

**HAWAII STATE  
HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2009**

***ROUGH DRAFT  
JOURNAL***

**THIRTIETH DAY  
MARCH 17, 2009**

OFFICE OF THE CHIEF CLERK 

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## THIRTIETH DAY

**Tuesday, March 17, 2009**

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Alan Urasaki, after which the Roll was called showing all members present with the exception of Representatives Carroll, Ito, Takai and Wakai, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Ninth Day was deferred.

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 273) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 273, dated March 16, 2009, transmitting the Department of Taxation's Annual Report 2007-2008 as required by section 231-3(8) Hawaii Revised Statutes (HRS).

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 415 through 419) were received and announced by the Clerk:

Sen. Com. No. 415, transmitting S.C.R. No. 5, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF VARIOUS UNRESOLVED ISSUES RELATING TO AGING," which was adopted by the Senate on March 16, 2009.

Sen. Com. No. 416, transmitting S.C.R. No. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR TO CREATE A HOME FOR LIFE TASK FORCE TO REDUCE BARRIERS TO AGING IN PLACE AND TO FACILITATE MULTIGENERATIONAL LIVING," which was adopted by the Senate on March 16, 2009.

Sen. Com. No. 417, transmitting S.C.R. No. 14, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING PARTICIPATION IN THE WHITE RIBBON CAMPAIGN TO END VIOLENCE AGAINST WOMEN," which was adopted by the Senate on March 16, 2009.

Sen. Com. No. 418, transmitting S.C.R. No. 15, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE FIRST WEEK IN FEBRUARY 2010 AS HAWAII TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK," which was adopted by the Senate on March 16, 2009.

Sen. Com. No. 419, transmitting S.C.R. No. 19, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII," which was adopted by the Senate on March 16, 2009.

## INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Herkes introduced Ms. Luisa F. Castro from Mountain View, participant in the Ag Leadership Program.

Representative Tsuji introduced Mr. Thong Teng Neo, production manager of Asia Pacific Flowers in Hilo, current president of Orchid Growers of Hawaii and participant in the Ag Leadership Program,

Representative Sagum introduced, Mr. Mike Shimatsu, Roast Master at the Kauai Coffee Company, and participant in the Ag Leadership Program.

Representative Yamashita introduced Mr. Mark Lopes from Upcountry Maui, a participant in the Ag Leadership Program,

Representative Mizuno introduced adult students from the McKinley Community School for Adults, and teachers, his aunt, Ms. Delfa Dumaran, and Ms. Ahn Starr.

Representative Wakai introduced Mr. Ron Weidenbach, President of the Hawaii Aquaculture Association, and participant in the Ag Leadership Program.

Speaker Say introduced, Ms. Marissa Harman, Land Asset Manager for Kamehameha Schools on the Big Island, and participant in the Ag Leadership Program.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

The following bills were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
101	Committee on Tourism, Culture, & International Affairs, then to the Committee on Higher Education
102	Committee on Human Services, then to the Committee on Transportation
103	Committee on Hawaiian Affairs, then to the Committee on Higher Education
104	Committee on Hawaiian Affairs, then to the Committee on Higher Education
105	Committee on Judiciary, then to the Committee on Finance
<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
122	Committee on Tourism, Culture, & International Affairs, then to the Committee on Higher Education
123	Committee on Human Services, then to the Committee on Transportation
124	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Consumer Protection & Commerce
125	Committee on Hawaiian Affairs, then to the Committee on Higher Education
126	Committee on Hawaiian Affairs, then to the Committee on Higher Education
127	Committee on Judiciary, then to the Committee on Finance
128	Jointly to the Committee on Health and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

S.C.R.No.    Referred to:

43            Committee on Water, Land, & Ocean Resources, then to the  
                 Committee on Finance

**STANDING COMMITTEE REPORTS**

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 990), recommending that H.R. No. 84, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.R. No. 84, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STOCK ASSESSMENT OF CERTAIN MARINE LIFE TO DETERMINE A BASELINE FOR FUTURE MANAGEMENT MEASURES," was referred to the Committee on Finance, with Representative Takai being excused.

Representative Ito, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 991), recommending that H.C.R. No. 104, be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STOCK ASSESSMENT OF CERTAIN MARINE LIFE TO DETERMINE A BASELINE FOR FUTURE MANAGEMENT MEASURES," was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Hanohano and Tsuji, for the Committee on Public Safety and the Committee on Agriculture presented two reports:

(Stand. Com. Rep. No. 992), recommending that H.R. No. 11, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 993), recommending that H.C.R. No. 7, as amended in HD 1, be referred to the Committee on Finance.

Representative Herkes rose to speak in support of the measures, stating:

"Mr. Speaker, in strong support. It's appropriate that on Ag Sustainability Day that we are voting on two Resolutions that are asking the US Department of Agriculture and the County of Hawaii to try to provide some financial assistance in a variety of forms to all of those agricultural crops that have been devastated by the affects of VOG.

"I keep hearing that maybe VOG is going away. Well as of this morning, the emissions from Halema'uma'u are a thousand tons per day. One thousand tons per day. We don't expect this to end anytime soon, but we really need to give some help to these farmers who have lost millions of dollars. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 11, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE U.S. DEPARTMENT OF AGRICULTURE AND THE COUNTY OF HAWAII TO PROVIDE FINANCIAL SUPPORT TO AGRICULTURAL OPERATIONS THAT HAVE INCURRED SIGNIFICANT LOSSES DUE TO THE EFFECTS OF VOG," was referred to the Committee on Finance, with Representative Takai being excused; and

H.C.R. No. 7, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. DEPARTMENT OF AGRICULTURE AND THE COUNTY OF HAWAII TO PROVIDE FINANCIAL SUPPORT TO AGRICULTURAL OPERATIONS THAT HAVE INCURRED SIGNIFICANT LOSSES DUE TO THE EFFECTS OF VOG," was

referred to the Committee on Finance, with Representative Takai being excused.

**INTRODUCTION OF RESOLUTIONS**

By unanimous consent, the following resolutions (H.R. Nos. 107 through 117) and concurrent resolutions (H.C.R. Nos. 129 through 146) were referred to Printing and further action was deferred:

H.R. No. 107, entitled: "HOUSE RESOLUTION URGING MEDICAL AND PROFESSIONAL ORGANIZATIONS THAT PROVIDE REPRODUCTIVE AND FERTILITY TREATMENTS TO DEVELOP ETHICAL STANDARDS AND PROFESSIONAL GUIDELINES FOR EMBRYO IMPLANTATION," was jointly offered by Representatives M. Lee, Ito, Morita, Shimabukuro, Thielen and Saiki.

H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF VETERANS' SERVICES TO DIRECT ITS POLICY ADVISORY BOARD ON VETERANS' SERVICES TO FORMULATE VETERAN ELIGIBILITY CRITERIA OF STATEWIDE APPLICABILITY," was offered by Representative McKelvey.

H.R. No. 109, entitled: "HOUSE RESOLUTION RECOGNIZING OCTOBER AS WOMEN'S HEALTH MONTH," was jointly offered by Representatives Mizuno, Brower, Hanohano, M. Lee, Yamane and Bertram.

H.R. No. 110, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE MINIMUM SOUND LEVEL NECESSARY TO ENSURE THAT BLIND PEDESTRIANS CAN HEAR HYBRID AND OTHER "SILENT" VEHICLES IN ALL PHASES OF THEIR OPERATION," was offered by Representative Hanohano.

H.R. No. 111, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REMOVE THE KA'OHE HOMESTEADS FROM THE GEOTHERMAL RESOURCES SUBZONE DESIGNATION," was offered by Representative Hanohano.

H.R. No. 112, entitled: "HOUSE RESOLUTION REQUESTING THAT PAPA OLA LOKAHI WORK WITH EXPERTS IN THE CULTURAL PRACTICE OF TRADITIONAL HAWAIIAN TATTOOING TO DETERMINE QUALIFICATIONS FOR KAHUNA KA KAKAU," was jointly offered by Representatives Awana, Cabanilla, M. Lee, McKelvey, Shimabukuro, Aquino, Belatti, Berg, Chang, Chong, Choy, Coffman, Hanohano, Keith-Agaran, C. Lee, Luke, Magaoy, Nakashima, Nishimoto, B. Oshiro, Saiki, Souki, Takumi, Tokioka and Wooley.

H.R. No. 113, entitled: "HOUSE RESOLUTION URGING THE JUDICIARY, DEPARTMENT OF PUBLIC SAFETY, AND THE COUNTY POLICE DEPARTMENTS TO WORK IN A COORDINATED EFFORT TO DETERMINE A COMPREHENSIVE PLAN TO PERMANENTLY ALLEVIATE THE PROBLEM OF A BACKLOG IN UNSERVED ARREST WARRANTS THAT GOES BEYOND ONLY FISCAL AND BUDGETARY DISCUSSIONS OR SOLUTIONS," was jointly offered by Representatives Awana, Cabanilla, Hanohano, B. Oshiro, Shimabukuro, Aquino, Belatti, Berg, Chang, Chong, Choy, Coffman, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoy, McKelvey, Nakashima, Nishimoto, Saiki, Souki, Takumi, Tokioka, Ward, Wooley and Yamashita.

H.R. No. 114, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION DETERRING THE TRANSPORTATION OF HOMELESS PERSONS TO HAWAII," was jointly offered by Representatives Awana, Cabanilla, Chong, Hanohano, McKelvey, Shimabukuro, Tokioka, Ward, Aquino, Belatti, Berg, Bertram, Choy, Coffman, Keith-Agaran, Nishimoto, Saiki, Souki and Wooley.

H.R. No. 115, entitled: "HOUSE RESOLUTION ENCOURAGING THE BASE REALIGNMENT AND CLOSURE COMMISSION AND THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO CONTINUE THEIR DISCUSSIONS AND MAKE GOOD FAITH EFFORTS TO CONSUMMATE CONVEYANCE OF PARCELS OF LAND IN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," was offered by Representative Har.

H.R. No. 116, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN UNIMPROVED SECTION OF KAIMAKANI STREET," was offered by Representative B. Oshiro.

H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO EXAMINE THE FEASIBILITY OF RESTRICTING THE SALE OF TATTOOING EQUIPMENT TO MINORS," was offered by Representative B. Oshiro.

H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF GEOLOGIST LICENSURE," was jointly offered by Representatives Berg, Brower, Hanohano, Mizuno, Aquino, Coffman, Herkes, Morita, Nakashima, Souki, Takumi, Tokioka and Tsuji.

H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION URGING MEDICAL AND PROFESSIONAL ORGANIZATIONS THAT PROVIDE REPRODUCTIVE AND FERTILITY TREATMENTS TO DEVELOP ETHICAL STANDARDS AND PROFESSIONAL GUIDELINES FOR EMBRYO IMPLANTATION," was jointly offered by Representatives M. Lee, Ito, Morita, Shimabukuro, Thielen and Saiki.

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF VETERANS' SERVICES TO DIRECT ITS POLICY ADVISORY BOARD ON VETERANS' SERVICES TO FORMULATE VETERAN ELIGIBILITY CRITERIA OF STATEWIDE APPLICABILITY," was offered by Representative McKelvey.

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SEAWARD OF TAX MAP KEY: (2) 4-3-2: 27, AT KAA NAPALI, MAUI, FOR CONCRETE PIER BLOCK REMNANTS PURPOSES," was offered by Representative McKelvey.

H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE STATE BOXING COMMISSION OF HAWAII," was offered by Representative Herkes.

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS WOMEN'S HEALTH MONTH," was jointly offered by Representatives Mizuno, Brower, Hanohano, M. Lee, Yamane and Bertram.

H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY SUPPORTING THE CONCEPT OF ESTABLISHING A SYSTEM OF JUVENILE INTAKE AND ASSESSMENT CENTERS, AS EMBODIED BY THE PROPOSED PILOT BIG ISLAND JUVENILE INTAKE AND ASSESSMENT CENTER, THROUGHOUT THE STATE," was offered by Representative Mizuno.

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE AVAILABILITY OF AMERICAN SIGN LANGUAGE INTERPRETERS," was jointly offered by Representatives Mizuno and Brower.

H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE MINIMUM SOUND LEVEL NECESSARY TO ENSURE THAT BLIND PEDESTRIANS CAN HEAR HYBRID AND OTHER "SILENT" VEHICLES IN ALL PHASES OF THEIR OPERATION," was offered by Representative Hanohano.

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REMOVE THE KA'OHE HOMESTEADS FROM THE GEOTHERMAL RESOURCES SUBZONE DESIGNATION," was offered by Representative Hanohano.

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON INMATE REENTRY PROGRAMS THAT HAVE BEEN OR ARE PLANNED TO BE IMPLEMENTED BY THE DEPARTMENT OF PUBLIC SAFETY IN ACCORDANCE WITH THE COMMUNITY SAFETY ACT OF 2007," was offered by Representative Hanohano.

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE COSTS AND BENEFITS OF BUILDING AN INTAKE CORRECTIONAL FACILITY IN THE DISTRICT OF NORTH OR SOUTH KONA ON THE ISLAND OF HAWAII," was offered by Representative Hanohano.

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE ISSUE OF ESTABLISHING A STATE FACILITY TO GROW AND DISTRIBUTE MARIJUANA FOR MEDICAL USE IN HAWAII," was offered by Representative Hanohano.

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT PAPA OLA LOKAHI WORK WITH EXPERTS IN THE CULTURAL PRACTICE OF TRADITIONAL HAWAIIAN TATTOOING TO DETERMINE QUALIFICATIONS FOR KAHUNA KA KAKAU," was jointly offered by Representatives Awana, Cabanilla, M. Lee, McKelvey, Shimabukuro, Aquino, Belatti, Berg, Chang, Choy, Coffman, Hanohano, Keith-Agaran, C. Lee, Luke, Magaoay, Nakashima, Nishimoto, B. Oshiro, Saiki, Souki, Takumi, Tokioka, Ward and Wooley.

H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE JUDICIARY, DEPARTMENT OF PUBLIC SAFETY, AND THE COUNTY POLICE DEPARTMENTS TO WORK IN A COORDINATED EFFORT TO DETERMINE A COMPREHENSIVE PLAN TO PERMANENTLY ALLEVIATE THE PROBLEM OF A BACKLOG IN UNSERVED ARREST WARRANTS THAT GOES BEYOND ONLY FISCAL AND BUDGETARY DISCUSSIONS OR SOLUTIONS," was jointly offered by Representatives Awana, Cabanilla, Hanohano, B. Oshiro, Shimabukuro, Aquino, Belatti, Berg, Chang, Choy, Coffman, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, McKelvey, Nakashima, Nishimoto, Saiki, Souki, Takumi, Tokioka, Ward, Wooley and Yamashita.

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION DETERRING THE TRANSPORTATION OF HOMELESS PERSONS TO HAWAII," was jointly offered by Representatives Awana, Berg, Cabanilla, Chong, Hanohano, McKelvey, Shimabukuro, Tokioka, Ward, Aquino, Belatti, Bertram, Choy, Coffman, Keith-Agaran, Nishimoto, Saiki, Souki and Wooley.

H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE BASE REALIGNMENT AND CLOSURE COMMISSION AND THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO CONTINUE THEIR DISCUSSIONS AND MAKE GOOD FAITH EFFORTS TO CONSUMMATE CONVEYANCE OF PARCELS OF LAND IN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT," was offered by Representative Har.

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN UNIMPROVED SECTION OF KAIMAKANI STREET," was offered by Representative B. Oshiro.

#### ANNOUNCEMENTS

Representative McKelvey: "Thank you very much, Mr. Speaker. I've been designated by your unofficial Irish Caucus to wish everybody a Happy St. Patrick's Day, on behalf of all the Members who are Irish and Scottish. As you know, many of your Members Mr. Speaker are actually Celtic 'poi dogs', for lack of a better term. Being Irish and Scottish and English, and while our people have had some differences, today is the day where we all come together and put those differences aside. We come together as Irish, Scotsmen and Englishmen, and celebrate the fact that we're not French. Thank you, very much."

Representative Brower: "Thank you, Mr. Speaker. Just a reminder for all Members that our adult students will be at a lunch today that everyone is invited to in Room 423. Mr. Speaker, if you and your shadow would like to participate, please feel free to stop by with the other legislators."

Representative Souki: "Yes Mr. Speaker, and a Happy St. Patrick's Day to you and to all. It is with some disappointment that I've heard from the Representative from Lahaina talking about the Celts' relationship between the Scottish and the Irish. He should know that the Celts were one of the first to invade Iberia, which is Portugal now. They were there for about two or three hundred years, so I'd like to say "Happy *Erin go Brau*."

Representative Ching: "Mr. Speaker, I would add to this, as the former English as a Second Language, multicultural person. As you know, I had the privilege of going to Ireland and they have an expression there. Apparently the proper thing to say, the phrase that Irishmen will know that you have been acquainted with their culture. "May your gee never run dry."

"I was told this on their ferry. The Irish have so much in common as an island culture with Hawaii. What a gee is, is the equivalent of the *auwai*. So what it means is, may your stream, may your water always run and flow abundantly. So may your gee never run dry."

Speaker Say: "The Chair has an announcement for all of you. Tomorrow morning at 11:45, we would like to have the Members of the House on the Floor for the Joint Session we are having in commemoration of the 50th anniversary of Statehood. So we'll have a Joint Session at 12:00 noon, but Members, please be in your seats by 11:45 so we can start on time.

"Then at 2:00 in the afternoon, we will begin our regular daily session for the Members of the House of Representatives."

#### ADJOURNMENT

At 12:19 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, March 18, 2009. (Representative Takai was excused.)