
A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. The legislature finds that invasive species are
2 the single greatest threat to the State's economy and natural
3 environment, including native species, and to the health and
4 lifestyle of Hawai'i's people. The impacts of invasive species
5 in the State have been severe, causing serious habitat
6 degradation, extinction of native species, increased wildfire
7 risk, increases in the cost of agriculture and livestock
8 production, and many other negative and expensive consequences.
9 Preventing pests from entering the State, or, if that fails,
10 taking steps to prevent a pest from spreading within the State,
11 are two critical measures that can protect Hawai'i from the
12 negative impacts of invasive species.

13 The legislature, like the federal government, recognizes
14 the value of preventing the movement of invasive pests. Federal
15 law allows the United States Department of Agriculture to
16 conduct pre-departure inspections of all passengers, baggage,
17 cargo, and any other articles moving from the State to other



1 areas of the continental United States to protect against the
2 spread of pests from Hawai'i. However, the federal government
3 does not provide any similar inspections for passengers or
4 material arriving in the State from other parts of the
5 continental United States.

6 The legislature recognizes that existing law does not
7 expressly authorize the Hawai'i department of agriculture to
8 inspect non-agricultural commodities arriving in the State from
9 other parts of the United States, posing a serious gap that can
10 allow invasive species like the red imported fire ant and
11 wood-boring beetles to enter the State with other imports. For
12 example, once invasive pests such as the red imported fire ant
13 are present in the State, the department of agriculture will
14 require the authority to impose a quarantine and prevent the
15 movement of certain items to mitigate the spread of the pest.

16 The legislature notes that other states have and regularly
17 exercise the authority to quarantine areas, including
18 restricting the movement, possession, and sale of commodities
19 infested with a high impact pest, and may also quarantine any
20 other products, articles, or means of conveyance of a high
21 impact pest.



1 Accordingly, the purpose of this Act is to expand the
2 department of agriculture's authority to conduct certain
3 investigations and clarify certain penalties to prevent the
4 spread of invasive species in the State.

5 SECTION 2. Section 150A-2, Hawaii Revised Statutes, is
6 amended by adding a new definition to be appropriately inserted
7 and to read as follows:

8 "Person" means an individual, corporation, firm,
9 association, society, community, assembly, inhabitant of a
10 district or neighborhood, or person known or unknown, and the
11 public generally. "Person" includes a government and any of its
12 agencies, instrumentalities, or subdivisions."

13 SECTION 3. Section 150A-5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§150A-5 Conditions of importation.** (a) The importation
16 of any material that is infested or infected with an insect or
17 other animal, disease, or pest, or that is itself a pest, is
18 prohibited unless appropriate authorization is obtained from the
19 department before importation.

20 (b) The importation into the State of any of the following
21 articles, viz., nursery-stock, tree, shrub, herb, vine,



1 cut-flower, cutting, graft, scion, bud, seed, leaf, root, or
2 rhizome; nut, fruit, or vegetable; grain, cereal, or legume in
3 the natural or raw state; moss, hay, straw, dry-grass, or other
4 forage; unmanufactured log, limb, or timber, or any other
5 plant-growth or plant-product, unprocessed or in the raw state;
6 soil[~~7~~], including potting soil, growing mix, and mulch;
7 microorganisms; live bird, reptile, nematode, insect, or any
8 other animal in any stage of development (that is in addition to
9 the so-called domestic animal, the quarantine of which is
10 provided for in chapter 142); box, vehicle, baggage, or any
11 other container in which the articles have been transported or
12 any packing material used in connection therewith shall be made
13 in the following manner [~~hereinafter set forth~~]:

14 (1) Notification of arrival. Any person who receives for
15 transport or brings or causes to be brought to the
16 State as freight, air freight, baggage, or otherwise,
17 for the purpose of debarkation or entry [~~therein~~], or
18 as ship's stores, any of the foregoing articles,
19 shall, immediately upon the arrival thereof, notify
20 the department[~~7~~] in writing[~~7~~] of the arrival, giving
21 the waybill number, container number, name and address



1 of the consignor, name and address of the consignee or
2 the consignee's agent in the State, marks, number of
3 packages, description of contents of each package,
4 port at which laden, and any other information that
5 may be necessary to locate or identify the same, and
6 shall hold the articles at the pier, airport, or any
7 other place where they are first received or
8 discharged, in a manner that they will not spread or
9 be likely to spread any infestation or infection of a
10 pest, including insects or diseases that may be
11 present, until inspection and examination can be made
12 by the inspector to determine whether [~~or not~~] any
13 article, or any portion thereof, is infested or
14 infected with or contains any pest. The department
15 may adopt rules to require identification of specific
16 articles on negotiable and non-negotiable warehouse
17 receipts, bills of lading, or other documents of title
18 for inspection of pests. In addition, the department
19 shall adopt rules to designate restricted articles
20 that shall require:



1 (A) A permit from the department in advance of
2 importation; or

3 (B) A department letter of authorization or
4 registration in advance of importation.

5 The restricted articles shall include but not be
6 limited to certain microorganisms or living insects.
7 Failure to obtain the permit, letter of authorization,
8 or registration in advance is a violation of this
9 section;

10 (2) Individual passengers, officers, and crew.

11 (A) It shall be the responsibility of the
12 transportation company to distribute, [~~prior to~~]
13 before the debarkation of passengers and baggage,
14 the State of Hawaii plant and animal declaration
15 form in paper or electronic form to each
16 passenger, officer, and crew member of any
17 aircraft or vessel originating in the continental
18 United States or its possessions or from any
19 other area not under the jurisdiction of the
20 appropriate federal agency [~~in order~~], so that
21 the passenger, officer, or crew member can comply



1 with the directions and requirements appearing
2 thereon. All passengers, officers, and crew
3 members, regardless of whether [~~or not~~] they are
4 bringing or causing to be brought for entry into
5 the State the articles listed on the form, shall
6 complete the declaration, except that one adult
7 member of a family may complete the declaration
8 for other family members. Any person who defaces
9 the declaration form required under this section,
10 gives false information, fails to declare
11 restricted articles in the person's possession or
12 baggage, or fails to declare in cargo manifests
13 is in violation of this section;

14 (B) Completed paper forms shall be collected by the
15 transportation company and be delivered,
16 immediately upon arrival, to the inspector at the
17 first airport or seaport of arrival. Completed
18 electronic forms shall be transmitted to the
19 inspector before passengers depart the first
20 airport or seaport of arrival. Failure to
21 distribute or collect paper declaration forms,



1 immediately deliver completed paper forms, or
2 transmit completed electronic forms before
3 passengers depart the first airport or seaport of
4 arrival is a violation of this section; and
5 (C) It shall be the responsibility of the officers
6 and crew of an aircraft or vessel originating in
7 the continental United States or its possessions
8 or from any other area not under the jurisdiction
9 of the appropriate federal agency to immediately
10 report all sightings of any plants and animals to
11 the plant quarantine branch. Failure to comply
12 with this requirement is a violation of this
13 section;
14 (3) Plant and animal declaration form. The form shall
15 include directions for declaring domestic and other
16 animals cited in chapter 142, in addition to the
17 articles enumerated in this chapter;
18 (4) Labels. Each container in which any of the
19 abovementioned articles are imported into the State
20 shall be plainly and legibly marked, in a conspicuous
21 manner and place, with the name and address of the



1 shipper or owner forwarding or shipping the same, the
2 name or mark of the person to whom the same is
3 forwarded or shipped or the person's agent, the name
4 of the country, state, or territory and locality
5 therein where the product was grown or produced, and a
6 statement of the contents of the container. Upon
7 failure to comply with this paragraph, the importer or
8 carrier is in violation of this section;

9 (5) Authority to administratively inspect. [~~Whenever the~~
10 ~~inspector has good cause to believe that the~~
11 ~~provisions of this chapter are being violated, the~~
12 ~~inspector may:~~

13 ~~(A) Enter and inspect any aircraft, vessel, or other~~
14 ~~carrier at any time after its arrival within the~~
15 ~~boundaries of the State, whether offshore, at the~~
16 ~~pier, or at the airport, for the purpose of~~
17 ~~determining whether any of the articles or pests~~
18 ~~enumerated in this chapter or rules adopted~~
19 ~~thereto, is present;~~

20 ~~(B) Enter into or upon any pier, warehouse, airport,~~
21 ~~or any other place in the State where any of the~~



1 ~~above-mentioned articles are moved or stored, for~~
2 ~~the purpose of ascertaining, by inspection and~~
3 ~~examination, whether or not any of the articles~~
4 ~~is infested or infected with any pest or disease~~
5 ~~or contaminated with soil or contains prohibited~~
6 ~~plants or animals; and~~
7 ~~(C) Inspect any baggage or personal effects of~~
8 ~~disembarking passengers, officers, and crew~~
9 ~~members on aircraft or vessels arriving in the~~
10 ~~State to ascertain if they contain any of the~~
11 ~~articles or pests enumerated in this chapter. No~~
12 ~~baggage or other personal effects of the~~
13 ~~passengers or crew members shall be released~~
14 ~~until the baggage or effects have been passed.~~
15 ~~Baggage or cargo inspection shall be made at the~~
16 ~~discretion of the inspector, on the pier, vessel, or~~
17 ~~aircraft or in any quarantine or inspection area.~~
18 ~~Whenever the inspector has good cause to believe~~
19 ~~that the provisions of this chapter are being~~
20 ~~violated, the inspector may require that any box,~~
21 ~~package, suitcase, or any other container carried as~~



1 ~~ship's stores, cargo, or otherwise by any vessel or~~
2 ~~aircraft moving between the continental United States~~
3 ~~and Hawaii or between the Hawaiian Islands, be opened~~
4 ~~for inspection to determine whether any article or~~
5 ~~pest prohibited by this chapter or by rules adopted~~
6 ~~pursuant thereto is present. It is a violation of~~
7 ~~this section if any prohibited article or any pest or~~
8 ~~any plant, fruit, or vegetable infested with plant~~
9 ~~pests is found;] An inspector:~~

10 (A) May conduct inspections of persons, baggage,
11 cargo, and any other articles destined for
12 movement between the Hawaiian Islands or
13 importation into the State from the continental
14 United States or any territory or possession of
15 the United States for the purpose of determining
16 whether an insect, pest, disease, or prohibited,
17 restricted, or regulated taxon is present;

18 (B) May enter and inspect any aircraft, vessel, or
19 other carrier at any time after its arrival
20 within the boundaries of the State, whether
21 offshore, at the pier, or at the airport, and



1 enter into or upon any pier, warehouse, airport,
2 or any other place in the State for the purpose
3 of conducting inspections authorized by
4 subparagraph (A); and

5 (C) May inspect any baggage and cargo on the pier,
6 vessel, or aircraft, or in any quarantine or
7 inspection area;

8 (6) Request for importation and inspection.' In addition
9 to requirements of the appropriate United States
10 [~~eustoms~~] authorities concerning invoices or other
11 formalities incident to importations into the State,
12 the importer shall be required to file a written
13 statement with the department, signed by the importer
14 or the importer's agent, setting forth the importer's
15 desire to import certain of the above-mentioned
16 articles into the State and:

17 (A) Giving the following additional information:

18 (i) The kind (scientific name), quantity, and
19 description;

20 (ii) The locality where same were grown or
21 produced;



- 1 (iii) Certification that all animals to be
- 2 imported are the progeny of captive
- 3 populations or have been held in captivity
- 4 for a period of one year immediately before
- 5 importation or have been specifically
- 6 approved for importation by the board;
- 7 (iv) The port from which the same were last
- 8 shipped;
- 9 (v) The name of the shipper; and
- 10 (vi) The name of the consignee; and
- 11 (B) Containing:
- 12 (i) A request that the department, by its duly
- 13 authorized agent, examine the articles
- 14 described;
- 15 (ii) An agreement by the importer to be
- 16 responsible for all costs, charges, or
- 17 expenses; and
- 18 (iii) A waiver of all claims for damages incident
- 19 to the inspection or the fumigation,
- 20 disinfection, quarantine, or destruction of
- 21 the articles, or any of them, as hereinafter



1 provided, if any treatment is deemed
2 necessary.

3 Failure or refusal to file a statement, including
4 the agreement and waiver, is a violation of this
5 section and may, in the discretion of the department,
6 be sufficient cause for refusing to permit the entry
7 of the articles into the State;

8 (7) Place of inspection. If, in the judgment of the
9 inspector, it is deemed necessary or advisable to move
10 any ~~[of the above-mentioned articles, or any portion~~
11 ~~thereof,]~~ items or materials to a place more suitable
12 for inspection than the pier, airport, or any other
13 place where they are first received or discharged, the
14 inspector ~~[is authorized to]~~ may do so. All costs and
15 expenses incident to the movement and transportation
16 of the ~~[articles]~~ items or materials to any other
17 place shall be borne by the importer or the importer's
18 agent. If the importer, importer's agent, or
19 transportation company requests inspection of sealed
20 containers ~~[of the above-mentioned articles]~~ at
21 locations other than where the ~~[articles]~~ containers



1 are first received or discharged and the department
2 determines that inspection at the other place is
3 appropriate, the department may require payment of
4 costs necessitated by these inspections, including
5 overtime costs;

6 (8) Disinfection or quarantine. If, upon inspection, any
7 ~~[article]~~ item or material received or brought into
8 the State for the purpose of debarkation or entry
9 therein or moved between the Hawaiian Islands is found
10 to be so infested or infected, or there is reasonable
11 cause to presume that it is infested or infected, and
12 the infestation or infection can, in the judgment of
13 the inspector, be eradicated, a treatment shall be
14 given ~~[such article.]~~ to the item or material. The
15 treatment shall be at the expense of the owner or the
16 owner's agent, and the treatment shall be as
17 prescribed by the department. The ~~[article]~~ item or
18 material shall be held in quarantine at the expense of
19 the owner or the owner's agent at a satisfactory place
20 approved by the department for a sufficient length of
21 time to determine that eradication has been



1 accomplished. If the infestation or infection is of
2 the nature or extent that it cannot be effectively and
3 completely eradicated, or if it is a potentially
4 destructive pest or it is not widespread in the State,
5 or after treatment it is determined that the
6 infestation or infection is not completely eradicated,
7 or if the owner or the owner's agent refuses to allow
8 the ~~[article]~~ item or material to be treated or to be
9 responsible for the cost of treatment and quarantine,
10 the ~~[article,~~ item or material, or any portion
11 thereof, together with all packing and containers,
12 may, at the discretion of the inspector, be destroyed
13 or sent out of the State at the expense of the owner
14 or the owner's agent. The destruction or exclusion
15 shall not be made the basis of a claim against the
16 department or the inspector for damage or loss
17 incurred;

- 18 (9) Disposition. Upon completion of inspection, either at
19 the time of arrival or at any time thereafter should
20 any ~~[article]~~ item or material be held for inspection,
21 treatment, or quarantine, the inspector shall affix to



1 the [~~article~~] item, material, or [~~the~~] container, or
 2 to the delivery order in a conspicuous place thereon,
 3 a tag, label, or stamp to indicate that the [~~article~~]
 4 item or material has been inspected and passed. This
 5 action shall constitute a permit to bring the
 6 [~~article~~] item or material into the State; and

7 (10) Ports of entry. None of the [~~articles~~] items or
 8 materials mentioned in this section shall be allowed
 9 entry into the State except through the airports and
 10 seaports in the State designated and approved by the
 11 board."

12 SECTION 4. Section 150A-5.5, Hawaii Revised Statutes, is
 13 amended by amending subsection (b) to read as follows:

14 "(b) In legal effect, articles landed for the purpose of
 15 inspection or quarantine shall be construed to be still outside
 16 the State seeking entry, and shall not, in whole or in part, be
 17 considered suitable for entry into the State unless a tag,
 18 label, or stamp has been affixed to the article, item, or
 19 material, its container, or its delivery order by the inspector
 20 as provided in section [~~150A-5(9),~~] 150A-5(b)(9), except that
 21 articles quarantined in the biocontrol containment facilities of



1 the department or of other government agencies engaged in joint
2 projects with the department may be released upon issuance of a
3 permit approved by the board."

4 SECTION 5. Section 150A-8, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§150A-8 [Transporting in] Movement within the State[-];
7 quarantine, treatment, destruction. (a) Flora [and], fauna,
8 pest host material, and any other item or material specified by
9 rules and regulations of the department shall not be moved from
10 one island to another island within the State or from one
11 locality to another on the same island except by a permit issued
12 by the department.

13 (b) No person may sell, barter, or donate, or offer for
14 sale, barter, or donation, or otherwise make available to the
15 public, any material that is:

- 16 (1) Infested or infected with a pest;
- 17 (2) Itself a pest; or
- 18 (3) Prohibited from being sold under this chapter or any
19 rule adopted pursuant to this chapter.

20 (c) The department may compel the quarantine, treatment,
21 or destruction of any material sold, bartered, donated, or



1 offered, or otherwise made available in violation of
2 subsection (b). Any quarantine, treatment, or destruction shall
3 be at the expense of the owner of the material and shall not be
4 made the basis of a claim against the department or the
5 inspector for damage or loss incurred."

6 SECTION 6. Section 150A-14, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§150A-14 Penalty.** (a) Any person who violates any
9 provision of this chapter other than sections 150A-5[7] and
10 150A-6(3) [7] and [~~150A-6~~](4) or who violates any rule adopted
11 under this chapter other than those rules involving an animal
12 that is prohibited [~~or~~], a plant[7] that is restricted, or an
13 animal[7] or microorganism that is restricted[7] or unlisted,
14 without a permit, shall be [~~guilty of a misdemeanor and~~] fined
15 [~~not~~] no less than \$100[. The provisions of section 706-640
16 notwithstanding, the maximum fine shall be] and no more than
17 \$10,000. For a second [~~offense~~] violation committed within five
18 years of a prior [~~offense,~~] violation, the person [~~or~~
19 ~~organization~~] shall be fined [~~not~~] no less than \$500 and [~~not~~
20 no more than \$25,000. Each day of violation shall constitute a
21 separate offense. Any action taken to impose or collect the



1 penalty provided for in this subsection shall be considered a
2 civil action.

3 (b) Any person who violates [~~section~~]:

4 (1) Section 150A-5 shall be [~~guilty of a petty misdemeanor~~
5 and] fined [~~not~~] no less than [~~\$50~~] \$100 and [~~not~~] no

6 more than [~~\$5,000.~~] \$10,000. For a second [~~offense~~

7 violation committed within five years of a prior

8 [~~offense,~~] violation, the person may be fined [~~not~~] no

9 less than [~~\$250~~] \$500 and [~~not~~] no more than

10 [~~\$15,000.~~] \$25,000; or

11 (2) Section 150A-6(3) or (4), or owns or transports,

12 possesses, harbors, transfers, or causes the

13 importation of any snake or other prohibited animal

14 seized under section 150A-7(b), or whose violation

15 involves an animal that is prohibited, or a plant that

16 is restricted, or an animal or microorganism that is

17 restricted or unlisted, without a permit, shall be

18 fined no less than \$1,000 and no more than \$20,000.

19 For a second violation committed within five years of

20 a prior violation, the person may be fined no less

21 than \$1,000 and no more than \$20,000.



1 Each day of violation shall constitute a separate offense.
2 Any action taken to impose or collect the penalty provided for
3 in this subsection shall be considered a civil action.

4 (c) Any person who:

5 (1) [~~Violates~~] Knowingly violates section 150A-6(3) or
6 [~~150A-6~~](4), [~~or owns~~] or [~~intentionally~~] knowingly
7 transports, possesses, harbors, transfers, or causes
8 the importation of any snake or other prohibited
9 animal seized under section 150A-7(b), or whose
10 violation knowingly involves an animal that is
11 prohibited [~~or~~], a plant[~~or~~] that is restricted, or an
12 animal[~~or~~] or microorganism that is restricted[~~or~~] or
13 unlisted, without a permit, shall be guilty of a
14 misdemeanor and subject to a fine of [~~not~~] no less
15 than \$5,000 [~~but not~~] and no more than \$20,000;

16 (2) [~~Intentionally~~] Knowingly transports, harbors, or
17 imports with the intent to propagate, sell, or release
18 any animal that is prohibited [~~or~~], any plant[~~or~~] that
19 is restricted, or any animal[~~or~~] or microorganism that
20 is restricted[~~or~~] or unlisted, without a permit, shall
21 be guilty of a class C felony and subject to a fine of



1 ~~[not]~~ no less than \$50,000~~[, but not]~~ and no more than
2 \$200,000; or

3 (3) ~~[Intentionally]~~ Knowingly imports, possesses, harbors,
4 transfers, or transports, including through
5 interisland or intrainland movement, with the intent
6 to propagate, sell, or release, any pest designated by
7 statute or rule, unless otherwise allowed by law,
8 shall be guilty of a class C felony and subject to a
9 fine of ~~[not]~~ no less than \$50,000~~[, but not]~~ and no
10 more than \$200,000.

11 (d) Whenever a ~~[court sentences a]~~ person ~~[or~~
12 ~~organization]~~ is subject to a penalty pursuant to subsection
13 (a), (b), or (c) for ~~[an offense which]~~ a violation that has
14 resulted in the escape or establishment of any pest and caused
15 the department to initiate a program to capture, control, or
16 eradicate that pest, ~~[the]~~ a court ~~[shall also]~~ may require that
17 the person ~~[or organization]~~ pay ~~[to the state general fund]~~ an
18 amount of money to be determined in the discretion of the court
19 upon advice of the department, based upon the cost of the
20 development and implementation of the program. Any amount
21 collected under this subsection shall be deposited into the pest



1 inspection, quarantine, and eradication fund established
2 pursuant to section 150A-4.5.

3 (e) The department may, at its discretion, refuse entry,
4 confiscate, or destroy any prohibited articles or restricted
5 articles that are brought into the State without a permit issued
6 by the department, or order the return of any plant, fruit,
7 vegetable, or any other article infested with pests to its place
8 of origin or otherwise dispose of it or [~~such~~] any part thereof
9 as may be necessary to comply with this chapter. Any expense or
10 loss in connection therewith shall be borne by the owner or the
11 owner's agent.

12 (f) Any person [~~or organization~~] that voluntarily
13 surrenders any prohibited animal [~~or~~], any restricted plant, or
14 any restricted or unlisted animal[~~r~~] or microorganism, without a
15 permit issued by the department, [~~prior to~~] before the
16 initiation of any seizure action by the department, shall be
17 exempt from the penalties of this section.

18 (g) When construing and enforcing this chapter, the act,
19 omission, or failure of any officer, agent, or other person
20 acting for or employed by any person shall in every case be



1 deemed to be the act, omission, or failure of the person and
2 that of the person employed by or acting for the person.

3 [~~g~~] (h) For purposes of this section, "intent to
4 propagate" shall be presumed when the person in question is
5 found to possess, transport, harbor, or import:

6 (1) Any two or more animal specimens of the opposite sex
7 that are prohibited or restricted, without a permit,
8 or are a pest designated by statute or rule;

9 (2) Any three or more animal specimens of either sex that
10 are prohibited or restricted, without a permit, or are
11 a pest designated by statute or rule;

12 (3) Any plant or microorganism having the inherent
13 capability to reproduce and that is restricted,
14 without a permit; or

15 (4) Any specimen that is in the process of reproduction."

16 SECTION 7. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 8. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

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

6 SECTION 10. This Act shall take effect on July 1, 3000.



Report Title:

DOA; Pests; Invasive Species; Importation; Inspection; Sale; Prohibition; Quarantine; Penalties

Description:

Clarifies that the importation of any pest or material infested or infected with an insect or other animal, disease, or pest is prohibited. Authorizes the Department of Agriculture to administratively inspect, without good cause, any article imported or moved into the State from the continental United States or between the Hawaiian Islands. Prohibits the sale, barter, or donation of material that is a pest or is infested with a pest. Authorizes the Department of Agriculture to compel the quarantine, treatment, or destruction of certain materials. Clarifies penalties for various quarantine and import law violations, based in part on whether violations were knowingly committed. Effective 7/1/3000. (HD1)

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

