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# A BILL FOR AN ACT

RELATING TO THE ONE CALL CENTER.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the deployment and  
2 complexity of underground infrastructure in this state has  
3 steadily increased over the past several decades. The  
4 legislature further recognizes, and is concerned with, the  
5 increasing dependence by the public, and all levels of  
6 government, on the safe and reliable provision of services that  
7 are delivered by subsurface facilities, including but not  
8 limited to electricity, water, drainage, sewer,  
9 telecommunications, cable television, oil, petroleum products,  
10 gas, optical signals, traffic control, and hazardous liquids. A  
11 consequence of increased dependence on these utilities and  
12 services is an increase in the need for protecting them from  
13 disruption, and avoiding the attendant direct and indirect  
14 costs, damages, and injuries caused by their disruption.

15           To address the above concerns, the legislature, pursuant to  
16 Act 141, Session Laws of Hawaii 2004, mandated that the public  
17 utilities commission establish and begin operations, by or



1 before January 1, 2006, of a one call center to provide advance  
2 warning to excavators in this state of the location of  
3 subsurface installations in areas of proposed excavation for the  
4 purpose of protecting those installations from damage. Act 141,  
5 codified as chapter 269E, Hawaii Revised Statutes, included a  
6 repeal date of June 30, 2009.

7 Although after two years of operations the one call center  
8 is still in a growth stage with respect to the maximum  
9 coordination of its efforts, the legislature believes that the  
10 one call center has been successful in its role as provider of  
11 advance warning to excavators of the location of subsurface  
12 installations, and concomitant protection of underground  
13 facilities, and continues to benefit the general public and  
14 governmental entities.

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

20 The purpose of this Act is to:



1 (1) Make the one call center program permanent by  
2 repealing the June 30, 2009, sunset provision in Act  
3 141; and

4 (2) Exempt the activities of pest control operators  
5 licensed under chapter 460J, Hawaii Revised Statutes,  
6 from the one call center program.

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

10 ""Excavation" means any operation in which earth, rock, or  
11 other material in the ground is moved, removed, or otherwise  
12 displaced by means of tools, equipment, or explosives, including  
13 but not limited to the following: grading, trenching, digging,  
14 ditching, boring, drilling, auguring, tunneling, scraping cable  
15 or pipe plowing and driving, demolition, and dredging.

16 "Excavation" shall not include any operation in which earth,  
17 rock, or other material in the ground is moved, removed, or  
18 otherwise displaced by means of tools, equipment, or explosives  
19 as part of [~~improving~~]:

20 (1) Improving an existing principal place of residence for  
21 one or two families, or improving or constructing an  
22 appurtenance thereto, on a parcel of land two acres or



1 less in size, zoned for residential use, which is used  
2 or occupied or is developed, devoted, intended, or  
3 permitted to be used or occupied as a principal place  
4 of residence for one or two families~~[7]~~; or

5 (2) Any pest control activity regulated under chapter  
6 460J."

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

10 "SECTION 7. This Act shall take effect on July 1, 2004~~[7~~  
11 ~~and shall be repealed on June 30, 2009; provided that sections~~  
12 ~~269-30 and 269-33, Hawaii Revised Statutes, shall be reenacted~~  
13 ~~in the form in which they read on the day before the effective~~  
14 ~~date of this Act]."~~

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

17 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

The One Call Center

**Description:**

Makes permanent the One Call Center pilot program, which facilitates advance warnings to excavators of the location of underground facilities. Exempts pest control operations from the program. (HB1059 HD1)

