

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 8, 2004

**ONE HUNDRED SIXTY-THIRD SESSION DAY
FOUR HUNDRED SIXTY-THIRD 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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, March 8, 2004

The Assembly met at 11 a.m.
Hon. Leland Y. Yee, 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 Reyes moved a quorum call of the Assembly.
Motion carried. Time, 11:01 a.m.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 11:08 a.m., Speaker pro Tempore Yee declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—67:

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

PRAYER

Upon invitation of Speaker pro Tempore Yee, the following prayer was offered by Assembly Chaplain Rev. Constantine C. Pappademos:

O Lord, Our God, You are faithful in Your words and truthful in Your promises. You call all of us to fight the good fight, to fulfill the course of godliness and to keep the true faith. Will You, Lord, grant us a share of Your inheritance, that being followers of Your commandments, we may obtain the good things which await Your faithful servants. For You are merciful, You love mankind, and we glorify You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Yee, Assembly Member Wolk 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 Calderon, seconded by Assembly Member Cogdill.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Chan, Chavez, Kehoe, Longville, Pavley, and Wesson.

On personal business, and waiving per diem: Assembly Members Campbell, Diaz, Frommer, and Goldberg.

Because of illness: Assembly Member Salinas.

Due to travel delays: Assembly Members Bates and Harman.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

March 5, 2004

*The Honorable Fabian Nunez, Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Nunez: I am requesting to be excused from Floor Session on Monday, March 8, 2004, due to legislative business taking place in my district.

Your attention to this matter is appreciated.

Sincerely,

WILMA CHAN, Assembly Member
Sixteenth District

March 4, 2004

The Honorable Fabian Nunez
Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Nunez: I respectfully request that I be excused from session on Monday, March 8, 2004. The purpose is to tend to legislative business in my district.

I thank you in advance for your favorable consideration. Should you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

ED CHAVEZ, Assembly Member
Fifty-seventh District

March 4, 2004

The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from Floor Session on Monday, March 8, 2004 due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

CHRISTINE KEHOE, Assembly Member
Seventy-sixth District

March 8, 2004

The Honorable Fabian Nunez
Speaker of the California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Nunez: I respectfully request to be excused form this morning's session due to legislative business.

Thank you in advance for your consideration of this matter, Please feel free to contact Traci Holt in my office, should you have any questions.

Respectfully,

JOHN LONGVILLE, Assembly Member
Sixty-second District

March 4, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused from Assembly Floor Session on Monday, March 8, 2004, due to legislative business in my district.

Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

FRAN PAVLEY, Assembly Member
Forty-first District

March 8, 2004

*The Honorable Fabian Nunez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Fabian: This is to request permission to be excused from Session on Monday, March 8, on legislative business.

Sincerely,

HERB J. WESSON, Jr.
Speaker Emeritus of the California Assembly

REPORTS

The following reports were presented by the Chief Clerk:

**Final Audit Report on the Renewable Resource Trust Fund for
the Fiscal Year Ended June 30, 2003
(Pursuant to Public Utilities Code Section 445(g))**

Above transmitted report, together with letter of transmittal from Samuel E. Hull, Chief, Office of State Audits and Evaluations, Department of Finance, dated February 27, 2004, referred by the Speaker to the Committee on Utilities and Commerce.

**Taxpayer’s Bill of Rights—Annual Certification
(Pursuant to Revenue and Taxation Code Section 21008)**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, dated March 1, 2004, referred by the Speaker to the Committee on Revenue and Taxation.

**Exemption of Pregnant and Parenting Teens from
the 10 Percent Limit on Independent Study
in Continuation Schools and Opportunity Education
(Pursuant to Education Code Section 51745.1)**

Above transmitted report, together with letter of transmittal from Jack O’Connell, State Superintendent of Public Instruction, Department of Education, dated February 10, 2004, referred by the Speaker to the Committee on Education.

**California's Access to Visitation Grant Program for
Enhancing Responsibility and Opportunity for Nonresidential Parents
Fiscal Years 2002–2003 and 2003–2004
(Pursuant to Family Code Section 3204(d))**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated March 1, 2004, referred by the Speaker to the Committee on Judiciary.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 8, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1791

Assembly Bill No. 1837

Assembly Bill No. 1844

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 8, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 142

Assembly Concurrent Resolution No. 144

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

Assembly Chamber, March 8, 2004

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 174

Assembly Concurrent Resolution No. 176

Assembly Concurrent Resolution No. 181

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Special Committee on State Mandates, on Monday, March 15, 2004 and March 22, 2004, at 9 a.m., in Room 447;

Banking and Finance, on Wednesday, March 31, 2004, at 1:30 p.m., in Room 126.

**AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO
JOINT RULE 54**

Pursuant to the provisions of Joint Rule 54, the following communications were presented permitting the introduction of Assembly bills:

Dear Mr. Clerk: Pursuant to the provisions of Joint Rule 54, I hereby authorize:

Assembly Member Dymally to introduce a bill relating to general plans. Request No. 0403416.

Assembly Member Oropeza to introduce a bill relating to fire protection: staffing. Request No. 0403453.

Assembly Member Chavez to introduce a bill relating to fire protection. Request No. 0403440.

Assembly Member Chavez to introduce a bill relating to fire protection. Request No. 0403430.

FABIAN NUÑEZ
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 3065—Dymally. An act to add Section 65302.4 to the Government Code, relating to general plans.

ASSEMBLY BILL NO. 3066—Oropeza and Kehoe. An act to add Section 13053.5 to the Health and Safety Code, relating to fire protection.

ASSEMBLY BILL NO. 3067—Chavez and Kehoe. An act to add Section 13012 to the Health and Safety Code, relating to fire protection.

ASSEMBLY BILL NO. 3068—Chavez and Kehoe. An act to add Section 8589.23 to the Government Code, relating to fire protection.

ASSEMBLY BILL NO. 3069—Committee on Revenue and Taxation (Bermudez (Chair), Wyland (Vice Chair), Harman and Laird). An act to add Chapter 1.9 (commencing with Section 1900) to Part 1 of Division 2 of the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 3070—Committee on Banking and Finance (Wiggins (Chair), Bogh (Vice Chair), Calderon, Chan, Chavez, Corbett, Correa, Cox, Houston, Montanez, Strickland, and Vargas). An act to amend Sections 25102.1 and 25532 of, and to repeal Section 28506 of, the Corporations Code, and to amend Section 22337 of the Financial Code, relating to securities.

ASSEMBLY BILL NO. 3071—Committee on Revenue and Taxation (Bermudez (Chair), Wyland (Vice Chair), Harman and Laird). An act to amend Section 18533 of the Revenue and Taxation Code, relating to taxation.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly

Committee

<i>Bill No.</i>	<i>Committee</i>
1839	Jud.
1935	Rev. & Tax.
1950	Jud.
2013	Hum. S.
2063	L. Gov.
2068	Pub. S.
2078	Pub. S.
2136	Pub. S. and Health
2169	Jud.
2188	Hum. S.
2207	B. & P.
2219	Pub. S.
2223	Pub. S.
2272	L. Gov. and G.O.
2298	W.,P. & W. and B. & P.
2317	L. & E.
2329	L. Gov.
2340	Trans.

2501	-----	Pub. S.
2502	-----	Jud.
2503	-----	Trans.
2505	-----	U. & C.
2507	-----	B. & P.
2509	-----	U. & C.
2510	-----	Health and Jud.
2511	-----	G.O.
2512	-----	Ed.
2514	-----	Nat. Res.
2516	-----	Jud.
2517	-----	W.,P. & W.
2518	-----	W.,P. & W.
2519	-----	W.,P. & W.
2520	-----	Ins.
2522	-----	Trans.
2523	-----	Jud.
2524	-----	J., E.D. & E.
2525	-----	Ed.
2526	-----	Trans.
2527	-----	Pub. S.
2528	-----	E.S & T.M.
2531	-----	Pub. S.
2535	-----	G.O. and Ed.
2537	-----	Jud.
2538	-----	G.O.
2539	-----	U. & C.
2540	-----	V.A.
2542	-----	Pub. S.
2545	-----	L. & E.
2546	-----	Rev. & Tax.
2547	-----	Health and Trans.
2548	-----	Hum. S.
2549	-----	Jud.
2550	-----	Hum. S.
2552	-----	B. & P.
2553	-----	Pub. S.
2554	-----	P.E.,R. & S.S.
2557	-----	Ins. and Pub. S.
2558	-----	L. Gov.
2559	-----	Ed.
2562	-----	B. & P.
2563	-----	Pub. S.
2564	-----	J., E.D. & E.
2566	-----	Trans.
2567	-----	Ed.
2568	-----	Trans. and Pub. S.
2569	-----	Ed.
2570	-----	Ed.
2572	-----	W.,P. & W. and B. & P.
2574	-----	Higher Ed.
2575	-----	P.E.,R. & S.S.
2579	-----	G.O.
2581	-----	H. & C.D.

2582	-----	Jud.
2583	-----	Jud.
2584	-----	Ed.
2586	-----	Pub. S.
2592	-----	Rev. & Tax.
2593	-----	U. & C.
2594	-----	Jud.
2596	-----	Ed.
2597	-----	Rev. & Tax.
2599	-----	Jud.
2600	-----	Nat. Res. and E.S. & T.M.
2606	-----	Trans.
2614	-----	Ed.
2615	-----	Higher Ed.
2627	-----	Jud.
2628	-----	Trans.
2629	-----	Hum. S.
2632	-----	Health
2633	-----	E.S. & T.M.
2634	-----	L. Gov.
2636	-----	W.,P. & W.
2637	-----	Higher Ed.
2638	-----	G.O.
2639	-----	Ins.
2640	-----	Pub. S.
2641	-----	L. Gov.
2643	-----	U. & C. and Nat. Res.
2644	-----	Trans.
2645	-----	Hum. S. and Jud.
2646	-----	Rev. & Tax.
2647	-----	Ed.
2649	-----	Ins.
2650	-----	Jud.
2652	-----	U. & C. and Nat. Res.
2653	-----	Trans.
2656	-----	Jud.
2657	-----	Nat. Res.
2658	-----	Nat. Res.
2659	-----	W.,P. & W.
2661	-----	Hum. S.
2662	-----	Jud.
2664	-----	Ed.
2668	-----	W.,P. & W.
2669	-----	Jud.
2673	-----	Nat. Res.
2674	-----	Jud.
2677	-----	Ins.
2678	-----	Higher Ed.
2680	-----	P.E.,R. & S.S.
2683	-----	Trans.
2684	-----	Health
2685	-----	U. & C. and Nat. Res.
2686	-----	Ed.
2687	-----	Jud.

2689	-----	Jud.
2691	-----	Jud.
2692	-----	P.E.,R. & S.S.
2693	-----	B. & F.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
185	----- Trans.
186	----- Rls.
190	----- Rls.
192	----- Rls.

AUTHOR'S AMENDMENTS

Committee on Judiciary

March 8, 2004

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Bill No. 1811

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORBETT, Chair

ASSEMBLY BILL NO. 1811—An act to amend Section 1798.85 of the Civil Code, relating to privacy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS

Committee on Water, Parks and Wildlife

March 8, 2004

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 1805

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CANCIAMILLA, Chair

ASSEMBLY BILL NO. 1805—An act relating to farm-raised salmon.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS

Committee on Transportation

March 8, 2004

Mr. Speaker: The Chair of your Committee on Transportation reports:

Assembly Concurrent Resolution No. 152

With author's amendments with the recommendation: Amend, and re-refer to the committee.

OROPEZA, Chair

ASSEMBLY CONCURRENT RESOLUTION NO. 152—Relative to Michael P. Evanhoe Interchange.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Governmental Organization

March 8, 2004

Mr. Speaker: The Chair of your Committee on Governmental Organization reports: Assembly Bill No. 1831

With author's amendments with the recommendation: Amend, and re-refer to the committee.

JEROME HORTON, Chair

ASSEMBLY BILL NO. 1831—An act to amend Section 8592.9 of the Government Code, relating to homeland security, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Business and Professions

March 8, 2004

Mr. Speaker: The Chair of your Committee on Business and Professions reports: Senate Bill No. 301

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CORREA, Chair

SENATE BILL NO. 301—An act to add Chapter 3.2 (commencing with Section 8251) to Division 1 of Title 2 of the Government Code, relating to the Commission on Latino/Latina Affairs.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 1816

Assembly Member Firebaugh was granted unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 1618; and that the action be rescinded whereby the bill was reported correctly enrolled and presented to the Governor on February 26, 2004 (Assembly Journal, page 4687); and whereby on February 24, 2004 (Assembly Journal, page 4663), the Assembly adopted the urgency clause and concurred in Senate amendments and ordered the bill enrolled; and that the bill be returned to the Senate for further action.

CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS

MOTION TO RECONSIDER SENATE BILL NO. 131 CONTINUED

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 131 was continued until the next legislative day.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Assembly Resolutions

ASSEMBLY CONCURRENT RESOLUTION NO. 104 (Pavley)—Relative to Day of the Teacher.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's
Consent Calendar roll call.)*

ASSEMBLY CONCURRENT RESOLUTION NO. 173 (McCarthy)—Relative to California Nonprofits and Philanthropy Week.

Resolution read, adopted, and ordered transmitted to the Senate.

(For the vote on the above resolution, see this day's Consent Calendar roll call.)

Consent Calendar Roll Call

The roll was called, and the above resolutions on the Consent Calendar adopted, by the following vote:

AYES—65

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

NOES—None

ADJOURN IN MEMORY

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 Alice Uecker, of Oroville.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Benoit and Garcia were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Levi Butler, of La Quinta.

Assembly Member Dutra was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his brother, Joseph Bosco Dutra, Sr., of Greenville.

Assembly Member Leslie was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ann Pettit, of Markleeville.

Assembly Member Steinberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hilma Rose, of Sacramento.

Assembly Member Wolk was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charles "Charley" Soderquist, of Sacramento; and Anna Marie Van Blaricom, of Benicia.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following item:

Consent Calendar: Correa, Daucher, Jerome Horton, Houston, Koretz, Maddox, Oropeza, Samuelian, Simitian, Spitzer, and Wiggins—Aye.

MOTION TO ADJOURN

At 11:21 a.m., Assembly Member Calderon moved that the Assembly do now adjourn.

Assembly Member Cogdill seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Haynes, Bogh, Vargas, Reyes, and Leslie arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

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

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:32 a.m., Speaker pro Tempore Yee declared the quorum call of the Assembly dispensed with.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Date of Hearing: March 8, 2004

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 190

Assembly Concurrent Resolution No. 192

House Resolution No. 44

With the recommendation: Be adopted.

MONTANEZ, Chair

Above resolutions ordered to third reading.

INTRODUCTION OF GUESTS

Assembly Member Leslie, of the 4th Assembly District, introduced Dr. Dong Zhe, Director of International Corporation Program for Peking University, Beijing, China; Dr. Zhu Jinyou; Mr. Martin Harmon; and Mr. Peter Zhang.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Calderon, the Assembly adjourned until 10 a.m., Thursday, March 11, 2004, out of respect to the memory of Alice Uecker, on motion of Assembly Member Mountjoy; out of respect to the memory of Levi Butler, on motion of Assembly Members Benoit and Garcia; out of respect to the memory of Ann Pettit, on motion of Assembly Member Leslie; out of respect to the memory of Hilma Rose, on motion of Assembly Member Steinberg; out of respect to the memory of Charles "Charley" Soderquist and Anna Marie Van Blaricom, on motion of Assembly Member Wolk; and out of respect to the memory of Joseph Bosco Dutra, Sr., on motion of Assembly Member Dutra.

FABIAN NUÑEZ, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 8, 2004**

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

AB RN

1805 0405598

1811 0405726

1831 0406152

ACR RN

152 0406241

SB RN

301 0405644

Daily Total:	5
Cumulative Total:	3186

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