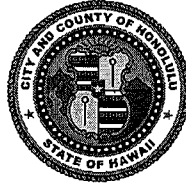


DEPARTMENT OF DESIGN AND CONSTRUCTION  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11<sup>TH</sup> FLOOR  
HONOLULU, HAWAII 96813  
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RICK BLANGIARDI  
MAYOR



HAKU MILLES, P.E.  
DIRECTOR  
BRYAN GALLAGHER, P.E.  
DEPUTY DIRECTOR

March 28, 2023

The Honorable David A. Tarnas, Chair  
The Honorable Gregg Takayama, Vice-Chair  
and Members of the Committee on Judiciary & Hawaiian Affairs  
The House  
State Capitol, Conference Room 325 via Video Conference  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Tarnas, Vice-Chair Takayama, and Members:

SUBJECT: Senate Bill No. 1468 SD2 HD1  
Relating to Right of Entry for Professional Surveyors

The Department of Design and Construction (DDC) respectfully **supports**  
Senate Bill No. 1468 SD2 HD1. The purpose of the bill is to:

Establish a right of entry for professional land surveyors to conduct a survey that protects the real property interests of property owners and the public interest in maintaining the integrity of a sound uniform real property system.

DDC's experience in land surveying has shown that surveying a property is not solely contained within the confines of the subject property, but often extends to finding and locating boundary markers on adjacent properties, and even properties that extend far beyond the site of the survey to ensure that the location of the subject property is the property of record. Through the process of recovering boundary markers, the surveyor or assistants may require entrance onto neighboring properties. Without this access, the survey process could be hindered and the location of the subject property would be uncertain.

Current practice for surveyors and assistants is to verbally ask for permission to enter a property for purposes of surveying. The notification process in the proposed bill would be valuable in instances where verbal agreement is not an option, as it would protect the surveyor from liability while informing the homeowner of the proposed survey.

The Honorable David A. Tarnas, Chair  
and Members of the Committee on Judiciary & Hawaiian Affairs  
March 28, 2023  
Page 2

Based on the above considerations, DDC respectfully **supports** Senate Bill  
No. 1468 SD2 HD1.

Thank you for the opportunity to express our **support** for this bill.

Sincerely,

  
for Haku Milles, P.E., LEED AP  
Director

**Testimony of the Board of Professional Engineers, Architects, Surveyors, and  
Landscape Architects**

**Before the  
House Committee on Judiciary & Hawaiian Affairs  
Wednesday, March 29, 2023  
2:00 P.M.  
Conference Room 325 and Via Videoconference**

**On the following measure:  
S.B. 1468, S.D. 2, H.D. 1, RELATING TO RIGHT OF ENTRY FOR PROFESSIONAL  
SURVEYORS**

Chair Tarnas and Members of the Committee:

My name is Sheena Choy, and I am the Executive Officer of the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects (Board). The Board supports the intent of and offers comments on this bill.

The purposes of this bill are to: (1) authorize professional land surveyors, and any assistant under the direct supervision of the professional land surveyor, to enter any private property to perform land surveying, subject to certain provisions regarding objections, notice, and identification; and (2) shield professional land surveyors and their assistants from prosecution under criminal trespass laws when performing their duties.

A land surveyor's ability to access adjacent properties is critical in their line of work. While coordination with owners has always been a standard practice, this bill creates and standardizes requirements for land surveyors to legally enter a private property. The Board supports this bill's effort to establish a right of entry for professional land surveyors to conduct a survey that protects the real property interests of property owners and the public interest in maintaining the integrity of a sound uniform real property system.

Thank you for the opportunity to testify on this bill.

March 29, 2023

**The Honorable David A. Tarnas, Chair**

House Committee on Judiciary & Hawaiian Affairs  
State Capitol, Conference Room 325 & Videoconference

**RE: Senate Bill 1468, SD2, HD1, Relating to Right of Entry for Professional Surveyors**

**HEARING: Wednesday, March 29, 2023, at 2:00 p.m.**

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i and its over 11,000 members. HAR **supports** Senate Bill 1468, SD2, HD1, which authorizes professional land surveyors, and any assistant under the direct supervision of the professional land surveyor, to enter any private property to perform land surveying, subject to certain provisions regarding objections, notice, and identification. Shields professional land surveyors and their assistants from prosecution under criminal trespass laws when performing their duties. Effective 6/30/3000.

The Hawai'i Association of REALTORS® believes that land surveyors provide very valuable services in identifying land boundaries and conducting surveys of land sites and properties. We appreciate and support the amendments made in previous committees, to clarify that the right of entry only applies to adjoining lands and not to any building, structure, residence, or vehicle on the property. Additionally, we support the provision that landowners receive a written notice of at least 10 days before the proposed survey date. This ensures the property owners are given sufficient time to be informed of the survey activities, particularly in cases where the owner may be away or where tenants occupy the property and must be informed by the owner as well. We are also in support of a property owner or tenant's ability to send written notice of refusal of entry as well as the ability to reschedule a mutually agreeable date and time with the land surveyor.

For the foregoing reasons, Hawai'i Association of REALTORS® supports this measure. Mahalo for the opportunity to testify.

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

House Committee on Judiciary & Hawaiian Affairs

From: Meyer Cummins, Licensed Professional Land Surveyor

Date: March 29, 2023


Subject: **Support for SB 1468 HD1 Relating to Right of Entry for Professional Surveyors**

Aloha Honorable Rep. David A. Tarnas, Honorable Rep. Gregg Takayama, and members of the Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of SB 1468 HD1.

My name is Meyer Cummins, and I am a land surveyor licensed to practice in the State of Hawaii. I am also a director on the Board of the Hawaii Land Surveyors Association, which represents the majority of the licensed land surveyors in the state. **I am writing in full support of SB 1468 HD1** because it strikes a balance between the need for Hawaii's surveyors to access private property to produce a thorough and complete survey without the fear of criminal liability for trespass, the landowner's property rights, and other stake holder interests affected by such a right of access.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at 808-294-3051 and I will make myself available for questions.

  
Meyer Cummins, LPLS

2023 HLSA Director

**SB-1468-HD-1**

Submitted on: 3/27/2023 12:51:37 PM

Testimony for JHA on 3/29/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dawn Fukutomi	Akamai Land Surveying, Inc.	Support	Written Testimony Only

Comments:

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

House Committee on Judiciary & Hawaiian Affairs

From: Dawn Fukutomi

Date: March 29, 2023

Subject: **Support for SB 1468 HD1 Relating to Right of Entry for Professional Surveyors**

Aloha Honorable Rep. David A. Tarnas, Honorable Rep. Gregg Takayama, and members of the Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of SB 1468 HD1.

My name is Dawn Fukutomi of Akamai Land Surveying, Inc. and **I am writing in full support of SB 1468 HD1** because it strikes a balance between the need for Hawaii's surveyors to access private property to produce a thorough and complete survey without the fear of criminal liability for trespass, the landowner's property rights, and other stake holder interests affected by such a right of access.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at 808-876-0177 and I will make myself available for questions.

Thank you,

Dawn Fukutomi

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

House Committee on Judiciary & Hawaiian Affairs

From: Leo Bell

Date: March 29, 2023

Subject: **Support for SB 1468 HD1 Relating to Right of Entry for Professional Surveyors**

Aloha Honorable Rep. David A. Tarnas, Honorable Rep. Gregg Takayama, and members of the Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of SB 1468 HD1.

My name is Leo Bell and **I am writing in full support of SB 1468 HD1** because it strikes a balance between the need for Hawaii's surveyors to access private property to produce a thorough and complete survey without the fear of criminal liability for trespass, the landowner's property rights, and other stake holder interests affected by such a right of access.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [lcb33@humboldt.edu](mailto:lcb33@humboldt.edu) and I will make myself available for questions.

**SB-1468-HD-1**

Submitted on: 3/27/2023 1:15:34 PM

Testimony for JHA on 3/29/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Erik Kaneshiro	Individual	Support	Written Testimony Only

Comments:

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

House Committee on Judiciary & Hawaiian Affairs

From: Erik Kaneshiro

Date: March 29, 2023

Subject: **Support for SB 1468 HD1 Relating to Right of Entry for Professional Surveyors**

Aloha Honorable Rep. David A. Tarnas, Honorable Rep. Gregg Takayama, and members of the Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of SB 1468 HD1.

My name is Erik Kaneshiro and as a licensed land surveyor **I am writing in full support of SB 1468 HD1** because it strikes a balance between the need for Hawaii's surveyors to access private property to produce a thorough and complete survey without the fear of criminal liability for trespass, the landowner's property rights, and other stakeholder interests affected by such a right of access.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at ekaneshiro@atahawaii.com and I will make myself available for questions.



Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

House Committee on Judiciary & Hawaiian Affairs

From: Joe Charles Jr

Date: March 29, 2023

Subject: **Support for SB 1468 HD1 Relating to Right of Entry for Professional Surveyors**

Aloha Honorable Rep. David A. Tarnas, Honorable Rep. Gregg Takayama, and members of the Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of SB 1468 HD1.

My name is Joe Charles Jr and **I am writing in full support of SB 1468 HD1** because it strikes a balance between the need for Hawaii's surveyors to access private property to produce a thorough and complete survey without the fear of criminal liability for trespass, the landowner's property rights, and other stake holder interests affected by such a right of access.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [joecharlesjr10@gmail.com](mailto:joecharlesjr10@gmail.com) and I will make myself available for questions.

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

House Committee on Judiciary & Hawaiian Affairs

From: Christina Villa

Date: March 29, 2023

Subject: **Support for SB 1468 HD1 Relating to Right of Entry for Professional Surveyors**

Aloha Honorable Rep. David A. Tarnas, Honorable Rep. Gregg Takayama, and members of the Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of SB 1468 HD1.

My name is Christina Villa and **I am writing in full support of SB 1468 HD1** because it strikes a balance between the need for Hawaii's surveyors to access private property to produce a thorough and complete survey without the fear of criminal liability for trespass, the landowner's property rights, and other stake holder interests affected by such a right of access.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at 808-690-1714 and I will make myself available for questions.

**L. Edward Paré**  
**Land Surveyor**  
P.O. Box 1086  
Naalehu, HI 96772  
808 443 1174

Hawaii L.P.L.S. # 8094  
Maine L.P.L.S. #1228  
Email: epare3906@gmail.com

Maine Office:  
12 McInnis Road  
Hancock, ME 04640  
207 422 3906

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Rep. David A. Tarnas, Chair  
Rep. Gregg Takayama, Vice Chair  
House Committee on Judiciary & Hawaiian Affairs  
From: L. Edward Paré  
Date: March 29, 2023

**Subject: Support for SB 1468 HD1 Relating to Right of Entry for Professional Surveyors**

Aloha Honorable Rep. David A. Tarnas, Honorable Rep. Gregg Takayama, and members of the Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of SB 1468 HD1.

My name is L. Edward Paré and **I am writing in full support of SB 1468 HD1** because it strikes a balance between the need for Hawaii's surveyors to access private property to produce a thorough and complete survey without the fear of criminal liability for trespass, the landowner's property rights, and other stake holder interests affected by such a right of access.

Surveying requires gathering evidence to determine the true location of property boundaries. A typical boundary corner often remains hidden until a thorough search of an area can be completed. Thus, the collection of boundary evidence inevitably results in a crossing of the invisible lines that separate neighboring parcels. A common situation that a surveyor practicing in Hawaii encounters is that a fence has been erected by an abutting lot owner to the lot being surveyed, but the fence has mistakenly been placed outside the boundaries of the abutting lot blocking the surveyor's ability to measure to the correct lot corners because of being locked out by the incorrectly installed fence. Another situation that is starting to occur in this increasingly litigious and contentious society is that an abutting lot owner that is having a boundary dispute with my client will aggressively "defend" their property with threats of dogs, guns or physical violence. Failing to collect such evidence out of fear of legal reprisal or a fear of physical harm is a breach of our duty to our clients and the public at large. However, without a right of entry, executing our responsibilities to meet that duty can risk liability for civil and

criminal trespass. The right of entry that SB 1468 grants will mitigate these risks and allow surveyors to do their jobs without fear of lengthy litigation. Therefore, I humbly request that you vote in favor of SB 1468 to protect the public interest and the land surveying community of professionals.

Mahalo nui loa for this opportunity to testify. Should you have any questions, I can be reached at the email or phone number listed above and I will make myself available for questions.



Sincerely,

A handwritten signature in black ink, appearing to read "L. Edward Pare".

L. Edward Pare

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

House Committee on Judiciary & Hawaiian Affairs

From: Victor M. Rasgado

Date: March 29, 2023

**Subject: Support for SB 1468 HD1 Relating to Right of Entry for Professional Surveyors**

Aloha Honorable Rep. David A. Tarnas, Honorable Rep. Gregg Takayama, and members of the Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of SB 1468 HD1.

My name is Victor Rasgado and **I am writing in full support of SB 1468 HD1** because it strikes a balance between the need for Hawaii's surveyors to access private property to produce a thorough and complete survey without the fear of criminal liability for trespass, the landowner's property rights, and other stake holder interests affected by such a right of access.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at email: [victor.rasgado@stantec.com](mailto:victor.rasgado@stantec.com) phone: 808-208-2837 and I will make myself available for questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V. M. Rasgado', with a long, sweeping flourish extending to the right.

Victor M. Rasgado, LPLS

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

House Committee on Judiciary & Hawaiian Affairs

From: Cliff Yim, LPLS

Date: March 29, 2023


Subject: **Support for SB 1468 HD1 Relating to Right of Entry for Professional Surveyors**

Aloha Honorable Rep. David A. Tarnas, Honorable Rep. Gregg Takayama, and members of the Committee on Judiciary & Hawaiian Affairs.

Thank you for allowing me to testify in support of SB 1468 HD1.

My name is Cliff Yim and **I am writing in full support of SB 1468 HD1** because it strikes a balance between the need for Hawaii's surveyors to access private property to produce a thorough and complete survey without the fear of criminal liability for trespass, the landowner's property rights, and other stake holder interests affected by such a right of access.

Mahalo nui for this opportunity to testify. Should you have any questions, I can be reached at [cliffyim@outlook.com](mailto:cliffyim@outlook.com) and I will make myself available for questions.

  
Cliff Yim, LPLS

**SB-1468-HD-1**

Submitted on: 3/28/2023 12:35:37 PM

Testimony for JHA on 3/29/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marion K A Kapuniai	Individual	Support	Written Testimony Only

Comments:

**SUPPORT ONLY IF CONSIDERATION IS GIVEN TO LESSEES OF LAND OWNERS.**

**LAND SURVEYOR WILL HAVE TO ALSO SEND TEN-DAY WRITTEN NOTICE VIA CERTIFIED MAIL TO THE LESSEE WHO WILL CONFIRM THE APPOINTMENT.**

**Case in point, is the poor process conducted by the District Offices of the Department of Hawaiian Home lands, regarding Land Surveyors entering beneficiary leased properties, especially when the property is fenced and gates locked. Lessees have a right to communicate with, in this case, land surveyors, before entry.**

**Thank you, M Kapuniai**