

DAVID Y. IGE
Governor

DOUGLAS S. CHIN
Lt. Governor



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

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 SENATE COMMITTEE ON JUDICIARY

**FEBRUARY 27, 2018
9:30 A.M.
CONFERENCE ROOM 016**

**SENATE BILL NO. 3033
RELATING TO AGRICULTURAL THEFT**

Chairperson Taniguchi and Members of the Committee:

Thanks for the opportunity to testify on Senate Bill No.3033 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.





Email: communications@ulupono.com

SENATE COMMITTEE ON JUDICIARY
Tuesday, February 27, 2018 — 9:30 a.m. — Room 016

Ulupono Initiative Strongly Supports SB 3033, Relating to Agricultural Theft

Dear Chair Taniguchi, Vice Chair Rhoads, 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, 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 these committees' 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



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 27, 2018

HEARING BEFORE THE
SENATE COMMITTEE ON JUDICIARY

TESTIMONY ON SB 3033
RELATING TO AGRICULTURAL THEFT

Room 016
9:30 AM

Aloha Chair Taniguchi, Vice Chair Rhoads, 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, 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.

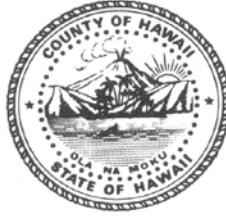
While we agree with the proposed loosening of some of the burdensome signage requirements, and we agree that *any* theft of agricultural products is unacceptable, we are concerned that the expansion of the felony category to include even relatively minimal residential ag theft may result in competition 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.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908
(808) 934-3403
(808) 934-3503

WEST HAWAII UNIT
81-980 HALEKĪ ST, SUITE 150
KEALAKEKUA, HAWAII 96750
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 3033

A BILL RELATING TO AGRICULTURAL THEFT

COMMITTEE ON JUDICIARY

Senator Brian Taniguchi, Chair

Senator Karl Rhoads, Vice Chair

Tuesday, February 27, 2018 at 9:30 a.m.

State Capitol, Conference Room 016

Honorable Chair Taniguchi, Vice-Chair Rhoads and Members of the Committee on Judiciary. 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.

SB-3033

Submitted on: 2/24/2018 2:26:53 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David S. De Luz, Jr.	Testifying for David S. De Luz, Sr. Enterprises, Inc.	Support	No

Comments:

SB-3033

Submitted on: 2/24/2018 1:49:23 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES**

DEMOCRATIC PARTY OF HAWAII

TO THE COMMITTEE ON JUDICIARY

THE SENATE

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Tuesday, February 27, 2018

9:30 a.m.

Hawaii State Capitol, Conference Room 016

RE: Testimony in Support of Senate Bill 3033 RELATING TO AGRICULTURAL THEFT

To the Honorable Brian T. Taniguchi, Chair; the Honorable Karl Rhoads, Vice-Chair, and Members of the Committee on Commerce, Consumer Protection and Health:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. 3033 relating to Agricultural Theft; Agricultural Equipment, Supplies, or Products; and a Definition.

The OCC Legislative Priorities Committee is in favor of Senate Bill No .3033 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.

Senate Bill No.3033 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.

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 well-being 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 97-99 (2016)).

Given that Senate Bill No.3033 amends the definition of agricultural equipment, supplies, or products and strengthens property right protections for persons who produce agricultural products on private residential property, 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, Tel.: (808) 258-8889

SB-3033

Submitted on: 2/23/2018 8:45:17 PM

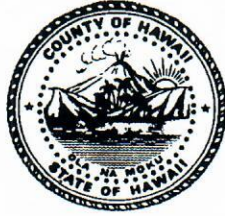
Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Culina	Individual	Support	No

Comments:

Eileen O'Hara
Council Member
Council District 4

Chair: Environmental
Management Committee



Phone: (808) 965-2712
Fax: (808) 961-8912
Email: eileen.ohara@hawaiiicounty.gov

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

Senator Brian T. Taniguchi
Chair, Senate Committee on Judiciary
Hawai'i State Senate

February 26, 2018

**Re: In Support of Senate Bill 3033, from Hawai'i County Council District 4
To be heard by JDC on 02-27-18 9:30AM in conference room 016**

Aloha Chair Taniguchi 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 black ink that reads "Eileen O'Hara". The signature is written in a cursive, flowing style.

Eileen O'Hara
Council Member
Council District 4

SB-3033

Submitted on: 2/26/2018 9:48:45 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

In STRONG SUPPORT.