

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

MARCH 21, 2018
8:30 A.M.
CONFERENCE ROOM 312

SENATE BILL NO. 3033 SD1
RELATING TO AGRICULTURAL THEFT

Chairperson Creagan and Members of the Committee:

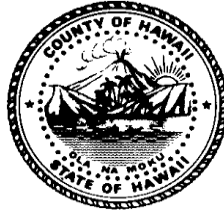
Thanks for the opportunity to testify on Senate Bill No. 3033 SD1 relating to agricultural theft. This bill removes the reference to "commercial" relating to the theft of agricultural equipment, supplies or products and strengthens property right protections for persons who produce agricultural products on private residential properties. The Department supports this bill.

The Department has contracted with the County of Hawaii Prosecuting Attorney's office to investigate theft occurrences agricultural equipment, supplies and products. The Department also recognizes the importance of prosecuting these theft cases, whether it occurred on agricultural or residential properties. The proposed amendments expand the ability to prosecute agricultural theft occurrences to not only agricultural land.

Thank you for the opportunity to testify on this measure.



Eileen O'Hara
Council Member
Council District 4



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Chair: Environmental
Management Committee

Vice Chair: Planning Committee and
Agriculture, Water & Energy
Sustainability Committee

County of Hawaii
Hawaii County Council

25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720

Representative Richard P. Creagan
Chair, House Committee on Agriculture
Hawai'i State House of Representatives

March 12, 2018

Re: In Support of Senate Bill 3033, from Hawai'i County Council District 4
To be heard by AGR on Wednesday, 03-21-18 8:30AM in House conference room 312

Aloha Chair Creagan and Committee Members:

I'm writing to express my support of Senate Bill 3033, which amends the definition of agricultural equipment, supplies or products, and strengthens property right protections for persons who produce agricultural products on private residential property.

Agricultural theft and vandalism has become a serious problem on the Big Island, not only for large scale farms and ranches, but also for smaller, part-time or even household operations that also produce their own crops and livestock. Though the Big Island should be contributing a significant portion of our agricultural output, food production is crippled by theft, vandalism, and a lack of support from an understaffed police force. Depending solely on our Hawai'i Police Department has not been an effective strategy in combating this problem.

The loss in food production has also negatively impacted the income of agriculturalists and subsistence farmers. The widespread affect these crimes have on the state are harmful and discouraging. I strongly support the intent of this bill and hope you do as well, so that we can develop appropriate strategies to combat this problem. Please contact me if you have any questions about my support or knowledge of the subject.

Sincerely,

A handwritten signature in cursive script that reads "Eileen O'Hara".

Eileen O'Hara
Council Member
Council District 4

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 3033 SD1

A BILL RELATING TO AGRICULTURAL THEFT

COMMITTEE ON AGRICULTURE

Senator Richard P. Creagan, Chair

Senator Lynn DeCoite, Vice Chair

Wednesday, March 21, 2018 at 8:30 a.m.

State Capitol, Conference Room 312

Honorable Chair Creagan, Vice-Chair DeCoite and Members of the Committee on Agriculture. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in strong support of Senate Bill No. 3033 SD1.

This important measure clarifies and strengthens existing law to allow for property right protections for persons who produce agricultural products on private residential property.

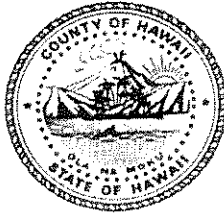
Agricultural theft is not only a critical problem for Hawai'i's commercial farming operations, but also theft of agricultural equipment, supplies, or products is an increasing and critical problem for residential and small-scale backyard gardening and farming operations. On the island of Hawaii, a significant portion of agriculturally productive land is held in parcels ranging from .5 to 3 acres in size. Representing a substantial percentage of food production, the agricultural products grown and harvested from these smaller residential and/or small-scale farming properties are used to supplement the grower's own food supply, used as gifts for others, or are sold at local markets or roadside stands.

While State law currently addresses the importance of protecting commercially grown agricultural products from theft, Senate Bill 3033 serves to better protect all persons engaged in farming in the State. Senate Bill 3033 will better protect the investments made by small scale farmers and their valuable contribution to the State's food supply.

The Office of the Prosecuting Attorney, County of Hawai'i strongly supports the passage of Senate Bill No. 3033 SD1. Thank you for the opportunity to testify on this matter.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 3033

A BILL RELATING TO AGRICULTURAL THEFT

COMMITTEE ON AGRICULTURE
Representative Richard P. Creagan, Chair
Representative Lynn DeCoite, Vice Chair
Wednesday, March 21, 2018 at 8:45 a.m.
State Capitol, Conference Room 312

Honorable Chair Creagan, Vice-Chair DeCoite and Members of the Committee on Agriculture. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in strong support of Senate Bill No. 3033.

This important measure clarifies and strengthens existing law to allow for property right protections for persons who produce agricultural products on private residential property.

Agricultural theft is not only a critical problem for Hawai'i's commercial farming operations, but also theft of agricultural equipment, supplies, or products is an increasing and critical problem for residential and small-scale backyard gardening and farming operations. On the island of Hawaii, a significant portion of agriculturally productive land is held in parcels ranging from .5 to 3 acres in size. Representing a substantial percentage of food production, the agricultural products grown and harvested from these smaller residential and/or small-scale farming properties are used to supplement the grower's own food supply, used as gifts for others, or are sold at local markets or roadside stands.

While State law currently addresses the importance of protecting commercially grown agricultural products from theft, Senate Bill 3033 serves to better protect all persons engaged in farming in the State. Senate Bill 3033 will better protect the investments made by small scale farmers and their valuable contribution to the State's food supply.

The Office of the Prosecuting Attorney, County of Hawai'i strongly supports the passage of Senate Bill No. 3033. Thank you for the opportunity to testify on this matter.



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March 21, 2018

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON SB 3033, SD1
RELATING TO AGRICULTURAL THEFT

Room 312
8:30 AM

Aloha Chair Creagan, Vice Chair DeCoite, and Members of the Committee:

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 interests of our diverse agricultural community.

The Hawaii Farm Bureau **offers the following comments on** SB 3033, SD1, which would provide the same consequences for agricultural theft from a residential yard as from a commercial farmer who relies on farming to make a living.

While we agree with the proposed loosening of some of the burdensome signage requirements, and we agree that *any* theft of agricultural products is unacceptable, we are concerned that the expansion of the felony category to include even relatively minimal residential ag theft may result in competition for enforcement and prosecution for commercial farmers who cannot afford the loss of income.

Police officers responding to agricultural theft have advised our farmer-members that they are extremely short-staffed and that other, more serious crimes must take priority. As ag theft becomes more common across the islands, we would appreciate any legislative action to help the counties increase their police staffing.

Thank you for the opportunity to comment on SB 3033, SD1.



Email: communications@ulupono.com

HOUSE COMMITTEE ON AGRICULTURE
Wednesday, March 21, 2018 — 8:30 a.m. — Room 312

Ulupono Initiative Strongly Supports SB 3033 SD 1, Relating to Agricultural Theft

Dear Chair Creagan, Vice Chair DeCoite, and Members of the Committee:

My name is Kyle Datta and I am General Partner of Ulupono Initiative, a Hawai'i-based impact investment firm that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally produced food; increase affordable, clean, renewable energy; and better management of waste and fresh water. Ulupono believes that self-sufficiency is essential to our future prosperity and will help shape a future where economic progress and mission-focused impact can work hand in hand.

Ulupono strongly supports SB 3033 SD 1, which expands the definition of agricultural theft, because it aligns with our goal of creating more locally produced food.

In our conversations with farmers and ranchers, one issue that keeps coming up is agricultural theft and how there is little enforcement and punishment for offenders. Agriculture on all islands is a prime target for thieves as there are often many open entry points, the growing is often located in rural and isolated areas, and punishments are minor relative to other crimes. For farmers and recreational growers, it is often prohibitively expensive to spend money on security infrastructure, monitoring, and manpower to defend their agricultural products. Since profit margins are already tight in the agricultural sector, increased ag theft could push more local farmers and ranchers out of the agricultural sector. Ultimately, this underrated issue is one that hurts our farmers and ranchers and undermines our ability to increase locally grown food.

As Hawai'i's local food issues become more complex and challenging, organizations need additional resources and support to address and overcome them. We appreciate this committee's efforts to look at policies that support local food production.

We believe that by collaborating, we can help produce more local food and support an economically robust homegrown agriculture industry, which strengthens our community with fresh, healthy food. Thank you for this opportunity to testify.

Respectfully,

Investing in a Sustainable Hawai'i



Kyle Datta
General Partner

SB-3033-SD-1

Submitted on: 3/20/2018 2:04:50 AM

Testimony for AGR on 3/21/2018 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Richard P. Creagan, Chair; the Honorable Lynn DeCoite, Vice-Chair, and Members of the House Committee on Agriculture:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB3033 SD1** relating to Agricultural Theft; Agricultural Equipment, Supplies, or Products; and a Definition.

The OCC Legislative Priorities Committee is in favor of **SB3033 SD1** and supports its passage as it clarifies and strengthens the existing law to allow for the protection of agricultural products raised or produced by all people in the State, including noncommercial agricultural enterprise or research agency.

SB3033 SD1 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it amends the definition of agricultural equipment, supplies, or products; and strengthens property right protections for persons who produce agricultural products on private residential property, effective 7/1/2035.

Specifically, the DPH Platform provides that we "support restorative justice that repairs the harm caused by criminal behaviors" (Platform of the DPH, P. 5, Lines 273 (2016)).

Agriculture in our state must be preserved and its future strengthened. Sufficient prime agricultural lands must be maintained for the health, economic wellbeing and sustenance of the people. (Platform of the DPH, P. 2, Lines 76-78 (2016)).

As an island state, securing affordable food for all is a priority. We support healthy, sustainable, and diversified local food production, and "Buy Local" strategies to assure greater food security and food safety. (Platform of the DPH, P. 2, Lines 9799 (2016)).

Given that **SB3033 SD1** amends the definition of agricultural equipment, supplies, or products; and strengthens property right protections for persons who produce agricultural products on private residential property, effective 7/1/2035, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889