



LATE TESTIMONY

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

BEFORE THE SENATE COMMITTEE ON JUDICIARY AND LABOR  
FEBRUARY 23, 2012  
10:00 A.M.  
CONFERENCE ROOM 016

SENATE BILL NO 2354  
RELATING TO AGRICULTURAL COMMODITIES

Chairperson Hee 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.

The Department would like to suggest an amendment to the bill to strengthen the existing law to include on the invoice, the name, address, and telephone number, license plate number of the vehicle used to deliver the commodity; name and address of the farm; name and address of the consignee; signature of the seller and, upon sale,



the signature of the buyer or consignee. Further, amending the bill to make the failure to retain the required certificate of ownership while in possession of agricultural commodities as prima facie evidence of the offense of theft.

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

Thank you for the opportunity to testify on this measure.



LATE TESTIMONY

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**Thursday, February 23, 2012  
10:00 am  
Conference room 016**

**Senate Committee on Judiciary and Labor  
Testimony on SB 2354  
RELATING TO AGRICULTURAL COMMODITIES**

Aloha Chair Hee, Vice Chair Shimabukuro, 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 interests 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.**

We respectfully request several amendments to clarify the current statutes and better prevent the theft and resale of agricultural products. Although the current law already 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. Clarification of the current requirements and proof of identification upon the sale of farm goods to the buyer will deter agricultural theft and help law enforcement catch these thieves.

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. Thank you for your support of Hawaii's farmers and ranchers.



## LATE TESTIMONY

To: House Committee on Finance  
Re: Hearings on February 23, 2012, 10am Rm 016  
Subject: Testimony regarding SB 2354

February 23, 2012

### SUPPORT with Amendments

The farmers and nursery men of Hawaii have been plagued by a lack of enforcement on Agriculture THEFT.

A person can be caught loading a truck, at night, on the side of the road outside a nursery, and we have to prove where he stole the items from!

The suspected thief is not currently obligated to prove they own the items in the truck or give any proof where they bought them!

There needs to be a law that says if you can not demonstrate ownership, you are a thief and will be charged with a crime.

Glenn Martinez  
HFUU President  
FYI:

Hawaii Farmer Union United is the largest agriculture organization in the State of Hawaii that represents the small family farmers at the exclusion of GMO and Mega Corporation mono- crop industrial farms. With small family farmers on every island Hawaii Farmers Union is the only Grassroots farm organization where the members have direct voice.

Any testimony given to the Legislature is vetted to the membership. Often the testimony is a blend of opinions voiced directly from membership. We also encourage all individual members to submit testimony directly, particularly where there voice is different then the majority, thus all farmer voices are heard, not just the loudest.