
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 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)

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