



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
www.hawaii.gov/dcca

KEALI'I S. LOPEZ
DIRECTOR

EVERETT KANESHIGE
DEPUTY DIRECTOR

**PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE**

**TO THE HOUSE COMMITTEE ON
ECONOMIC REVITALIZATION & BUSINESS**

**TWENTY-SIXTH STATE LEGISLATURE
REGULAR SESSION, 2012**

**THURSDAY, JANUARY 26, 2012
8:30 A.M.**

**TESTIMONY ON HOUSE BILL NO. 2272
RELATING TO PROFESSIONS AND VOCATIONS**

**TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND TO THE HONORABLE ISAAC W. CHOY, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:**

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 2272, Relating To Professions and Vocations. My name is Daria Loy-Goto of the Department's Regulated Industries Complaints Office ("RICO"). RICO offers the following comments on the bill.

House Bill No. 2272 replaces the current definitions of "surveyor" or "land surveyor" with new definitions for "land surveying" and "professional surveyor",

"professional land surveyor" or "land surveyor" in chapter 464, Hawaii Revised Statutes, which governs professional engineers, architects, surveyors, and landscape architects. The bill also amends the current definition of "landscape architect."

RICO supports efforts to update existing definitions to capture the full range of conduct performed by land surveyors. To that end, the list of included activity set forth on page 1 line 18 to page 3 line 7 will assist RICO in its enforcement activities.

However, with regard to the language on page 1 lines 4 to 16 of the bill, RICO is concerned that this sentence could be construed as the primary definition of "land surveying" and that it will be difficult to meet the numerous elements set forth in the definition. RICO suggests that the elements of this definition be simplified in a manner that would facilitate enforcement.

RICO was invited to offer comments to this bill shortly before the start of the legislative session, and notes that many of its suggestions have already been incorporated in the bill. RICO continues to be willing and able to discuss its concerns with the bill's supporters and proponents.

Thank you for this opportunity to testify on House Bill No. 2272. I will be happy to answer any questions that the members of the Committee may have.

**PRESENTATION OF THE
BOARD OF PROFESSIONAL ENGINEERS, ARCHITECTS,
SURVEYORS AND LANDSCAPE ARCHITECTS**

**TO THE HOUSE COMMITTEE ON
ECONOMIC REVITALIZATION & BUSINESS**

**TWENTY-SIXTH LEGISLATURE
Regular Session of 2012**

**Thursday, January 26, 2012
8:30 a.m.**

**TESTIMONY ON HOUSE BILL NO. 2272, RELATING TO PROFESSIONS AND
VOCATIONS.**

**TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:**

My name is Dan Hirota, surveyor member of the Board of Professional Engineers, Architects, Surveyors and Landscape Architects ("Board"). The Board appreciates the opportunity to testify in support of House Bill No. 2272, Relating to Professions and Vocations.

The purpose of House Bill No. 2272 is to clarify the definition of "landscape architect" and replaces the existing definition of "surveyor" or "land surveyor" with definitions for "land surveying" and "professional surveyor", "professional land surveyor", or "land surveyor".

The Board believes the existing definition for "surveyor" or "land surveyor" is outdated and does not reflect the full scope of practice of land surveying. The definition proposed in the bill provides a more accurate description of the activities involved in the practice of land surveying.

Testimony on H.B. No. 2272
Thursday, January 26, 2012
Page 2

Moreover, the Board understands that the Regulated Industries Complaints Office ("RICO") may have concerns about the format of the bill in terms of enforcement and is willing to consider any recommendations that RICO may have as RICO is delegated the authority to investigate and prosecute any complaint that may be filed.

Thank you for the opportunity to testify in support of House Bill No. 2272.



HAWAII LAND SURVEYORS ASSOCIATION

P.O. BOX 2981
HONOLULU, HAWAII 96802

*Affiliated with NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
and the AMERICAN CONGRESS ON SURVEYING AND MAPPING
Member of the WESTERN FEDERATION OF PROFESSIONAL SURVEYORS*

January 25, 2012

Hearing: Thursday, January 26, 2012 at 8:30 a.m., in Conference Room 312

Representative Angus L.K. McKelvey, Chair
Representative Isaac W. Choy, Vice Chair
House Committee on Economic Revitalization & Business

RE: **SUPPORT HB2272** - Land Surveying; Professional Land Surveyors; Landscape Architects

Dear Honorable Angus L.K. McKelvey, Chair, Vice Chair Isaac W. Choy, and Members of the House Committee on Economic Revitalization & Business:

My name is Kevin Kea, and I represent the Hawaii Land Surveyors Association (HLSA), a non-profit organization created in 1988, that represents over 70% of the licensed surveyors in the State of Hawaii.

Thank you for this opportunity to provide written testimony in strong SUPPORT of HB2272. The purpose and intent of this bill is to update, clarify, and make current the definition of a professional land surveyor in the State of Hawaii.

It has been many years since the land surveyors, as licensed professionals, have taken a serious look at the current definition of a professional land surveyor. We believe that it is time to update the definition of the professional land surveyor, as it is severely outdated, and many facets of the profession has changed and modernized over the years.

The surveying profession not only deals with boundary issues of real property, solving conflicts and mapping discrepancies, but also provides services for engineers, architects, real estate agents, contractors, insurance agents, large land owners, and the average home owner. In order to help protect the safety and well-being of the public, a more in-depth and detailed role of a professional land surveyor is needed.

Unfortunately, HLSA has received complaints and reports of activity that may be placing land owners, private individuals, and companies at risk due to the fact that land surveys are being conducted by individuals who are not licensed by the State Department of Commerce and Consumer Affairs (DCCA), but yet hold themselves out as surveyors, and perform surveys. Reports have also been lodged that these individuals are openly advertising in the yellow pages and other sources, and this could unfortunately be viewed as land surveying work.

Representative Angus L.K. McKelvey, Chair
Representative Isaac W. Choy, Vice Chair
House Committee on Economic Revitalization & Business
SUPPORT of HB2272
Page 2

HLSA's goal in recommending this amendment is to deter and hopefully eliminate any illegal activity by these unlicensed individuals. HLSA also hopes to educate the general public, future clients, and those who consider doing survey work without a license on the new amendments and requirements.

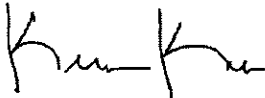
Those in need of a survey within the State of Hawaii should always hire a professional land surveyor licensed by DCCA. With this new clarified definition, it will clearly express the requisite education and experience that is required in order for someone to hold himself or herself out as being a professional licensed land surveyor, required under the statute.

The current definition was originally created in 1933, was amended several times with the last amendment being in 1989. Other states like California, Oregon, Oklahoma, and Florida have updated their definitions. Hawaii must now update its definition for the best interest of the public and the land surveying profession.

HLSA unequivocally supports HB 2272.

Thank you very much for this opportunity to provide testimony in strong **SUPPORT** of this important bill.

Sincerely yours,



Kevin K. Kea, PLS
NSPS Governor
HLSA Board Member

62

January 25, 2012

To: Hawaii State Legislature
House Committee on Economic Revitalization & Business
Hawaii State Capitol
415 S. Beretania Street, Room 427
Honolulu, Hawaii 96813

From: Erik S. Kaneshiro

Re: House Bill 2272 -- **SUPPORT**

Dear Committee Members:

Thank you for this opportunity to share my support for House Bill 2272.

As a licensed Professional Land Surveyor, I am concerned with the current problem of "pin finders". These people that offer to recover boundary corners but claim no liability for any errors on their assumptions poses a risk to the general public. I feel that this Bill is necessary to better define the jurisdiction of a professional land surveyor.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro", with a stylized flourish at the end.

Erik S. Kaneshiro
98-1028 Palula Way
Aiea, Hawaii 96701
(808) 454-1767
ekaneshiro@atahawaii.com

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2012 6:32 AM
To: ERBtestimony
Cc: clayton@hawaiiengineering.net
Subject: Testimony for HB2272 on 1/26/2012 8:30:00 AM

Testimony for ERB 1/26/2012 8:30:00 AM HB2272

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: Clayton Kaneshiro
Organization: Individual
E-mail: clayton@hawaiiengineering.net
Submitted on: 1/25/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2012 7:26 AM
To: ERBtestimony
Cc: barbara.cooper@helcohi.com
Subject: Testimony for HB2272 on 1/26/2012 8:30:00 AM

Testimony for ERB 1/26/2012 8:30:00 AM HB2272

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: Barbara Cooper
Organization: HLSA
E-mail: barbara.cooper@helcohi.com
Submitted on: 1/25/2012

Comments:

I strongly support HB2272 as a way to not only protect the public against persons professing to be qualified to do Land Surveying work, but also to protect the "professionalism" of the occupation for those of us who studied so hard and got licensed by the Board.

Mahalo,

Barbara B. Cooper, P.L.S.
Senior Land Surveyor
Survey Division - Support Services Dept.
Hawaii Electric Light Company
(LS License #10749)

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2012 7:39 AM
To: ERBtestimony
Cc: chrys@wtahawaii.com
Subject: Testimony for HB2272 on 1/26/2012 8:30:00 AM

Testimony for ERB 1/26/2012 8:30:00 AM HB2272

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: Chrystal Yamasaki
Organization: Wes Thomas Associates
E-mail: chrys@wtahawaii.com
Submitted on: 1/25/2012

Comments:

This is an important improvement to the protection of the public from unlicensed surveyors or people purporting to be surveyors.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2012 7:55 AM
To: ERBtestimony
Cc: Darryl.Cadiz@aecom.com
Subject: Testimony for HB2272 on 1/26/2012 8:30:00 AM

Testimony for ERB 1/26/2012 8:30:00 AM HB2272

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: Darryl Cadiz
Organization: Individual
E-mail: Darryl.Cadiz@aecom.com
Submitted on: 1/25/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2012 9:22 AM
To: ERBtestimony
Cc: bruddahkuz@msn.com
Subject: Testimony for HB2272 on 1/26/2012 8:30:00 AM

Testimony for ERB 1/26/2012 8:30:00 AM HB2272

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: Iopa Maunakea
Organization: Individual
E-mail: bruddahkuz@msn.com
Submitted on: 1/25/2012

Comments:
I Iopa Maunakea support bill HB2272

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2012 9:26 AM
To: ERBtestimony
Cc: george.yoshimura@aecom.com
Subject: Testimony for HB2272 on 1/26/2012 8:30:00 AM

Testimony for ERB 1/26/2012 8:30:00 AM HB2272

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: George S. Yoshimura
Organization: AECOM
E-mail: george.yoshimura@aecom.com
Submitted on: 1/25/2012

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2012 10:45 AM
To: ERBtestimony
Cc: artiest@hawaiiantel.net
Subject: Testimony for HB2272 on 1/26/2012 8:30:00 AM

Testimony for ERB 1/26/2012 8:30:00 AM HB2272

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: Arthur Sevigny
Organization: Individual
E-mail: artiest@hawaiiantel.net
Submitted on: 1/25/2012

Comments:

I, Arthur Sevigny a licensed professional surveyor in the state of Hawaii am in support of HB2272. It is my hope that this bill will help deter unlicensed individuals who are currently doing work that should be done by a licensed surveyor in this state. By passing this bill it is my belief that it will help safeguard the general public from costly errors made by unlicensed individuals, safeguard the surveying profession and educate people of the requirements when hiring a land surveyor.

Thank You,
Arthur Sevigny PLS

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 25, 2012 2:37 PM
To: ERBtestimony
Cc: kschalk@hotmail.com
Subject: Testimony for HB2272 on 1/26/2012 8:30:00 AM

Testimony for ERB 1/26/2012 8:30:00 AM HB2272

Conference room: 312
Testifier position: Support
Testifier will be present: No
Submitted by: Kathryn Schalk
Organization: Individual
E-mail: kschalk@hotmail.com
Submitted on: 1/25/2012

Comments:

