



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:
H.B. NO. 859, RELATING TO AGRICULTURE.

BEFORE THE:
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

DATE: Friday, January 31, 2025 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or Kelcie K. Nagata or
Christopher J.I. Leong, Deputy Attorneys General

Chair Kahaloa and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments in support of this bill.

This bill is an omnibus bill that is aimed to provide strong deterrence against agricultural crimes. The Department recognizes the complexity of agricultural crimes and supports the intent of this bill to strengthen and clarify existing legal frameworks to generally protect agriculture in the State. The Department of the Attorney General strongly supports laws that provide much needed protection to farmers and ranchers and that treat agricultural crimes with the seriousness they deserve.

Overall, this bill clarifies violations related to agriculture and agricultural lands, including but not limited to hunting on private agricultural lands, and strengthens penalties for certain agricultural crimes. Additionally, the bill establishes an Agricultural Crime Prevention Program within the Department of Agriculture, which is intended to provide grants to support farmers in obtaining fencing or other protective or surveillance equipment for all agricultural lands.

We wish to note that the bill is entitled "Relating to Agriculture." Section VI of the bill concerns amendments to hunting laws – in particular provisions regarding hunting on private lands. We understand that these provisions are intended to address hunting on agricultural lands in particular. To address a potential objection based upon the single-subject rule found in article III, section 14 of the Hawai'i Constitution, we

recommend bolstering the legislative findings in section 1 of this bill to specifically note how these hunting provisions are related to agriculture – in particular how hunting on private lands without permission impacts agricultural lands in particular and are naturally connected to the other parts of the bill. See *Schwab v. Ariyoshi*, 58 Haw. 25, 34, 564 P.2d 135, 141 (1977) (“It is sufficient if the various parts of an act have a natural connection, are fairly well embraced in one subject, though somewhat general, and expressed in the title.”).

We respectfully ask your Committee to pass this bill. Thank you for the opportunity to provide testimony.



JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

SABRINA NASIR
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
Ka 'Oihana Mālama Mo'ohelu a Kālā
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

WRITTEN ONLY
TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS
ON
HOUSE BILL NO. 859

January 31, 2025
10:00 a.m.
Room 325 and Videoconference

RELATING TO AGRICULTURE

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 859 adds a new part to Chapter 141, HRS, to: 1) establish the Agricultural Crime Prevention Special Fund to be administered and expended by the Department of Agriculture (DOA); 2) establish the Agricultural Crime Prevention Program (ACPP) within DOA to provide grants to deter, prevent, and prosecute agricultural crimes; and 3) create standards for the grants that are to be awarded for the purposes of the ACPP. The bill amends Chapter 142, HRS, to: 4) allow DOA to set, charge, and collect administrative fines, fees, and associated costs, up to specified dollar limits, for any administrative violation of the chapter for which a penalty is not otherwise provided by law; 5) define habitual agricultural crimes; 6) establish a specialized unit of brand inspectors within DOA and enumerate the powers of the brand inspectors; 7) require the inspection and verification of livestock by DOA prior to slaughter; 8) establish the Brand Inspection Special Fund to be used for the implementation and administration of the specialized unit of brand inspectors;

10) amends the general duties of DOA to include the duties provided by the brand inspectors. The bill further amends various sections of Chapters 142, 145, 146, 183D, 708, and 712, HRS, to: 11) add criminal trespass on agricultural lands as an offense against property rights; and 12) clarify and adjust penalties for agriculture-related administrative and criminal violations. Finally, the bill appropriates an unspecified amount of general funds for FY 26 and FY 27 to carry out the purposes of this act and to fund an unspecified number of positions.

As a matter of general policy, B&F 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. 859, it is difficult to determine whether the proposed special funds would be self-sustaining.

Thank you for your consideration of our comments.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE AND FOOD SYSTEMS

JANUARY 31, 2025
10:00 AM
CONFERENCE ROOM 325

HOUSE BILL NO. 859
RELATING TO AGRICULTURE

Chair Kahaloa, Vice Chair Kusch, and Members of the Committee:

Thank you for the opportunity to testify on House Bill 859 that establishes an agricultural crime prevention program within the Department of Agriculture to provide grants, education, administrative enforcement, and other services for the benefit of the State's agricultural industry, clarifies, creates, and strengthens laws regarding crimes and violations related to agriculture or agricultural lands and hunting on private agricultural lands, establishes clear distinctions between administrative and criminal penalties and appropriates funds.

The Hawaii Department of Agriculture (Department) supports HB 859. The Department agrees that agricultural crimes pose a significant and growing threat to the sustainability and vitality of the State's agricultural industry and further acknowledges the comprehensive addressing of agricultural crimes in this bill. Comments are to align the implementation of the bill to the agency with which the Department would collaborate to not duplicate existing services. The comments are intended as suggestions because agricultural crime prevention requires an interagency effort, and the Department defers to the agencies noted in this testimony for their feedback.

The Department supports adding an Agricultural Crime Prevention Division (ACP), the organization of the division to be determined. The ACP, as a division, would maximize the effectiveness of the program as there would be one focus, to prevent agricultural crimes.



The Agricultural Crime Prevention Program described in Part II, provides grants to agricultural operations to procure resources for crime prevention. The National Agricultural Statistics Service Farm Technology Use Report released in 2019 reported results from farmers and ranchers surveyed statewide that included there was need for 3,383 pieces of video surveillance equipment and 2,778 GPS/RFID livestock tracker technology. There is evidence farmers and ranchers want to prevent crimes on their property. The provision to allow vendors to assist with the implementation acknowledges the need for assistance with administering the program.

The Quality Assurance Division (QAD) has enforcement capabilities and can expand the commodities the Agricultural Commodity Inspectors oversee with fines collected deposited in the existing Certification Services Revolving Fund. There is potential for QAD to expand to include Brand Inspectors as a pilot program, however, collaboration with the Department of Law Enforcement and the Department of the Attorney General will be necessary before the administrative and criminal penalties are determined. The Brand Inspectors would move into the ACP once the division is formed.

A minor correction on Page 12 Line 17 to change instant to initial.

Portions of the revisions to Chapter 142 that are specific to livestock may be more effective if placed in Chapter 141, making it applicable to agriculture, expanding from livestock.

Thank you for the opportunity to testify on this measure.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

STEPHEN L. FRYE
FIRST DEPUTY
PROSECUTING ATTORNEY



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

64-1067 MAMALAHOA HWY
KAMUELA, HAWAII 96743
PH: (808) 887-3017
FAX: (808) 887-3016

74-675 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT TO HOUSE BILL NO. 859

A BILL FOR AN ACT
RELATING TO AGRICULTURE

COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

Representative Kahaloa, Chair
Representative Kusch, Vice Chair

Friday, January 31, 2025 at 10:00 a.m.
Via Videoconference
State Capitol Conference Room 325
415 South Beretania Street

Honorable Chair Kahaloa, Vice-Chair Kusch, and Members of the Committee on Agriculture & Food Systems. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in Support to House Bill No. 859

This bill was created with the goal of establishing an agricultural crime prevention program within the Department of Agriculture. The program would provide grants, education, administrative enforcement, and other services to benefit the State's agricultural industry. It also aims to clarify, create, and strengthen laws concerning agricultural crimes and violations related to agricultural lands and hunting on private agricultural lands. The bill establishes a clear distinction between administrative and criminal penalties and allocates necessary funds.

Hawai'i County plays a critical role in the State's agricultural production. House Bill No. 859 has the potential to enhance the safety and sustainability of our farming and agricultural industry by allowing farmers to focus more on producing high-quality products using sustainable practices, rather than worrying about the security of their agricultural operations.

If signed into law, this legislation would enable the agriculture community to:

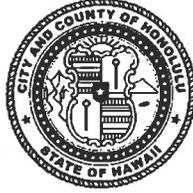
1. Safeguard our agricultural industry, which is the bread basket of the State of Hawai'i.
2. Enable our farmers, growers, and ranchers to remain competitive on the global market with Hawai'i-grown products.
3. Hold offenders accountable for actions that undermine food security and hinder economic development for the state.

The County of Hawai'i, Office of the Prosecuting Attorney is dedicated to pursuing justice with integrity and dedication. House Bill No. 859 represents a significant step toward

addressing the serious food security and economic issues caused by agricultural crimes. For these reasons, the County of Hawai'i, Office of the Prosecuting Attorney supports the passage of House Bill No. 859. Thank you for the opportunity to testify on this matter.

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulu-pd.org



RICK BLANGIARDI
MAYOR
MEIA

ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE MC-PA

January 31, 2025

The Honorable Kirstin Kahaloa, Chair
and Members
Committee on Agriculture and Food Systems
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

Dear Chair Kahaloa and Members:

SUBJECT: House Bill No. 859, Relating to Agriculture

I am Acting Major Michael Campbell, Jr. of District 4 (Kailua/Kāne'ohe/Kahuku) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 859, Relating to Agriculture. The introduction of a habitual agriculture crime law, night hunting on private lands law, and criminal trespass on agricultural lands may enhance our ability to hold those accountable for the theft of agricultural products and livestock.

The HPD urges you to support House Bill No. 859, Relating to Agriculture.

Thank you the opportunity of testify.

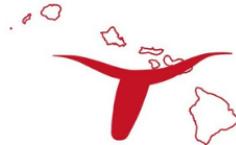
Sincerely,

A handwritten signature in black ink, appearing to be "Michael Campbell, Jr.", written in a cursive style.

Michael Campbell, Jr., Acting Major
District 4

APPROVED:


Arthur J. Logan
Chief of Police



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON AGRICULTURE & FOOD SYSTEM

Rep. Kirstin Kahaloa, Chair

Rep. Matthias Kusch, Vice Chair

HB859

RELATING TO AGRICULTURAL CRIMES

Friday, January 31, 2025, 10:00 AM
Conference Room 325 & Videoconference

Chair Kahaloa, Vice Chair Kusch, and Members of the Committee,

The Hawaii Cattlemen's Council **provides comments on HB859** which establishes an agricultural crime prevention program within the Department of Agriculture to provide grants, education, administrative enforcement, and other services for the intended benefit of the State's agricultural industry and clarifies, creates, and strengthens laws regarding crimes and violations related to agriculture or agricultural lands and hunting on private agricultural lands.

Agricultural crimes is not a new issue – but it is getting more pervasive and more dangerous. So dangerous that we lost a young rancher who was shot and killed by an individual who was confronted while illegally trespassing and poaching in 2024. This was an incredibly horrific incident that we need to prevent from ever happening again. Without the threat of a severe penalty, ag crimes will continue to flourish, to the detriment of our food producers.

Currently, agricultural crime is not getting the dedicated attention and resources it needs. Reporting of crimes is low out of producer frustration from lack of attention, successful prosecution is limited, and criminals are rarely deterred from committing the crimes. We appreciate that parts of this bill addresses resources to assist agricultural producers with crime.

We appreciate the opportunity to testify on this measure. **However, this is a very large and complex bill that has many sections to review that will impact our cattle producers in multiple ways.** Some sections are meant to protect our producers, and other sections are meant to regulate them. Some sections have information that demonstrates a lack of clear understanding and may in fact be more harmful than helpful to the industry. The Hawaii Cattlemen's Council (HCC) represents members that produce by far the majority of the beef cattle produced in the State, yet we were not previously consulted or made aware of these proposed amendments.



HCC is committed to reviewing its content with its members, the Department of Agriculture and the author to develop specific amendments and come up with a bill we can be confident will benefit the beef cattle industry, but we have not had adequate time to do this yet. With such far reaching consequences, more agricultural organizations should be given adequate time to thoroughly review and comment on the amendments, as agricultural crimes affect all sectors of agriculture.

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



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

January 31, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON HB 859
RELATING TO AGRICULTURE

Conference Room 325 & Videoconference
10:00 AM

Aloha Chair Kahaloa, Vice-Chair Kusch, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 859, which establishes an agricultural crime prevention program within the Department of Agriculture to provide grants, education, administrative enforcement, and other services to protect Hawaii's farmers, ranchers, and agricultural lands. This measure also clarifies, strengthens, and creates laws related to agricultural crimes, unauthorized hunting on private lands, and penalties for violations, ensuring clear distinctions between administrative and criminal penalties.

Agricultural crime, including theft, vandalism, illegal dumping, trespassing, poaching, and unauthorized hunting—is a persistent problem 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, feed, 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 Hawai'i. Farmers and ranchers are often victims of those 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. Our police departments are trying to help but don't have the staffing and resources to be everywhere at all times.

In recent years, not only crops and livestock have been stolen, but also tractors, trucks, farm equipment, and tools. Too often, a farmer or rancher has sweated, worried, and worked to the bone to produce a crop or raise livestock, only to wake up one morning to find that an opportunistic criminal has helped themselves to the harvest. Farmers and ranchers are fed up with this activity and deserve better. We understand that law enforcement resources are often prioritized for public health and safety. Is a farmer's and his family's health, safety, and livelihood any less important? We think not.

HFB believes that creating a dedicated crime prevention program within the DOA provides a focused approach to tackling agricultural crimes. The program addresses agricultural crimes through:

- **Grants** to assist farmers in implementing security measures (e.g., fencing, cameras, and tracking systems).
- **Education and outreach** on best practices for crime prevention and reporting.
- **Administrative enforcement tools** to address violations efficiently.
- **Collaboration with law enforcement agencies** to improve coordination in responding to agricultural crimes.

The agricultural crime prevention program establishes clear and enforceable penalties, ensuring minor violations are handled administratively while serious crimes can be prosecuted appropriately. The program represents a critical investment in protecting Hawai'i's agricultural community from the increasing threats of agricultural crimes. By creating the agricultural crime prevention program, this measure fosters collaboration, strengthens enforcement, and enhances the safety and security of Hawai'i's farmers and ranchers.

Thank you for the opportunity to testify on this important subject.

HB-859

Submitted on: 1/28/2025 3:41:25 PM

Testimony for AGR on 1/31/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Theresa M Thompson	Individual	Support	Written Testimony Only

Comments:

I support HB 859 RELATING TO AGRICULTURE.

Mahalo,

Theresa Thompson

HB-859

Submitted on: 1/28/2025 5:37:57 PM

Testimony for AGR on 1/31/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.

HB-859

Submitted on: 1/28/2025 5:46:42 PM

Testimony for AGR on 1/31/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

YES to - Establishes an agricultural crime prevention program within the Department of Agriculture to provide grants, education, administrative enforcement, and other services for the benefit of the State's agricultural industry. Clarifies, creates, and strengthens laws regarding crimes and violations related to agriculture or agricultural lands and hunting on private agricultural lands. Establishes clear distinctions between administrative and criminal penalties. Appropriates funds.