



GOV. MSG. NO. 1299

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 29, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 29, 2012, the following bill was signed into law:

HB1879 HD2 SD1 CD1

RELATING TO THE ONE CALL CENTER.
Act 196 (12)

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

ORIGINAL

ACT 196

on JUN 29 2012

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.B. NO. 1879
H.D. 2
S.D. 1
C.D. 1

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 or approved by the Hawaii one call
3 center; and

4 (3) Require the public utilities commission to conduct an
5 investigation on the risks of residential pest control
6 application and report to the legislature no later
7 than twenty days prior to the convening of the regular
8 session of 2014.

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

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

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



- 1 (1) Improving an existing principal place of residence for
2 one or two families, or improving or constructing an
3 appurtenance thereto, on a parcel of land two acres or
4 less in size, zoned for residential use, which is used
5 or occupied or is developed, devoted, intended, or
6 permitted to be used or occupied as a principal place
7 of residence for one or two families; or
8 (2) Any pest control activity involving excavation
9 regulated under chapter 460J[-] that is not performed
10 under contract with any county or state agency."

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

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



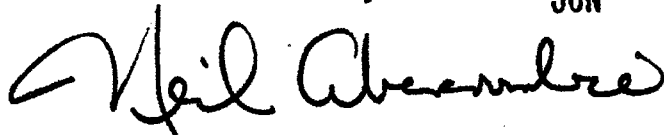
1 SECTION 4. Act 72, Session Laws of Hawaii 2009, is amended
2 by amending section 5 to read as follows:

3 "SECTION 5. This Act shall take effect on June 29, 2009;
4 provided that section 2 of this Act shall be repealed on
5 [~~June 30, 2012~~] June 30, 2015, and section 269E-2, Hawaii
6 Revised Statutes, shall be reenacted in the form in which it
7 read on June 28, 2009."

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

10 SECTION 6. This Act shall take effect on June 29, 2012.

APPROVED this 29 day of JUN, 2012



GOVERNOR OF THE STATE OF HAWAII

