

ACT 72

H.B. NO. 1059

A Bill for an Act Relating to the One Call Center.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the frequency of use and complexity of underground infrastructure in this State has steadily increased over the past several decades. The legislature further finds that the public and all levels of government are increasingly dependent on the safe and reliable provision of utilities and services that are delivered by subsurface facilities, including electricity, water, drainage, sewer, telecommunications, cable television, oil, petroleum products, gas, optical signals, traffic control, and hazardous liquids. A consequence of increased dependence on these utilities and services is an increased need to protect them from disruption and to avoid the attendant direct and indirect costs, damages and to avoid injuries caused by their disruption.

To address these concerns, the legislature, through Act 141, Session Laws of Hawaii 2004, mandated that the public utilities commission establish and begin operations, by or before January 1, 2006, of a one call center to provide advance warning to excavators of the location of subsurface installations in areas of proposed excavation to protect those installations from damage. Act 141, codified as chapter 269E, Hawaii Revised Statutes, included a repeal date of June 30, 2009.

After two years of operations, the one call center is still in a growth stage with respect to the maximum coordination of its efforts. However, the legislature finds that the one call center has been successful in its role of providing advance warning to excavators of the location of subsurface installations and concomitant protection of underground facilities, and continues to benefit the general public and governmental entities.

The legislature also finds that certain excavation activities, such as pest control operations, should be exempted from the one call center program, because they do not present the risks to underground facilities that the one call center was designed to address.

The purpose of this Act is to:

- (1) Make the one call center program permanent by repealing the June 30, 2009, sunset provision in Act 141; and
- (2) Exempt the activities of pest control operators licensed under chapter 460J, Hawaii Revised Statutes, from the one call center program for three years.

SECTION 2. Section 269E-2, Hawaii Revised Statutes, is amended by amending the definition of "excavation" to read as follows:

““Excavation” means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of tools, equipment, or explosives, including but not limited to the following: grading, trenching, digging, ditching, boring, drilling, auguring, tunneling, scraping cable or pipe plowing and driving, demolition, and dredging. “Excavation” shall not include any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of tools, equipment, or explosives as part of ~~improving~~:

- (1) Improving an existing principal place of residence for one or two families, or improving or constructing an appurtenance thereto, on a parcel of land two acres or less in size, zoned for residential use, which is used or occupied or is developed, devoted, intended, or permitted to be used or occupied as a principal place of residence for one or two families~~[-]; or~~
- (2) Any pest control activity regulated under chapter 460J.”

SECTION 3. Act 141, Session Laws of Hawaii 2004, as amended by section 51 of Act 22, Session Laws of Hawaii 2005, is amended by amending section 7 to read as follows:

~~“SECTION 7. This Act shall take effect on July 1, 2004[, and shall be repealed on June 30, 2009; provided that sections 269-30 and 269-33, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the effective date of this Act].”~~

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on June 29, 2009; provided that section 2 of this Act shall be repealed on June 30, 2012 and section 269E-2, Hawaii Revised Statutes, shall be reenacted in the form in which it read on June 28, 2009.

(Approved May 26, 2009.)