

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-NINTH DAY—TUESDAY, MARCH 14, 2006

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

"Man stands to revere, he kneels to pray." (Henry David Thoreau)

Gracious God, may we be known as those who appreciate all You have laid before us and so reverence the earth, thanking You for what You have created. And let us be a people who pray and humble ourselves before You. Let us always set our priorities that we are first and always Your servants, that we willingly help others as their concerns confront us and place our needs last so that Your will is completed through us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Shields offered Senate Resolution No. 2408, regarding Brandon James Mynatt, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2409, regarding Daniel Calvin Blake, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 2410, regarding Nicholas William Windhorst, Kansas City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2411, regarding Captain Fred M. James, Ballwin, which was adopted.

Senator Purgason offered Senate Resolution No. 2412, regarding Casey Lynette Morrow,

Mansfield, which was adopted.

Senator Gross offered Senate Resolution No. 2413, regarding Jonathan Joseph Levy, Saint Charles, which was adopted.

Senator Vogel offered Senate Resolution No. 2414, regarding Debbie Nilges, Jefferson City, which was adopted.

Senator Kennedy offered Senate Resolution No. 2415, regarding Bob Casey, Saint Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 916**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1014** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1014**.

SENATE BILLS FOR PERFECTION

SB 938 was placed on the Informal Calendar.

SB 953, with **SCS**, was placed on the Informal Calendar.

SB 613, **SB 1030** and **SB 899**, with **SCS**, were placed on the Informal Calendar.

SB 1031 and **SB 846**, with **SCS**, were placed on the Informal Calendar.

SB 718, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gross, **SB 822** was placed on the Informal Calendar.

SB 825, with **SCS**, was placed on the Informal Calendar.

Senator Stouffer moved that **SB 616**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 616**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 616

An Act to repeal sections 198.006 and 198.073, RSMo, and to enact in lieu thereof three new sections relating to assisted living facilities.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 616** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 616, Page 5, Section 198.006, Line 132, by inserting after the word "recuperation" the following: "**except that, for purposes of receiving supplemental welfare assistance payments under section 208.030, RSMo, only, any residential care facility licensed as a residential care facility II immediately prior to the effective date of section 198.073 and that continues to meet such licensure requirements for a residential care facility II licensed immediately prior to the effective date of section 198.073 shall continue to receive after the effective date of section 198.073 the payment amount allocated immediately prior to the effective date of section 198.073 for a residential care facility II under section 208.030, RSMo**".

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 616, Page 12, Section 198.073, Line 206, by inserting immediately after the word “facility” the following: “, **except that any facility licensed by the department as of January 1, 2006, shall not be subject to the provisions of this subsection until January 1, 2008**”.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 616, Page 12, Section 198.073, Line 218, by inserting immediately after all of said line the following:

“**Section 1. Any residential care facility licensed under chapter 198, RSMo, which uses the term “assisted living” in the name of their licensed facility on or before January 1, 2006, shall not be prohibited from using such term after the effective date of this act.**”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Shields offered **SA 1 to SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 616, Page 1, Section 1, Line 7, by inserting immediately after the word “act.” the following:

“**Any such facility shall disclose to the resident that such facility is not licensed as an ‘assisted living facility’ under chapter 198, RSMo.**”.

Senator Shields moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Nodler, Mayer, Purgason and Crowell.

SA 1 to SA 3 failed of adoption by the following vote:

YEAS—Senators

Alter	Bartle	Clemens	Crowell
Gibbons	Goodman	Griesheimer	Klindt
Loudon	Mayer	Nodler	Shields
Vogel—13			

NAYS—Senators

Barnitz	Bray	Callahan	Cauthorn
Champion	Coleman	Days	Dougherty
Graham	Green	Gross	Kennedy
Koster	Purgason	Ridgeway	Stouffer
Wheeler	Wilson—18		

Absent—Senator Scott—1

Absent with leave—Senator Engler—1

Vacancies—1

At the request of Senator Nodler, **SA 3** was withdrawn.

Senator Stouffer moved that **SCS** for **SB 616**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 616**, as amended, was declared perfected and ordered printed.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 33—Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1014**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1014

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1014, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1014.
2. That the House recede from its position on House Committee Substitute for House Bill No. 1014.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1014, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Charles R. Gross	/s/ Allen Icet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Norma Champion	/s/ Carl Bearden
/s/ Pat Dougherty	Margaret Donnelly
/s/ Timothy P. Green	Wes Shoemyer

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 1014**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 616**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 616** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 1014** and **SB 730**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 1014** and **730** was again taken up.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1014

and 730, Page 13, Section 115.427, Line 2 of said page, by inserting after the word “section” the following: “; **or**

(3) The voter being seventy years of age or older”; and

Further amend Line 19 of said page, by inserting after the word “belief” the following: “; **or**

~ **My being seventy years of age or older”**.

Senator Griesheimer moved that the above amendment be adopted.

Senator Green offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Pages 10-16, Section 115.427, by striking said section from the bill; and

Further amend said bill, Page 40, Section 115.637, Line 11, by inserting after all of said line the following:

“Section 1. Immediately prior to departure from a polling place, each individual who has voted shall be stamped in permanent ink on his or her right index finger to signify that the individual has voted. No person who bears the signifying stamp on his or her finger shall be allowed to enter any polling place for any reason.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above substitute amendment be adopted.

Senator Scott raised the point of order that **SSA 1** for **SA 1** is out of order in that it is not a true substitute.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SSA 1 for **SA 1** was again taken up.

Senator Goodman assumed the Chair.

President Pro Tem Gibbons assumed the Chair.

Senator Green offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 1, Section 1, Line 7, by inserting immediately after the word “permanent” the following: “**Missouri soy-based**”; and further amend same page, same section, same line by striking the following: “his or her right index finger” and inserting in lieu thereof the following: “**any of his or her fingers or any visibly exposed body part in the event the voter has no fingers**”; and further amend same page, same section, line 9 by inserting immediately after the word “finger” the following: “or other body part”.

Senator Green moved that the above amendment be adopted, which motion failed.

SSA 1 for **SA 1** was again taken up.

At the request of Senator Green, **SSA 1** for **SA 1** was withdrawn.

Senator Coleman offered **SSA 2** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Pages 10 to 16, Section 115.427, by deleting said section in its entirety and amending the title and enacting clause accordingly.

Senator Coleman moved that the above substitute amendment be adopted, which motion failed.

Senator Coleman offered **SSA 3** for **SA 1**,

which was read:

SENATE SUBSTITUTE AMENDMENT NO. 3
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1014 and 730, Page 12, Section 115.427, Line 22, by inserting immediately after the word “section” a period;

And further amend same page, same section, lines 23 to 28 by deleting all of said lines;

And further amend page 13, same section, lines 1-2 by deleting said lines;

And further amend page 13, same section, line 2 by inserting immediately after all of said line the following: “**An election authority shall not certify an election until, for all provisional ballots, the election authority has either verified the eligibility of the voter casting the provisional ballot and counted it or rejected the provisional ballot because the person casting it was not eligible to vote.**”;

And further amend page 13, same section, line 17 by deleting the following “because of:” and inserting in lieu thereof a period.;

And further amend page 13, same section, lines 18 through 19 by deleting said lines.

Senator Coleman moved that the above substitute amendment be adopted.

Senator Koster assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dougherty	Engler
Gibbons	Goodman	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel

Absent—Senators
 Days Graham Green Wheeler—4

Absent with leave—Senators—None

Vacancies—1

Senator Mayer assumed the Chair.

A quorum was established by the following vote:

Present—Senators			
Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Dougherty	Engler	Gibbons
Goodman	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wilson—28

Absent—Senators			
Barnitz	Days	Graham	Green
Wheeler—5			

Absent with leave—Senators—None

Vacancies—1

Senator Clemens assumed the Chair.

Senator Mayer assumed the Chair.

Senator Callahan requested a roll call vote be taken on the adoption of **SSA 3** for **SA 1** and was joined in his request by Senators Kennedy, Dougherty, Bray and Wilson.

Senator Shields assumed the Chair.

Senator Clemens assumed the Chair.

Senator Griesheimer assumed the Chair.

At the request of Senator Scott, **SB 1014** and **SB 730**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 3** for **SA 1** (pending) were placed on the Informal

Calendar.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 1014**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Moberly High School Wrestling Champion, Charlie Gibbs, his father, John Gibbs, Coach Sam Richardson and Athletic Director Ken Seifert.

Senator Kennedy introduced to the Senate, Jennifer Kim, Marsela Dauti, Ebony Brabham, Tara Dhakal, Kyeung Mo Kim and Brenda Guynes Glick, St. Louis.

Senator Gibbons introduced to the Senate, Lucinda Housely, Columbia; and Kristoffer Simpson, Baltimore, Maryland.

Senator Kennedy introduced to the Senate, Beth and Bill Feldmann, St. Louis.

Senator Griesheimer introduced to the Senate, Lynne Unnerstall, Washington.

Senator Stouffer introduced to the Senate, Roger Johson, Ron Garber, Teresa Meyer and eighth and ninth grade students from Northwestern R-1 School, Mendon.

Senator Barnitz introduced to the Senate, Herman Blau, Dean Gann, Geni Westling, Hilary Bales, Beth Humphrey, Audrey Kell, Charlotte Spencer, Robin Adkison, Craig Hounsom, Doris Widder, Terry Hopgood and Paul Katnick, members of the Leadership Academy, South Central Region.

Senator Griesheimer introduced to the Senate, Elaine Brune, Pacific.

Senator Callahan introduced to the Senate, Philip and Alaina Denney, Independence.

Senator Goodman introduced to the Senate, teachers and eighth grade students from Dora Schools.

Senator Kennedy introduced to the Senate, Carol J. Howard and Alva L. Blue, St. Louis.

Senator Griesheimer introduced to the Senate, Dr. John Simmons, Washington.

Senator Purgason introduced to the Senate, Ann Oesch and thirty-six fourth grade students from Alton R-IV School.

Senator Mayer introduced to the Senate, Brad and Tina Case, and their daughter, Anna, Kennett; and Anna was made an honorary page.

Senator Crowell introduced to the Senate, forty-two fourth grade students from Franklin Elementary School, Cape Girardeau.

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. William R. Reynolds, M.D., and his daughter, Emma, Nixa.

Senator Stouffer introduced to the Senate, Dr. Rose and Ed Wolfe, Richmond.

Senator Goodman introduced to the Senate, Lori Brock and Cody Hughes, Brent Spradling, Chelsea Warren, Erin Lyons, David Ruckman, Kari Cunningham and Teaven Taylor, Mt. Vernon.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTIETH DAY—WEDNESDAY, MARCH 15, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HB 1118-Dempsey, et al

HB 983-Meadows, et al

HB 1427-Johnson (90), et al

HB 1035-Young (49), et al

HCS for HB 1138

HCS for HB 978

HCS for HB 1344

HB 1251-Guest, et al

HCS for HB 1168

HB 1204-Roorda, et al

HCS for HB 1742

HCS for HB 1456

HCS for HB 1070

HCS for HB 1078

HB 1310-Lipke, et al

HCS for HB 1232

HCS for HB 1153

HB 1320-Lipke, et al

HCS for HB 1343

HCS for HB 1357

HCS for HB 1366
HCS for HB 1367

HB 1424-Franz

THIRD READING OF SENATE BILLS

SS for SCS for SB 916-Koster

SCS for SB 616-Stouffer
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 589-Bartle
2. SB 637-Cauthorn, et al, with SCS
3. SB 901-Shields
4. SB 635-Cauthorn
5. SB 817-Scott, et al
6. SB 892-Scott, with SCS
7. SB 798-Nodler, with SCS
8. SB 778-Ridgeway, et al
9. SB 1064-Stouffer, with SCS
10. SB 617-Koster, with SCS
11. SB 1037-Mayer
12. SB 894-Nodler, et al, with SCS
13. SB 976-Gibbons, with SCS
14. SB 1254-Shields, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|---|
| SB 566-Dougherty, et al, with SCS | SB 822-Gross |
| SB 596-Days | SB 825-Koster, et al, with SCS |
| SBs 613, 1030 & 899-Engler and Crowell,
with SCS | SB 832-Griesheimer, with SCS |
| SB 643-Scott | SRB 848-Bartle, with SCS |
| SB 646-Griesheimer, with SCS | SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending) |
| SBs 665 & 757-Engler, with SCS | SB 938-Stouffer |
| SB 689-Scott | SB 953-Engler, et al, with SCS |
| SB 690-Champion, with SCS | SBs 1014 & 730-Scott and Gibbons,
with SCS, SS for SCS, SA 1 & SSA 3
for SA 1 (pending) |
| SB 718-Crowell and Mayer, with SCS | SBs 1031 & 846-Klindt, with SCS |
| SB 780-Klindt | SJR 26-Ridgeway and Graham |
| SB 816-Griesheimer and Coleman, with
SCS & SS for SCS (pending) | |
| SB 820-Koster, with SCS | |

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

Reported 3/2

SB 1020-Vogel

SB 951-Cauthorn

SB 974-Shields

SB 1008-Klindt, with SCS

SB 834-Nodler

SB 947-Shields

SB 981-Goodman, et al

Reported 3/9

SB 870-Mayer, with SCS

SB 726-Bray

SB 931-Scott

SB 977-Bartle

SB 1026-Cauthorn, with SCS

SB 877-Kennedy and Bray, with SCS

SB 1016-Gross

SB 884-Callahan

SB 1002-Mayer, with SCS

SB 1056-Griesheimer

SB 968-Green, with SCS

SB 1080-Coleman

SB 1003-Mayer, with SCS#2

SB 756-Clemens, with SCS

SB 1004-Days

SB 785-Alter

SB 655-Nodler, with SCS

SB 769-Mayer, with SCS

SB 1139-Gibbons and Kennedy

SB 1109-Griesheimer, with SCS

SB 1059-Kennedy, with SCS

SB 1048-Shields, with SCS

SB 1039-Bray and Scott

SB 1027-Mayer, with SCS

SB 821-Griesheimer

SB 752-Graham

SB 697-Nodler

House Bills

Reported 3/9

HB 1688-Johnson (47), et al (Callahan)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 27-Crowell

SCR 28-Days

SCR 29-Graham

SCR 30-Scott, with SCA 1

MISCELLANEOUS

REMONSTRANCE 1-Gross

Unofficial

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Journal

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