

---

---

# 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 Act 72, Session Laws  
2 of Hawaii 2009, amended the definition of "excavation" to exempt  
3 certain activities of pest control operators licensed under  
4 chapter 460J, Hawaii Revised Statutes, from prohibitions of  
5 certain actions and reporting and other requirements by the one  
6 call center because pest control operators do not present the  
7 risks to underground facilities that the one call center was  
8 designed to address. Although the exemption is scheduled to  
9 expire on June 30, 2012, the legislature finds that the public  
10 utilities commission should conduct an investigation on the  
11 risks of residential pest control application before this  
12 exemption is made permanent.

13           The purpose of this Act is to:

14           (1) Clarify and extend the exemption for certain  
15           activities of pest control operators from the  
16           definition of "excavation" under the one call center  
17           law;



- 1           (2)    Require exempt pest control operators to attend
- 2                    training provided by the Hawaii one call center; and
- 3           (3)    Require the public utilities commission to conduct an
- 4                    investigation on the risks of residential pest control
- 5                    application and report to the legislature no later
- 6                    than twenty days prior to the convening of the regular
- 7                    session of 2014.

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

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

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

- 21           (1)    Improving an existing principal place of residence for
- 22                    one or two families, or improving or constructing an



1 appurtenance thereto, on a parcel of land two acres or  
2 less in size, zoned for residential use, which is used  
3 or occupied or is developed, devoted, intended, or  
4 permitted to be used or occupied as a principal place  
5 of residence for one or two families; or

6 (2) Any pest control activity regulated under chapter  
7 460J[-] that is not performed under contract with any  
8 county or state agency."

9 SECTION 3. (a) The public utilities commission shall  
10 require any operator exempt from requirements of the one call  
11 center to participate in training seminars provided by the one  
12 call center for education on excavation requirements and best  
13 practices to minimize risks.

14 (b) The public utilities commission shall conduct an  
15 investigation assessing the risk of residential pest control  
16 application. The commission shall submit to the legislature a  
17 report of its findings and recommendations no later than twenty  
18 days prior to the convening of the regular session of 2014.

19 SECTION 4. Act 72, Session Laws of Hawaii 2009, is amended  
20 by amending section 5 to read as follows:

21 "SECTION 5. This Act shall take effect on June 29, 2009;  
22 provided that section 2 of this Act shall be repealed on



1 [~~June 30, 2012~~] June 30, 2014, and section 269E-2, Hawaii  
2 Revised Statutes, shall be reenacted in the form in which it  
3 read on June 28, 2009."

4 SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on June 29, 2050.



**Report Title:**

One Call Center; Pest Control Operators; Exemption; Public Utilities Commission

**Description:**

Extends until June 30, 2014, the sunset provision in section 5 of Act 72, Session Laws of Hawaii 2009, which exempts pest control operators' activities from the definition of "excavation". Requires exempt pest control operators to attend training provided by the Hawaii one call center. Requires the public utilities commission to conduct an investigation on the risks of residential pest control application and report to the legislature prior to the convening of the 2014 regular session. Effective 06/29/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

