

## TWELFTH DAY

Monday, February 5, 1990

The Senate of the Fifteenth Legislature of the State of Hawaii, Regular Session of 1990, convened at 11:36 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Don Holliday, Pastor at Waikiki Baptist Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Eleventh Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 101 to 108) were read by the Clerk and were placed on file:

Gov. Msg. No. 101, transmitting the 1989 Annual Report of the Aloha Tower Development Corporation.

Gov. Msg. No. 102, transmitting a report prepared by the Department of Agriculture in response to S.C.R. No. 129 (1989), requesting a study on the feasibility of establishing a Hawaii Agricultural Development Corporation.

Gov. Msg. No. 103, transmitting a report prepared by the Housing Finance and Development Corporation, Department of Budget and Finance, in response to H.C.R. No. 271 (1989), requesting a review of the alternatives to preserve middle-income housing at the Queen Emma Gardens.

Gov. Msg. No. 104, transmitting a report prepared by the University of Hawaii in response to S.C.R. No. 93 (1988), urging the board of regents of the University of Hawaii to study the feasibility of restructuring the governance of Hawaii's (Public) Postsecondary Education System.

Gov. Msg. No. 105, transmitting the 1989 Annual Report of the Hawaii State Foundation on Culture and the Arts, pursuant to Section 9, HRS.

Gov. Msg. No. 106, transmitting a report prepared by the University of Hawaii in response to S.C.R. No. 157 (1989), encouraging the University of Hawaii School of Public Health to continue its investigation into the presence of mercury in Hawaiian grown marijuana and its harmful effects.

Gov. Msg. No. 107, transmitting a report, Study of the Taxation of Liquor in the State of Hawaii, SCCR No. 80-89 and HCCR No. 85-89, S.B. No. 1187, prepared by the Tax Review Commission, November 1989.

Gov. Msg. No. 108, transmitting a report, "Sources of the Differences Between the Transient Accommodation Tax Collections by the Department of Taxation and the Estimated Revenue Base by the Tax Review Commission," prepared by the Department of Taxation.

## HOUSE COMMUNICATION

Hse. Com. No. 5, returning S.B. No. 2330, S.D. 1, which passed Third Reading in the House of Representatives on February 2, 1990, was read by the Clerk and was placed on file.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution was read by the Clerk and was referred to committee:

Senate  
Concurrent  
Resolution

No. 26 "SENATE CONCURRENT RESOLUTION SUPPORTING THE FRIENDS OF THE LIBRARY OF HAWAII BOOK SALE."

Offered by: Senators Kobayashi, B., Aki, Blair, Chang, Cobb, Fernandes Salling, George, Hagino, Holt, Ikeda, Kobayashi, A., Koki, Levin, Matsuura, McCartney, McMurdo, Menor, Mizuguchi, Nakasato, Reed, Solomon, Tungpalan, Yamasaki.

Referred to: Committee on Education

## STANDING COMMITTEE REPORTS

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1903) recommending that H.B. No. 2138, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2138, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 7, 1990.

Senator Yamasaki, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1904) recommending that H.B. No. 2139, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Blair, seconded by Senator Reed and carried, the report of the Committee was adopted and H.B. No. 2139, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING UNIT 7 AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 7, 1990.

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

## MISCELLANEOUS COMMUNICATION

Misc. Com. No. 7, letter dated February 2, 1990 from the Chairperson of the Senate Committee on Agriculture, transmitting copies of the "Study of the Animal Quarantine System," prepared by the Interim Task Force of the Senate and House of Representatives was read by the Clerk and was placed on file.

At this time, Senator Matsuura rose to speak on a point of personal privilege as follows:

"Mr. President, I rise to speak on a point of personal privilege. I don't want to establish any record here on speaking on personal privileges, but today I would like to speak on news articles that came out on Friday and today.

"The Friday article is titled 'Legislators Keep Sealing Holes for Eel's Entry,' and today's title ... 'Slippery Debate. The persistent eel bill has gone down the tube once again.' I feel sorry for the *Anguilla*, primarily because the picture of what people perceive about the *Anguilla* is totally different from what it really is. Today, I want to share some facts with you so that there will be no mistake as to what to say to people if they ask you about the *Anguilla*.

"Fact No. 1. *Anguilla* is a true fish. It is not, and I repeat it is not, an eel. It looks like an eel, but it is a fish with scales, gills, fins, et cetera. 2. *Anguilla* does not have teeth like the moray eel. The *Anguilla* teeth is more like the teeth of the manini. 3. *Anguilla* does not breed in the fresh water stream. It is the exact opposite of salmon. It breeds in the ocean and migrates to the fresh water streams to grow. 4. There are three species of *Anguilla* -- *Anguilla rostrata* which is common in the Eastern U.S. states; *Anguilla anguilla* is the European species; and *Anguilla japonica* is the Asiatic species. 5. The Europeans eat as much, if not more, *Anguilla* than the Asiatics. While we eat the traditional turkey at Thanksgiving dinner, the Germans eat *Anguilla* for their traditional Christmas dinner.

"Fact No. 6. Many studies have been conducted as to what the *Anguilla* feeds on. The conclusion, after studying the contents of the *Anguilla* innards, is that it eats the same things as the trout. 7. There is a huge market for *Anguilla*. Fresh *Anguilla* is expensive. It can cost as much as \$16 a pound. Whichever way it is prepared, European style, Chinese style, Japanese, et cetera, it always 'broke da mouth.'

"No. 8, it took a Norwegian scientist 30 years to figure out where the European and North American *Anguilla* species breed. The conclusion is that they breed in the Sargasso Sea in the Bermuda Triangle. And what this scientist did was to look for the most primitive form of the *Anguilla*, which is the *Leptocephalus*. He found the most immature larvae at the Sargasso Sea.

"No. 9, no one has yet been able to figure out how the microscopic larvae, carried by the ocean current, return to their respective countries. In other words, only the European and North American species go to the Sargasso Sea to breed the immature microscopic larvae then get carried back to their respective countries through the ocean current. Nobody has been able to figure that out. Look at the salmon, they return to the same stream in which they were started from egg, so it's not really a miracle but it does happen.

"To my knowledge, no one knows where the *Anguilla japonica* breeds. They say that they'll run away into our streams and they'll multiply in our streams. Now, if for some reason a major, major, miracle happens and these *Anguilla* can breed in our streams, I can guarantee you that we can remove most of our state taxes because we will make a bunch of money, but don't count on that, it will never breed in our streams.

"Now, since the days of Aristotle (and I have documented proof of this) the *Anguilla* has been subjected to all kinds of treatment to induce breeding. It has been shot with all kinds of reproductive hormones. However, nothing has worked.

"Prior to 1974, live *Anguilla* was allowed to be brought into the state, principally for the restaurant business. No one seems to know, and I've asked a lot of people, why the ban was placed on the *Anguilla*. The only answer I got was that 'it looks like an eel,' which it is not. There is absolutely no documented evidence that there was a problem.

"Salmon is now grown commercially in Hawaii in Kona. It is profitable. But if you look at the salmon morphologically, it looks more vicious than the *Anguilla*.

"What Senator Yamasaki, the senior author of the bill, and I want to do is to allow the importation of *Anguilla rostrata* and *Anguilla japonica* for experimental and other scientific purposes, on such terms as the Board of Agriculture may deem necessary to protect the native biota.

"I'm saying all of these things because they attack the poor fish to the point where they think the poor fish is a real bad fish coming up of toilets, et cetera. That's nonsense! When the Samoan crab was to be imported to Hawaii a long time ago, the cartoon caption showed the Samoan crab coming out of the stream, going into the house, grabbing the baby from the crib and dragging the baby into the stream. That was the cartoon at that time because they didn't want to bring Samoan crabs into Hawaii.

"The *Anguilla* has not reached to that point yet, but it's getting there so I just want the news media to know that the *Anguilla* is a fish. Please put that on the front page with the title, '*Anguilla* Is a Fish -- Not an Eel.'

"Thank you very much."

Senator McMurdo in response to the previous speaker's remarks said:

"The good Senator from the Big Island has told us that it looks like an eel and it has teeth like a manini; that it breeds somewhat like the salmon and it breeds in one area and then swims to the other. But one thing he hasn't told us is what it sounds like. I just wanted to ask the good Senator if it quacks like a duck." (Laughter.)

Senator Matsuura answered:

"I don't know of the fish making any sounds; *Anguilla* doesn't quack like a duck. But I can tell you one thing -- it tastes better than a duck."

Senator George added:

"I am wondering if we have just heard the nomination speech for the next state fish." (Laughter.)

Senator McCartney then said:

"Maybe the good Senator from the Big Island would consider breeding the eel in the geothermal wells. That may be a good place." (Laughter.)

Senator Matsuura responded:

"I want to be very honest with all of you. I want to put into the bill that you can grow *Anguilla* only in the Hilo district, but I don't know how to write that in."

Senator Crozier then said:

"Mr. President, just to come to the defense of Senator Matsuura, not the eel, to his defense. That bill came before the Legislature in 1983 and I was a freshman legislator at the time. Up until then I wasn't sure on how I could use my skills effectively but, when that bill came about, I learned quickly on how I could stop bills. Several of my colleagues and I got together and we learned under fire how we could become better legislators. Maybe other people take quite a while to learn that, but Senator Matsuura's 'unagi' bill has been the vehicle for many legislators to enhance their policy-making skills.

So, even though the bill did not pass, it did help the whole legislative process and we appreciate that."

At 11:55 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

#### **ADJOURNMENT**

At 12:03 o'clock p.m., on motion by Senator Blair, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 6, 1990.