

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

235 S. Beretania Street, Room 205
Honolulu, HI 96813
Phone: (808) 586-0186 Fax: (808) 586-0189

TESTIMONY OF JAMES J. NAKATANI
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE COMMITTEES ON WAYS AND MEANS AND JUDICIARY
WEDNESDAY, February 26, 2020
1:10 p.m.

SENATE BILL NO. 2282 SD1
RELATING TO AGRICULTURE

Chairpersons Dela Cruz and Rhoads and Members of the Committees:

My name is James Nakatani, Executive Director of the Agribusiness Development Corporation (“ADC”). The ADC supports Senate Bill No. 2282 SD1, which establishes the agricultural theft enforcement program and agricultural theft enforcement special fund within the Department of Agriculture and authorizes the Board of Agriculture and agricultural theft enforcement officers to exercise police powers. The bill 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, authorizes the use of funds in the agricultural development and food security special fund for protection of agricultural resources, and appropriates funds. ADC strongly supports the bill.

Agriculture theft and other crimes occurring on agricultural lands has become commonplace with the criminals operating without regard to law enforcement. This bill will provide the manpower and statutory framework for investigation and enforcement

that will deter the criminal activity and will instill confidence in the community that their safety concerns are being addressed.

Thank you for the opportunity to testify, and for your consideration of this bill.

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 SENATE COMMITTEES ON WAYS AND MEANS AND JUDICIARY
ON
SENATE BILL NO. 2282, S.D. 1

February 26, 2020
1:10 p.m.
Room 211

RELATING TO AGRICULTURE

The Department of Budget and Finance offers comments on Senate Bill (S.B.) No. 2282, S.D. 1.

S.B. No. 2282, S.D. 1: 1) requires the Board of Agriculture (Board) to establish the Agricultural Enforcement Program (AEP) within the Department of Agriculture (DOA); 2) authorizes the Board to appoint or employ agricultural theft enforcement officers within AEP; 3) establishes duties, authority, and standards for officers; 4) establishes the Agricultural Enforcement Special Fund (AESF) under the administration of DOA; 5) amends Section 141-10, HRS, to expand the scope of the Agricultural Development and Food Security Special Fund (ADFSSF) to protect agricultural resources; 6) appropriates an unspecified sum from the ADFSSF for deposit into the AESF for FY 21; and 7) appropriates an unspecified sum from the AESF 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 S.B. No. 2282, S.D. 1, 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 SENATE COMMITTEE ON WAYS AND MEANS AND JUDICIARY

**FEBRUARY 26, 2020
1:10 P.M.
CONFERENCE ROOM 211**

**SENATE BILL NO. 2282 SD1
RELATING TO AGRICULTURE**

Chairpersons Dela Cruz, Rhoads and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 2282 SD1 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 law enforcement; and
- Appropriates funds for this program.

The Department offers comments on the measure.

The Department will require significant operational infrastructure (buildings, vehicles, dispatch capacity, weapons, secure communications, etc.) to support the program as contemplated. A new law enforcement program within the Department would require significant start up time, resources, training, and expertise building before an effective and fully functional law enforcement presence can be established.



Thank you for the opportunity to testify on this measure.

Harry Kim
Mayor

LATE



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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February 25, 2020

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Committee on Judiciary

Dear Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole, and Committee Members:

RE: SB 2282, SD1 Relating to Agriculture

SB 2282, SD1 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 their 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, I defer to the wisdom of this Committee. Especially if the DOA does not welcome having such a new program, a more efficient and effective approach could be for the Department of Agriculture to contract with County prosecutors, or for this Legislature to fund county prosecutors directly.

Whatever your decision, we support the idea of a statewide, state-funded, anti-theft program, and urge favorable consideration of SB 2282, SD1.

Respectfully Submitted,

Harry Kim
MAYOR

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY

LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY



**THE HONORABLE DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS**

**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY**

**Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i**

February 26, 2020

RE: S.B. 2282, S.D. 1; RELATING TO AGRICULTURE.

Chair Dela Cruz, Chair Rhoads, Vice-Chair Keith-Agaran, Vice-Chair Wakai, member of the Senate Committee on Ways and Means, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony, in support of S.B. 2282, S.D. 1, with one proposed amendment.

The Department appreciates the bill's overall goal of strengthening Hawaii's enforcement of laws that are already in place to protect our agricultural community, and welcomes the opportunity to work with a dedicated unit of duly qualified and specialized enforcement officers. That said, given that the changes proposed in S.B. 2282, S.D. 1, will likely lead to a significant increase in the number of cases that need to be screened, conferred and prosecuted, the Department respectfully requests two dedicated positions—one deputy prosecuting attorney and one investigator—which could be adjusted once we have had a chance to assess the actual impacts. The Department is very concerned about the prospect of having an influx of cases being brought to us, without having sufficient manpower to prosecute them in an effective and timely manner.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 2282, S.D. 1.

**LARRY JEFTS FARMS, LLC
PO BOX 27
KUNIA, HAWAII 96759
(808) 688-2892**

SB2282sd1, Relating to Agriculture
Senate WAM/JDC Hearing
Wednesday, February 26, 2020
1:10 pm
Conference Room 211

Testimony by: Larry Jeffs
Position: Support

Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole and Members of the Senate WAM/JDC Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu. I am a volunteer director for the West Oahu Soil and Water Conservation District (SWCD).

Agriculture theft has been a long-discussed problem for Hawaii's farmers and the solutions are difficult to implement. Farmers and ranchers often cannot install surveillance equipment or pay for 24/7 security. This leaves agricultural production very vulnerable to persons who steal, and re-sell stolen goods despite laws that require a bill of lading by the purchaser. It's like harvested produce falling off the back of the truck on the way to market or on the way to doubling Hawaii's food production.

Changing the name of the program to Agricultural Enforcement Program and authorizing the Board of Agriculture to determine other enforcement issues besides theft is strongly supported. In addition to ag theft, other criminal activities against farmers and ranchers include trespassing, property crimes such as vandalism and damage to equipment, even releasing or slaughtering of livestock.

The proposed agricultural enforcement program establishes 1 full time Chief Enforcement Officer and 2 full time Enforcement Officers, one for Hawaii Island and the other for Oahu. It's not enough but it is a good start. Dedicated enforcement officers will help in curtailing this crime against farmers and ranchers.

Thank you for the opportunity to testify on this bill.



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February 26, 2020

HEARING BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS
SENATE COMMITTEE ON JUDICIARY

TESTIMONY ON SB 2282, SD1
RELATING TO AGRICULTURE

Room 211
1:10 PM

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole, and Members of the Committees:

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 2282, SD1, which establishes the agricultural enforcement program and agricultural enforcement special fund within the Department of Agriculture and authorizes the Board of Agriculture and agricultural enforcement officers to exercise police powers.

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.

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



Email: communications@ulupono.com

SENATE COMMITTEES ON WAYS & MEANS AND JUDICIARY
Wednesday, February 26, 2020 — 1:10 p.m. — Room 211

Ulupono Initiative supports SB 2282 SD 1, Relating to Agriculture

Dear Chair Dela Cruz, Chair Rhoads, and Members of the Committees:

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 SB 2282 SD 1, which establishes the agricultural enforcement program and agricultural 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. This leads to higher production costs, which result in increased prices for local food at the market when consumers are already price sensitive. We believe this will further hurt local food sales. 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



February 25, 2020

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice-Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice-Chair
Senate Committee on Judiciary

Comments in Support of the Intent of SB 2282, SD1, Relating to Agriculture (Establishes the agricultural enforcement program and agricultural enforcement special fund within the Department of Agriculture [DOA]; authorizes the Board of Agriculture [BOA] and agricultural enforcement officers to exercise police powers; extends to the agricultural 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; authorizes the use of funds in the agricultural development and food security special fund for protection of agricultural resources; appropriates funds. [SD1])

Wednesday, February 26, 2020, 1:0 p.m., in Conference Room 211

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 SB 2282, SD1.**

SB 2282, SD1. This bill proposes to establish the agricultural enforcement program and agricultural enforcement special fund within the DOA; authorizes the BOA and agricultural enforcement officers to exercise police powers; and extends to the proposed program, the applicability of certain statutory provisions 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 SB 2282, SD1, which is to protect farmers and other individuals who have been the victims of agricultural theft and vandalism 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, vandalism and other 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 vandalism; and identifying areas where agricultural theft and vandalism are 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 SB 2282, SD1** as an effort to promote the importance of the issues relating to the enforcement of agricultural theft and vandalism 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 that may be developed as a result.

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

SB-2282-SD-1

Submitted on: 2/24/2020 6:57:42 PM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

SB-2282-SD-1

Submitted on: 2/25/2020 12:39:45 PM

Testimony for WAM on 2/26/2020 1:10:00 PM

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

Comments:

SB-2282-SD-1

Submitted on: 2/25/2020 12:44:55 PM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kalani	Individual	Support	No

Comments:

LATE

SB-2282-SD-1

Submitted on: 2/26/2020 12:51:24 AM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

They are not Police Officers. They have not bin train the same as Police Officers.

LATE

SB-2282-SD-1

Submitted on: 2/26/2020 8:47:31 AM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

Comments:

LATE

SB-2282-SD-1

Submitted on: 2/26/2020 9:35:41 AM

Testimony for WAM on 2/26/2020 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Molly Hernandez	Individual	Support	No

Comments:

Aloha,

My name is Molly Hernandez. I'm submitting written testimony to SUPPORT SENATE BILL SB2282 SD1 to establish the Agricultural Enforcement Program.

Please also support Senate Bill SB2282 SD1 into law so that action may be pursued for a safer environment on agricultural lands in the State of Hawaii.

On behalf of Malia Soma-Valmoja and our Ohana, Mahalo for your time, consideration and support of Senate Bill 2282 SD1.

JUSTICE FOR MALIA!