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SCREEN

Actor



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TV/THEATRICAL CONTRACT

A MANDATE TO MOVE FORWARD

You voted and Screen Actors Guild now has a new TV/Theatrical agreement with the Alliance of Motion Picture and Television Producers. Members approved by 78 percent the new contract covering scripted television programs, motion pictures and new media productions. The votes in favor exceeded 70 percent in all three of the union's major divisions, with 35 percent of the approximately 110,000 eligible voters casting ballots.

The contract will result in \$105 million in financial gains to SAG members, while establishing a template for SAG coverage of new media formats.

The agreement includes an immediate 3 percent increase in wages, effective June 10, followed by another 3.5 percent increase next year. We also achieved a .5 percent increase in pension contributions, raising the total pension and health contribution from producers to 15 percent.

The number of Guild minimum covered background actor jobs in the Western zones increased from 19 plus one stand-in to 20 plus one stand-in, and in features from 50 to 55 over the term of the contract.

In the area of new media, this new contract provides compensation for our members as we move through the era of ever-expanding delivery platforms and technologies. This includes provisions for residuals in made-for new media programs, and residuals for streaming and downloading of features and television shows. (For more information, see the agreement and contract summary online, both of which are linked from the home page at SAG.org. The agreement provides complete details on the streaming of television motion pictures on a free-to-the-consumer basis on advertiser-supported services transmitted via new media, and all other changes relevant to members.)

The contract also requires transpar-

ency from the studios regarding the financial returns of their new media productions as we work to improve compensation based on profitability.

BACK TO WORK

Production has been thrown off kilter in the past two years, which industry analysts attribute to multiple factors, including the economy, changes in foreign and domestic film incentives, the 100-day Writers Guild of America strike and SAG's own differences with the AMPTP, to name a few challenges. Filmmaking slowed, and we experienced a substantial contraction in opportunities for actors to get work.

Now that the fear of a labor stoppage has been removed, the production spigot may not gush right away, but analysts expect it to flow more freely in Hollywood and across the country.

Roy Costley, National Board member from the Regional Branch Division, New Mexico said, "This contract will bring more work opportunities to the area and higher wages for actors, which is a tremendous boost for the region's economy. Combine this new opportunity with our state's strong film incentive packages, and we are certain that New Mexico will benefit as a whole."

His feelings of optimism for new work were echoed by members in all divisions. Other National Board members reflected on the simple ability to move on.

"Over a year after they began, these negotiations have finally ended, for which most SAG members, myself included, are profoundly grateful," said National Board Member Richard Masur of the New York Division, a former Guild national president. "While some may disagree that this is a solid contract, there can be no argument that the costs of this protracted process have been high. Rather than continuing the debate over a contract we

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COMMERCIALS CONTRACT

ACTORS OVERWHELMINGLY VOTE YES

In February, continuing a 28-year tradition of joint bargaining, Screen Actors Guild and AFTRA came together to negotiate our Commercials contracts. The members of the joint committee, composed of working commercial performers from all over the country, worked together with admirable focus and solidarity under a mutually agreed upon non-disparagement agreement facilitated by the AFL-CIO.

Negotiating opposite the Joint Policy Committee, who were respectful throughout the process, the committee secured a strong deal that was mutually beneficial for commercial actors and for management, and the Joint Boards signed off unanimously on the proposal. Then on May 21, members of SAG and AFTRA approved by 93.84 percent our new three-year successor agreements to the Commercials contracts. The agreements cover performers working in commercials made for and reused on television, radio, the Internet and new media.

The unions estimate that the three-year increase, which is retroactively effective to April 1, will generate more than \$108 million in member earnings, including approximately \$24 million in increased contributions to the SAG Pension & Health and AFTRA Health & Retirement plans. The total combined value of the AFTRA and SAG contracts is projected at more than \$3 billion over the three-year term of the agreement for working performers, including actors, singers, dancers, choreographers, stunt persons and extras.

The unions also successfully established a payment structure in commercials for the Internet and new media. The unions affirmed their jurisdiction over commercial work made for the Internet in 2000, and new media formats in 2006. The new payment structure goes into effect in the third year of the contract.

Additionally, the new contracts contain an agreement outlining terms for a pilot study to test the gross rating points model of restructuring compensation to principal performers, as proposed by Booz & Co. The two-year pilot study will be conducted by a jointly retained consultant engaged by the unions and the industry.

"I am proud that SAG and AFTRA were able to work together to reach an agreement that will benefit actors who work in the advertising industry," said SAG National President Alan Rosenberg.

Also praising the successful ratification, AFTRA National President Roberta Reardon: "These new agreements provide significant increases in payments to working performers now, a major achievement in a severely depressed global economy."

Sue-Anne Morrow, Screen Actors Guild's national chair of the SAG-AFTRA Joint Commercials Negotiating Committee, said, "Achieving a minimum for ads made for the Internet and new media was a huge win. It was time to insist that actors be paid fairly for their exposure in these developing areas and members clearly approved through their overwhelming votes to ratify."

The pact with the Association of National Advertisers and the American Association of Advertising Agencies goes into effect retroactive to April 1, 2009, and will remain in force until March 31, 2012.

NEGOTIATING THE DEAL

Screen Actor sat down with Sue-Anne Morrow to discuss the successful bargaining of the Commercials contracts and get her perspective on the significance of the agreement as the SAG negotiating chair.

WHAT ARE SOME IMPROVEMENTS ACTORS WILL NOTICE RIGHT AWAY?

Well, since all session fees and residuals will be going up, every category of

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THE
ROAD
AHEAD



“Preparation for the next round of negotiations begins now.”

– Interim National Executive Director David White

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have already ratified, we must now move forward together and work to build on what we have achieved.”

Adam Arkin, a Hollywood Division member of the National Board, agreed. “I think people were tired of the unresolved issues,” he said.

Even those who were opposed to ratification say they’re ready to move forward. “The members know how I feel about this contract,” said SAG 1st Vice President Anne-Marie Johnson, Hollywood Division. “Now it’s time to look ahead and anticipate for what promises to be an exceedingly difficult negotiation in 2011. I encourage all SAG members to prepare and get involved. I believe there will be a time in the near future when our union will be calling on all of us to stand strong. Stand united.”

THE ROAD AHEAD

It is extremely significant that we negotiated a two-year deal, not the three-year contract that the AMPTP proposed. The 2011 TV/Theatrical expiration date is concurrent with those of the other three

above-the-line talent unions. That potentially increases the leverage for all of us during the next negotiations.

SAG National President Alan Rosenberg opposed the contract on numerous grounds, mostly related to new media, which have been well documented in previous editions of *Screen Actor*.

“In these negotiations, SAG was systematically prevented from having any of its specific needs for actors met in the critical areas of new media and product integration,” Rosenberg said. “In 2011 we must do better, to avoid digging ourselves a hole that will take a generation to escape. I implore every member to engage in the kind of self education, member-to-member organizing, and unity-building required to preserve our protections and revenue streams, now and for the future.”

How Did Your Division Vote?

YES/NO

HOLLYWOOD DIVISION
70.70% / 29.30%

NEW YORK DIVISION
85.74% / 14.26%

REGIONAL BRANCH DIVISION
89.06% / 10.94%

The WGA’s contract expires on May 1, 2011, two months before SAG’s, the DGA’s and AFTRA’s. Rosenberg plans to have a series of pre-negotiation summit meetings with the elected leadership of the other

talent unions in preparation for 2011.

Meanwhile, your Guild also actively seeks your experiences working under this new contract, in particular as they relate to new media. Whether the issue is clip consent, product integration or something else, your feedback will be extremely valuable for the next negotiations.

“We would love to have copies of member contracts, as well as to find out what their experience was like,” said Contracts Executive Director Tom La Grua. “For example: How many hours did they work? Was it a one-day, three-day, weekly contract or longer? How much were they paid for the new media job? How much in addition for derivative work?”

Send your information and questions to workexperience@sag.org. An online survey also is planned and will be available in the near future. All information will remain confidential.

“Our members can expect more positive changes in the coming months as we organize new work opportunities, repair and reinvigorate our relationships with our sister unions and industry partners and continue to improve the Guild’s operations,” said Interim National Executive Director David White.

More work opportunities, greater solidarity and an unwavering focus on improving the contract.

Said White, “Preparation for the next round of negotiations begins now.”

Visit SAG.org for new rate sheet information and for full and summary versions of the contract. And remember to e-mail workexperience@sag.org to share your experiences working under the new agreement.

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TALK ABOUT THE IMPORTANCE OF HAVING PROTECTED CLASS A RESIDUALS.

Class A is responsible for the largest portion of our commercial earnings by a long shot. Because we protected Class A, commercial actors will still be able to make the living they deserve. Before we can ever consider letting Class A go, we must be *absolutely* convinced that the method of compensation that replaces it will be just as generous for actors.

WHAT ARE OTHER IMPORTANT GAINS THAT ACTORS SHOULD BE AWARE OF?

Achieving a minimum for ads made for the Internet and new media was big. Really big. It was time to insist that actors be paid fairly for their exposure in these developing areas. Gaining holding fees for cable-only spots is relief for actors who have been experiencing uncompensated "de facto" exclusivity in cable for years. The increase in background numbers from 40 to 45 is very important for that community. And the estimated \$24 million in increases to our P&H plans is critical, especially during these difficult financial times.

EVERYONE SEEMS REALLY PLEASED WITH THE WAY NEGOTIATIONS PLAYED OUT FOR THIS CONTRACT. WHAT WERE THE THINGS THAT

WORKED?

First of all, the fact that we negotiated with AFTRA, under Phase 1, was most important to the achievement of this contract. We have enormous power when we negotiate jointly and it put us in a great position from day one.

Second, the committee was made up of a great cross section of the commercial world. Background, voice over, on-camera and Spanish-language performers were represented. Women, men, high-earners and middle class actors of all ages, from all over the country, were in the room. And they were absolutely focused on getting the best contract possible.

Finally, (AFTRA National Chair) Roberta Reardon and I were dedicated to keeping the committee unified and strong. We insisted that politics and histories be left at the door, and we also insisted that every member of the committee be allowed to express themselves on every issue until all felt comfortable moving forward.

The committee's unanimous approval of this contract is an expression of a feeling of ownership, created by a willingness to listen to one another. And the unanimous recommendation of this contract by the joint boards is recognition of what can be accomplished when people put aside their personal and political differences in order to achieve something that will benefit our members.

WHAT ARE YOU MOST PROUD OF IN TERMS OF WHAT WE ACHIEVED IN THIS CONTRACT NEGOTIATION?

I am most proud that we stood firm and united and refused to consider accepting the gross rating point method of compensation without a proper pilot study to determine if this is a model that will pay actors fairly.

CAN YOU TELL US ABOUT THE OTHER TEAM MEMBERS ON THE JOINT NEGOTIATING COMMITTEE?

Working with AFTRA National Chair Roberta Reardon was an extraordinary experience. She brings a wealth of knowledge and experience to the table that is very impressive. She is also a great leader and a joy to be around. Our divisional co-chairs appointed and led representatives from all over the country. The committee's impressive solidarity would not have been possible without the divisional co-chairs' dedicated efforts. And I believe that our negotiators are, quite simply, without match. John McGuire and Mathis Dunn have enormous experience, are incredible negotiators and are completely dedicated to the well being of actors. We are all lucky to have had them fighting for us.



JOIN THE CASTING REVOLUTION

iActor is the only casting directory that exclusively features Screen Actors Guild talent and puts onsite Station 12 cast clearance at the industry's fingertips.

It's fast, easy and free.

The moment is now. Get on iActor today.

Find out more at iactor.org.

You can also contact us at (323) 549-6451
or info@iactor.org.

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SAG TAKES ACTION— CREATIVITY HELPS SAVE TAX INCENTIVES

WHAT HAPPENS WHEN CREATIVE PEOPLE LOBBY? LEGISLATORS LISTEN.
Creative people instinctively know that to educate or influence lawmakers on the benefits of tax incentives requires engaging both the mind and the heart. To connect with people, to truly catch their attention, you show them what you mean, not just tell them.

SAG actors and staff do this better than anyone.

Members from across the country are taking action, and getting results. Our National Policy and Strategic Planning Department, with staffers Pamm Fair, Nancy Fox, Jenn Heater and Bernadine Goldberg, Regional Branch staff and our outside lobbyists, work closely with members on these and other legislative initiatives.

While individual states are struggling with devastating financial forecasts, film and TV tax credits are coming under fire. From direct job creation and increased state tax revenue to lessening the burden of state-funded health care programs, these credits are undeniably beneficial to state reserves.

As we reported in our last issue, a film incentive finally passed in California. As of July 1, applications are available for companies who meet the criteria. We are hopeful that this incentive will lead to an expanded program covering commercials and other work. (See the accompanying chart for more details.)

One study reports that for every dollar a state spends in tax credits, it receives \$1.90 back in state revenue. That kind of return on investment is hard to ignore. So

actors are busy working to help ensure that legislators fully understand the enormous positive impact that film and TV tax credits have on a local economy.

To promote the extension of these state tax credits, members have engaged in some imaginative, attention-grabbing tactics. Here are a few highlights:

COLORADO

More than 400 members of the film industry turned out January 14 to let the Colorado Legislature and the press know they want “Jobs Now!” The rally, in support of H.B. 1010, even closed down a lane of traffic in front of the capitol to showcase all of the locally owned equipment that is used by filmmakers to create their finished product. Legislators and capitol staffers noted that it looked like a movie set outside the capitol that day.

NEW MEXICO

SAG Members participated in Film and Media Day where the entire industry came out to tell the legislature that “Movies make money for New Mexico.” More than 40 groups filled the rotunda and spilled out onto the streets, while more than 300 people, dressed in black and carrying

signs telling how incentives had benefitted them, marched from the New Mexico Film Office to the New Mexico Capitol. Legislators and the public were treated to displays of editing technology, a green screen demonstration and were even offered time in a hair and make-up chair.

The day was capped by an IATSE reception for legislators, with Gov. Bill Richardson and SAG member Ali McGraw thanking them for their support.

FLORIDA

In Tallahassee, SAG members had “walk of fame” stars printed up as decals with each legislator’s name on the star. SAG actors, along with a local coalition called Film Florida, then placed the decals on the floor in front of each legislator’s door. Some legislators hung them on their doors, on their walls and others left them on the floor in front of their office so they walked across their star each day of session.

NEW YORK

SAG members lobbied the New York Legislature for weeks on end during the most recent budget session. Knowing that pictures speak louder than words, they passed out an incredible aerial shot of approximately 200 workers employed on the TV series *Ugly Betty*. The photo was extremely effective in helping legislators understand just how many jobs are created by one production. *Ugly Betty* stars Vanessa Williams, America Ferrara, Judith Light, Tony Plana, Becki Newton, Eric Mabius and Mark Indelicato are mixed in throughout the crowd to emphasize that it is not only about stars, but about the vast and varied employment opportunities offered by entertainment productions.

Many other creative strategies have been employed around the country—from coordinated mass phone calls to legislators in Pennsylvania, to an interactive educational panel in Boston, our members are out there making a difference.

As states struggle to balance their budgets in these difficult financial times, we must keep reminding them of the positive economic engine that is the entertainment industry. While we may not get everything we are asking for, we are educating legislators and laying the groundwork for the long-term viability of these highly profitable, fiscally responsible programs.

See the following pages for a breakdown of current taxes incentives from state to state.



Colorado SAG members take their protest to the capitol.

2009 STATE-BY-STATE FILM INCENTIVES

IMPORTANT NOTE: This chart contains brief summaries of state incentives. To find out detailed information regarding minimum local spending requirements, shooting days, salary and refund/rebate caps, and other variables, please contact the local SAG Branch office.

ALABAMA

Income tax credits equal to 25% of qualified production expenditures. 35% rebate for payroll expenses paid by qualified production companies to AL residents for expenses between \$500,000-\$10 million. Exemptions on sales, use and lodging taxes for qualified production companies.



ALASKA

\$100,000,000 Tax Credit Fund. Must spend at least \$100,000 in a consecutive 24-month period. 30% transferable tax credit on qualified expenditures.



ARIZONA

Waives state sales taxes on production costs incurred in Arizona, as well as transferable individual or corporate income tax credits on designated production costs in Arizona on sliding scale from 20%-30%.



ARKANSAS

15% rebate on all qualified production expenditures in Arkansas. Additional payroll rebate of 10% will be granted for certain cast members and technical crew in the production who are full-time residents of Arkansas.



CALIFORNIA

Beginning January 2010, qualified taxpayers are allowed a credit against income and/or sales and use taxes, based on qualified expenditures. 20% Tax Credit for a qualified motion picture (feature films, miniseries, or new television series). 25% Tax Credit for television series that filmed all of its prior season or seasons outside of California or a "qualified" independent film.



COLORADO

10% rebate on below-the-line production costs and payroll expenditures for film, television or documentary programs produced or filmed in Colorado.



CONNECTICUT

Offers a 30% tax credit for qualified digital media and motion picture production, preproduction and postproduction expenses.



DELAWARE

The state markets that it has no state sales tax as an incentive.

FLORIDA

Offers a cash reimbursement of up to 15% on the total qualified expenditures for filmed entertainment programs and commercials.



GEORGIA

Transferable income tax credit equal to 9% of all in-state costs. Additional 3% credit on qualified wages paid to GA residents and 3% credit for productions in designated distressed communities.

HAWAII

Refundable tax credit to qualifying productions based on the company's Hawaii expenditures. The production equals 15% of qualifying costs on Oahu and 20% on neighboring islands.



IDAHO

Production must spend \$200,000 in Idaho. 20% of crew must be Idaho residents. \$500,000 cap per production. 20% rebate on all goods and services purchased in Idaho.

Funding pending.

ILLINOIS

Transferable 30% tax credit on qualified in-state production spending, including wages. The credit covers motion pictures, television programs and pilots, commercials, video games and other forms of visual media. Additional 15% credit for labor expenditures generated by the employment of residents of geographic areas with high unemployment and poverty.



INDIANA

Refundable tax credit up to 15% of qualified project. Sales tax exemption applies December 31, 2011. Acquisitions of tangible personal property exempt from the state gross retail tax if property is for use in a qualified production.

IOWA

Transferable state income tax credit based on 25% of qualified in-state expenditures. 100% income exclusion to Iowa-based companies or resident individuals for monies earned from certified projects. Investors earn 25% of qualified spending as transferable Iowa income tax credits.



KANSAS

A credit equal to 30% of in-state production and post-production expenditures. Credits are capped at \$2 million annually.

KENTUCKY

The Kentucky Tax Rebate Program entitles qualified production companies to a refund of the 6% sales and use tax on expenditures made in connection with the production.



LOUISIANA

Provides a transferable investor tax credit equal to 25% of the in-state investment made if it is in excess of \$300,000. Also provides a transferable employment tax credit equal to 10% of the salaries of in-state residents hired.



MAINE

Wage reimbursement; 10% for non-residents and 12% for Maine residents. Income tax credit equal to the Maine income tax due on taxable income related to the media production.



MARYLAND

Offers rebate on up to 25% of the total direct costs of production. To qualify, the production must incur at least \$500,000 in total direct costs in the state and at least 50% of the production's filming must occur in Maryland.

MASSACHUSETTS

A \$2 million dollar salary cap for all hires. The cap is retroactive to January 1, 2009, except for films that have filed a sales tax waiver prior to June 1, 2009. The \$2 million cap includes per diems, housing and other allowances.



MICHIGAN

40% refundable tax credit on qualified film expenditures. If the credit allowed exceeds the tax liability of the company for the tax year, or if the company claiming the credit does not have a tax liability under this act for the tax year, then the company shall receive a refund for the excess or be paid the amount of the credit. A minimum of \$50,000 must be spent in Michigan. No cap.



MINNESOTA

15 - 20% rebate of production costs incurred in Minnesota to producers of feature films, national TV series, documentaries, music videos and commercials, shot on film or video, that directly create new production jobs in Minnesota. Exemptions on lodging tax and sales tax for qualified productions.



MISSISSIPPI

For all feature films, television projects, documentaries or commercials: a 20-30% rebate of all base investment in-state production-related expenditures, excluding non-resident payroll.





MISSOURI

New qualifying companies spending in Missouri may receive state income tax credits equaling up to 35% of qualifying company's expenditures in Missouri. Up

to 30% for qualifying out-of-state cast and crew when Missouri income taxes are withheld.

MONTANA

14% rebate to hired Montana labor for qualifying productions and a 9% rebate on certain qualified expenses.



NEBRASKA

The state markets lodging tax on hotel rooms for production companies after 30 days as an incentive.



NEVADA

The state markets that it has no state income tax and offers a reduced lodging tax for production companies



NEW HAMPSHIRE

The state markets no state or income tax in New Hampshire as incentives.



NEW JERSEY

Tax credit in an amount equal to 20% of qualified production expenses.



NEW MEXICO

25% tax rebate on all direct production expenditures (including NM labor). 0% loan, with participation in lieu of interest, up to \$15 million per project, for qualifying feature films or TV projects. Budget must be at least \$2 million. 50% reimbursement of wages for on-the-job training of NM residents in advanced below-the-line crew positions.



NEW YORK

New York City and New York State Film Production Incentive programs provide a combined tax credit equal to 15% against qualified production expenses for feature films, episodic TV series, TV pilots, movies and mini-series. New York State also provides a growth credit for commercials.



NORTH CAROLINA

15% tax credit on qualified productions.



NORTH DAKOTA

No current incentive program.



OHIO

No current incentive program.



OKLAHOMA

Offers up to 15-17% on Oklahoma expenditures to qualifying companies filming in the state capped at \$5 million per year. The rebate is extended to film, television and commercial productions.



OREGON

Offers qualifying film or television productions a 20% cash rebate on production-related expenses paid to Oregon vendors and wages paid for work done in Oregon. In addition,



Greenlight Oregon Labor Rebate offers a cash rebate of up to 6.2% of Oregon-based payroll.

PENNSYLVANIA

Transferable tax credit is available for feature films, TV shows and series, and commercials intended for a national audience. In order to qualify for the tax credit, 60 percent of the total production expenses must be incurred in Pennsylvania. No more than \$75 million per year can be awarded.



PUERTO RICO

Offers a 40% tax credit for the production of films, series, miniseries, and "telenovelas." To qualify for the tax credit, 50% of principal photography must be filmed in Puerto Rico, or if less than 50%, the production must spend at least \$1 million.



RHODE ISLAND

25% motion picture company transferable tax credit for all Rhode Island spending to qualifying productions. Annual cap of \$15 million.



SOUTH CAROLINA

Offers a 20% cash rebate on employee wages and up to a 30% cash rebate on supplier expenditures.



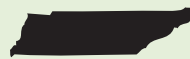
SOUTH DAKOTA

Offers a tax refund to production companies for projects made in the state with costs over \$250,000 in taxable expenses incurred in South Dakota.



TENNESSEE

Offers a 13-17% tax rebate depending on the budget and percentage of in-state production. Also offers substantial incentives to film production companies that become headquartered in Tennessee.



TEXAS

Offers qualifying feature films, television programs, commercials, video games, and stand-alone post-production/finishing projects the opportunity to receive a payment of 5-15% of eligible Texas spending upon completion of a review



of their Texas expenditures. Live-action and animated projects are eligible. This incentive program is in addition to Texas' sales tax exemptions.

UTAH

Offers to qualified productions a post-performance rebate up to 20% on dollars spent in the state. Maximum benefit for each project: \$500,000. Starting July 1, 2009, a 20% tax credit without a per project cap will be added. Point-of-purchase sales tax exemption on machinery and equipment and a Transient Room Tax exemption for stays of 30 consecutive days or longer.



VERMONT

Exemption of taxes on the purchase of goods used in qualified productions. Income tax for performers is limited to the amount the performer would pay in their home state.



VIRGINIA

Virginia currently has sales and use tax exemptions.



WASHINGTON, D.C.

Provides grants to qualified production not to exceed the lesser of 10% of qualified expenses or 100% of the sales and use taxes paid to the District on qualified expenses.



WASHINGTON STATE

WashingtonFilmWorks offers funding assistance of up to 30% of total in-state qualified expenditures to commercial, television and feature film productions selected to be funded by WFW.



WEST VIRGINIA

Purchases and rentals in West Virginia of tangible personal property directly used in an entertainment project are exempt from the 6% consumer sales and service tax.



WISCONSIN

A refundable tax credit of 25% of direct expenditures. An investment tax credit of 25% for investing in Wisconsin-based productions. A 15% state income tax credit for production businesses that make a capital investment by starting a business in Wisconsin.



WYOMING

Offers qualified production companies a rebate percentage which falls between 12-15%.

