

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON AGRICULTURE
ON
HOUSE BILL NO. 2189

January 31, 2020
9:00 a.m.
Room 312

RELATING TO AGRICULTURE

The Department of Budget and Finance offers comments on House Bill (H.B.) No. 2189.

H.B. No. 2189 requires the Board of Agriculture (Board) to establish the Agricultural Theft Enforcement Program (ATEP) within the Department of Agriculture (DOA); authorizes the Board to appoint or employ agricultural theft enforcement officers within ATEP; establishes duties, authority, and standards for officers; establishes the Agricultural Theft Enforcement Special Fund (ATESF) under the administration of DOA; amends Section 141-10, HRS, to expand the scope of the Agricultural Development and Food Security Special Fund (ADFSSF) to protect agricultural resources; appropriates an unspecified sum from the ADFSSF for deposit into the ATESF for FY 21; and appropriates an unspecified sum from the ATESF for FY 21 for operating expenditures and the establishment of one full-time Chief Enforcement Officer position and two full-time Enforcement Officer positions, one each for the islands of Hawai'i and O'ahu.

As a matter of general policy, the department does not support the creation of any special fund, which does not meet the requirements of Section 37-52.3, HRS.

Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 2189, it is difficult to determine whether the proposed special fund would be self-sustaining.

The department defers to DOA regarding program implementation and funding.

Thank you for your consideration of our comments.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

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

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

FRIDAY, JANUARY 31, 2020
9:00 A.M.
CONFERENCE ROOM 312

HOUSE BILL NO. 2189
RELATING TO AGRICULTURE

Chairperson Creagan and Members of the Committee:

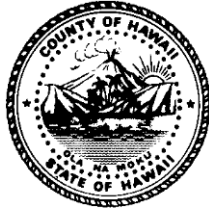
Thank you for the opportunity to testify on House Bill 2189 relating to agriculture. This measure establishes the agricultural theft enforcement program and agricultural theft enforcement special fund within the Department of Agriculture, authorizes the Board of Agriculture and agricultural theft enforcement officers to exercise police powers, extends to the agricultural theft enforcement program the applicability of certain statutory provisions relating to the law enforcement officer independent review board; possession of electric guns; the law enforcement standards board; emergency vehicles; and worker's compensation for volunteer emergency response personnel, and authorizes the use of funds in the agricultural development and food security fund for protection of agricultural resources. In addition, it appropriates funds for this program. The Department offers the following comments.

While agricultural theft is a major concern for the Department, we respectfully feel that a program such as this is beyond our mission. In addition, we lack the space to support this program, lack the subject matter expertise and are wary of the Department being given police powers.

Thank you for the opportunity to testify on this measure.



Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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January 30, 2020

Representative Richard P. Creagan, Chair
Representative Lynn DeCoite, Vice Chair
Committee on Agriculture

Dear Chair Creagan, Vice Chair De Coite, and Committee Members:

RE: HB 2189, Relating to Agriculture

HB 2189 does not have a preamble, but its contents reflect the vulnerabilities agriculture has to theft and vandalism. Our news media has documented farmers who have gone out of business because of their losses, and the problem seems to get worse year by year.

The Hawai'i County Prosecuting Attorney's office has had an investigator working on agricultural crimes, and we have received positive comments from the agriculture community about his work. We therefore believe that a statewide program is warranted, based on the results achieved on the Big Island. As to whether a new program needs to be established within the Department of Agriculture, or could more efficiently be funded by the Department of Agriculture contracting county prosecutors, I defer to the wisdom of this Committee.

Whichever your decision, we support the idea of a statewide, state-funded, anti-theft program, and urge favorable consideration of HB 2189.

Respectfully Submitted,

A handwritten signature in black ink that reads "Roy Takemoto".

For Harry Kim
MAYOR

HB-2189

Submitted on: 1/29/2020 12:52:22 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole K Galase	Hawaii Cattlemen's Council	Support	No

Comments:



LAND USE RESEARCH
FOUNDATION OF HAWAII

1100 Alakea Street, Suite 408
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January 29, 2020

Representative Richard P. Creagan, Chair
Representative Lynn DeCoite, Vice-Chair
House Committee on Agriculture

Comments in Support of the Intent of HB 2189, Relating to Agriculture (Establishes the Agricultural Theft Enforcement Program and Agricultural Theft Enforcement Special Fund within the Department of Agriculture [DOA]; authorizes agricultural theft enforcement officers to exercise police powers; authorizes use of funds in the agricultural development and food security special fund for protection of agricultural resources; appropriates funds.)

Friday, January 31, 2020, 9:00 a.m., in Conference Room 312

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and utility companies. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to provide comments **in support of HB 2189**.

HB 2189. This bill proposes to establish the agricultural theft enforcement program and agricultural theft enforcement special fund within the DOA and authorizes the Board of Agriculture and agricultural theft enforcement officers to exercise police powers under statutory provisions and standards relating to law enforcement. The measure also authorizes the use of funds in the agricultural development and food security special fund for protection of agricultural resources.

LURF's Position. LURF fully supports the intent of HB 2189, which is to protect farmers and other individuals who have been the victims of agricultural theft for years and have reportedly suffered losses totaling millions of dollars. LURF understands that it is reportedly difficult for law enforcement agencies to enforce the agricultural theft laws currently in effect, and that farmers have, in the past, made efforts to work with the police in attempts toward more effective enforcement efforts, but that such undertakings have proved unsuccessful.

The proposed Program and funding will assist in, amongst other things, prosecuting perpetrators of, and preventing agricultural theft; and identifying areas where agricultural theft is most prevalent.

The bill confirms the need for collaboration amongst diverse sectors of the community - business, government, and agricultural stakeholders - and the importance for them to work together cooperatively to prevent agricultural crimes and improve the overall economic viability of the State's agricultural industry.

LURF therefore **supports the intent of HB 2189** as an effort to promote the importance of the issues relating to the enforcement of agricultural theft laws. LURF further respectfully requests that the proposed Program allow the opportunity for continued input by all stakeholders, including, but not limited to farmers and ranchers, government and law enforcement agencies, and legal experts in order that all interested parties may contribute to this and any further statewide Program(s) that may be developed as a result.

Thank you for the opportunity to present comments regarding this matter.



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January 31, 2020

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE

TESTIMONY ON HB 2189
RELATING TO AGRICULTURE

Room 312
9:00 AM

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

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB 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.

The Hawaii Farm Bureau supports HB 2189, which establishes the agricultural theft enforcement program and agricultural theft enforcement special fund within the Department of Agriculture.

Agricultural crime is persistent problems facing agriculture. Weather, drought, pests, weeds, disease, unstable markets, transportation, labor issues, and a changing climate all contribute to uncertainty for farmers and ranchers. Few businesses face such challenges, yet we are charged with producing food, fiber, fuel and flowers for the 99% of non-farmers. Add in the constant threat and impacts of trespass, theft, and vandalism, and it's a wonder farms and ranches remain viable.

Sadly, agricultural crime is a growing trend in Hawaii. Farmers and ranchers are often victims of those who are looking for easy targets. Despite our efforts to install cameras, form community ag watch groups, and patrol our farms, these criminals know that being caught and prosecuted is unlikely.

In recent years, not only have crops and livestock been stolen, but also tractors, trucks, farm equipment, and tools. We support all efforts to curb this attack on our viability. In most cases, we bear the cost of these crimes since we cannot pass these costs on to the consumer in the form of higher prices.

We respectfully ask that this measure be amended to use the term **agricultural crime**, rather than just agricultural *theft*, since we are victims of vandalism, trespass, and other forms of property crime that destroy our crops, buildings, and fences, and even let loose our animals where they can cause accidents and get killed on the roads.

Thank you for your continued support of our local farmers and ranchers.



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Waialua, HI 96791-9501
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January 30, 2020

TESTIMONY IN SUPPORT

SUBJECT: Support for HB2189 – Agricultural Theft Enforcement Program
(Date/Time of Hearing: 1/31/2020 at 9:00 a.m.)

Dear Chairs Creagan and Kim, Vice Chair DeCoite and members of the committee,

On behalf of the North Shore Economic Vitality Partnership (EVP), I would like to extend our full support of HB2189, which will Establishes the agricultural theft enforcement program and agricultural theft enforcement special fund within the Department of Agriculture.

Many of the small farms we work with across the state are subject to regular incidents of theft and vandalism. Depending on the location of the farm, land tenure and other circumstances, it is often unclear what, if any law enforcement entity has jurisdiction. As a result, many thefts go unreported and those that do rarely result in charges much less convictions. An enforcement program in the Department of Agriculture that investigates complaints, gathers evidence, conduct investigations and brings charges is sorely needed.

The North Shore EVP was formed in 2015 as a result of a comprehensive, community-based economic analysis that identified the need for a regional food hub to fill serious gaps in the food supply chain of the region. Our non-profit organization worked with community leaders to develop realistic strategic plans focused on securing that critical infrastructure and providing new opportunities for business and creation of new jobs in agriculture in the region. Currently, our major projects include 1) statewide expansion of our GropupGAP (Good Agricultural Practices) farmer training program and 2) developing a food hub on the North Shore of Oahu.

Sincerely,

Kevin M Kelly

Kevin Kelly
President & CEO
North Shore EVP



Email: communications@ulupono.com

HOUSE COMMITTEE ON AGRICULTURE
Friday, January 31, 2020 — 9:00 a.m. — Room 312

Ulupono Initiative supports HB 2189, Relating to Agriculture

Dear Chair Creagan and Members of the Committee:

My name is Amy Hennessey, and I am the Senior Vice President of Communications & External Affairs at Ulupono Initiative. We are a Hawai'i-based impact investment firm that strives to improve our community's quality of life by creating more locally produced food; increasing affordable clean renewable energy and transportation options; and better managing waste and fresh water resources.

Ulupono supports HB 2189, which establishes the agricultural theft enforcement program and agricultural theft enforcement special fund within the Department of Agriculture.

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. Agricultural lots are a prime target for thieves as there are many open entry points, farms are often located in rural and isolated areas, and punishments are minor relative to other crimes. For farmers that can afford to, precious money has to be spent on security infrastructure, monitoring, and manpower to defend their agricultural operations vs. producing food. Profit margins for agricultural operations are already tight and if a business loses revenue from theft or vandalism and has to invest heavily in security, this could push more local farmers and ranchers out of the agricultural sector. Ultimately, this underrated issue is one that hurts our ability to increase locally grown food in our state.

As Hawai'i's local food issues become increasingly 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 through collaboration, 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,

Amy Hennessey, APR
Senior Vice President, Communications & External Affairs

Investing in a Sustainable Hawai'i

HB-2189

Submitted on: 1/30/2020 12:06:10 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Harriet Witt	Hawaii Farmers Union United - Haleakala Chapter	Support	No

Comments:

Our current food insecurity is unsustainable. We need this bill to help us feed ourselves in a future whose security is increasingly threatened by divisiveness on the federal level.

HB-2189

Submitted on: 1/30/2020 1:48:26 AM

Testimony for AGR on 1/31/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
J Ashman	Individual	Support	No

Comments:

HB-2189

Submitted on: 1/30/2020 10:45:34 AM

Testimony for AGR on 1/31/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keith Ranney	Individual	Support	No

Comments:

HB-2189

Submitted on: 1/30/2020 2:30:15 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Rhoden	Individual	Support	No

Comments:

LATE

HB-2189

Submitted on: 1/30/2020 3:16:36 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Blazak	Individual	Support	No

Comments:

LATE

HB-2189

Submitted on: 1/30/2020 7:23:55 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Support	No

Comments:

HB-2189

Submitted on: 1/30/2020 9:01:41 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Jana Bogs	Individual	Support	No

Comments:

HB-2189

Submitted on: 1/30/2020 11:51:25 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Noa Lincoln	Individual	Support	No

Comments:

Agricultural theft is a significant problem. Our own farm has been robbed twice, substantially cutting into the revenues from selling our breadfruit crop.

HB-2189

Submitted on: 1/31/2020 12:10:28 AM

Testimony for AGR on 1/31/2020 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Marshall	Individual	Support	No

Comments:

HB-2189

Submitted on: 1/31/2020 12:50:06 PM

Testimony for AGR on 1/31/2020 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Meg "Sunshine" Roberts	Individual	Support	No

Comments: