

ACT 196

H.B. NO. 1879

A Bill for an Act Relating to the One Call Center.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 72, Session Laws of Hawaii 2009, amended the definition of “excavation” to exempt certain activities of pest control operators licensed under chapter 460J, Hawaii Revised Statutes, from prohibitions of certain actions and reporting and other requirements by the one call center because pest control operators do not present the risks to under-

ground facilities that the one call center was designed to address. Although the exemption is scheduled to expire on June 30, 2012, the legislature finds that the public utilities commission should conduct an investigation on the risks of residential pest control application before this exemption is made permanent.

The purpose of this Act is to:

- (1) Clarify and extend the exemption for certain activities of pest control operators from the definition of "excavation" under the one call center law;
- (2) Require exempt pest control operators to attend training provided or approved by the Hawaii one call center; and
- (3) Require 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.

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

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

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

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

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

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

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

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

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

(Approved June 29, 2012.)