

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

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TESTIMONY OF JAMES J. NAKATANI
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Friday, February 5, 2021
1:00 p.m.

SENATE BILL NO. 219
RELATING TO CRIMES ON AGRICULTURAL LANDS

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 219. The Agribusiness Development Corporation (ADC) strongly supports Senate Bill No. 219, which imposes extended terms of imprisonment for certain offenses against property rights committed on agricultural lands.

Agricultural commodity theft and vandalism has been a chronic problem for Hawaii's agriculture community. These crimes are on the rise and continues to plague our farmers as their crops and equipment remain a target for thieves. The ADC has hired a security firm, with increased patrols of our properties, particularly at night, to discourage illegal activity and theft/vandalism. Although these services are effective at reducing crime in the area, it comes at a high cost.

The ADC appreciates and supports the Legislature's efforts to tackle the problem and address the growing concern amongst the agriculture community.

Thank you for your consideration of this bill.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS ATTA
Deputy to the Chairperson

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TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE
COMMITTEE ON AGRICULTURE AND ENVIRONMENT

February 5, 2021

1:00 P.M.

Via VIDEOCONFERENCE

SENATE BILL NO. 219
RELATING TO CRIMES ON AGRICULTURAL LANDS

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 219. This measure imposes extended terms of imprisonment for certain offenses against the property rights committed on agricultural lands. The Department supports this measure.

The Hawaii Department of Agriculture recognizes that crimes committed on agricultural land causes significant hardship to the farmer, potentially leading to bankruptcy. Any measure that provides a stronger deterrent to criminal activity on agricultural lands would be beneficial to farmers, ranchers, producers, and landowners, including the State of Hawai`i.

Thank you for the opportunity to testify on this measure.





Hawaii Cattlemen's Council, Inc.

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Gabbard, Chair
Senator Nishihara, Vice Chair

SB 219

Authorizes the transfer and co-management of certain agricultural lands between the department of agriculture and department of land and natural resources as identified in Act 90, Session Laws of Hawaii 2003.

Friday, February 5,, 2021, 1:00 pm
Via Videoconference

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee on Agriculture and Environment,

The Hawaii Cattlemen's Council **supports SB219** to impose terms of imprisonment for certain offenses against property rights committed on agricultural land. Agricultural entities struggle to operate on slim margins, and criminal activity must be deterred in order to protect our ability to provide food for the community

We appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



Email: communications@ulupono.com

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT
Friday, February 5, 2021 — 1:00 p.m.

Ulupono Initiative supports SB 219, Relating to Crimes on Agricultural Lands.

Dear Chair Gabbard and Members of the Committee:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

Ulupono supports SB 219, which imposes extended terms of imprisonment for certain offenses against property rights committed on agricultural lands.

In our conversations with farmers and ranchers, one issue that keeps coming up is agricultural theft and how there is little enforcement or 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 who can afford to, precious money has to be spent on security infrastructure, monitoring, and labor to defend their agricultural operations instead of producing food. Profit margins for agricultural operations are already tight. Losing revenue and investing in repairs and security 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. By increasing the penalty of agricultural crimes on our agricultural lands, the State is making a commitment to support local producers and get control of this longstanding agriculture issue.

As Hawai'i's local food issues become increasingly complex and challenging, we appreciate this committee's efforts to look at policies that support local food production.

Thank you for this opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i



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February 5, 2021

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 219
RELATING TO CRIMES ON AGRICULTURAL LANDS

Via Videoconference
1:00 PM

Aloha Chair Gabbard, Vice Chair Nishihara, 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 SB 219, and any other measure which would deter agricultural crime in Hawaii. We offer one technical suggestion to ensure that the specific language in one section does not undermine the entire purpose of the bill.

Hawaii farmers have suffered greatly from theft, vandalism, and trespass in recent years, even more so during the pandemic. Something must be done to stop criminals from taking advantage of the hard work of agricultural producers. We need ag crime to be taken more seriously by the county police departments, prosecutors, and judges. If we want agriculture to be successful in Hawaii, we need to do more to catch criminals and to penalize them enough to deter repetition.

The latest published statistics show a grim picture for local farmers and ranchers trying to stay in business. In April 2020, USDA published a report indicating that agriculture theft and crime cost Hawaii farm producers **\$14.4 million, or 10% of the 2018 Hawaii net farm income of \$142 million.**

(https://www.nass.usda.gov/Statistics_by_State/Hawaii/Publications/Miscellaneous/AgTheft_2019.pdf)

This includes theft of farm commodities, materials, equipment, and other property. Statewide vandalism costs were over a half a million dollars. Security costs to prevent theft and/or vandalism were over \$11 million. According to the report, nearly 4,000

incidents of theft, 1,112 incidents of vandalism, and 14,262 trespassing incidents occurred during 2019. Often, farmers give up on calling law enforcement because there is no follow up. Honolulu County suffered the highest rate of theft/vandalism at 25 % of all farms. Fifteen percent of all farms in Hawaii County were hit by theft or vandalism. Farmers are spending millions of dollars to install security systems that aren't necessarily effective, or are themselves stolen. And ag crime is increasing. Obviously, the farmers cannot tackle this problem on their own.

HFB supports this measure with the following suggestion: that the language proposed as HRS Section 708-___ (1), page 1, lines 8 and 9 be amended to delete the criminal's state of mind with regard to land classification. No convictions under this measure will be possible if the proposed requirement is retained. The clause would require that at the time of the crime, the criminal knew, or should have known the land classification of the property or whether it was primarily used for farming. We believe that it would be impossible and unnecessary to prove that the criminal had this knowledge. How would he, without access to detailed land classification maps, a land survey, county and State tax records, etc.?

"§708- Extended terms of imprisonment for offenses committed on agricultural lands. (1) The court shall sentence a person convicted of an offense under parts II, III, or IV of this chapter that is committed on agricultural land to an extended term of imprisonment **if the person knew or reasonably should have known that the crime was committed on agricultural land.**

(4) For the purposes of this section:

"Agricultural lands" means any acreage of land used primarily for a farming operation, as defined in section 165-2; provided that the term shall include land used for farm buildings and dwellings and roads and irrigation infrastructure associated with the agricultural land."

Thank you for the opportunity to testify on this important subject and for your support of Hawaii's farmers and ranchers.