

HB 1524, HD 2

Testimony

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF RUSSELL KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON AGRICULTURE
FEBRUARY 7, 2012
2:50 P.M.
CONFERENCE ROOM 229

HOUSE BILL NO. 1524 HOUSE DRAFT 2
RELATING TO AGRICULTURE

Chairperson Nishihara and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1524 HD2, which proposes to require those sentenced for agricultural theft to provide restitution to the victim for the stolen agricultural product or commodity and cost for replanting the agricultural product or commodity. The bill also proposes that failure to maintain required ownership certificates while in possession of agricultural commodities constitutes an offense of theft in the second degree. The department strongly supports this bill.

The reported losses, as documented by a statewide survey of farmers conducted by the Department of Agriculture, USDA, and the Hawaii Farm Bureau, totaled millions of dollars. The proposed amendment allows for the prosecutors to develop stronger legal cases relating to agricultural theft and repayment to the farmers for stolen property and replanting.

Thank you for the opportunity to testify on this measure.





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February 1, 2012

Senator Clarence Nishihara
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, HI 96813

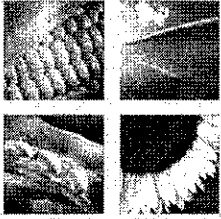
Dear Senator Nishihara;

RE: Support for SB 1524, HD2 Relating to Agricultural theft

The Waimanalo Agricultural Association strongly supports this bill. As you are well aware, agricultural theft is a continuing problem for farmers. Anything that will help to deter this problem is needed, especially for law enforcement. This will give them more "teeth" to apprehend and convict any thieves caught on private property. The stipulation for replacing and replanting stolen property is a good addition to the law. It should also include restitution for any damaged property incurred during the crime.

Mahalo,

Clifford Migita
President WAA



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Alicia Maluaifiti

Hawaii Crop Improvement Association

Growing the Future of Worldwide Agriculture in Hawaii

Testimony by Alicia Maluaifiti
HB 1524 – Relating to Agricultural Theft
The Senate Committee on Agriculture
Tuesday, February 7, 2012
2:50 p.m., Room 229

Position: Strong Support

Aloha Chair Nishihara, Vice Chair Kahele, and members of the Committees:

My name is Alicia Maluaifiti, Executive Director of the Hawaii Crop Improvement Association, a nonprofit trade association representing Hawaii's seed farmers. HCIA is in strong support of HB 1524 HD 2 which provides restitution for farmers that are victims of theft. Regardless of the crop or methodology – from papaya to pineapple, from organic to biotech – we can find common ground in our quest for justice for farmers.

Although we'd like to see harsher penalties for all criminal activities such as vandalism, we believe this is an important step to curbing theft. We need to do all that we can to support the livelihood of our local farmers. Our agricultural industry is very fragile with farmers living one season away from potential ruin. A successful future for Hawaii requires a viable agriculture industry but this will never become a reality if our farmers continue to be targets of criminal activity that often goes unpunished or lacks sufficient penalty to serve as a deterrent.

Mahalo for the opportunity to comment.



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

February 1 , 2012

Senator Clarence Nishihara
Hawaii State Capitol, Room 204
415 So. Beretania Street
Honolulu, HI 96813

Rep. Senator Nishihara

RE: SUPPORT HB1524, HD2 (Relating to Ag Theft)

As a farmer, I am fully in support of HB1524 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. This would put the burden of proof on the assumed thief and not the victim. I especially like the requirement for replacement and repayment.

Yours Truly,

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

Annette Lee, Member
Ace Farm LLC



TESTIMONY BEFORE THE SENATE COMMITTEE ON
AGRICULTURE

HOUSE BILL 1524, HD2

RELATING TO AGRICULTURE THEFT

PRESENTED TO THE TWENTY-SIXTH LEGISLATURE

FEBRUARY 2012

CHAIRPERSON NISHIHARA and Members of the Committees:

STRONG SUPPORT.

My name is Loren Mochida, Director of Agricultural Operations at W. H. Shipman, Limited in Keaau on the Big Island. We are a local kamaaina-family owned land management company that is engaged in Agriculture and Commercial/Industrial development and leasing. We currently lease lands to over 130 individually growers at W.H. Shipman, Ltd.

W. H. Shipman, Ltd., and their growers provide strong support to HB 1524, HD2, Relating to Agricultural Theft. This will require those sentenced for agricultural theft to provide restitution to the victim the value of the stolen agricultural product or commodity, or the cost of replanting these products or commodities.

This Bill will also include in the offense of theft in the second degree the failure to maintain required certificates while in possession of agricultural commodities. The majority of stolen products or commodities are often sold to vendors at the local farmers markets on the islands. In order to restrain people from selling stolen agricultural products or commodities, a certificate of ownership or written proof of ownership shall be required.



Thank you very much for the opportunity to provide testimony on HB 1524, HD2.



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street • Honolulu, Hawaii 96819
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Fax: (808) 848-1921 • Email: info@hfbf.org
www.hfbf.org

Tuesday, February 7, 2012
2:50 am
Conference Room 229

Senate Committee on Agriculture

Testimony on HB 1524 HD2

RELATING TO AGRICULTURAL THEFT

Aloha Chair Nishihara, Vice Chair Kahele, and Members of the Committee,

I am Janet Ashman, testifying on behalf of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 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.

We support this bill that would require restitution to a farmer from the convicted thief who has stolen the farmer's products. Unfortunately, theft from farms has become rampant in the islands. There is no way that a farmer can guard every inch of his property every minute of the day and night. No farmer can afford to hire security guards to do this and he shouldn't have to. Our police departments are trying to help but they certainly don't have the staff to be everywhere at all times. **Thieves have become so brazen that they take orders from farmers' markets and fill them by stealing fruits and vegetables right from farmers' fields the night before their promised delivery.** This should not be allowed to continue.

We also support other sections of the bill and we respectfully request that you consider merging some of the clarifying language from SB 2914 with this bill to have a more complete enforcement tool for police and prosecutors.

Thank you for your support of agriculture in Hawaii through your support of these bills. Please call Janet Ashman at (808) 848-2074 if you have any questions or would like to discuss.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 02, 2012 2:38 PM
To: AGL Testimony
Cc: clswim@hawaii.rr.com
Subject: Testimony for HB1524 on 2/7/2012 2:50:00 PM

Testimony for AGL 2/7/2012 2:50:00 PM HB1524

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Claudia L. Webster
Organization: Individual
E-mail: clswim@hawaii.rr.com
Submitted on: 2/2/2012

Comments:

As a resident of Windward Oahu, I support this bill. We have had many plant thefts and I would hope that this bill will also cover private residences and commercial property in addition to agriculture. There had been so many plant thefts in Kailua that we held a community meeting on May 26, 2010. Twenty seven people attended including our local police. There have been thefts of plants pulled up directly out of the ground in people's yards, a very large wooden planter taken from Baci Bistro, and hanging plants from many businesses. Also, red ti plants have been stolen from the Kailua Post Office on federal property. I live in Meridian East on Aulike St., Kailua when we had a landscaper plant our front area, he suggested that we fence the area for at least six months until the plant roots were firmly in the ground. We did fence the area at extra expense. This was all because of the plant theft issue in our area. Yes, please pass 1524 HD2. I would like to see the enforcement date much sooner than 2020. Thank you very much.
Claudia L. Webster

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 02, 2012 6:31 PM
To: AGL Testimony
Cc: kailualynn@aol.com
Subject: Testimony for HB1524 on 2/7/2012 2:50:00 PM

Testimony for AGL 2/7/2012 2:50:00 PM HB1524

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Lynn Rogers
Organization: Individual
E-mail: kailualynn@aol.com
Submitted on: 2/2/2012

Comments:

As chair of the Lani-Kailua Outdoor Circle Beautification committee, I am well aware of the windward plant theft problem. Our volunteers have replanted at the Kailua post office 3 times and have scheduled a 4th time this month as each time we plant, plants are stolen. This has happened at other sites also and it is disheartening and discouraging to all of us who volunteer in our community. Plant theft at the nurseries in Waimanalo is rampant and in those cases, the livelihood of the growers and their families is jeopardized and this should not be tolerated. Please pass HB1524. Thank you- Lynn Rogers

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 5:08 PM
To: AGL Testimony
Cc: aavery@hawaii.rr.com
Subject: Testimony for HB1524 on 2/7/2012 2:50:00 PM

Testimony for AGL 2/7/2012 2:50:00 PM HB1524

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Alexandra Avery
Organization: Individual
E-mail: aavery@hawaii.rr.com
Submitted on: 2/6/2012

Comments:

Please support the passage of this bill to set an important perimeter for those who work to support our food system.