



**GOV. MSG. NO. 689**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 26, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 26, 2009, the following bill was signed into law:

HB1059 HD2 SD1

A BILL FOR AN ACT  
RELATING TO THE ONE CALL CENTER.  
**ACT 072 (09)**

Sincerely,



LINDA LINGLE

Approved by the Governor

on MAY 26 2009

HOUSE OF REPRESENTATIVES  
TWENTY-FIFTH LEGISLATURE, 2009  
STATE OF HAWAII

**ACT 072**  
**H.B. NO.** 1059  
H.D. 2  
S.D. 1

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

14           To address these concerns, the legislature, through Act  
15 141, Session Laws of Hawaii 2004, mandated that the public  
16 utilities commission establish and begin operations, by or  
17 before January 1, 2006, of a one call center to provide advance

1 warning to excavators of the location of subsurface  
2 installations in areas of proposed excavation to protect those  
3 installations from damage. Act 141, codified as chapter 269E,  
4 Hawaii Revised Statutes, included a repeal date of June 30,  
5 2009.

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

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

19 The purpose of this Act is to:

20 (1) Make the one call center program permanent by  
21 repealing the June 30, 2009, sunset provision in Act  
22 141; and

1 (2) Exempt the activities of pest control operators  
2 licensed under chapter 460J, Hawaii Revised Statutes,  
3 from the one call center program for three years.

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

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

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

17 (1) Improving an existing principal place of residence for  
18 one or two families, or improving or constructing an  
19 appurtenance thereto, on a parcel of land two acres or  
20 less in size, zoned for residential use, which is used  
21 or occupied or is developed, devoted, intended, or

1 permitted to be used or occupied as a principal place  
2 of residence for one or two families~~[ ]~~; or

3 (2) Any pest control activity regulated under chapter  
4 460J."

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

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

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

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

H.B. NO. 1059  
H.D. 2  
S.D. 1

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APPROVED this 26 day of MAY, 2009



GOVERNOR OF THE STATE OF HAWAII