
A BILL FOR AN ACT

RELATING TO WATER POLLUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's fresh,
2 marine, and ground waters are being harmed by water pollution
3 from many sources, including nonpoint stormwater discharges from
4 agriculture and other lands as well as individual wastewater
5 systems, which are facilities, including cesspools, septic
6 systems, and aerobic treatment units, that are not connected to
7 a sewer. The legislature finds that runoff from agriculture and
8 other lands is polluted with soil, fertilizers, pesticides, and
9 other wastes that harm state waters, coral reefs, and public
10 recreation with the frequently required "brownwater advisories"
11 that follow heavy rain events. Stormwater runoff also harms
12 Hawaii's agriculture by carrying away precious topsoil.

13 The director of health is authorized to control water
14 pollution under several Hawaii statutes. The director under
15 sections 342D-4 and 342D-5, Hawaii Revised Statutes, shall
16 prevent, control, and abate water pollution, may control all
17 management practices for domestic sewage, and may adopt rules
18 necessary to control water pollution. The director under



1 section 321-11, Hawaii Revised Statutes, may adopt rules deemed
2 necessary for the public health respecting nuisances and
3 cesspools. The director under sections 342E-3(a)(2) and 342E-
4 3(a)(11), Hawaii Revised Statutes, shall adopt rules and propose
5 legislation, alternative funding mechanisms, and new programs to
6 improve the State's capacity to mitigate nonpoint source
7 pollution.

8 The director of health is not, however, explicitly
9 authorized by statute to collect fees to fund programs that
10 reduce nonpoint source pollution or fees on owners of individual
11 wastewater systems.

12 The legislature finds that the department of health lacks
13 sufficient staff to manage nonpoint source pollution. The
14 legislature further finds that, although owners of individual
15 wastewater systems may pay initial filing fees for new systems
16 and modifications to existing systems, they do not pay fees for
17 the pollution that individual wastewater systems place in the
18 public's surface waters and groundwater, nor do they pay the
19 substantial fees charged to those who are served by sewers that
20 treat and mitigate wastewater pollution.

21 The purpose of this Act is to improve the State's ability
22 to control and reduce water pollution from nonpoint sources and



1 individual wastewater systems. This Act requires the director
2 of health to establish by rule fees to fund programs that reduce
3 pollution from nonpoint sources and operating fees for owners of
4 individual wastewater systems.

5 SECTION 2. Chapter 342D, Hawaii Revised Statutes, is
6 amended by adding two new sections to be appropriately
7 designated and to read as follows:

8 **"§342D-A Revolving fund; water pollution control account.**

9 (a) There is established within the water pollution control
10 revolving fund established under section 342D-83, a separate
11 account to be designated as the water pollution control account
12 and into which shall be deposited:

13 (1) All revenues generated from the fees authorized in
14 rules adopted pursuant to chapter 91 under section
15 342D-B and 342E-E;

16 (2) Any moneys appropriated from the general revenues of
17 the State for these purposes; and

18 (3) All interest earned or accrued on moneys deposited
19 into the water pollution control account shall become
20 a part of the account.

21 (b) The moneys in the water pollution control account
22 shall be expended by the department for controlling and reducing



1 pollution from point sources, nonpoint sources, and individual
2 wastewater systems, as those terms are defined in section 342E-
3 1, including by:

- 4 (1) Preparing generally applicable rules or guidelines;
- 5 (2) Implementing and enforcing the terms and conditions of
6 any rules, permits, and management plans, as defined
7 in section 342E-1, relating to point source pollution
8 and nonpoint source pollution, as those terms are
9 defined in section 342E-1, and department-approved
10 plans for individual wastewater systems, as defined in
11 section 342E-1, including legal support as defined by
12 rules;
- 13 (3) Monitoring discharges from point sources, nonpoint
14 sources, and individual wastewater systems;
- 15 (4) Performing or reviewing modeling, analyses, and
16 demonstrations; and
- 17 (5) Administering the water pollution control account.

18 **§342D-B Operating fees; individual wastewater systems.**

19 The director shall adopt rules pursuant to chapter 91
20 establishing operating fees for owners of individual wastewater
21 systems, as defined in section 342E-1, to be collected by the
22 counties along with property taxes or by any other alternative

1 mechanism as the director may provide by rule. Counties that
2 collect fees pursuant to this section shall timely remit the
3 fees minus reasonable collection charges as the director may
4 establish by rule after consultation with the counties, for
5 deposit to the credit of the water pollution control account
6 established under section 342D-A."

7 SECTION 3. Chapter 342E, Hawaii Revised Statutes, is
8 amended by adding thirteen new sections to be appropriately
9 designated and to read as follows:

10 "§342E-A Management plans; procedures for. (a) Where the
11 director finds that an area has nonpoint source pollution that
12 is impairing state waters, the director may order in writing
13 that any person in that area, including any public entity, but
14 not including any farming operation as defined in section 165-2,
15 of less than ten acres in the area or any landowner owning
16 property of less than ten acres in the area, file a management
17 plan application for approval by the director prior to
18 discharging any water pollutant into state waters from a
19 nonpoint source or causing or allowing any water pollutant to
20 enter state waters from a nonpoint source.

21 (b) An application for approval of a management plan shall
22 be in a form prescribed by the director; provided that the



1 director shall attempt to coordinate with agencies responsible
2 for soil conservation plans and stormwater management plans to
3 make the forms as identical as reasonably feasible consistent
4 with the department's duty to prevent, control, and abate water
5 pollution in the State. A farming operation or landowner that
6 has a soil conservation plan or stormwater management plan that
7 is currently approved by an agency of the federal government or
8 the State may submit that soil conservation plan or stormwater
9 management plan for review by the director. The department may
10 require that an application for approval of a management plan be
11 accompanied by plans, specifications, and any other information
12 that it deems necessary to determine whether the proposed
13 installation, alteration, or use will be in accord with
14 applicable rules and standards, including water quality
15 standards and standards of performance for specific areas and
16 types of discharges in the control of water pollution, thereby
17 allowing for varying local conditions, as adopted by the
18 director in rules pursuant to section 342D-5.

19 (c) The director shall approve a management plan for a
20 term not to exceed five years, if the director determines that
21 it will be in the public interest; provided that the management
22 plan may be subject to any reasonable conditions that the



1 director may prescribe. The director, on application, shall
2 renew a management plan from time to time for a term not
3 exceeding five years if the director determines that it will be
4 in the public interest. The director shall not deny an
5 application for the approval or renewal of a management plan
6 without affording the applicant an opportunity for a hearing in
7 accordance with chapter 91. A request for a hearing and any
8 judicial review of the hearing decision shall not stay the
9 effect of the approval or renewal of a management plan unless
10 specifically ordered by the director or a court.

11 (d) Applicants shall comply with all department orders,
12 conditions of approval, and minimum criteria that the department
13 may establish by rule.

14 (e) The director, on the director's own motion or the
15 application of any person, may modify, suspend, revoke, or
16 revoke and reissue any management plan approval if, after
17 affording the applicant an opportunity for a hearing in
18 accordance with chapter 91, the director determines that:

19 (1) There is a violation of any condition of the
20 management plan;



1 (2) The management plan was obtained by misrepresentation
2 or the applicant failed to disclose fully all relevant
3 facts;

4 (3) There is a change in any condition that requires
5 either a temporary or permanent change in the
6 management plan; or

7 (4) It is in the public interest.

8 (f) The director shall ensure that the public receives
9 notice of each application for a management plan approval. The
10 director may hold a public hearing before ruling on an
11 application for a management plan approval if the director
12 determines the public hearing to be in the public interest. In
13 determining whether a public hearing would be in the public
14 interest, the director shall be guided by whether the director
15 finds, on the basis of requests, a significant degree of public
16 interest in a management plan or a need to clarify issues in a
17 management plan.

18 (g) In determining the public interest regarding
19 management plan approval issuance or renewal, the director shall
20 consider the environmental impact of the plan, any adverse
21 environmental effects that cannot be avoided if the plan is
22 implemented, the alternatives to the plan, the relationship



1 between local short-term uses of the environment and the
2 maintenance and enhancement of long-term productivity, any
3 irreversible and irretrievable commitments of resources that
4 would be involved in the plan if it is implemented, and any
5 other factors that the director, by rule, may prescribe;
6 provided that any determination of public interest shall promote
7 the optimum balance between economic development and
8 environmental quality.

9 (h) No applicant for a modification or renewal of a
10 management plan approval shall be held in violation of this
11 chapter during the pendency of the applicant's application so
12 long as the applicant acts consistently with the management plan
13 previously granted and the application and all plans,
14 specifications, and other information submitted as part thereof.

15 (i) The director shall establish an outreach program to
16 provide landowners and owners of individual waste water systems
17 with assistance in complying with this section, including
18 guidance on the management plan application process and the
19 requirements of this section, and education on nonpoint source
20 pollution and its prevention, sewer connections, and upgrades.

21 **§342E-B Enforcement.** (a) If the director determines that
22 any person has violated or is violating this chapter, any rule



1 adopted pursuant to this chapter, any management plan approval
2 issued pursuant to this chapter, or any water quality standard
3 or standards of performance for specific areas and types of
4 discharges in the control of water pollution, thereby allowing
5 for varying local conditions, as adopted by rule pursuant to
6 section 342E-3, the director:

7 (1) Shall cause written notice to be served upon the
8 alleged violator or violators. The notice shall
9 specify the alleged violation and may contain an order
10 specifying a reasonable time during which that person
11 shall be required to take any measures that may be
12 necessary to correct the violation and to give
13 periodic progress reports;

14 (2) May require that the alleged violator or violators
15 appear before the director for a hearing at a time and
16 place specified in the notice and answer the charges
17 complained of; and

18 (3) May impose penalties as provided in section 342E-I by
19 sending written notice, by certified mail or by
20 personal service, to the alleged violator or violators
21 describing the violation; provided that no penalties
22 may be imposed until at least one year has transpired



1 from the date of service of the notice required under
2 paragraph (1) and efforts at achieving voluntary
3 compliance have not been successful.

4 (b) If the director determines that any person is
5 continuing to violate this chapter, any rule adopted pursuant to
6 this chapter, or any management plan approval issued pursuant to
7 this chapter after having been served notice of violation, the
8 director:

9 (1) Shall cause written notice to be served upon the
10 alleged violator or violators. The notice shall
11 specify the alleged violation and shall contain an
12 order requiring that person to submit a written
13 schedule within thirty days specifying the measures to
14 be taken and the time within which the measures shall
15 be taken to bring that person into compliance with
16 this chapter, any rule adopted pursuant to this
17 chapter, or any management plan approval issued
18 pursuant to this chapter;

19 (2) Shall accept or modify the schedule submitted under
20 paragraph (1) within thirty days of receipt of the
21 schedule. Any schedule not acted upon after thirty



1 days of receipt by the director shall be deemed
2 accepted by the director;
3 (3) Shall issue to the alleged violator or violators a
4 cease and desist order against the activities that
5 violate this chapter, any rule adopted pursuant to
6 this chapter, or any management plan approval issued
7 pursuant to this chapter if that person does not
8 submit a written schedule to the director within the
9 timeline specified in paragraph (1). The order shall
10 remain in effect until the director accepts the
11 written schedule; and
12 (4) May impose penalties as provided in section 342E-I by
13 sending a notice in writing, either by certified mail
14 or by personal service, to the alleged violator or
15 violators describing the violation.
16 (c) If the director determines that any person has
17 violated an accepted schedule or an order issued under this
18 section, the director shall impose penalties by sending a notice
19 in writing, by certified mail or by personal service, to that
20 person, describing the nonadherence or violation with reasonable
21 particularity.



1 (d) Any order issued under this chapter shall become
2 final, unless not later than twenty days after the notice of
3 order is served, the person named therein requests in writing a
4 hearing before the director. Any penalty imposed under this
5 chapter shall become due and payable twenty days after the
6 notice of penalty is served unless the person named therein
7 requests in writing a hearing before the director. Whenever a
8 hearing is requested on any penalty imposed under this chapter,
9 the penalty shall become due and payable only upon completion of
10 all review proceedings and the issuance of a final order
11 confirming the penalty in whole or in part. Upon request for a
12 hearing, the director shall require that the alleged violator
13 appear before the director for a hearing at a time and place
14 specified in the notice and answer the charges complained of.

15 (e) Any hearing conducted under this section shall be
16 conducted as a contested case under chapter 91. If after a
17 hearing held pursuant to this section, the director finds that a
18 violation has occurred, the director shall affirm or modify any
19 penalties imposed or shall modify or affirm the order previously
20 issued or issue an appropriate order for the prevention,
21 abatement, or control of the violation or water pollution
22 discharges involved or for the taking of other corrective action



1 as may be appropriate. If, after a hearing on an order or
2 penalty contained in a notice, the director finds that no
3 violation has occurred or is occurring, the director shall
4 rescind the order or penalty. Any order issued after hearing
5 may prescribe the date by which any violation shall cease and
6 may prescribe a timetable for necessary action in preventing,
7 abating, or controlling the violation or water pollution
8 discharges.

9 (f) If the amount of any penalty is not paid to the
10 department within thirty days after it becomes due and payable,
11 the director may institute a civil action in the name of the
12 State to collect the administrative penalty, which shall be a
13 government realization.

14 In any proceeding to collect the administrative penalty
15 imposed, the director need only show that:

- 16 (1) Notice was given;
17 (2) A hearing was held or the time granted for requesting
18 a hearing expired without a request for a hearing;
19 (3) The administrative penalty was imposed; and
20 (4) The penalty remains unpaid.

21 (g) In connection with any hearing held pursuant to this
22 section, the director shall have the power to subpoena the



1 attendance of witnesses and the production of evidence on behalf
2 of all parties.

3 **§342E-C Injunctive and other relief.** The director may
4 institute a civil action in any court of competent jurisdiction
5 for injunctive and other relief to prevent any violation of this
6 chapter, any rule adopted pursuant to this chapter, or any
7 condition of a management plan approval issued pursuant to this
8 chapter, without the necessity of a prior revocation of the
9 management plan approval, to impose and collect civil penalties,
10 to collect administrative penalties, or to obtain other relief.
11 The court shall have power to grant relief in accordance with
12 the Hawaii rules of civil procedure.

13 **§342E-D Appeal.** Any party aggrieved by the decision of
14 the director may appeal in the manner provided in chapter 91 to
15 the circuit court of the circuit in which the party resides or
16 the party's principal place of business is located or in which
17 the action in question occurred; provided that the operation of
18 a cease and desist order shall not be stayed on appeal unless
19 specifically ordered by a court of competent jurisdiction.

20 **§342E-E Fees.** The director by rules adopted pursuant to
21 chapter 91 shall establish reasonable fees to cover the costs of
22 reviewing management plans and issuing approvals, implementing



1 and enforcing the terms and conditions of management plan
2 approvals, and other department efforts to control nonpoint
3 source pollution; provided that no fees for this purpose shall
4 be collected from any farming operation as defined in section
5 165-2 for a period of five years commencing from the effective
6 date of this Act. The fees shall be deposited to the credit of
7 the water pollution control account established under section
8 342D-A.

9 **§342E-F Public records; confidential information;**
10 **penalties.** Reports submitted to the department on discharges of
11 waste shall be made available for public inspection during
12 established office hours unless the reports contain information
13 of a confidential nature concerning proprietary processes or
14 methods of manufacture. Any officer, employee, or agent of the
15 department acquiring confidential information from the
16 inspection of records pursuant to section 342E-3(b)(2) and who
17 divulges information except as authorized in this chapter or
18 except as ordered by a court or at an administrative hearing
19 regarding an alleged violation of this chapter or of any rule or
20 standard adopted pursuant to this chapter shall be fined not
21 more than \$1,000.



1 **§342E-G Nonliability of department personnel.**

2 Notwithstanding any other law to the contrary, no member,
3 officer, or employee of the department shall be criminally
4 liable or responsible under this chapter for any acts of
5 trespass by the member, officer, or employee in the performance
6 of the member's, officer's, or employee's duties.

7 **§342E-H Other action not barred.** No civil remedy or
8 criminal penalty for any wrongful action that is a violation of
9 any statute or any rule of the department or the ordinance of
10 any county shall be precluded or impaired by this chapter. No
11 civil remedy or criminal penalty shall exclude or impair the
12 remedies provided in this chapter.

13 **§342E-I Administrative penalties.** (a) In addition to any
14 other administrative or judicial remedy provided by this
15 chapter, or by rules adopted under this chapter, the director
16 may impose by order the penalties specified in section 342E-4.

17 (b) Factors to be considered in imposing an administrative
18 penalty include:

19 (1) The nature, circumstances, extent, gravity, and
20 history of the violation and of any prior violations;

21 (2) The economic benefit to the violator, or anticipated
22 by the violator, resulting from the violation;



1 (3) The opportunity, difficulty, and history of corrective
2 action;

3 (4) Good faith efforts to comply;

4 (5) Degree of culpability; and

5 (6) Such other matters as justice may require.

6 (c) It is presumed that the violator's economic and
7 financial conditions allow payment of the penalty, and the
8 burden of proof to the contrary shall be on the violator.

9 §342E-J False statements. Any person who knowingly makes
10 any false material statement, representation, or certification
11 in any application, record, report, plan or other document filed
12 or required to be maintained under this chapter or who knowingly
13 falsifies, tampers with, or renders inaccurate any monitoring
14 device or method required to be maintained under this chapter,
15 shall be fined not more than \$10,000, or imprisoned for not more
16 than two years, or both. Any person convicted of a second
17 offense under this section shall be fined not more than \$20,000
18 per day of violation, or imprisoned not more than four years, or
19 both.

20 §342E-K Prohibition. (a) No person, including any public
21 body, shall discharge any water pollutant into state waters, or
22 cause or allow any water pollutant to enter state waters from a



1 nonpoint source, except in compliance with this chapter, rules
2 adopted pursuant to this chapter, or a management plan approval
3 issued by the director.

4 (b) No person, including any public body, shall violate
5 any rule adopted pursuant to this chapter or any management plan
6 approval issued or modified pursuant to this chapter.

7 **§342E-L Public participation activities; appointment of**
8 **hearings officers.** The director may appoint, without regard to
9 chapter 76, hearings officers to conduct public participation
10 activities, including public hearings and public informational
11 meetings.

12 **§342E-M Consultation and advice.** The director may consult
13 with and advise:

14 (1) Any person engaged or intending to be engaged in any
15 business or undertaking whose waste, sewage, or
16 drainage is polluting or may tend to pollute state
17 waters; and

18 (2) Persons intending to alter or to extend any system of
19 drainage, sewage, or water supply."

20 SECTION 4. Section 342E-1, Hawaii Revised Statutes, is
21 amended by adding eleven new definitions to be appropriately
22 inserted and to read as follows:



1 "Best management practices" mean schedules of activities,
2 prohibitions or designations of practices, maintenance
3 procedures, and other management practices to prevent or reduce
4 the pollution of state waters. Best management practices
5 includes treatment requirements, operating procedures and
6 practices to control site runoff, spillage or leaks, sludge or
7 waste disposal, or drainage from raw material storage.

8 "Domestic wastewater" is waste and wastewater from humans
9 or household operations that:

10 (1) Is discharged to or otherwise enters a treatment
11 works; or

12 (2) Is of a type that is usually discharged to or
13 otherwise enters a treatment works or an individual
14 wastewater system.

15 "Individual wastewater systems" means facilities, including
16 cesspools, septic systems, and aerobic treatment units, that are
17 not connected to a sewer and are used and designed to receive
18 and dispose of no more than one thousand gallons per day of
19 domestic wastewater or greater than one thousand gallons with a
20 variance.

21 "Management plan" means a document that describes likely
22 nonpoint source pollution from a property and measures to



1 control, minimize, and reduce such pollution, including general,
2 industry-specific, or site-specific best management practices.

3 "Management plan approval" means written authorization from
4 the director to construct, modify, or operate any nonpoint water
5 pollution source under the terms of the management plan,
6 including any conditions required by the director.

7 "Party" means each person or agency named as party or
8 properly entitled to be a party in any court or agency
9 proceeding.

10 "Standard of performance" means a standard for the control
11 of the discharge of water pollutants that reflects the greatest
12 degree of effluent reduction that the director determines to be
13 achievable through application of the best demonstrated control
14 technology, processes, operating methods, or other alternatives,
15 including, where practicable, a standard permitting no discharge
16 of water pollutants.

17 "Waste" means sewage, industrial and agricultural matter,
18 and any other liquid, gaseous, or solid substance, including
19 radioactive substance, whether or not treated, which may pollute
20 or tend to pollute the waters of this State.



1 "Wastewater" means any liquid waste, whether or not treated
2 and whether animal, mineral, or vegetable, including
3 agricultural, industrial, and thermal wastes.

4 "Water pollutant" means dredged spoil, solid refuse,
5 incinerator residue, sewage, garbage, sewage sludge, munitions,
6 chemical waste, biological materials, radioactive materials,
7 heat, wrecked or discarded equipment, rock, sand, soil,
8 sediment, cellar dirt, and industrial, municipal, and
9 agricultural waste.

10 "Water pollution" means:

11 (1) The contamination or other alteration of the physical,
12 chemical, or biological properties of any state
13 waters, including change in temperature, taste, color,
14 turbidity, or odor of the waters, or

15 (2) The discharge of any liquid, gaseous, solid,
16 radioactive, or other substances into any state
17 waters,

18 that will or is likely to create a nuisance or render the waters
19 unreasonably harmful, detrimental, or injurious to public
20 health, safety, or welfare, including harm, detriment, or injury
21 to public water supplies, fish and aquatic life and wildlife,
22 recreational purposes and agricultural and industrial research



1 and scientific uses of the waters or as will or is likely to
2 violate any water quality standards, effluent standards,
3 treatment and pretreatment standards, or standards of
4 performance for new sources adopted by the department."

5 SECTION 5. Section 342E-1, Hawaii Revised Statutes, is
6 amended by amending the definition of "person" to read as
7 follows:

8 "Person" means any individual, partnership, firm,
9 association, public or private corporation, federal agency, the
10 State or a county, trust, estate, [~~or~~] any other legal entity[~~;~~]
11 and any responsible corporate officer."

12 SECTION 6. Section 342E-4, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[~~§~~]**§342E-4**[~~]~~ **Civil penalties.** (a) Any person who
15 violates any rule adopted under this chapter shall be fined not
16 more than [~~\$10,000~~] \$25,000 for each separate offense. Each day
17 of each violation shall constitute a separate offense. Any
18 action taken in court to impose or collect the penalty provided
19 for in this [~~section~~] subsection shall be considered a civil
20 action. In determining the amount of a civil penalty, the court
21 shall consider the seriousness of the violation, the economic
22 benefit, if any, resulting from the violation, any history of



1 violations, good faith efforts to comply with the applicable
 2 requirements, the economic impact of the penalty on the
 3 violation, and any other matters that justice may require. It
 4 shall be presumed that the violator's economic and financial
 5 conditions allow payment of the penalty, and the burden of proof
 6 of the contrary shall be on the violator.

7 (b) Any person who denies, obstructs, or hampers the
 8 entrance to and inspection by any duly authorized officer or
 9 employee of the department of any building, place, or vehicle
 10 that the officer or employee is authorized to enter or inspect
 11 shall be fined not more than [~~\$5,000~~] \$10,000 for each day of
 12 such a denial, obstruction, or hampering. Any action taken in
 13 court to impose or collect the penalty provided for in this
 14 [~~section~~] subsection shall be considered a civil action.

15 (c) Any fine or penalty collected shall be placed in the
 16 environmental response revolving fund pursuant to [~~+~~]section[~~+~~]
 17 128D-2."

18 SECTION 7. The director of health shall prescribe a
 19 management plan application form no later than July 1, 2014;
 20 provided that the management plan application requirements
 21 provided under section 342E-A, Hawaii Revised Statutes, shall
 22 become effective on July 1, 2015.



1 SECTION 8. In codifying the new sections added to chapters
2 342D and 342E, Hawaii Revised Statutes, by sections 2 and 3 of
3 this Act, the revisor of statutes shall substitute appropriate
4 section numbers for the letters used in the designations of, and
5 references to, those new sections in this Act.

6 SECTION 9. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 10. This Act, upon its approval, shall take effect
9 on July 1, 2050.



Report Title:

Nonpoint Source Water Pollution; Fee Rules; Separate Account

Description:

Establishes a separate Water Pollution Control account and authorizes the Director of Health to prescribe fees to help fund the operations of the Department of Health in managing pollution from nonpoint sources and individual wastewater systems. Effective July 1, 2050. (HB903 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

