

STAND. COM. REP. NO.

2733

Honolulu, Hawaii

MAR 03 2022

RE: S.B. No. 3078
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 3078 entitled:

"A BILL FOR AN ACT RELATING TO ADVANCE WARNING FOR EXCAVATION,"

begs leave to report as follows:

The purpose and intent of this measure is to apply the existing advance warning requirements to excavators operating on residential properties and clarify various excavation requirements and reporting procedures.

Your Committee received testimony in support of this measure from the Public Utilities Commission, Hawaiian Electric, Hawai'i Gas, Hawaiian Telcom, and Hawaii Pest Control Association.

Your Committee finds that most excavators are required to call the One Call Center to provide the opportunity to check for pipelines or similar infrastructure prior to commencing excavation. Existing law, however, does not require excavators operating on residential properties to contact the One Call Center prior to excavating. Consequently, in 2020, approximately sixty-eight percent of subsurface utility infrastructure strikes occurred on residential properties. This exemption poses significant risk for homeowners and community members who use shared infrastructure. This measure extends the advance warning requirements to residential properties to reduce avoidable



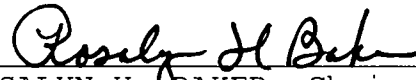
infrastructure damage and the risks of outages and other injuries to excavators.

Your Committee has amended this measure by:

- (1) Deleting certain language in the definition of "excavation" to clarify excavators are exempt from the advance warning requirements when their activities on residential properties do not involve excavation of more than twelve inches below the surface of the ground; and
- (2) 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. 3078, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3078, 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
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3078	CPN	02-11-2022		
<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)	/			
CHANG, Stanley (VC)	/			
DECOITE, Lynn	/			
NISHIHARA, Clarence K.	/			
RIVIERE, Gil	/			
SAN BUENAVENTURA, Joy A.	/			
FEVELLA, Kurt				/
TOTAL	6			1
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;">Clarence K. Nishihara</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes