

STAND. COM. REP. NO.

1062

Honolulu, Hawaii

MAR 03 , 2023

RE: H.B. No. 1241
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1241, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO RIGHT OF ENTRY FOR PROFESSIONAL SURVEYORS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize professional land surveyors and assistants who are under the direct supervision of land surveyors to enter private property to perform land surveying, subject to certain notice, identification, and liability requirements; and
- (2) Protect professional land surveyors and supervised assistants from prosecution under criminal trespass laws when performing their duties.

Your Committee received testimony in support of this measure from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects and six individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General and one individual. Your Committee received comments on this measure from Hawai'i REALTORS.

2023-2335 HB1241 HD2 HSCR HMSO



Your Committee finds that land surveying protects the public interest, maintains Hawaii's unique land title system, and supports government land use goals. Your Committee further finds that professional land surveyors require reasonable access over and across certain real properties at reasonable times in the regular course of their work. This measure balances a land surveyor's important task of completing accurate surveys with property owners' interest in protecting land from unconsented invasion.

Your Committee has amended this measure by:

- (1) Amending the preamble;
- (2) Clarifying that the right of entry to private property does not include the right to enter any building, structure, residence, or vehicle;
- (3) Decreasing the number of days a land surveyor must give written notice of the intention to enter the private property to be surveyed and any adjoining lands;
- (4) Amending the required information for, and delivery of, written notice;
- (5) Amending the procedure for objecting to a land surveyor's entry to private property;
- (6) Clarifying when a land surveyor or assistant may enter adjoining lands;
- (7) Deleting language that would have exempted land surveyors from liability under certain circumstances;
- (8) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1241, H.D. 1, as amended herein, and recommends that it



pass Third Reading in the form attached hereto as H.B. No. 1241,
H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



