

Journal of the Senate

SECOND REGULAR SESSION

EIGHTEENTH DAY—THURSDAY, FEBRUARY 7, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“I declare that your steadfast love is established forever; your faithfulness is as firm as the heavens.” (Psalm 89:2)

Gracious God, we bring another week to a close and pray that we have made good use of our time here. Those things we have done according to Your will, please bless O Lord. And we pray, watch over our “going out and coming in” and please bless those You have given us to love. 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 approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 1007, regarding Robert D. “Bob” Drummond, St. Louis, which was adopted.

Senator Foster offered Senate Resolution No. 1008, regarding Dorothy W. Buford, Doniphan, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1123—By Staples.

An Act to repeal sections 306.010, 306.016, 306.100, 306.112, 306.114, 306.116, 306.117, 306.119, 306.124, 306.125, 306.126, 306.140, 306.142 and 306.165, RSMo, relating to watercraft regulations, and to enact in lieu thereof fourteen

new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

SB 1124—By Dougherty.

An Act to authorize the governor to convey certain property in the city of St. Louis.

SB 1125—By Steelman.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to physician contractual relationships.

SB 1126—By Quick.

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to removal of weeds.

SB 1127—By Johnson, Bentley, Bland, Childers, Wiggins, Caskey, Kinder, Staples, DePasco, Stoll, House, Westfall, Mathewson, Kennedy, Sims, Kenney, Steelman, Yeckel, Loudon, Cauthorn, Foster and Russell.

An Act to repeal section 620.467, RSMo, relating to tourism, and to enact in lieu thereof one new section relating to the same subject.

THIRD READING OF SENATE BILLS

SS No. 2 for **SB 650**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 650

An Act to repeal section 556.036, RSMo, relating to sexual offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions and an emergency clause.

Was taken up by Senator Singleton.

On motion of Senator Singleton, **SS No. 2** for **SB 650** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Stelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Stelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Goode—1

Absent with leave—Senators—None

Vacancies—1

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

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

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

SENATE BILLS FOR PERFECTION

Senator Bentley moved that **SB 668**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Foster moved that the vote by which **SA 1** to **SS** for **SB 668** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Goode
House	Jacob	Johnson	Mathewson
Quick	Russell	Sims	Staples
Stoll	Westfall—18		

NAYS—Senators

DePasco	Gibbons	Gross	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Schneider	Singleton
Steelman	Wiggins	Yeckel—15	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

SA 1 was again taken up.

Senator Bentley requested a roll call vote be taken on the adoption of **SA 1** and was joined in her request by Senators Childers, Mathewson, Sims and Wiggins.

At the request of Senator Bentley, **SB 668**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Jacob inquired of the President if there were messages from the Governor and, being informed that there were, requested that the messages from the Governor be read.

The President instructed the Secretary to read the messages.

Senator Klarich raised the point of order that under the provisions of Senate Rule 4, the Senate is not on that order of business.

At the request of Senator Klarich, his point of order was withdrawn.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 9, 2002 for your advice and consent:

Solomon Agin, Republican, 14194 Parliament Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Solomon Agin, withdrawn.

Charles W. Tyler, 4031 Botanical, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Charles W. Tyler, withdrawn.

Derek V. Alvarez, 8 Pine View Lane, Post Office Box 1097, Lake Ozark, Miller County, Missouri 65049, as a member of the Missouri Board of Therapeutic Massage, for a term ending June 17, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Valerie R. Taylor, Democrat, 2957 Franklin Avenue, St. Louis City, Missouri 63106, as a member of the State Board of Senior Services, for a term ending August 30, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 660.062.

Mark Graviett, 9709 North Virginia Avenue, Kansas City, Clay County, Missouri 64155, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Mark Graviett, withdrawn.

Joan L. Berkman, Republican, 180 North Brentwood Boulevard, Clayton, St. Louis County, Missouri 63105, as a member of the Missouri Community Service Commission, for a term ending December 15, 2001, and until her successor is duly appointed and qualified; vice, Joan L. Berkman, withdrawn.

Kathy A. Surratt-States, Democrat, 5012 Bischoff Avenue, St. Louis City, Missouri 63110, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Kathy A. Surratt-States, withdrawn.

Jerry T. Duvall, 803 Commercial, Belton, Cass County, Missouri 64012, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Bobby J. Blue, Democrat, 606 East 127th Street, Kansas City, Jackson County, Missouri 64145, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

James E. O'Mara, Democrat, 214 Summit Ridge Place, St. Charles, St. Charles County, Missouri 63304, as a member of the Missouri Development Finance Board, for a term ending September 14, 2004, and until his successor is duly appointed and qualified; vice, Martin Harrington, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 9, 2002 for your advice and consent:

Renee T. Slusher, Democrat, 312 Oakridge Court, Columbia, Boone County, Missouri 65203, as the Chairperson of the Labor and Industrial Relations Commission, for a term ending June 27, 2006, and until her successor is duly appointed and qualified; vice, John P. Madigan, Jr., resigned.

Respectfully submitted,

BOB HOLDEN

Governor

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint

Rules, Resolutions and Ethics, to which was referred **SCR 35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 40**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 727** and **703**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SBs 727** and **703**, and **HCS** for **HBs 1386** and **1038**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SBs 727** and **703**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

Senator Gross assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Paula Penny Stringer, Theodore Wenzlick, Lai Lily Ko and Lynn R. Mims, as members of the Missouri Community Service Commission;

Also,

William M. Fry, Diliane M. Charles and Daniel L. Vornberg, as members of the Advisory Committee on Lead Poisoning;

Also,

Lewis C. Chartock, Ph.D., as a member of the Missouri Training and Employment Council;

Also,

Jeffrey A. Kerr, D.O., Marie S. Nowak, Mary E. Updyke, R.D. and James M. Caccamo, Ph.D., as members of the State Board of Senior Services;

Also,

James M. Giles, as a member of the State Historical Records Advisory Board;

Also,

Deborah K. Waller, as a member of the State Board of Cosmetology;

Also,

Randy Mooney, as a member of the State Milk Board;

Also,

Bernadette A. Miller, as a member of the Missouri Veterans' Commission;

Also,

Jean-Paul Chaurand, as a member of the Missouri Minority Business Advocacy Commission;

Also,

Melinda Dolan Sanders, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Jacquelyn D. White, as Commissioner of the Office of Administration;

Also,

Gayle J. Fritz, as a member of the Unmarked Human Burial Consultation Committee;

Also,

Nicola Longford, as a member of the State Historical Records Advisory Board;

Also,

John R. Chapman, as a member of the Workers' Compensation Determination Review Board;

Also,

Dorn B. Schuffman, as Director of the Department of Mental Health;

Also,

James R. Ritter, Ed.D., as a member of the Missouri Training and Employment Council;

Also,

Alma G. McKinney, as Director of the Division of Personnel for the Office of Administration;

Also,

Judith H. Miles, M.D., as a member of the Missouri Genetic Advisory Committee;

Also,

Arthur A. Bante, as a member of the Missouri State Board of Nursing;

Also,

John A. Birch, as Chairman of the State Board of Mediation;

Also,

Andrea J. Lawrence, as a member of the Missouri Real Estate Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Maxwell assumed the Chair.

President Pro Tem Kinder moved that the appointments of Solomon Agin, as a member of the Missouri Community Service Commission; Charles W. Tyler and Mark Graviett, as members of the Advisory Committee on Lead Poisoning; Derek V. Alvarez, as a member of the Missouri Board of Therapeutic Massage; Valerie R. Taylor, as a member of the State Board of Senior Services; Joan L. Berkman, as a member of the Missouri Community Service Commission; Kathy A. Surratt-States, as a member of the Board of Election Commissioners for St. Louis City; Jerry T. Duvall, as a member of the Kansas City Area Transportation Authority; Bobby J. Blue, as a member of the Unmarked Human Burial Consultation Committee; and James E. O'Mara, as a member of the Missouri Development Finance Board, be returned to the Governor, pursuant to his request, which motion prevailed.

Senator Mathewson moved that the appointment of Renee T. Slusher, as the Chairperson of the Labor and Industrial Relations Commission be returned to the Governor, per his request.

Senator Kenney moved that the motion made by Senator Mathewson lay on the table.

Senator Jacob rose to be recognized to speak on the motion to lay on the table.

Senator Kenney raised the point of order that under the provisions of Senate Rule 72, a motion to lay on the table is not debatable.

The point of order was referred to the President Pro Tem, who took it under advisement.

MESSAGES FROM THE HOUSE

The following messages were 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 passed **HCS for HB 1154**, entitled:

An Act to repeal section 211.011, RSMo, and to enact in lieu thereof one new section relating to the purpose of chapter 211, RSMo.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 7**.

HOUSE CONCURRENT RESOLUTION NO. 7

WHEREAS, the horrific terrorist attacks of September 11, 2001, and the subsequent anthrax outbreak have had a profound affect on federal and state governments and constituencies; and

WHEREAS, the General Assembly of the State of Missouri is aware that most public health departments do not have the financial resources to respond to an event of the magnitude of this disaster; and

WHEREAS, many state budgets are in a deficit situation, with cuts occurring in public health; and

WHEREAS, the General Assembly of the State of Missouri recognizes that the communication and coordination between federal, state, and local health departments and governments must be improved to provide preparation, response, and continuum of

care when handling an emergency situation:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby request the United States Congress and the Department of Health and Human Services to provide financial support for each state, particularly at the local health district level which would likely be the line of first response in the event of an act of bioterrorism; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Secretary of the Department of Health and Human Services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1519**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of patriots day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1192**, entitled:

An Act to repeal section 349.010, RSMo, and to enact in lieu thereof one new section relating to industrial development corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Steelman introduced to the Senate, Bud Dean, Rolla.

Senator Westfall introduced to the Senate, Larry Bock, Jackson.

Senator Foster introduced to the Senate, Dunklin County Commissioners Patrick McHaney and Don Collins, Kennett; and Jeanie Herbst, Malden.

Senator Staples introduced to the Senate, Commissioners Dennis (Toupie) Huck, St. Genevieve County; Ron Murphy and Reggie Burns, Iron County; Shane Van Steenis and Dean Cox, Shannon County; Leo Warren, Oregon County; Robert Mooney, Madison County; and Jesse Roy and Jerry Halley, Ripley County.

Senator Rohrbach introduced to the Senate, his nephew, Tony Barry and Kim Roll, Moniteau County Commissioners.

Senator Steelman introduced to the Senate, Joe Whetstine, Linda Garrett and Raymond Garrett, Texas County.

Senator Cauthorn introduced to the Senate, Macon County Commissioners Craig Jones, Ronnie Switzer and Drew Belt.

Senator Foster introduced to the Senate, Robby Myers, Poplar Bluff.

Senator Rohrbach introduced to the Senate, Miller County Commissioners John Klindt and Dave Whittle.

Senator Kinder introduced to the Senate, former U.S. Representative Frank Riggs, Sonoma, California; and Tom Frey and Mark Spencer, Phoenix, Arizona.

Senator Childers introduced to the Senate, County Commissioners from Christian, Lawrence, Ozark, Taney, Barry and Stone counties.

Senator Jacob introduced to the Senate, Don Stamper, Columbia.

Senator Johnson introduced to the Senate, Andrew County Commissioners and their wives.

Senator Loudon introduced to the Senate, Jean Denatale, Robin Porzelt, Wendy Van Dyke and Helen Fields, and students from Bridgeway School, Bridgeton; and Shelby Kardell, David LaBeaume, Tamara Hart and Dillon Dedert were made honorary pages.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Ted Groshong, M.D., Columbia.

Senator Singleton introduced to the Senate, Roy Carter, Mrs. Jackson, Mrs. Graham and 50 fourth grade students from Benton Elementary School.

Senator Dougherty introduced to the Senate, Senator-elect Maida Coleman, St. Louis.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 11, 2002.

SENATE CALENDAR

NINETEENTH DAY—MONDAY, FEBRUARY 11, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1079-Bland	SB 1099-Childers
SB 1081-Bland	SB 1100-Childers, et al
SB 1083-Russell	SB 1101-Kenney, et al
SB 1084-Stoll	SB 1102-Westfall
SB 1085-Yeckel and Childers	SB 1103-Westfall, et al
SB 1086-DePasco	SB 1104-Mathewson
SB 1087-Gibbons, et al	SB 1105-Loudon
SB 1088-Foster, et al	SB 1106-Klarich
SB 1089-Goode	SB 1107-Childers
SB 1090-Loudon	SB 1108-Kennedy
SB 1091-Loudon	SB 1109-Yeckel
SB 1092-Loudon	SB 1110-Steelman
SB 1093-Loudon	SB 1111-Quick
SB 1094-Russell	SB 1112-Caskey and Russell
SB 1095-Cauthorn	SB 1113-Caskey
SB 1096-Kennedy	SB 1114-Singleton
SB 1097-Kennedy and Stoll	SB 1115-Dougherty
SB 1098-Steelman	SB 1116-Dougherty

SB 1117-Dougherty
SB 1118-Loudon
SB 1119-Johnson
SB 1120-Yeckel
SB 1121-Yeckel
SB 1122-Foster, et al
SB 1123-Staples

SB 1124-Dougherty
SB 1125-Steelman
SB 1126-Quick
SB 1127-Johnson, et al
SJR 33-Loudon

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al
HS for HB 1399-Ransdall
HCS for HB 1154

HB 1519-Boucher
HB 1192-Harding and
Boucher

Unofficial

SENATE BILLS FOR PERFECTION

1. SB 712-Singleton and Sims, with SCS
2. SB 1009-Rohrbach, with SCS
3. SBs 970, 968, 921, 867, 868 & 738-Westfall, et al, with SCS
4. SB 931-Klarich, with SCS
5. SB 722-Bentley, with SCS
6. SB 856-Russell
7. SB 895-Yeckel and Gross
8. SB 675-Yeckel, et al, with SCS

9. SB 881-Steelman and Yeckel, with SCS
10. SBs 641 & 705-Russell, et al, with SCS
11. SBs 721, 757, 818 & 930-Westfall, with SCS
12. SB 665-Kenney
13. SB 836-Gross and Dougherty, with SCS
14. SB 840-Gross and Russell, with SCS
15. SB 740-Wiggins
16. SB 687-Gibbons and Yeckel

Journal

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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and Russell, with SCS (pending)

SB 659-House and Kenney, with SS (pending)

SB 660-Westfall, et al,
with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 3 (pending)
SB 668-Bentley, with SS &
SA 1 (pending)
SBs 958 & 657-Kinder,
with SCS

SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Unofficial
Reported 1/28

SB 758-Bentley
SB 720-Westfall
SB 644-Mathewson and Yeckel
SB 701-Wiggins
SB 737-Cauthorn and Russell, with SCS

SB 745-Russell, with SCS
SB 669-Bentley, with SCS
SB 726-Childers
SB 896-Yeckel

Journal

Reported 1/29

SB 702-Caskey
SB 695-Dougherty and Sims

SB 776-House, with SCS

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Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS
SB 893-Rohrbach
SB 804-DePasco, with SCS
SB 645-Mathewson, with SCS
SB 891-Kenney
SB 798-Westfall
SB 865-Foster and Kinder
SB 639-Caskey
SB 932-Klarich

SB 742-Caskey, with SCA 1
SB 860-Rohrbach

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

Unofficial

RESOLUTIONS

To be Referred

HCR 7-Boykins and Barry

Journal
Reported from Committee

SCR 38-Klarich
SCR 35-Stoll

SCR 37-Dougherty
SCR 40-Sims

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