

STAND. COM. REP. NO.

960

Honolulu, Hawaii

MAR 25 2009

RE: H.B. No. 1059  
H.D. 2  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1059, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER,"

begs leave to report as follows:

The purpose of this measure is to protect Hawaii's underground infrastructure by repealing the sunset date on the One Call Center pilot program.

Your Committee received testimony in support of this measure from the Public Utilities Commission, the One Call Advisory Committee, Hawaiian Telcom, The Gas Company, Building Industry Association Hawaii, Hawaii Pest Control Association, and General Contractors Association of Hawaii. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that the One Call Center and its mandatory Call Before You Dig program is effective at regulating excavation activity, minimizing disruption of service to operator customers, and protecting the safety of excavators. Your Committee also finds that the One Call Center was always intended to be an on-going program persisting beyond the sunset date of the original legislation. Your Committee further finds that in other states where pest control procedures are performed similarly to those performed in Hawaii, shallow trenches or holes necessary for those procedures have proven to be nondisruptive of underground



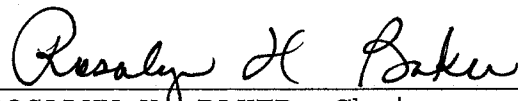
infrastructure and have merited exemption from excavation limitations.

Your Committee has amended this measure by

- (1) Adding a three-year sunset provision to the exemption for pest control operators in order for the Public Utilities Commission to determine whether this exemption should be made permanent; and
- (2) Making nonsubstantive technical amendments for the purpose of clarity and accuracy in the language of this measure.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1059, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1059, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>HB1059 HD2</b>	Committee Referral: <b>CPN, WAM</b>	Date: <b>3/19/2009</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SAKAMOTO, Norman	✓			
HEMMINGS, Fred				✓
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">David Y Ige</div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes