

STAND. COM. REP. NO.

2484

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2432

S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2432 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to make permanent the exclusion of pest control operators' activities from the definition of "excavation" under the One Call Center law by repealing the sunset provision in Act 72, Session Laws of Hawaii 2009.

Your Committee received testimony in support of this measure from the Hawaii Pest Control Association and Accu-Pest & Termite Control Services. Your Committee received testimony in opposition to this measure from the Public Utilities Commission, The Gas Company, Building Industry Association of Hawaii, and One Call Concepts, Inc.

Your Committee finds that this measure would exempt all pest control operators from having to comply with the State's One Call utility notification law.

Your Committee has heard the concerns that requiring pest control operators to participate in One Call Center activities will increase costs of termite inspections, incur unnecessary delays, and subject pest control operators to severe penalties. Your Committee is cognizant that complaints about the shallow excavation done by pest control companies are miniscule.

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Your Committee further finds that federal law permits a state to assess, rank, and consider appropriate participation by excavators in a state one call notification program. Your Committee therefore concludes that amendments to this measure are necessary.

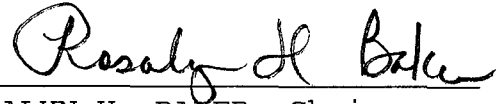
Your Committee has amended this measure by:

- (1) Specifying that only pest control activity that is not performed under contract with any state or county agency is exempt from the definition of "excavation";
- (2) Extending the sunset date of Act 72, Session Laws of Hawaii 2009, until June 30, 2014;
- (3) Requiring exempt pest control operators to attend training provided by the Hawaii One Call Center;
- (4) Requiring the Public Utilities Commission to conduct an investigation on the risks of residential pest control application and report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2014;
- (5) Amending section 1 of this measure to reflect the amended purpose of this measure;
- (6) Inserting an effective date of June 29, 2050, to allow for further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2432, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2432, S.D. 1, and be placed on the calendar for Third Reading.



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

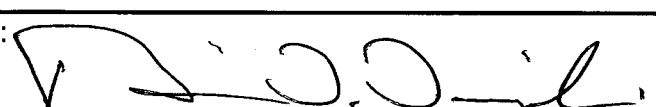


ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

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

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2432	CPN	02-22-12		
<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)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.				✓
SOLOMON, Malama		✓		
SLOM, Sam	✓			
<b>TOTAL</b>	4	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<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