

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/4/03
A Bill

SENATE BILL 39

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR THE ARKANSAS
10 STATE CLAIMS COMMISSION - FOR APPROVED CLAIMS
11 AGAINST THE STATE FOR THE FISCAL YEAR ENDING JUNE
12 30, 2003; AND FOR OTHER PURPOSES.
13

Subtitle

16 AN ACT FOR THE ARKANSAS STATE CLAIMS
17 COMMISSION - APPROVED CLAIMS AGAINST THE
18 STATE APPROPRIATION FOR THE 2003 FISCAL
19 YEAR.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES (DHS) - *DIRECTOR'S*
25 *OFFICE*. There is hereby appropriated, to the Department of Human Services -
26 *Director's Office*, to be payable from the paying account as determined by the
27 Chief Fiscal Officer of the State, for the purpose of paying claims against
28 the State of Arkansas to the payee set out herein:
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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) RELIANT ENERGY ARKLA	\$ 22,579.15
(02) KELLY SERVICES	<u>9,938.72</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 32,517.87</u>

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36 SECTION 2. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is



1 hereby appropriated, to the Department of Human Services - Division of
 2 Children and Family Services, to be payable from the paying account as
 3 determined by the Chief Fiscal Officer of the State, for the purpose of
 4 paying claims against the State of Arkansas to the payee set out herein:
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6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2002-2003</u>
8 (01) ARKANSAS CHILDREN'S HOSPITAL	\$ 45,166.09
9 (02) TIMBER RIDGE GROUP, INC.	12,245
10 (03) RAY AND TERRY BOHON	20,000
11 (04) ARKANSAS BAPTIST CHILDREN'S HOMES & 12 FAMILY MINISTRIES	45,006.83
13 (05) SOUTH ARKANSAS YOUTH SERVICES, INC.	11,264.12
14 (06) JAMES BAUMBACH	<u>99,000</u>
15 TOTAL AMOUNT APPROPRIATED	<u>\$ 232,682.04</u>

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 17 SECTION 3. APPROPRIATION - DHS - CHILDREN AND FAMILY SERVICES. There is
 18 hereby appropriated, to the Department of Human Services - Division of
 19 Children and Family Services, to be payable from the Children and Family
 20 Services Fund Account, for the purpose of paying claims against the State of
 21 Arkansas to the payee set out herein:
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23 ITEM	FISCAL YEAR
24 <u>NO.</u>	<u>2002-2003</u>
25 (01) TREATMENT HOMES, INC.	\$ 17,682.03
26 (02) MAXIMUS	9,850.64
27 (03) WESTERN ARKANSAS COUNSELING & GUIDANCE 28 CENTER	<u>59,904</u>
29 TOTAL AMOUNT APPROPRIATED	<u>\$ 87,436.67</u>

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 31 SECTION 4. APPROPRIATION - DHS - *CHILD CARE AND EARLY CHILDHOOD EDUCATION*.
 32 There is hereby appropriated, to the Department of Human Services - Division
 33 of *Child Care and Early Childhood Education*, to be payable from the federal
 34 funds as designated by the Chief Fiscal Officer of the State, for the purpose
 35 of paying claims against the State of Arkansas to the payee set out herein:
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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) UAMS - ECCO HEAD START PROGRAM	<u>\$ 88,994.6</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$ 88,994.6</u></u>

SECTION 5. APPROPRIATION - DHS - DIVISION OF YOUTH SERVICES. There is hereby appropriated, to the Department of Human Services - Division of Youth Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) BILL AND SHERRIE AUBUCHON	<u>\$ 130,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$ 130,000</u></u>

SECTION 6. APPROPRIATION - DHS - DIVISION OF SERVICES FOR THE BLIND. There is hereby appropriated, to the Department of Human Services - Division of State Services for the Blind, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) QUAPAW RESTORATION ASSOCIATES, LLS	<u>\$ 23,912.36</u>

SECTION 7. APPROPRIATION - DHS - DIVISION OF DEVELOPMENTAL DISABILITIES. There is hereby appropriated, to the Department of Human Services - Division of Developmental Disabilities Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for the purpose of paying claims against the State of Arkansas to the payee set out herein:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2002-2003</u>
(01) PHYLLIS ANN JOHNSON	<u>\$ 11,809.7</u>

1 TOTAL AMOUNT APPROPRIATED \$ 11,809.7

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3 SECTION 8. APPROPRIATION - DHS - MEDICAL SERVICES DIVISION. There is
4 hereby appropriated, to the Department of Human Services - Division of
5 Medical Services, to be payable from the paying account as determined by the
6 Chief Fiscal Officer of the State, for the purpose of paying claims against
7 the State of Arkansas to the payee set out herein:

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9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2002-2003</u>
11 (01) ROMES INTRASTATE VAN SERVICE, INC.	\$ <u>263,400</u>
12 TOTAL AMOUNT APPROPRIATED	\$ <u>263,400</u>

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14 SECTION 9. APPROPRIATION - DEPARTMENT OF CORRECTION. There is hereby
15 appropriated, to the Department of Correction, to be payable from the
16 Department of Correction Farm Fund, for the purpose of paying claims against
17 the State of Arkansas to the payee set out herein:

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19 ITEM	FISCAL YEAR
20 <u>NO.</u>	<u>2002-2003</u>
21 (01) LINCOLN COUNTY TAX COLLECTOR	\$ <u>23,723.12</u>
22 TOTAL AMOUNT APPROPRIATED	\$ <u>23,723.12</u>

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24 SECTION 10. APPROPRIATION - DEPARTMENT OF INFORMATION SYSTEMS. There is
25 hereby appropriated, to the Department of Information Systems, to be payable
26 from the Department of Information Systems Revolving Fund, for the purpose of
27 paying claims against the State of Arkansas to the payee set out herein:

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29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2002-2003</u>
31 (01) COMPUTER ASSOCIATES	12,188.12
32 (02) BRIGHTSTAR	<u>12,065.00</u>
33 TOTAL AMOUNT APPROPRIATED	\$ <u>24,253.12</u>

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35 SECTION 11. APPROPRIATION - DISABILITY DETERMINATION FOR SOCIAL SECURITY.
36 There is hereby appropriated, to the State Department for Social Security

1 Administration Disability Determination, to be payable from the federal funds
 2 as designated by the Chief Fiscal Officer of the State, for the purpose of
 3 paying claims against the State of Arkansas to the payee set out herein:
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5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2002-2003</u>
7 (01) SMART CORPORATION	\$ <u>11,510.25</u>
8 TOTAL AMOUNT APPROPRIATED	<u>\$ 11,510.25</u>

9
 10 SECTION 12. APPROPRIATION - DEPARTMENT OF FINANCE AND ADMINISTRATION
 11 (DFA). There is hereby appropriated, to the Department of Finance and
 12 Administration - *Revenue Services Division*, to be payable from the Corporate
 13 Income Tax Withholding Fund, for the purpose of paying claims against the
 14 State of Arkansas to the payee set out herein:
 15

16 ITEM	FISCAL YEAR
17 <u>NO.</u>	<u>2002-2003</u>
18 (01) ALLEN-BRADLEY CO. INC.	\$ 14,614
19 (02) TERRA INTERNATIONAL	<u>17,000</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$ 31,614</u>

21
 22 SECTION 13. APPROPRIATION - DFA - REVENUE SERVICES DIVISION. There is
 23 hereby appropriated, to the Department of Finance and Administration -
 24 Revenue Services Division, to be payable from the Miscellaneous Revolving
 25 Fund, for the purpose of paying claims against the State of Arkansas to the
 26 payee set out herein:
 27

28 ITEM	FISCAL YEAR
29 <u>NO.</u>	<u>2002-2003</u>
30 (01) DELL COMPUTER CORPORATION	\$ 19,464.12
31 (02) TEXLON CORPORATION	8,000
32 (03) TEXLON CORPORATION	18,024
33 (04) PRINCIPAL MUTUAL LIFE INSURANCE	
34 COMPANY	47,732
35 (05) PHILLIPS FOOD CENTERS	119,021
36 (06) LUCENT TECHNOLOGIES	<u>15,147</u>

1 TOTAL AMOUNT APPROPRIATED \$ 227,388.12

2

3 SECTION 14. APPROPRIATION - ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT
4 (AHTD). There is hereby appropriated, to the Arkansas State Highway and
5 Transportation Department, to be payable from the State Highway and
6 Transportation Department Fund, for the purpose of paying claims against the
7 State of Arkansas to the payee set out herein:

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9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2002-2003</u>
11 (01) JOHNNY AND BERNADINE JONES	\$ 10,000
12 (02) CAMERON CONSTRUCTION	40,500
13 (03) LESLIE BONDS	20,000
14 (04) T & N ELECTRIC	25,000
15 (05) SANDRA BIGGS	<u>775,000</u>
16 TOTAL AMOUNT APPROPRIATED	\$ <u>870,500</u>

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18 SECTION 15. APPROPRIATION - ARKANSAS STATE POLICE. There is hereby
19 appropriated, to the Department of Arkansas State Police, to be payable from
20 the Department of Arkansas State Police Fund, for the purpose of paying
21 claims against the State of Arkansas to the payee set out herein:

22

23 ITEM	FISCAL YEAR
24 <u>NO.</u>	<u>2002-2003</u>
25 (01) MELISSA MURPHY	\$ <u>10,000</u>
26 TOTAL AMOUNT APPROPRIATED	\$ <u>10,000</u>

27

28 SECTION 16. APPROPRIATION - ARKANSAS TEACHER RETIREMENT SYSTEM. There is
29 hereby appropriated, to the Arkansas Teacher Retirement System, to be payable
30 from the Teacher Retirement Fund, for the purpose of paying claims against
31 the State of Arkansas to the payee set out herein:

32

33 ITEM	FISCAL YEAR
34 <u>NO.</u>	<u>2002-2003</u>
35 (01) TOM FERSTL	\$ <u>16,863.25</u>
36 TOTAL AMOUNT APPROPRIATED	\$ <u>16,863.25</u>

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 2 SECTION 17. APPROPRIATION - DEPARTMENT OF HEALTH. There is hereby
 3 appropriated, to the Department of Health, to be payable from the Public
 4 Health Fund, for the purpose of paying claims against the State of Arkansas
 5 to the payee set out herein:
 6

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2002-2003</u>
9 (01) COPY SYSTEMS	\$ <u>9,978.66</u>
10 TOTAL AMOUNT APPROPRIATED	\$ <u><u>9,978.66</u></u>

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 12 SECTION 18. APPROPRIATION - ARKANSAS INSURANCE DEPARTMENT. There is hereby
 13 appropriated, to the State Insurance Department, to be payable from the
 14 Miscellaneous Revolving Fund, for the purpose of paying claims against the
 15 State of Arkansas to the payee set out herein:
 16

17 ITEM	FISCAL YEAR
18 <u>NO.</u>	<u>2002-2003</u>
19 (01) HIGHLANDS INSURANCE COMPANY	\$ <u>8,766</u>
20 TOTAL AMOUNT APPROPRIATED	\$ <u><u>8,766</u></u>

21
 22 SECTION 19. APPROPRIATION - ARKANSAS DEPARTMENT OF COMMUNITY CORRECTIONS.
 23 There is hereby appropriated, to the Department of Community Correction, to
 24 be payable from the Department of Community Correction Fund Account, for the
 25 purpose of paying claims against the State of Arkansas to the payee set out
 26 herein:
 27

28 ITEM	FISCAL YEAR
29 <u>NO.</u>	<u>2002-2003</u>
30 (01) RELIANT ENERGY ARKLA	\$ <u>18,793.65</u>
31 TOTAL AMOUNT APPROPRIATED	\$ <u><u>18,793.65</u></u>

32
 33 SECTION 20. APPROPRIATION - ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY.
 34 There is hereby appropriated, to the Arkansas Department of Environmental
 35 Quality, to be payable from the federal funds as designated by the Chief
 36 Fiscal Officer of the State, for the purpose of paying claims against the

1 State of Arkansas to the payee set out herein:

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3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2002-2003</u>
5 (01) BOARD OF TRUSTEES, UNIVERSITY OF	
6 ARKANSAS	\$ <u>10,000</u>
7 TOTAL AMOUNT APPROPRIATED	\$ <u><u>10,000</u></u>

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9 SECTION 21. APPROPRIATION - ARKANSAS STATE UNIVERSITY - BEEBE. There is
10 hereby appropriated, to the Arkansas State University - Beebe, to be payable
11 from the Arkansas State University - Beebe Fund, for the purpose of paying
12 claims against the State of Arkansas to the payee set out herein:

13

14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2002-2003</u>
16 (01) BELL CONSTRUCTION	\$ <u>46,961</u>
17 TOTAL AMOUNT APPROPRIATED	\$ <u><u>46,961</u></u>

18

19 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
21 FORWARD. Any balance remaining in the appropriations authorized by this Act
22 that remain at the end of a fiscal year shall be carried forward into the
23 next fiscal year there to be used for the same purpose.

24

25 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYOVER
27 OF CLAIMS. Any state agency which is affected by the allowed claim(s)
28 provided for in this Act, and whose fund for the ~~2000-2001~~ 2002-2003 fiscal
29 year are insufficient to allow for the payment of said claim(s) before June
30 30, ~~2001~~ 2003, is hereby authorized, upon certification by the Chief Fiscal
31 Officer of the State, to make payment of said claim(s) after July 1, ~~2001~~
32 2003, from funds appropriated for the ~~2001-2002~~ 2003-2004 fiscal year.

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34 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
36 DISBURSING OFFICER. The Clerk of the State Claims Commission is hereby made

1 the disbursing officer for the purpose of paying the claims appropriated by
2 this Act. The Clerk of the State Claims Commission is hereby authorized to
3 receive all warrants prepared under the provisions of this Act from the
4 Auditor of the State and to distribute same to the claimants.

5
6 SECTION 25. APPROPRIATION - DFA - REVENUE SERVICES DIVISION. There is
7 hereby appropriated, to the Department of Finance and Administration -
8 Revenue Services Division, to be payable from the Individual Income Tax
9 Withholding Fund, for the purpose of paying claims against the State of
10 Arkansas to the payee set out herein:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u>NO.</u>	<u>2002-2003</u>
(01) BALL CORPORATION	<u>\$ 8,479.35</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 8,479.35</u>

15
16 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. For any
18 claims in this Act appropriated to the Department of Human Services, the
19 Clerk of the State Claims Commission shall consult with the Department of
20 Human Services and the Chief Fiscal Officer of the State to determine the
21 division and funds to which liability should be assigned and from which the
22 warrants shall be drawn. The Clerk of the State Claims Commission shall
23 initiate the appropriate transfers as may be required and as approved by the
24 Chief Fiscal Officer of the State.

25
26 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS
28 FROM CASH FUNDS. In the event that any claim authorized herein is determined
29 to be a valid claim against the State and the claim is to be paid from funds
30 not in the State Treasury, the Clerk of the State Claims Commission shall
31 notify the agency against which the claim is to be charged of the amount of
32 such claims. Upon receipt of such notification, the state agency shall
33 forthwith deliver a check to the Clerk of the State Claims Commission who
34 shall deposit the same as a non-revenue receipt into the Miscellaneous
35 Revolving Fund from which he shall disburse the amount of the claim to the
36 claimant.

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SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMPLOYMENT COMPENSATION CLAIMS. The Clerk of the State Claims Commission shall not distribute any warrants prepared under the provisions of this Act for awards made by the Arkansas State Claims Commission for employment compensation claims. Upon the award by the State Claims Commission of an employment compensation claim, the Clerk of the State Claims Commission shall notify the affected state agency and the Department of Finance and Administration - Office of Personnel Management of such amounts that are due and payable. The affected state agency shall then process the award through the State Mechanized Payroll System.

SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLAIMS AWARD REPORTING. It is the intent of the General Assembly that when any state agency, board, commission or institution of higher education admits liability to a claim filed with the State Claims Commission and the claim involves a contract with a state agency, board, commission or institution of higher education or the claim exceeds seven thousand five hundred dollars (\$7,500) that such agency, board, commission or institution of higher education file a written report thereof to the Litigation Subcommittee of the Legislative Council. Such a report shall include a concise statement of facts with an explanation of the agency's liability. Provided further, such report shall be filed with the Litigation Subcommittee within thirty (30) days after the claim has been adjudicated by the State Claims Commission.

SECTION 30. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

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2 SECTION 31. LEGISLATIVE INTENT. It is the intent of the General Assembly
3 that any funds disbursed under the authority of the appropriations contained
4 in this act shall be in compliance with the stated reasons for which this act
5 was adopted, as evidenced by the Agency Requests, Executive Recommendations
6 and Legislative Recommendations contained in the budget manuals prepared by
7 the Department of Finance and Administration, letters, or summarized oral
8 testimony in the official minutes of the Arkansas Legislative Council or
9 Joint Budget Committee which relate to its passage and adoption.

10
11 SECTION 32. EMERGENCY CLAUSE. It is found and determined by the General
12 Assembly, that the Constitution of the State of Arkansas prohibits the
13 appropriation of funds for more than a two (2) year period; that the
14 effectiveness of this Act on the date of its passage and approval is
15 essential to the operation of the agency for which the appropriations in this
16 Act are provided, and that in the event of an extension of the Regular
17 Session, the delay in the effective date of this Act beyond the date of its
18 passage and approval could work irreparable harm upon the proper
19 administration and provision of essential governmental programs. Therefore,
20 an emergency is hereby declared to exist and this Act being necessary for the
21 immediate preservation of the public peace, health and safety shall be in
22 full force and effect from and after the date of its passage and approval.

23 If the bill is neither approved nor vetoed by the Governor, it shall become
24 effective on the expiration of the period of time during which the Governor
25 may veto the bill. If the bill is vetoed by the Governor and the veto is
26 overridden, it shall become effective on the date the last house overrides
27 the veto.

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29 /s/ Joint Budget Committee
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