

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Wednesday, January 30, 2019
1:15 PM
State Capitol, Conference Room 229**

**In consideration of
SENATE BILL 898
RELATING TO LAND RECORDATION**

Senate Bill 898 proposes to specify that the data requirements for land recordation by the Bureau of Conveyances (Bureau), on land other than fee simple timeshare interests deregistered by the land court, shall include a map and description prepared by a licensed surveyor. **The Department of Land and Natural Resources appreciates the intent of this measure and offers the following comments.**

Although the Bureau understands and supports the need for better map data for deregistered land parcels, we raise some questions on the statutory accuracy and the actual flow of this re-described process and the confusion it could create for the public as well as Bureau personnel. These questions have been shared with the Hawaii Land Surveyors Association and we look forward to the appropriate revisions of this bill.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

SENATE COMMITTEE ON WATER AND LAND

Senator Kaiali'i Kahele, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

From: Meyer Cummins, LPLS

Date: Monday, January 28, 2018

Subject: In Favor of SB 898 relating to Land Recordation

Aloha Honorable Senator Kaiali'i Kahele, Chair, Senator Gilbert S.C. Keith-Agaran, Vice Chair, and members of the Senate Committee on Water and Land,

Thank you for allowing me to testify in favor of Senate Bill 898.

My name is Meyer Cummins and I am a land surveyor licensed to practice in the State of Hawaii. I am also the Vice President of the Hawaii Land Surveyors Association which represents a majority of the licensed land surveyors in the State.

Existing Land Court Deregistration legislation described in HRS Chapter 501-261 does not ensure that land owners who voluntarily deregister their property from the Land Court Registration system are in possession of a proper map and legal description of their land to replace those that become inaccurate and inapplicable immediately after deregistration.

Maps and legal descriptions are instruments that outline the bounds, area, and location of land but they also describe and delineate the entitlements and encumbrances associated with that land. A property owner should have full knowledge of said entitlements and encumbrances to not only fully exercise their own rights but to also be made aware of the limits on those rights so as not to infringe on the rights of their neighbors.

Due to this important issue, the Board of the Hawaii Land Surveyors Association was asked by its membership to craft a bill to correct the issue of title ambiguity and lack of proper documentation for those lands that are deregistered from the Land Court. The HLSA Board has spent two years meeting/and or discussing with property owners, land surveyors including Russell Higa, the Maui County Surveyor, and Chrystal and Nick Yamasaki with Wes Thomas Associates on the Island of Hawaii, who have submitted testimony in favor of this bill, with Reid Siarot the State Land Surveyor, Carol Ackerman, the Bureau of Conveyances Land Court Branch Chief, Leslie Kobata the Registrar of the Bureau of Conveyances, who has assured me that he supports the intent and spirit of the Bill, Lorrin Hirano of Title Guaranty, and other title professionals to get input on crafting a bill aimed at fixing the issue. We have also reached out to the Planning Departments of all the counties and on the whole did not receive any negative feedback. Our efforts have produced Senate Bill 898.

Senate Bill 898 attempts to amend existing Land Court Deregistration legislation by requiring land owners who wish to voluntarily deregister their property from the Land Court Registration system to submit to the Bureau of Conveyances a map and legal description of their land prepared in accordance with Chapter 502 by a licensed land surveyor for review and approval by the State Land Surveyor. This amendment will ensure that lands deregistered in the Land Court have the proper documentation describing their original land titles, encumbrances and rights that is expected of every other piece of land not registered in the Land Court.

While Senate Bill has some technical items that need to be worked out which HLSA has discussed with the Bureau of Conveyances and the State Survey Office, it is a Bill that will help to correct a problem that has been years in the making.

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

Meyer Cummins, LPLS

The Honorable Senator Kaiali'i Kahele, Chair
The Honorable Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Water and Land

Re: Hearing Date: Friday, January 25, 2019 at 10:35am
Testimony in support of Senate Bill 898

From: Karl Nishio, President, Hawaii Land Surveyors Association

I am writing in support of S.B. 898. It will allow a means to rectify some of the inadequacies set forth in HRS 501-261.5, helping provide more oversight and a check of correctness of information when de-registering Land Court properties. It provides a means for the State Survey office to have a current status of the lands as they are the purveyors of such information for registered lands.

Our members of the association have been opposed to de-registration at its onset but have accepted it is the current state of being although it presents challenges to the land surveying profession. As it appears now, more burden has been placed upon the survey professional to ascertain title/ownership of a subject property and complicates matters in mapping and descriptions.

This bill will help keep the information necessary for land matters in an organized and traceable manner to be more beneficial for the public and professional community.

Thank you for your time and consideration with this.

Karl Nishio
President
Hawaii Land Surveyors Association

SB-898

Submitted on: 1/28/2019 12:49:49 PM

Testimony for WTL on 1/30/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chrystal Yamasaki	Individual	Support	No

Comments:

I have been a practicing licensed professional land surveyor in the State of Hawaii since 1978. I am the chief surveyor and president of a small 12 person firm on the Island of Hawai'i. We have four licensed professional land surveyors, including myself, on staff. We are very familiar with the lack of guidance in the mapping of land court property for deregistration. SB898 will provide a roadmap for consistency in the mapping and recording process for the deregistered lands. We are in support of the clarifications made to the process by SB898. We encourage you to support SB898.

SB-898

Submitted on: 1/28/2019 2:00:11 PM

Testimony for WTL on 1/30/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kendall Hee	Individual	Support	No

Comments:

Honorable Senator Kaiulani Kahele, Chair

Honorable Senator Gilbert S.C. Keith-Agaran, Vice Chair

Thank you for considering my testimony in favor of SB 898 relating to recordation of Land Court Property. SB 898 seeks to clarify requirements when deregistering land.

Although the landowner has the option to choose to deregister their lands, we want land matters to be recorded in an orderly manner so that going forward the important information pertaining to the land is preserved. The cost of creating the proper documents should rightly be borne by the landowner wishing to deregister the property as they are receiving the economic benefit. The cost of the proper documentation just needs to be part of the economic decision.

The land information needs to be able to clearly stand on its own long after the land has been passed from one land owner to another and this bill seeks to require the proper documentation to maintain orderly land records.

Thank you for your consideration. Should you have any questions, I can be contacted at 808-591-8116 x216

Respectfully submitted, Kendall Hee, LPLS 5649, LPE 6176

SB-898

Submitted on: 1/28/2019 6:44:42 PM

Testimony for WTL on 1/30/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Berg	Individual	Support	No

Comments:

Senator Kaiali'i Kahele, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Water and Land

Wednesday, January 30, 2019, 1:15 PM, Conference Room 229

Support for Senate Bill No. 898 – Relating to Land Recordation

By: Jeffrey Sato, P.L.S., P.E., EMBA (Phone 368-1514)

I am writing in support of Senate Bill 898. I have been following the development of this bill since 2017 in its prior draft as House Bill 617 with the Judiciary Committee.

I am licensed in the State of Hawaii as both a land surveyor and civil engineer and have worked at two local civil engineering and land surveying firms over the past 30 years. Additionally, I am also a Land Court Surveyor and member of the Hawaii Land Surveyors Association. The primary focus of my career has been working with land developers subdividing residential, commercial and industrial land on Oahu.

As a land surveyor, I was opposed to the measure allowing the deregistration of land in 2013. Deregistration, as an option, complicated the land recording process. The testimony submitted by the land surveyors and the officers of the Hawaii Land Surveyors Association, is submitted with the intent of being a public advocate. The public will probably never interact with the Department of Accounting and General Service's Survey Office, nor understand its functions, but we, as land surveyors, do. For over 100 years, the Survey Office worked on its system to receive land maps consistent in format and description from private surveyors. We, as private surveyors, understand what is expected of work we uniformly submit to the Survey Office. While it may take us weeks and even months to properly prepare a large subdivision map, the Survey Office should be allowed an adequate and an appropriate amount of time to properly check mapping work. Public impatience should be tempered to allow the Survey Office to appropriately complete its work.

I appreciate the guidance and work furnished by the Survey Office. Record information filed with the State Survey Office is superior compared to unchecked legal descriptions that are hastily filed at the Bureau of Conveyances. Unchecked legal descriptions, while allowed as a method of describing parcels of land, often contain typographical, mathematical, or omission errors. These errors prove to be problematic for successive land owners. Because we are familiar with this portion of the land recording process, our intent is not to further confuse the process, but rather to logically correct and improve changes to the deregistration process. We are also members of the public, and as licensed professionals, we present testimony which we feel benefits the public.

Thank you for allowing me the opportunity to comment on this bill.

January 29, 2019

Water and Land Committee
Senator Kaiulani Kahele, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Andy Harada, Professional Licensed Land Surveyor

Ph. 808 492-4814

Support for S.B. 898, Relating to Land Recordation, Deregistered Land

I am a Professional Licensed Land Surveyor with forty eight years of experience in land surveying. Licensed to practice in the State of Hawaii since 1987. I am also certified to practice in the Land Court. I retired from the City and County of Honolulu after thirty years of service. Last position, Survey Branch Chief, Department of Design and Construction, Division of Land Survey and Acquisition. I am currently working for a local Engineering and Surveying company. Affiliations: National Society of Professional Surveyors and Hawaii Association of Lands Surveyors.

I support the changes to Section 501-261.5. Hawaii Revised Statutes.

The changes are necessary to properly ensure the transition of land registered with the Land Court, to unregistered land, recorded at the Bureau of Conveyances.

Currently, unregistered land, maps and descriptions are filed under 502-17, unregistered land, being the lands not registered within the land court system.

Hawaiian Land Titles by Robert D. King, he wrote "*Land Court title does not annul or cancel out the original titles derived by a Land Commission Award, a Royal or Land Patent (Grant) or a Kamehameha Deed.*" Thus, when Land Court lot(s) are deregistered, the underlying original land title(s), must be used for the mapping and included in metes and bounds descriptions for said lot(s) and recorded in the State of Hawaii Bureau of Conveyances.

Sincerely,

Andy R. Harada, LPLS

SB-898

Submitted on: 1/29/2019 11:20:42 PM

Testimony for WTL on 1/30/2019 1:15:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

Senator Kai Kahele, Chair
Gilbert Keith-Agaran, Vice Chair
Senate Committee on Water and Land
SB898



Relating to Land Recordation

Testimony by Joanne Williamson, LPLS
Affiliations: Hawaii Licensed Professional Land Surveyor
Hawaii Director of the National Society of Professional Surveyors
Senior Land Surveyor, Hawaiian Electric Company
(808) 436-6725

January 30, 2019
1:15 PM
Room 325

Thank you for allowing my testimony in testimony in strong support of SB898.

My name is Joanne Williamson and I am a Licensed Professional Land Surveyor and Land Court Land Surveyor, having been in the surveying profession for the past twenty-five (25) years in the State of Hawaii.

Surveyors are tasked with writing property descriptions based on their professional expertise in discerning the boundaries, as well as identifying the land title, of the land being described. The surveying profession requires both a working knowledge of Hawaiian land history and current legislation and regulatory processes. Additionally a professional surveyor has a mandate is to guard the integrity of land boundaries for the public which we serve.

SB898 supports the public interest in what is often the most substantial investment they will ever make. It perpetuates the continuity of Hawaiian Land title moving forward, and augments the existing deregistration process so that registered land title is clearly transferred to its original status. It addresses any ambiguity created by the original deregistration legislation by using existing mapping processes at the State Survey office which save both time and expense for future land owners of these lands.