

CALIFORNIA LEGISLATURE
2003–04 FIFTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, December 5, 2003
SECOND SESSION DAY
EIGHTEENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, December 5, 2003

The Assembly met at 8 p.m.
Hon. Christine Kehoe, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member La Malfa moved a quorum call of the Assembly.
Motion carried. Time, 8:13 p.m.

Quorum Present

At 8:13 p.m., Speaker pro Tempore Kehoe declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—79:

Aghazarian	Dutton	Levine	Parra
Bates	Dymally	Lieber	Pavley
Benoit	Firebaugh	Liu	Plescia
Berg	Frommer	Longville	Reyes
Bermudez	Garcia	Lowenthal	Richman
Bogh	Goldberg	Maddox	Ridley-Thomas
Calderon	Hancock	Maldonado	Runner
Campbell	Haynes	Matthews	Salinas
Canciamilla	Horton, Jerome	Maze	Samuelian
Chan	Horton, Shirley	McCarthy	Simitian
Chavez	Houston	Montanez	Spitzer
Chu	Jackson	Mountjoy	Steinberg
Cogdill	Keene	Mullin	Strickland
Cohn	Kehoe	Nakanishi	Vargas
Corbett	Koretz	Nakano	Wiggins
Correa	La Malfa	Nation	Wolk
Cox	La Suer	Negrete McLeod	Wyland
Daucher	Laird	Nunez	Yee
Diaz	Leno	Oropeza	Mr. Speaker
Dutra	Leslie	Pacheco	

PRAYER

Upon invitation of Speaker pro Tempore Kehoe, the following prayer was offered by Assembly Member David Cogdill of the 25th Assembly District:

Father, We thank You for this beautiful day and for the opportunity that You have given us to serve this great State. Father, we just pray that You would be with us in our deliberations this evening. Help us to see Your wisdom in the things that we do and we would pray that our actions would be a pleasure to You and of service to this great State.

In Your Name We Pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kehoe, Assembly Member Cox then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Chan, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On personal business, and waiving per diem: Assembly Member Harman.

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

December 5, 2003

*E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is to advise you that I have appointed Assemblymember Steinberg to fill the Democratic Vacancy on the Elections, Redistricting and Constitutional Amendments Committee for today's hearing only.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

FIRST READING OF ASSEMBLY BILLS

The following bills were read the first time:

ASSEMBLY BILL NO. 2—Keene. An act to add Title 18 (commencing with Section 99050) to the Government Code, relating to deficit recovery financing, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 3—Cox. An act to repeal Item 9100-102-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 4—Haynes. An act to amend Section 11453 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 5—McCarthy. An act to amend Sections 10753.2, 10753.8, and 11001.5 of the Revenue and Taxation Code, to amend Section 40 of Chapter 91 of the Statutes of 1991, and to repeal Section 210 of Chapter 89 of the Statutes of 1991 and Section 29 of Chapter 100 of the Statutes of 1993, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 6—Runner. An act to amend Sections 48000 and 48010 of the Education Code, relating to pupil admission.

ASSEMBLY BILL NO. 7—Lowenthal. An act to repeal Item 9100-102-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 8—Matthews. An act to amend Item 0840-001-0001 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), relating to the State Controller.

ASSEMBLY BILL NO. 9—Oropeza. An act relating to state government finance, and declaring the urgency thereof, to take effect immediately

ASSEMBLY BILL NO. 10—Runner. An act to amend Section 65995.7 of the Government Code, and to amend Sections 35 and 36 of Chapter 33 of the Statutes of 2002, relating to public school facilities financing, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 11—Matthews. An act to amend Item 0840-001-0001 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), relating to the State Controller.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3—Keene. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1.3 to Article XVI thereof, relating to public debt.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 4—Keene. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article IVA thereto, relating to expenditure limits.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5—Oropeza. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to the state budget.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6—Oropeza. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1.3 to Article XVI thereof, relating to public debt.

REPORTS OF STANDING COMMITTEES

Committee on Budget

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 8

With the recommendation: Do pass, and be re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

OROPEZA, Chair

Above bill re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Constitutional Amendment No. 1

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

OROPEZA, Chair

Above resolution re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Constitutional Amendment No. 5

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

OROPEZA, Chair

Above resolution re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Constitutional Amendment No. 6

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

OROPEZA, Chair

Above resolution re-referred to the Committee on Elections, Redistricting and Constitutional Amendments.

ADJOURN IN MEMORY

Assembly Members Wiggins and Nation were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sylvia Sebastiani, of Sonoma.

(Assembly Rule 45.5 suspended.)

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 8:16 p.m., by unanimous consent, the members of the Committee on Elections, Redistricting and Constitutional Amendments were excused for the purpose of attending a meeting of the committee at this time, in Room 444.

RECESS

By unanimous consent, at 8:17 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

CAUCUS ANNOUNCEMENTS

At 8:38 p.m., Assembly Member Cox announced that the Republican Caucus would meet in the Tom Bane Rules Committee Room.

At 8:40 p.m., Assembly Member Firebaugh announced that the Democratic Caucus would meet in the Assembly Lounge.

RECONVENED

At 9:40 p.m., the Assembly reconvened.

Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Elections, Redistricting and Constitutional Amendments**

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 5

With the recommendation: Be adopted.

LONGVILLE, Chair

Above resolution ordered to second reading.

**SECOND READING OF
ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5**

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to the state budget.

Resolution read second time, and ordered to third reading.

**Consideration of Assembly Constitutional Amendment No. 5
by Unanimous Consent**

Assembly Member Oropeza was granted unanimous consent to take up Assembly Constitutional Amendment No. 5 without reference to file, for purpose of amendment.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5 (Oropeza)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to the state budget.

Resolution read third time.

Motion to Amend

Assembly Member Oropeza moved the adoption of amendments.

Amendments read and adopted by the following vote:

AYES—44

Berg	Frommer	Liu	Parra
Bermudez	Goldberg	Longville	Pavley
Calderon	Hancock	Lowenthal	Reyes
Chan	Horton, Jerome	Matthews	Ridley-Thomas
Chavez	Jackson	Montanez	Salinas
Chu	Kehoe	Mullin	Simitian
Cohn	Koretz	Nakano	Steinberg
Corbett	Laird	Nation	Vargas
Diaz	Leno	Negrete McLeod	Wiggins
Dymally	Levine	Nunez	Yee
Firebaugh	Lieber	Oropeza	Mr. Speaker

NOES—34

Aghazarian	Dutra	Leslie	Richman
Bates	Dutton	Maddox	Runner
Benoit	Garcia	Maldonado	Samuelian
Bogh	Haynes	Maze	Spitzer
Campbell	Horton, Shirley	McCarthy	Strickland
Canciamilla	Houston	Mountjoy	Wolk
Cogdill	Keene	Nakanishi	Wyland
Cox	La Malfa	Pacheco	
Daucher	La Suer	Plescia	

Vote Changes

By unanimous consent, the following vote changes were permitted on the Oropeza amendments to Assembly Constitutional Amendment No. 5: Assembly Member Mountjoy, from “Aye” to “No”; Assembly Member Correa, from “Aye” to “Not Voting”.

Resolution ordered reprinted.

POINT OF CLARIFICATION

Assembly Member Cox arose to a point of clarification as to remarks made in debate by Assembly Member Wesson.

Point of Order

Assembly Member Vargas arose to the following point of order:

Assembly Member Cox’s remarks are out of order.

Ruling by Speaker pro Tempore Kehoe

Speaker pro Tempore Kehoe ruled the point of order well-taken.

REPORTS OF STANDING COMMITTEES

Committee on Budget

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 9

With the recommendation: Do pass.

OROPEZA, Chair

Above bill ordered to second reading.

SECOND READING OF ASSEMBLY BILL NO. 9

ASSEMBLY BILL NO. 9—An act relating to state government finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Request for Unanimous Consent to Suspend Rules

Assembly Member Firebaugh requested unanimous consent to suspend the Rules to permit consideration of Assembly Bill No. 9 without reference to file, for purpose of amendment and consideration for final passage.

Assembly Member Cogdill withheld unanimous consent.

Motion to Suspend Rules

Assembly Member Firebaugh moved to suspend the Rules to permit consideration of Assembly Bill No. 9 for purpose of amendment and final passage.

Assembly Member Nakano seconded the motion.

Motion for suspension of the Rules carried by the following vote:

AYES—47

Berg	Dymally	Liu	Pavley
Bermudez	Firebaugh	Longville	Reyes
Calderon	Goldberg	Lowenthal	Ridley-Thomas
Canciamilla	Hancock	Mathews	Salinas
Chan	Horton, Jerome	Montanez	Simitian
Chavez	Jackson	Mullin	Steinberg
Chu	Kehoe	Nakano	Vargas
Cohn	Koretz	Nation	Wiggins
Corbett	Laird	Negrete McLeod	Wolk
Correa	Leno	Nunez	Yee
Diaz	Levine	Oropeza	Mr. Speaker
Dutra	Lieber	Parra	

NOES—31

Aghazarian	Dutton	Leslie	Plescica
Bates	Garcia	Maddox	Richman
Benoit	Haynes	Maldonado	Runner
Bogh	Horton, Shirley	Maze	Samuelian
Campbell	Houston	McCarthy	Spitzer
Cogdill	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Daucher	La Suer	Pacheco	

**CONSIDERATION OF ASSEMBLY BILL NO. 9
WITHOUT REFERENCE TO FILE**

ASSEMBLY BILL NO. 9 (Oropeza)—An act relating to state government finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Oropeza moved the adoption of amendments.

Amendments read and adopted by the following vote:

AYES—41

Berg	Goldberg	Lowenthal	Reyes
Bermudez	Hancock	Matthews	Ridley-Thomas
Calderon	Jackson	Montanez	Salinas
Chan	Kehoe	Mullin	Steinberg
Chavez	Koretz	Nakano	Vargas
Chu	Laird	Nation	Wiggins
Cohn	Leno	Negrete McLeod	Yee
Corbett	Levine	Nunez	Mr. Speaker
Diaz	Lieber	Oropeza	
Dymally	Liu	Parra	
Firebaugh	Longville	Pavley	

NOES—36

Aghazarian	Dutra	La Suer	Plescia
Bates	Dutton	Leslie	Richman
Benoit	Frommer	Maddox	Runner
Bogh	Garcia	Maldonado	Samuelian
Campbell	Haynes	Maze	Simitian
Canciamilla	Horton, Shirley	McCarthy	Spitzer
Cogdill	Houston	Mountjoy	Strickland
Cox	Keene	Nakanishi	Wolk
Daucher	La Malfa	Pacheco	Wyland

Bill ordered reprinted, and to be returned to the third reading file.

CAUCUS ANNOUNCEMENTS

At 11:25 p.m., Assembly Member Strickland was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 11:26 p.m., Speaker pro Tempore Kehoe declared the Assembly recessed.

RECONVENED

At 11:35 p.m., the Assembly reconvened.

Hon. Christine Kehoe, Speaker pro Tempore of the Assembly, presiding.

COGDILL MOTION TO SUSPEND ASSEMBLY RULE 96

Assembly Member Cogdill moved to suspend Assembly Rule 96 to permit Assembly Constitutional Amendment No. 4 to be withdrawn from the Budget Committee and placed upon the third reading file, without Rules Committee approval.

Assembly Member Benoit seconded the motion.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—31

Aghazarian	Dutton	Leslie	Plescia
Bates	Garcia	Maddox	Richman
Benoit	Haynes	Maldonado	Runner
Bogh	Horton, Shirley	Maze	Samuelian
Campbell	Houston	McCarthy	Spitzer
Cogdill	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland
Daucher	La Suer	Pacheco	

NOES—45

Berg	Frommer	Longville	Ridley-Thomas
Bermudez	Goldberg	Lowenthal	Salinas
Calderon	Hancock	Matthews	Simitian
Chan	Horton, Jerome	Montanez	Steinberg
Chavez	Jackson	Mullin	Vargas
Chu	Kehoe	Nakano	Wiggins
Cohn	Koretz	Nation	Wolk
Corbett	Laird	Negrete McLeod	Yee
Diaz	Leno	Nunez	Mr. Speaker
Dutra	Levine	Oropeza	
Dymally	Lieber	Pavley	
Firebaugh	Liu	Reyes	

HORTON MOTION TO SUSPEND ASSEMBLY RULE 96

Assembly Member Shirley Horton moved to suspend Assembly Rule 96 to permit Assembly Bill No. 3 to be withdrawn from the Rules Committee and placed upon the third reading file, without Rules Committee approval.

Motion Ruled Out of Order

Speaker pro Tempore Kehoe ruled the motion out of order as Assembly Bill No. 3 has not been referred by Rules Committee, and is therefore, not in the possession of any committee.

ADJOURN IN MEMORY

Assembly Member Cox was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marie DeMarco-Marble, of Studio City.

(Assembly Rule 45.5 suspended.)

Assembly Member Bates was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of D. Ann Kogerman, of Laguna Niguel.

Assembly Member Benoit was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of 2nd Lt. Todd J. Bryant, of Riverside.

Assembly Member Bogh was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dorothy Moody, of Yucca Valley.

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Edward Mullins II, of San Francisco.

Assembly Member Mountjoy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joseph Leonard, of Monrovia and Dale Vertz, of Arcadia.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bridgette Clement, of Millbrae.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Belva Tisdalle, of Los Angeles.

Assembly Member Spitzer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sgt. Ryan Young, of Corona.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Assembly Constitutional Amendment No. 5, Oropeza Amendments: Simitian—Aye.

Assembly Bill No. 9, Oropeza Amendments: Frommer—No.

MOTION TO ADJOURN

At 11:40 p.m., Assembly Member Firebaugh moved that the Assembly do now adjourn.

Assembly Member Vargas seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Bogh, Reyes, Mountjoy, and Koretz arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Firebaugh that the Assembly adjourn.

Roll Call Demanded

Assembly Members Cogdill, Strickland, and Benoit, demanded a roll call.

The roll was called, and the Firebaugh motion to adjourn carried by the following vote:

AYES—38

Berg	Goldberg	Liu	Reyes
Calderon	Hancock	Longville	Ridley-Thomas
Chan	Horton, Jerome	Montanez	Salinas
Chu	Jackson	Mullin	Simitian
Cohn	Kehoe	Nakano	Steinberg
Diaz	Koretz	Nation	Vargas
Dutra	Laird	Negrete McLeod	Yee
Dymally	Leno	Nunez	Mr. Speaker
Firebaugh	Levine	Oropeza	
Frommer	Lieber	Parra	

NOES—32

Aghazarian	Daucher	La Suer	Pacheco
Bates	Dutton	Leslie	Plescia
Benoit	Garcia	Maddox	Richman
Bogh	Haynes	Maldonado	Runner
Campbell	Horton, Shirley	Maze	Samuelian
Canciamilla	Houston	McCarthy	Spitzer
Cogdill	Keene	Mountjoy	Strickland
Cox	La Malfa	Nakanishi	Wyland

CAUCUS ANNOUNCEMENTS

Assembly Member Strickland announced that the Republican Caucus would meet, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:54 p.m., Speaker pro Tempore Kehoe declared the quorum call of the Assembly dispensed with.

REPORTS OF STANDING COMMITTEES**Committee on Elections, Redistricting and Constitutional Amendments**

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Assembly Bill No. 8

With the recommendation: Do pass.

LONGVILLE, Chair

Above bill ordered to second reading.

Date of Hearing: December 5, 2003

Mr. Speaker: Your Committee on Elections, Redistricting and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 6

With the recommendation: Be adopted.

LONGVILLE, Chair

Above resolution ordered to second reading.

MESSAGES FROM THE SENATE

November 24, 2003

*Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber*

Dear Dotson: This is to inform you that the Senate on this day consented to allow the Assembly to be in recess for more than 10 days as required by Article IV, Section 7(d) of the Constitution.

Sincerely,

GREGORY P. SCHMIDT
Secretary of the Senate

ADJOURNMENT

At 11:56 p.m., pursuant to the motion by Assembly Member Firebaugh, the Assembly adjourned, to reconvene upon Call of the Speaker, out of respect to the memory of Sylvia Sebastiani, on motion of Assembly Members Wiggins and Nation; out of respect to the memory of D. Ann Kogerman, on motion of Assembly Member Bates; out of respect to the memory of Dorothy Moody, on motion of Assembly Member Bogh; out of respect to the memory of Edward Mullins II, on motion of Assembly Member Leno; out of respect to the memory of Joseph Leonard and Dale Vertz, on motion of Assembly Member Mountjoy; out of respect to the memory of Belva Tisdalle, on motion of Assembly Member Runner; out of respect to the memory of Sgt. Ryan Young, on motion of Assembly Member Spitzer; out of respect to the memory of Bridgette Clement, on motion of Assembly Member Mullin; out of respect to the memory of 2nd Lt. Todd J. Bryant, on motion of Assembly Member Benoit; and out of respect to the memory of Marie DeMarco-Marble, on motion of Assembly Member Cox.

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON DECEMBER 5, 2003

The following measures were amended in the Assembly on this day:

AB RN

9 0321903

ACA RN

5 0321906

Daily Total: 2

Cumulative Total: 2

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