plant theft. The bill seeks to require a person sentenced for an offense involving theft of an agricultural product or commodity, make payment to the property owner for the value of the stolen agricultural product or commodity and the cost of replanting the agricultural product or commodity. The Department strongly supports this bill and respectfully requests to include the addition of repayment for damages caused by vandalism.

The value of agricultural theft and vandalism losses totaled millions of dollars. For example, the recent vandalism of papaya fields on Oahu and the Big Island resulted in substantial financial losses to the farmers on current and future production. Income that would have been earned by the vandalized trees will not be available to sustain the current operation as the fields must be replanted. This action could conceivably displace the production of locally grown papayas.

Thank you for the opportunity to testify on this measure.





PO Box 42
Waimanalo, HI 96795-0042
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Fax: (808) 259-9813
E-mail: waa@hawaii.rr.com

Waimanalo Agricultural Association

February 10, 2011

Rep. Cliff Tsuji
Hawaii State Capitol, Room 402
415 So. Beretania Street
Honolulu, Hawaii 96813

Dear Rep. Tsuji:

RE: HB 12 Pertaining to ag theft

Rep. Cynthia Thielen has introduced HB 12 which would add to the current law on agricultural theft. This is drafted similar to the graffiti law. The Waimanalo Agricultural Association represents most of the farmers in Waimanalo and we all feel that this could further enhance the law as it is today. We have suffered numerous thefts and have had to deal with this problem for years. The more we can deter these thefts, the better it would be.

Mahalo,

Clifford Migita
President WAA



Hawaii Floriculture & Nursery Association

Testimony for the Twenty Sixth Legislature, 2011
State of Hawaii
Conference Room 312

Friday, February 11, 2011 9:00 A.M.

A bill for an act
HB 12 Relating to Plant Theft

House Committee on Agriculture
Honorable Chairperson Rep. Clift Tsuji
And
Committee Members

Supporting HB 12 Relating to Plant Theft

My name is Eric S. Tanouye and I am the pro-tem 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.

We **support** this bill that would require a person who steals agriculture products or commodities to pay the property owner the value of the stolen product and cost of replanting. This bill will reinforce the fact that agriculture products take time and effort to produce and that value should be repaid to the property owner when that value is taken and ranchers and farmers should be able to recover the loss from theft. The fine will also work as an additional deterrent to those stealing from farmers and ranchers.

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
Pro-Tem President
Hawaii Floriculture and Nursery Association



Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743
Phone (808) 885-5599 • Fax (808) 887-1607
e-mail: HCattlemens@hawaii.rr.com

HOUSE COMMITTEE ON AGRICULTURE
Friday February 11, 2011 9:00 a.m. Room 312

HB 12 RELATING TO PLANT THEFT.

Requires a person who steals agricultural products or commodities to pay the property owner the value of the stolen product and the cost of replanting.

Chairman Tsuji, Vice Chair Hashem and Members of the Committee:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chair for 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 130+ 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 **supports HB 12, with a suggested change** to add livestock to the definition of "agricultural product or Commodity: on lines 14-18 of page 1.

Livestock Theft is a huge concern to cattle ranchers and other livestock producers across the state.

Property damage, to livestock, damaged fences, stealing of agriculture products can be irreversible for the landowner or operator. Thousands of dollars are spent per year in repairing damages created by trespassers and it affects the economic survival for all ag commodities. We are often easy targets because of our remote locations, easy access and limited surveillance. We have a responsibility to be good stewards of our land and trespassers make it difficult to continue that without proper consequences.

In closing, agricultural product theft, including livestock, can ultimately create intense damage to our agricultural economy and this needs to be prevented by stricter laws and stiffer fines. We need to increase advocacy for farmers and ranchers who want to continue to produce food in an efficient, profitable, and responsible manner. Government needs to protect the intrinsic value of ranchers and farmers for the present and the future, by making greater efforts to limit liability of all agricultural landowners and HB 12 will help create that.

Thank you for giving me the opportunity to testify in favor of this very important issue.



Food Company Hawaii
1116 Whitmore Avenue • Wahiawa, Hawaii 96786

HOUSE COMMITTEE ON AGRICULTURE
Friday February 11, 2011 9:00 a.m. Room 312

HB 12 RELATING TO PLANT THEFT.

Requires a person who steals agricultural products or commodities to pay the property owner the value of the stolen product and the cost of replanting.

Chairman Tsuji, Vice Chair Hashem and Members of the Committee:

My name is Daniel Nellis and I am the Operations Director for Dole Food Company Hawaii. Dole grows pineapple, coffee, and cacao on our Oahu farm and also leases land to independent growers producing a variety of diversified crops and livestock.

Dole Food Company Hawaii strongly supports HB 12 and supports the recommended change proposed in the testimony of the Hawaii Cattlemen's Council that livestock be added to the definition of "agricultural product or Commodity" on lines 14-18;page 1.

Theft of agricultural products hurts the farmer and rancher directly but also potentially harms the public that later consumes stolen products that have not gone through the rigorous inspection before sale, that Hawaii's conscientious producers routinely perform. Food security, food safety, and affordable locally produced food all depend on the producer being able to make a fair living. Theft always adds cost to the final product and that cost should be paid by the perpetrator instead of the producer and consumers.

Thank you for the opportunity to provide testimony in favor of this important legislation.



Annette Lee, Member
Ace Farm LLC
41-208 Hihimanu Street
Waimanalo, HI 96975-1528

February 10, 2011

Rep. Cliff Tsuji
Hawaii State Capitol, Room 402
415 So. Beretania Street
Honolulu, HI 96813

Dear Rep. Tsuji,

RE: HB12 SUPPORT

As a farmer, I am fully in support of HB12 and I encourage the passing of this bill. I believe this would greatly add to the current law and is an addition that is desperately needed. Farmers work from dawn to dusk and just when a crop or plant is ready to sell, thieves take all of the projected profits. It is very disheartening to have this happen. HB12 is modeled after the graffiti laws and should be a deterrent to some of these thefts. If we finally hold these thieves responsible for the damage they cause, it might help them think before they do anything. Nothing causes people to pause more than the potential loss of their income.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Annette Lee'.

Annette Lee, Member
Ace Farm LLC



Glenn's Flowers & Plants
Sales-Rentals-Exporting

P.O. Box 553
Waimanalo, Hawaii 96795
Ph (808) 259-9625 • Fax (808) 259-8761

FEBRUARY 10, 2011

I strongly support
Bill HB 12, the plant
theft bill. I believe
nothing has been done
on nursery thefts.

This would be a good
time to start. Theft
are up, and enough
is enough.

Please support this
bill! Thanking you
in advance.

Sincerely,

CC: Cynthia FHELEN & Glenn Mizoguchi
OWNER.

hashem2 - Dorothy

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 11:03 AM
To: AGRtestimony
Cc: kailualynn@aol.com
Subject: Testimony for HB12 on 2/11/2011 9:00:00 AM

Testimony for AGR 2/11/2011 9:00:00 AM HB12

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Lynn Rogers
Organization: Individual
Address: 103 Kaapuni Drive Kailua, Hi 96734
Phone: 808-262-3820
E-mail: kailualynn@aol.com
Submitted on: 2/9/2011

Comments:

I strongly support bill HB12. As chair of the Lani-Kailua Outdoor Circle's Beautification committee, I am well aware of the problem of plant theft from businesses, homes and even the Kailua Post office where our committee has had to replace plants 3 times during the past year. Plant theft in our community is a serious problem, and should be recognized as such. Thank you- Lynn Rogers

hashem2 - Dorothy

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 1:35 PM
To: AGRtestimony
Cc: theplantplace@hawaii.rr.com
Subject: Testimony for HB12 on 2/11/2011 9:00:00 AM

Testimony for AGR 2/11/2011 9:00:00 AM HB12

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: ELLEN YEE
Organization: Individual
Address: 41-821 WAIKUPANAHA ST. WAIMANALO, HI 96795
Phone: 808-351-8874
E-mail: theplantplace@hawaii.rr.com
Submitted on: 2/9/2011

Comments:
I STRONGLY SUPPORT THIS BILL. THE FARMERS NEED THIS BILL TO PASS.

hashem2 - Dorothy

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 09, 2011 3:58 PM
To: AGRtestimony
Cc: mlbrezel@jps.net
Subject: Testimony for HB12 on 2/11/2011 9:00:00 AM

Testimony for AGR 2/11/2011 9:00:00 AM HB12

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Margaret Brezel
Organization: Individual
Address: 160 South Kainalu rive Kailua, Hawaii 96734
Phone: 263-4040
E-mail: mlbrezel@jps.net
Submitted on: 2/9/2011

Comments:

hashem1 - Angleica

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 10, 2011 10:06 AM
To: AGRtestimony
Cc: esther2007@hawaii.rr.com
Subject: Testimony for HB12 on 2/11/2011 9:00:00 AM

Testimony for AGR 2/11/2011 9:00:00 AM HB12

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Esther Ohta
Organization: Individual
Address: Waimanalo, HI
Phone: 259-7864
E-mail: esther2007@hawaii.rr.com
Submitted on: 2/10/2011

Comments:

I strongly support HB12. This is something that might actually do some good in deterring ag theft.

Testimony for AGR 2/11/2011 9:00:00 AM HB12

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Cheryl LaMont
Organization: Individual
Address: 182 Kuuahale Street Kailua Hawaii
Phone: 8082622780
E-mail: cheryl@dotcsw.com
Submitted on: 2/10/2011

Comments:

I appreciate Cynthia Thielen introducing this Bill on the citizens of Kailua's behalf and the Committee meeting and hearing the facts behind it. Having grown up here, I love my home and the people here and know that passing this Bill is the right thing to do.

To Whom It May Concern:

In speaking to Chairman Tsuji a week and ½ ago he stated that there are already bills on the books that protect the investment that Hawaiian citizens make in their landscaping. I would like to tell you what our experience has been in this matter:

Twelve years ago we bought a house on Kuuahale Street, having previously lived on Kuukama Street for 10 years. Since we purchased our home in 1998, we have had people entering our yard stealing our plants. We've spent thousands of dollars on trees and plants, landscapers, fertilizers, and all that was needed to maintain and beautify our property. Over the 12 years, we've had pikake, pakalana, jade plant, 50 orchid plant(s), 15 roses, hibiscus, while, yellow, blue, red ginger, and numerous others stolen. We've installed motion sensor lights, cameras, 2 deadbolt locked gates, solar lights and many other security devices per HPD's directive to do so. We've reported these crimes to the Police, written complaints, and done everything we've been advised to do to stop this ongoing crime. To date, not only does the theft continue, but now, our 50 foot palms that line our backyard are being destroyed-fronds and heads of trees cut off. This bill will ensure that when the thieves are caught and prosecuted we can recoup our investment and once again restore our yard(s). The damage is now in the \$100,000 range.

What this bill does not do is restore the sleepless nights, worry, and general depression from having strangers come uniformly into our yard both night and day, whether we're home or not, and help themselves to anything they want. But if this bill is passed it will go a long way toward renewing our belief in the people of Kailua and people in general. Please, please pass this bill. Thankyou.

Aloha,
Cheryl LaMont

hashem1 - Angleica

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 10, 2011 1:56 PM
To: AGRtestimony
Cc: k2bayview@aol.com
Subject: Testimony for HB12 on 2/11/2011 9:00:00 AM

Testimony for AGR 2/11/2011 9:00:00 AM HB12

Conference room: 312
Testifier position: support
Testifier will be present: No
Submitted by: Thomas Roberts
Organization: Individual
Address: 14 Aulike St. #1007 Kailua,Hi. 968734
Phone: 261-3546
E-mail: k2bayview@aol.com
Submitted on: 2/10/2011

Comments:

Dear Chairman Clift Tsuji: I'm writing in support of HB 12, introduced by Representative Thielen. This bill will go a long way toward preventing plant theft.

I'm a member of the Board of Directors at Meridian East Condominium in Kailua. In the Spring of 2010, our Association voted to implement a major landscape upgrade. During the planning process, we became aware of the plant theft issue on the Windward Side. Meetings with neighboring businesses, our Landscape Contractor and other organizations resulted in extensive publicity. We feel the exposure deterred thievery and firmly believe this bill which carries substantial penalties will be an even greater deterrent.

Our experience here at the Meridian East was we had to add \$2984.00 to erect an 8-foot fence for a period of 6-months to protect our substantial investment in the new landscape. This is outrageous!

Passing the H.B.NO.12 injures no one, except the plant thieves.

Thank you, Thomas Roberts