
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.

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 for three years. (SD1)