

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 31, 1998

**ONE HUNDRED EIGHTY-SIXTH SESSION DAY
FOUR HUNDRED EIGHTY-FIFTH 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
Tuesday, March 31, 1998

The Assembly met at 7 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Hon. Steven T. Kuykendall, Assembly Member, 54th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Ashburn	Firestone	Martinez	Scott
Baca	Floyd	Mazzoni	Shelley
Baldwin	Frusetta	McClintock	Strom-Martin
Battin	Gallegos	Migden	Sweeney
Baugh	Goldsmith	Miller	Takasugi
Bordonaro	Granlund	Morrissey	Thompson
Bowen	Havice	Morrow	Thomson
Bowler	Hertzberg	Murray	Torlakson
Brewer	Honda	Napolitano	Vincent
Brown	House	Olberg	Washington
Bustamante	Kaloogian	Oller	Wayne
Campbell	Keeley	Ortiz	Wildman
Cardenas	Knox	Pacheco	Woods
Cardoza	Kuehl	Papan	Wright
Cedillo	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	

Quorum present.

At 1:52 p.m., Hon. Wally Knox, 42nd District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

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 Aroner.

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 31, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember Wally Knox to the Budget Committee in place of Assemblymember Dion Aroner for the hearing on Wednesday, April 1, 1998, only.

Sincerely,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

March 31, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember Gil Cedillo to the Assembly Health Committee in place of Assemblymember Martha Escutia for today's hearing only.

Sincerely,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

March 31, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember Don Perata to the Public Employees, Retirement and Social Security Committee in place of Assemblymember Jack Scott for the hearing on Wednesday, April 1, 1998, only.

Sincerely,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 31, 1998

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

- Assembly Bill No. 1632
- Assembly Bill No. 1635
- Assembly Bill No. 1640
- Assembly Bill No. 1701
- Assembly Bill No. 1739
- Assembly Bill No. 1756
- Assembly Bill No. 1836
- Assembly Bill No. 1844
- Assembly Bill No. 1879
- Assembly Bill No. 2009

- Assembly Bill No. 2019
- Assembly Bill No. 2031
- Assembly Bill No. 2059
- Assembly Bill No. 2085
- Assembly Bill No. 2178
- Assembly Bill No. 2342
- Assembly Bill No. 2347
- Assembly Bill No. 2612
- Assembly Bill No. 2755

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 31, 1998

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

- Assembly Bill No. 1775

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, March 31, 1998

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

- Assembly Bill No. 1920
- Assembly Bill No. 1984
- Assembly Bill No. 1998
- Assembly Bill No. 2003
- Assembly Bill No. 2221

- Assembly Bill No. 2586
- Assembly Bill No. 2667
- Assembly Bill No. 2747
- Assembly Bill No. 2762

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 31, 1998

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

- Assembly Constitutional Amendment No. 26

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 31, 1998

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

- Assembly Constitutional Amendment No. 36

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 31, 1998

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

- Assembly Concurrent Resolution No. 127

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 60—Richter, Alby, Baca, and Bowler, (Senators Johnston and Leslie, cocauthors). Relative to the 940th Air Refueling Wing, Beale Air Force Base, California.

AUTHOR’S AMENDMENTS

Committee on Revenue and Taxation

March 31, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 1939

Assembly Bill No. 2131

Assembly Bill No. 2092

Assembly Bill No. 2205

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

KNOX, Chairman

ASSEMBLY BILL NO. 1939—An act to amend Sections 6459, 6480.4, 6480.8, 6480.19, 6480.23, 6482, 6513, 6591, 6591.5, 6592, 6592.5, 7655, 7656, 7657, 7661, 7706, 8754, 8777, 8803, 8876, 8877, 12287, 12307, 12631, 12632, 30171, 30185, 30202, 30223, 30281, 30282, 32253, 32254, 32255, 32271, 32291, 40065, 40072, 40083, 40101, 40102, 41071, 41082, 41095, 41096, 43154, 43156, 43157, 43201, 45152, 45154, 45155, 45201, 46153, 46155, 46156, 46201, 46253, 50111, 50112.1, 50112.2, 50113, 55041, 55043, 55044, 55061, 60207, 60208, 60209, 60302, 60314, and 60339 of the Revenue and Taxation Code, relating to taxation.

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.

ASSEMBLY BILL NO. 2092—An act to add Section 17209 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

ASSEMBLY BILL NO. 2131—An act to amend Section 17273 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

ASSEMBLY BILL NO. 2205—An act to amend Sections 17276.2 and 24416.2 of, and to add and repeal Sections 17053.51, 17053.52, 17266.5, 23651, 23652, and 24356.3 of, the Revenue and Taxation Code, relating to economic development, to take effect immediately, tax levy.

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 Governmental Organization

March 31, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 1877

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

BROWN, Chairwoman

ASSEMBLY BILL NO. 1877—An act to amend Sections 1014, 1023, 1035, 1044, 1047, and 1050 of the Military and Veterans Code, relating to veterans.

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 Natural Resources

March 31, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Bill No. 2673

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

BOWEN, Chairwoman

ASSEMBLY BILL NO. 2673—An act to amend Section 14549 of the Public Resources Code, relating to recycling

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 31, 1998

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

Assembly Bill No. 2707

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

MURRAY, Chairman

ASSEMBLY BILL NO. 2707—An act to amend Sections 3060 and 3062 of the Vehicle Code, relating to vehicles.

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 31, 1998

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

Assembly Bill No. 1944

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

MURRAY, Chairman

ASSEMBLY BILL NO. 1944—An act to repeal Sections 43021, 43032, and 43033 of the Health and Safety Code, relating to air resources.

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 Governmental Organization

March 31, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 2362

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

BROWN, Chairwoman

ASSEMBLY BILL NO. 2362—An act to add Section 424.3 to the Government Code, relating to the State of California.

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 Rules

March 31, 1998

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

Assembly Concurrent Resolution No. 112

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

HERTZBERG, Chairman

ASSEMBLY CONCURRENT RESOLUTION NO. 112—Relative to National Breast Cancer Awareness Month.

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 Utilities and Commerce

March 31, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 1977

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

MARTINEZ, Chairwoman

ASSEMBLY BILL NO. 1977—An act to amend Section 5322 of the Public Utilities Code, relating to public utilities.

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 Education

March 31, 1998

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

Assembly Bill No. 1785

Assembly Bill No. 2002

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

MAZZONI, Chairwoman

ASSEMBLY BILL NO. 1785—An act relating to visual and performing arts education.

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.

ASSEMBLY BILL NO. 2002—An act to add Section 17592.5 to the Education Code, relating to regional occupational centers, 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 Education**

March 31, 1998

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

Assembly Bill No. 2730

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

MAZZONI, Chairwoman

ASSEMBLY BILL NO. 2730—An act to amend Section 44227 of the Education Code, relating to teacher credentialing.

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 Budget**

March 31, 1998

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

Assembly Constitutional Amendment No. 26

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

DUCHENY, Chairwoman

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 8 of, and by amending Section 12 of, Article IV thereof, relating to the state budget.

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

**REPORTS OF STANDING COMMITTEES
Committee on Transportation**

Date of Hearing: March 30, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 105

With the recommendation: Be adopted, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

MURRAY, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: March 30, 1998

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 1136

With the recommendation: Do pass.

MURRAY, Chairman

Above bill ordered to second reading.

Date of Hearing: March 30, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 2268

With the recommendation: Do pass, and be re-referred to the Committee on Insurance.

MURRAY, Chairman

Above bill re-referred to the Committee on Insurance.

Date of Hearing: March 30, 1998

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 1825
Assembly Bill No. 1846
Assembly Bill No. 1880

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

MURRAY, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 30, 1998

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 1650

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

MURRAY, Chairman

Above bill ordered to second reading.

Committee on Governmental Organization

Date of Hearing: March 30, 1998

Mr. Speaker: Your Committee on Governmental Organization reports:
Assembly Bill No. 1953

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

BROWN, Chairwoman

Above bill ordered to second reading.

Committee on Banking and Finance

Date of Hearing: March 30, 1998

Mr. Speaker: Your Committee on Banking and Finance reports:
Senate Bill No. 1200

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

PAPAN, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 30, 1998

Mr. Speaker: Your Committee on Banking and Finance reports:
Assembly Bill No. 1828
Assembly Bill No. 2292

With the recommendation: Do pass, and be re-referred to the Committee on Judiciary.

PAPAN, Chairman

Above bills re-referred to the Committee on Judiciary.

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: March 30, 1998

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

Assembly Bill No. 1863

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

VINCENT, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 30, 1998

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

Assembly Constitutional Amendment No. 30

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

VINCENT, Chairman

Above resolution re-referred to the Committee on Appropriations.

Committee on Education

Date of Hearing: March 18, 1998

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 1845

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MAZZONI, Chairwoman

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: March 30, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1800

Assembly Bill No. 1960

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

KNOX, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 30, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1694

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

KNOX, Chairman

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE ASSEMBLY BILLS RETURNED TO SECOND READING FILE PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bill No. 1775, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 2053—An act relating to parks and recreation, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Water, Parks and Wildlife read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1625—An act to amend Section 6400 of, and to add Sections 12022, 12023, 12024, 12025, and 12026 to, the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Water, Parks and Wildlife read and adopted, bill ordered reprinted and to be re-referred to the Committee on Public Safety.

ASSEMBLY BILL NO. 2067—An act to amend Sections 25160, 25179.5, 25205.5, 25205.15, 25250.1, and 25250.7 of, and to add Sections 25121.1, 25160.3, 25160.4, and 25200.19 to, the Health and Safety Code, and to add Article 2.3 (commencing with Section 12179) to Chapter 4 of Part 2 of Division 2 of, and to add and repeal Article 2.1 (commencing with Section 12170) of Chapter 4 of Part 2 of Division 2 of, the Public Contract Code, relating to recycling.

Bill read second time; amendments proposed by the Committee on Environmental Safety and Toxic Materials read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1622—An act to add Section 12025.3 to the Penal Code, relating to firearms.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 2045—An act to amend Sections 34030 and 34700 of the Water Code, to amend Section 17 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), and to amend Section 6 of Chapter 641 of the Statutes of 1931, relating to water.

Bill read second time; amendments proposed by the Committee on Local Government read and adopted, bill ordered reprinted and to be re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

ASSEMBLY BILL NO. 1851—An act to amend Section 35400 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Transportation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1747—An act to amend Section 17151 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1746—An act to add Section 52122.2 to the Education Code, relating to class size reduction, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 2130—An act to amend the heading of Chapter 16 (commencing with Section 67380) of Part 40 of, and to add Section 67387 to, the Education Code, relating to higher education.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 147—An act to amend Section 6586 of, and to add Section 6586.5 to, the Government Code, relating to local agency borrowing.

Bill read second time; amendments proposed by the Committee on Local Government read and adopted, bill ordered reprinted and to be returned to the second reading file.

SPECIAL COMMITTEE MEETINGS

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

Local Government, on April 22, at 1:30 p.m., in Room 127 and on May 6, at 1:30 p.m., in Room 437.

Budget Subcommittee No. 4, on April 14 and April 21, at 2 p.m. instead of 4 p.m.

Televising the Assembly and Information Technology, on Wednesday, May 13, at 9 a.m., in Room 444.

Televising the Assembly and Information Technology to convene jointly with the Senate Select Committee on Economic Development and the Senate Select Committee on Procurement, Expenditures and Information Technology, on April 16, 1998;

Joint Legislative Audit Committee, on April 22, 1998, at 8:30 a.m., in Room 126.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, April 1, 1998.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 31, 1998**

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

AB	RN	AB	RN
1622	9807622	2131	9807069
1625	9807692	2205	9807518
1746	9807156	2362	9807657
1747	9807811	2673	9807484
1785	9806669	2707	9807855
1851	9807672	2730	9807543
1877	9806789		
1939	9807600	ACA	RN
1944	9807812	26	9807937
1977	9807071		
2002	9807254	ACR	RN
2045	9807758	112	9807802
2053	9807534		
2067	9807698	SB	RN
2092	9806655	147	9807661
2130	9807574		

Daily Total:	25
Cumulative Total:	4244

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