

SB 2354

Testimony

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

State of Hawaii
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF RUSSELL KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

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

SENATE BILL NO 2354
RELATING TO AGRICULTURAL COMMODITIES

Chairperson Nishihara and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 2354. This bill expands criminal penalties for failure to maintain a certificate of ownership of agricultural commodities to a class C felony if the value exceeds \$100, and a misdemeanor if less than \$100. The Department supports the intent of the bill but has concerns.

The current statute requires a person to maintain a certificate of ownership of agricultural commodities if more than 200 pounds or a value of at least \$100. As written in the bill, possession of agricultural commodities without a certificate of ownership valued less than \$100, must weigh at least 200 pounds in weight in order to be considered a misdemeanor violation.

In addition, section 2 of the bill begins to blur the line between a Department employee and a law enforcement officer. While the Department appreciates the efforts of the legislature to protect Hawaii's farmers from commodity theft, we currently lack the necessary resources and infrastructure (personnel, equipment and facilities) to carry out



the enforcement responsibilities proposed by this measure. An alternative means to address this issue is to strengthen existing laws requiring proof of ownership from sellers of agricultural commodities as proposed in House Bill No. 1948. This would then become a procedural method between buyer and seller to ensure ownership and traceability.

With respect to enforcement responsibilities, we respectfully defer to Counties' Prosecutor Attorneys and law enforcement agencies.

Thank you for the opportunity to testify on this measure.



TESTIMONY BEFORE THE SENATE COMMITTEE ON
AGRICULTURE

SENATE BILL 2354

RELATING TO AGRICULTURAL COMMODITIES

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 SB 2354, Relating to Agricultural Commodities. This will establish criminal penalties for failure to maintain ownership of agricultural products or commodities. It will also assist in enforcement and deter thefts and the profits that thieves gain from them by clarifying the current requirements and requiring proof of identification upon sale of farm goods to buyers.

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 or they face criminal offenses.



Thank you very much for the opportunity to provide testimony on SB 2354.



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

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

Senate Committee on Agriculture
Testimony on SB 2354
RELATING TO AGRICULTURAL COMMODITIES

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.

HFBF strongly supports this measure that will establish criminal penalties for failure to maintain a certificate of ownership or other written proof of ownership of agricultural commodities. Existing provisions in the law are not deterring thieves and theft from farms has become rampant throughout the islands. No farmer can guard every inch of his property every minute of the day and night. Nor can he can afford to hire security guards to do this. Although our police departments are trying to help, 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 bill, and another that HFBF is supporting---SB 2914, could be merged to better prevent the theft and resale of agricultural products. Although the current law requires ownership and movement certification documents for the transportation and sale of agricultural commodities over two hundred pounds or worth at least \$100, these documents are easily falsified. SB 2914 clarifies the current requirements and requires proof of identification upon the sale of farm goods to the buyer.

High land, labor, and shipping costs, competition from the mainland and foreign countries, and a myriad of other factors such as disease and pests make farming a risky venture in Hawaii. Please help support our local farmers by passing out this bill. Please call Janet Ashman at (808) 848-2074 if you have any questions.