

STAND. COM. REP. NO.

1867

Honolulu, Hawaii

MAR 31, 2023

RE: S.B. No. 1468
S.D. 2
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 S.B. No. 1468, S.D. 2, 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 establish a right of entry for professional land surveyors and any assistants under the direct supervision of the 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.

Your Committee received testimony in support of this measure from the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects; Department of Design and Construction of the City and County of Honolulu; Hawai'i Association of REALTORS; Hawaii Land Surveyors Association; Akamai Land Surveying, Inc.; and eight individuals.

Your Committee finds that there is a public interest in maintaining a sound and uniform real property system by surveying common property boundaries. Your Committee notes that to properly conduct their surveys, professional land surveyors need access to

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adjoining lands to record boundary lines, recover or reestablish boundary monuments or survey controls, and locate rights-of-way or improvements with positional discrepancies. This measure balances a surveyor's important task of completing surveys against a landowner's private property rights by establishing a mechanism for the land surveyor and landowner to negotiate a mutually agreed upon time and date for a survey, if required.

Your Committee has amended this measure by:

- (1) Clarifying that any assistant under the direct supervision of a professional land surveyor is not authorized to enter the private property of an objecting landowner;
- (2) Authorizing a professional land surveyor, and any assistant under the direct supervision of the professional land surveyor, to enter the private property of a landowner who does not make a timely objection; and
- (3) 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 S.B. No. 1468, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1468, S.D. 2, H.D. 2.

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



DAVID A. TARNAS, Chair



