

# A BILL FOR AN ACT

## RELATING TO NATURAL RESOURCES.

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

1 PART I

2 SECTION 1. The legislature finds that the State's natural  
3 resources are critical to its economic stability, energy  
4 security, climate resilience, public health, safety, and  
5 cultural continuity. The legislature further finds that  
6 planning for the availability of water supplies, the siting of  
7 renewable energy infrastructure, accurate wildfire and landslide  
8 risk assessment, and response procedures designed for drought  
9 and contamination emergencies are among the fiduciary acts  
10 performed by the State in the best interests of the public. The  
11 legislature believes that such planning and procedure is best  
12 made when high-quality, site-specific surface and subsurface  
13 data are considered, including information on stratigraphy,  
14 permeability, groundwater levels, temperature gradients, gas  
15 composition, and other geological conditions.

16 The legislature further finds that the public trust  
17 doctrine dictates that the State must protect and manage public



1 natural resources, including water, land, and forests, for  
2 present and future generations while also providing for their  
3 "highest economic social benefits", necessitating the need to  
4 balance various, competing interests. Existing statutory and  
5 regulatory frameworks governing wells and mining were designed  
6 to manage the long-term production and viability of the State's  
7 water and mineral resources. However, these frameworks were  
8 implemented without consideration of the need to treat  
9 investigations conducted for the purpose of collecting  
10 scientific data that defines observable subsurface conditions  
11 differently from commercial developments. Consequently, these  
12 statutory and regulatory frameworks hinder scientific  
13 investigation that produces findings often needed by regulatory  
14 agencies to identify and guide their management of those  
15 resources.

16 The legislature also finds that regulatory frameworks  
17 governing water and mineral resources do not preclude  
18 non-extractive scientific research that is necessary to identify  
19 and understand the State's natural resources. Furthermore, the  
20 State's environmental review framework authorizes agencies,  
21 subject to review of the environmental advisory council, to



1 exempt actions that individually and cumulatively will, in all  
2 probability, have minimal or no consequential effects on the  
3 environment from the environmental review process.

4 The legislature additionally finds that the university of  
5 Hawaii and other research institutions based in the State use  
6 non-destructive analytical field processes in the normal course  
7 of their work. Those processes may include the use of  
8 temporary, small-diameter boreholes used for the purpose of  
9 collecting scientific data that defines observable subsurface  
10 conditions. These activities are primarily non-commercial in  
11 nature and are not intended to support ongoing water or  
12 geothermal production. Boreholes used for these purposes are  
13 designed to be sealed or otherwise decommissioned after data  
14 gathering is complete in a manner that protects post-study  
15 groundwater and surface environments.

16 The legislature additionally finds that without regulatory  
17 clarification, temporary boreholes used for collecting  
18 scientific data that defines observable subsurface conditions  
19 may be subjected to the same administrative scrutiny as  
20 commercial exploration for water production wells or mining  
21 operations that regularly require environmental assessments or



1 impact statements. As a result, time-sensitive geological  
2 subsurface characterization activities that produce useful  
3 scientific data are often delayed, which increases costs and  
4 often discourages data collection altogether.

5 Accordingly, the purpose of this part is to:

- 6 (1) Authorize geological subsurface characterization  
7 activities conducted by a public research institution  
8 under certain conditions;
- 9 (2) Clarify that boreholes or test holes drilled for the  
10 purposes of geological subsurface characterization are  
11 distinct from water well exploration and geothermal or  
12 mineral exploration and are therefore exempt from the  
13 requirements of chapter 174C, Hawaii Revised Statutes;
- 14 (3) Require the department of business, economic  
15 development, and tourism, to designate the Hawaii  
16 groundwater and geothermal resources center of the  
17 university of Hawaii, or a successor entity, as the  
18 repository for data collected from any geological  
19 subsurface characterization activity;
- 20 (4) Require the department of Hawaiian home lands to  
21 designate a repository or be the repository for any



1 data collected from geological subsurface

2 characterization activities conducted on lands it

3 holds in trust;

4 (5) Require the department of land and natural resources

5 to amend its exemption list to be consistent with

6 administrative rules adopted by the department,

7 clarifying that certain geological subsurface

8 characterization activities shall be exempt from the

9 environmental review process or shall only require an

10 exemption notice;

11 (6) Require the university of Hawaii to amend its

12 exemption list to specify that certain geological

13 subsurface characterization activities shall be exempt

14 from the environmental review process or shall only

15 require an exemption notice;

16 (7) Require the department of health to amend its rules

17 related to hazardous waste and hazardous waste

18 management for consistency with Title 40, Code of

19 Federal Regulations, Part 261, to clarify that certain

20 waste products generated by geological subsurface



characterization activity are exempt from hazardous waste management requirements; and

(8) Require that the first site where a borehole or test hole is drilled shall be located on land owned by the department of Hawaiian home lands.

6 SECTION 2. The Hawaii Revised Statutes is amended by  
7 adding a new chapter to be appropriately designated and to read  
8 as follows:

## "CHAPTER

## GEOLOGICAL SUBSURFACE CHARACTERIZATION

11           § -1 **Purpose; applicability.** (a) The purpose of this  
12 chapter is to clarify that any temporary geological subsurface  
13 characterization activity, including a borehole or test bore  
14 drilling activity:

19 (2) Shall not be treated as wells for the purposes of well  
20 construction and pump installation permitting under  
21 part VII of chapter 174C; provided that the geological



1                   subsurface characterization activity is conducted

2                   pursuant to section -3; and

3               (3) May qualify as de minimis or otherwise exempt actions

4                   under chapter 343; provided that the geologic

5                   subsurface characterization activity does not violate

6                   any rule adopted under chapter 343.

7               (b) Nothing in this chapter shall be construed to exempt a

8                   person from obtaining a permit or approval required by law,

9                   including but not limited to conservation district use permits

10                  under chapter 183C, shoreline or special management area permits

11                  under chapter 205A, or county ordinance.

12               (c) This chapter shall apply to any geological subsurface

13                   characterization activity conducted by or under the direction of

14                   a public research institution on:

15               (1) State lands, including public lands, forest reserves,

16                   lands in the conservation district, and other lands

17                   under the jurisdiction of the department of land and

18                   natural resources and department of Hawaiian home

19                   lands;

20               (2) Lands under the jurisdiction of other state or county

21                   agencies; and



(3) Private parcels; provided that the owner of the parcel has provided written permission to the public research institution.

6 (1) Limit public trust water resources under article XI of  
7 the Hawaii State Constitution or chapter 174C;

8 (2) Alter the jurisdiction of the department of health  
9 over underground injection well control, hazardous  
10 waste management, or drinking water protection; or

16        § -2 **Definitions.** For the purposes of this chapter:

17 "Borehole" means a temporary, artificial excavation,  
18 opening, or cored hole in the ground that is drilled, driven, or  
19 otherwise constructed solely for the purpose of geological  
20 subsurface characterization activities that is:

- (1) Not equipped with permanent pumps or production equipment other than temporary or low-capacity equipment used for testing or sampling; and
- (2) Abandoned, sealed, or converted to a monitoring or production well.

6 "Department" means the department of business, economic  
7 development, and tourism.

8 "Geological subsurface characterization activity" means any  
9 planned, temporary program of field activities executed or  
10 advised by a public research institution undertaken to collect  
11 scientific, engineering, or environmental data about subsurface  
12 geologic, hydrologic, geochemical, geophysical, geothermal, or  
13 related geological conditions, in compliance with section -3.  
14 "Geological subsurface characterization activity" includes but  
15 is not limited to:

16 (1) Reflection seismology, refraction seismology,  
17 multichannel analysis of surface waves, electrical  
18 resistivity tomography, induced polarization,  
19 ground-penetrating radar, magnetotellurics, magnetic  
20 surveys, gravity surveys, and ground and airborne  
21 gamma spectrometry;



- (2) Drilling, coring, or advancing small-diameter temporary boreholes;
- (3) Collection of rock, soil, groundwater, gas, and temperature measurements and samples;
- (4) Downhole logging, tracer testing, hydraulic or thermal response testing, and other measurements;
- (5) Preparation, storage, and transmission of resulting data and samples; provided that the activity is not primarily intended to produce water, minerals, geothermal, heat, or other subsurface resources for sale, commercial use, or continuous operational use;
- (6) Any extraction or injection that is limited in duration, volume, and pressure as reasonably necessary for data collection and testing; and
- (7) Any activity necessary to seal or decommission a borehole.

"Groundwater" means any water found beneath the surface of earth, whether in perched supply, dike confined, flowing, or isolating in underground channels or streams, under artesian pressure or not, or otherwise.



1        "Hazardous waste" means any material designated under Title  
2        40, Code of Federal Regulations, Part 261.

3        "Injection well" means a well into which the subsurface  
4        disposal of a fluid or fluids occurs or is intended to occur by  
5        means of injection.

6        "Investigative-derived waste" means drill cuttings,  
7        drilling muds and fluids, purge water, development water, used  
8        tracers, and other materials generated during geological  
9        subsurface characterization borehole drilling, testing,  
10        sampling, and decommissioning.

11        "Non-commercial purpose" means an activity that is not  
12        conducted for the primary purpose of generating profit from the  
13        sale or use of water, geothermal heat, minerals, or other  
14        subsurface resources. "Non-commercial purpose" includes the  
15        receipt of or compliance with grants, contracts, research  
16        funding, or cost-sharing arrangements with private entities.

17        "Public research institution" means a regionally accredited  
18        university or college in the State, a state or federal research  
19        agency, or their contractors or subgrantees acting under written  
20        direction and control of the institution or agency.



1        "Scientific data-gathering" means the systematic process of  
2    collecting, measuring, and recording information, including  
3    observations, measurements, or existing records, using  
4    established methods to answer research questions, test  
5    hypotheses, and draw valid, reliable conclusions to ensure  
6    accuracy and integrity for analysis and informed  
7    decision-making.

8        "Test bore" or "test boring" means any excavation or  
9    drilled hole whose purpose is the immediate determination of  
10   subsurface geologic, hydrologic, geochemical, geophysical, or  
11   geothermal conditions. "Test bore" or "test boring" includes  
12   borings for foundation, underground storage tanks, and  
13   environmental monitoring under the purview of other government  
14   agencies and hazardous waste remediation that is not intended  
15   for the purpose of conversion to a production well.

16        "Well" has the same meaning as defined in section 174C-3.

17        **§ -3 Geological subsurface characterization activity;**  
18   **authorized; requirements.** (a) A public research institution  
19   may conduct geological subsurface characterization activities.

20        (b) Any borehole or test bore drilled for the purposes of  
21   a geological subsurface characterization activity shall:





- (2) Not provide a continuous supply of groundwater or geothermal fluids for off-site use; and
- (3) Not measurably and adversely affect any existing legal use of water or protected resources.

(d) A public research institution conducting geological surface characterization activity shall ensure that:

- (1) The geological subsurface characterization activity shall not harm known cultural sites or burials or impede any Native Hawaiian traditional or customary practice;
- (2) The geological subsurface characterization activity shall not pose any significant risk of groundwater contamination, subsidence, or induced hazards; and
- (3) The geological subsurface characterization activity shall be in compliance with any applicable state and federal requirements relating to endangered species, historic preservation, and cultural resources.

## § -4 Investigative-derived waste; hazardous waste;

19 **management.** (a) Investigative-derived waste generated by  
20 geological subsurface characterization activity shall be managed  
21 in accordance with Title 40, Code of Federal Regulations, Part



1 261; provided that investigative-derived waste that does not  
2 constitute hazardous waste, including drill cuttings and fluids,  
3 or are excluded from hazardous waste management under Title 40,  
4 Code of Federal Regulations, Section 261.4(b), shall not be  
5 managed in accordance with Title 40, Code of Federal  
6 Regulations, Part 261, solely because the investigative-derived  
7 waste was generated by a geological subsurface characterization  
8 activity.

9 (b) The department, in consultation with the department of  
10 health, may, by rule or guidance, specify a presumptive  
11 non-hazardous management option for common categories of  
12 investigative-derived wasted, including:  
13 (1) On-site or nearby land application of clean cuttings;  
14 (2) Contained storage and evaporation of non-hazardous  
15 fluids; and  
16 (3) Disposal at permitted solid waste facilities.

17 **§ -5 Registration; proposal; requirements.** (a)  
18 Notwithstanding sections 174C-83 and 174C-84, a public research  
19 institution shall register any geological subsurface  
20 characterization activity with the department.



1 (b) Before drilling a borehole for any geological  
2 subsurface characterization activity a public research  
3 institution shall submit to the department a geological  
4 subsurface characterization activity proposal and register the  
5 proposed project with the department. A geological subsurface  
6 characterization activity proposal shall include, at minimum,  
7 the:

8 (1) Project name;

9 (2) Contact information, including a telephone number,

10 mailing address, and email address of the project

11 manager;

12 (3) Proposed location or locations, including the tax map

13 key or keys of the location or locations;

14 (4) Anticipated geological subsurface characterization

15 activities, testing types, durations, and maximum

16 pumping or injection rates;

17 (5) Proposed timeline for drilling, testing, and

18 decommissioning;

19 (6) Proposed measures to prevent cross-contamination and

20 protect groundwater; and



1 (7) A declaration of non-commercial purpose and intended  
2 data products.

14 (1) Geological subsurface characterization activity  
15 proposal does not meet the requirements of subsection  
16 (b);

17 (2) Proposed geological subsurface characterization  
18 activity poses an unreasonable risk to groundwater  
19 resources, public trust purposes, or an existing legal  
20 use of water; or



§ -6 Reports; data collection and sharing; required.

17 (a) A public research institution conducting geological  
18 subsurface characterization activity shall submit a report to  
19 the department for each borehole drilled for the purposes of  
20 geological subsurface characterization activity. The report  
21 shall include the final location, depth, basic construction



1 details, and decommissioning status of each borehole; provided  
2 that the borehole has been converted to a well.

3 (b) A public research institution conducting any  
4 geological subsurface characterization activity on state lands  
5 or with funding provided by the State shall, within days  
6 after completion of data analysis, submit a report to a  
7 repository designated by the department detailing:

8 (1) Borehole locations, depths, and basic construction  
9 details;  
10 (2) Stratigraphic and lithologic descriptions;  
11 (3) Groundwater, temperature, and geophysical logs, as  
12 applicable; and  
13 (4) Other non-proprietary data the department may require  
14 by rule;

15 (c) A public research institution shall submit the reports  
16 required under subsections (a) and (b) to the department of  
17 Hawaiian home lands or a depository designated by the department  
18 of Hawaiian home lands if the activity is conducted on lands  
19 that the department of Hawaiian home lands holds in trust.

20 (d) The department, in consultation with the department of  
21 land and natural resources, department of Hawaiian home lands,



1 and other involved agencies may authorize reasonable protections  
2 for information a state or county agency deems culturally  
3 sensitive or site-specific data, including generalizing public  
4 location data for these sites, consistent with public trust and  
5 public interest considerations.

6        **§ -7 Rules.** The department, in consultation with the  
7 department of land and natural resources, department of health,  
8 and university of Hawaii shall adopt rules pursuant to chapter  
9 91 for the purposes of this section, including:

10 (1) Technical standards for geological subsurface  
11 characterization activities, including borehole  
12 diameter, depth, design, construction, and  
13 decommissioning;

14 (2) Registration procedures, forms, and timelines;

15 (3) Standards determining whether a borehole drilled for  
16 geological subsurface characterization activities  
17 becomes a well that requires a permit pursuant to  
18 chapter 174C;

19 (4) Requirements for monitoring and reporting, including  
20 completion reports under section -6; and



1 (5) Enforcement mechanisms, including orders to cease  
2 operations, undertake corrective actions, or seal  
3 boreholes."

4 SECTION 3. Section 182-1, Hawaii Revised Statutes, is  
5 amended by amending the definition of "mining operations" to  
6 read as follows:

7       "\"Mining operations\" means the process of excavation,  
8       extraction, and removal of minerals, and the [exploration or]  
9       development of any and all geothermal resources, from the  
10      ground, design engineering, other engineering, erection of  
11      transportation facilities and port facilities, erection of  
12      necessary plants, other necessary operations or development  
13      approved by the board preceding or connected with the actual  
14      extraction of minerals and the exploration or development of  
15      geothermal resources.    \"Mining operations\" does not include a  
16      geological subsurface characterization activity as that term is  
17      defined in section       -2."

18 SECTION 4. The department of business, economic  
19 development, and tourism and the department of Hawaiian home  
20 lands, where applicable, shall designate the Hawaii groundwater  
21 and geothermal resources center, or a successor entity, as the



1 repository for data collected from any geological subsurface  
2 characterization activity to support planning for water  
3 resources, geothermal potential, hazard mitigation, and other  
4 public purposes; provided that the department of Hawaiian home  
5 lands shall be the repository for any data collected from  
6 geological subsurface characterization activities on lands it  
7 holds in trust.

8 SECTION 5. (a) The department of land and natural  
9 resources shall amend its exemption list to be consistent with  
10 rules adopted by the department and include geological  
11 subsurface characterization activities in part one of its  
12 exemption list where appropriate, specifying that certain  
13 geological subsurface characterization activities shall be  
14 exempt from the environmental review process.

15 (b) The department of land and natural resources shall  
16 amend its exemption list to be consistent with rules adopted by  
17 the department and include geological subsurface  
18 characterization activities in part two of its exemption list  
19 where appropriate, specifying that certain geological subsurface  
20 characterization activities shall only require the preparation  
21 and submission of an exemption notice.



1           SECTION 6. (a) The university of Hawaii shall amend its  
2 exemption list to include geological subsurface characterization  
3 activities in part one of its exemption list where appropriate,  
4 clarifying that certain geological subsurface characterization  
5 activities shall be exempt from the environmental review  
6 process.

7           (b) The university of Hawaii shall amend its exemption  
8 list to include geological subsurface characterization  
9 activities in part two of its exemption list where appropriate,  
10 specifying that certain geological subsurface characterization  
11 activities shall only require the preparation and submission of  
12 an exemption notice.

13           SECTION 7. The department of health shall amend its  
14 administrative rules relating to hazardous waste, hazardous  
15 waste management, and underground injection control for  
16 consistency with Title 40, Code of Federal Regulations, Part  
17 261, to clarify that certain investigative-derived waste  
18 products generated by geological subsurface characterization  
19 activity are exempt from hazardous waste management  
20 requirements.



1 SECTION 8. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$6,000,000 or so much  
3 thereof as may be necessary for fiscal year 2026-2027 to fund  
4 two drilling projects for the purposes of geological subsurface  
5 characterization; provided that the first site where a borehole  
6 or test hole is drilled shall be on land owned by the department  
7 of Hawaiian home lands.

8 The sum appropriated shall be expended by the Hawaii  
9 groundwater and geothermal resources center for the purposes of  
10 this Act.

11 PART II

12 SECTION 9. The legislature finds that the State's unique  
13 geographic location and marine resources provide exceptional  
14 opportunities for advancing ocean and earth science research and  
15 technology development.

16 The legislature further finds that the Hawaii groundwater  
17 and geothermal resources center, a research unit dedicated to  
18 providing historical and newly developed information relating to  
19 groundwater and geothermal resources, was founded in 2014 within  
20 the school of ocean and earth science and technology of the  
21 university of Hawaii at Manoa. The legislature believes that



1 codifying the research center into statute will enhance the  
2 State's capacity to address critical challenges and contribute  
3 to the economic development and environmental sustainability of  
4 the State.

5 The legislature also finds that the Hawaii groundwater and  
6 geothermal resources center possesses the requisite knowledge  
7 and expertise to serve as the lead state agency to manage,  
8 direct, and guide geological subsurface characterization  
9 activities in the State.

10 The legislature additionally finds that the map of  
11 subsurface resources, inventoried in accordance with geological  
12 subsurface characterization activities, will expand gradually  
13 over time. Furthermore, such exploration of the State's  
14 subsurface resources should occur only when specified by  
15 appropriation, contract, or other form of funding. Site  
16 locations should be determined in accordance with the funder's  
17 specified geographic coordinate area of interest, project  
18 complexity, and the Hawaii groundwater and geothermal resources  
19 center's operational requirements.

20 Accordingly, the purpose of this part is to codify the  
21 establishment of the Hawaii groundwater and geothermal resources



1 center within the school of ocean and earth science and  
2 technology of the university of Hawaii at Manoa.

3 SECTION 10. Chapter 304A, Hawaii Revised Statutes, is  
4 amended by adding a new section to part IV to be appropriately  
5 designated and to read as follows:

6 "§304A- Hawaii groundwater and geothermal resources

7 center; structure; function. (a) There is established within  
8 the school of ocean and earth science and technology at the  
9 university of Hawaii at Manoa the Hawaii groundwater and  
10 geothermal resources center.

11 (b) The Hawaii groundwater and geothermal resources center  
12 shall:

13 (1) Advance the State's understanding of its geological  
14 subsurface characteristics through the collection,  
15 interpretation, and publication of new data, which  
16 shall improve knowledge of the State's:

17 (A) Groundwater, geothermal, and carbon storage  
18 resources, and;

19 (B) Volcanic history and hazards;

20 (2) Establish an information platform and central hub from  
21 which the Hawaii groundwater and geothermal resources



1                   center shall disseminate data and information related  
2                   to the State's geological subsurface characterization  
3                   activities with respect to the natural resources  
4                   described in subsection (b) (1);

5                   (3) Encourage research and innovation locally and globally  
6                   in geological subsurface characterization activities;  
7                   and

8                   (4) Build a local workforce of professionals with  
9                   expertise in the State's subsurface geology,  
10                   resources, and geological subsurface research methods,  
11                   including geophysics and drilling.

12                   (c) The Hawaii groundwater and geothermal resources center  
13                   may:

14                   (1) Accept gifts, grants, and donations;  
15                   (2) Enter into contracts and agreements necessary to carry  
16                   out its functions; and

17                   (3) Employ staff as needed.

18                   (d) The Hawaii groundwater and geothermal resources center  
19                   shall submit an annual report of its activities pursuant to this  
20                   section and findings and recommendations, including any proposed



1 legislation, to the legislature no later than twenty days prior  
2 to the convening of each regular session."

3 SECTION 11. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so  
5 much thereof as may be necessary for fiscal year 2026-2027 for  
6 the establishment of the Hawaii groundwater and geothermal  
7 resources center within the school of ocean and earth science  
8 and technology of the university of Hawaii at Manoa.

9 The sum appropriated shall be expended by the university of  
10 Hawaii for the purposes of this Act.

11 PART III

12 SECTION 12. If any provision of this Act, or the  
13 application thereof to any person or circumstance, is held  
14 invalid, the invalidity does not affect other provisions or  
15 applications of the Act that can be given effect without the  
16 invalid provision or application, and to this end the provisions  
17 of this Act are severable.

18 SECTION 13. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



1 SECTION 14. This Act shall take effect on July 1, 2026.

2

INTRODUCED BY:

Nicole E. Lowen

JAN 23 2026



# H.B. NO. 1983

**Report Title:**

DBEDT; DLNR; DOH; DHHL; UH; SOEST; HGGRC; Geological Subsurface Characterization; Natural Resources; Groundwater; Geothermal Resources; Hazardous Waste; Exemptions; Administrative Rules; Appropriations

**Description:**

Authorizes geological subsurface characterization activities conducted by a public research institution under certain conditions. Clarifies that boreholes or test holes drilled for the purposes of geological subsurface characterization are distinct from water well exploration and geothermal or mineral exploration. Requires the Department of Business, Economic Development, and Tourism, to designate the Hawaii Groundwater and Geothermal Resources Center of the University of Hawaii, or a successor entity, as the repository for data collected from any geological subsurface characterization activity. Requires the Department of Hawaiian Home Lands to designate a repository or be the repository for any scientific data collected from any geological subsurface characterization activity on lands it holds in trust. Requires the Department of Land and Natural Resources to amend its exemption list to specify that certain geological subsurface characterization activities shall be exempt from the environmental review process or shall only require an exemption notice. Requires the University of Hawaii to amend its exemption list to specify that certain geological subsurface characterization activities shall be exempt from the environmental review process or shall only require an exemption notice. Requires the Department of Health to amend its rules related to hazardous waste and hazardous waste management for consistency with federal regulations to specify that certain waste products generated by geological subsurface characterization activity are exempt from hazardous waste management requirements. Requires that the first site where a borehole or test hole is drilled shall be on lands owned by DHHL. Establishes the Hawaii Groundwater and Geothermal Resources Center within the School of Ocean and Earth Science and Technology of UH Manoa. Appropriates funds.

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