1	State of Arkansas	4 5 11	
2	90th General Assembly	A Bill	
3	Regular Session, 2015		SENATE BILL 636
4			
5	By: Senators J. Woods, Hester		
6	By: Representative Della Rosa		
7			
8		For An Act To Be Entitled	
9	AN ACT TO CH	REATE THE DEPARTMENT OF ARKANSAS STAT	Έ
10	POLICE HEADO	QUARTERS FACILITIES AND EQUIPMENT	
11	FINANCING AC	CT; TO PROVIDE FUNDING UNDER THE	
12	DEPARTMENT (	OF ARKANSAS STATE POLICE HEADQUARTERS	1
13	FACILITIES A	AND EQUIPMENT FINANCING ACT; TO MAKE	
14	RELATED CHAN	NGES; TO DECLARE AN EMERGENCY; AND FO	R
15	OTHER PURPOS	SES.	
16			
17			
18		Subtitle	
19	TO CRE.	ATE THE DEPARTMENT OF ARKANSAS	
20	STATE	POLICE HEADQUARTERS FACILITIES AND	
21	EQUIPM	ENT FINANCING ACT; TO PROVIDE	
22	FUNDIN	G FOR THE DEPARTMENT OF ARKANSAS	
23	STATE	POLICE; AND TO DECLARE AN	
24	EMERGE	NCY.	
25			
26			
27	BE IT ENACTED BY THE GEN	NERAL ASSEMBLY OF THE STATE OF ARKANS	AS:
28			
29	SECTION 1. DO NOT	r CODIFY. <u>Legislative intent — Repea</u>	<u>l of Acts 1997,</u>
30	<u>No. 1057.</u>		
31	<u>(a)(l) It is the</u>	intent of the General Assembly to up	date and make
32	permanent the Department	t of Arkansas State Police Headquarte	rs Facility and
33	<u>Wireless Data Equipment</u>	Financing Act as established by unco	dified Acts 1997,
34	No. 1057, by repealing A	Acts 1997, No. 1057, and enacting thi	<u>s act.</u>
35	<u>(2) It is r</u>	not the intent of the General Assembl	y to:
36	<u>(A)</u>	Affect any bonds issued under Acts 19	97, No. 1057; or



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1	(B) Allow the existence of bonds issued under Acts 1997,
2	No. 1057, to impair the effectiveness of this act or the authority given
3	under this act.
4	(b) Acts 1997, No. 1057, is repealed.
5	
6	SECTION 2. Arkansas Code Title 12, Chapter 8, is amended to add an
7	additional subchapter to read as follows:
8	<u>Subchapter 6 — Department of Arkansas State Police Headquarters Facilities</u>
9	and Equipment Financing Act
10	
11	<u>12-8-601. Title.</u>
12	This subchapter shall be known and may be cited as the "Department of
13	Arkansas State Police Headquarters Facilities and Equipment Financing Act".
14	
15	12-8-602. Legislative findings.
16	The General Assembly finds that:
17	(1) The Department of Arkansas State Police is faced daily with:
18	(A) Maintaining the most efficient and secure methods of
19	transmitting and processing information between officers in the field and
20	<u>headquarters;</u>
21	(B) The need to maintain and develop the most efficient
22	means of allocating department personnel and other resources, particularly in
23	emergency circumstances; and
24	(C) The need to design, construct, and maintain facilities
25	from which the department's personnel and resources may be stationed and
26	deployed;
27	(2) There is a need to continuously improve, upgrade, expand,
28	and maintain the department's headquarters facilities and communication and
29	information technology systems and equipment to support the police force and
30	its mission to protect and serve the citizens of the state;
31	(3) A permanent method of financing is necessary to enable the
32	department to obtain and maintain communication and information technology
33	equipment and headquarters facilities;
34	(4) The use of tax-exempt revenue bonds to finance communication
35	and information technology equipment and headquarters facilities has proven
36	to be an economical and cost-efficient method for financing equipment and

1	facilities for the department;
2	(5) Certain driver license fees have been pledged and utilized
3	by the department since 1997 to finance equipment and facilities for the
4	department;
5	(6) These driver license fees should be designated as a
6	permanent source of funding to be utilized and pledged by the department to
7	finance or purchase communication and information technology equipment and
8	headquarters facilities;
9	(7) Communication and information technology equipment and
10	headquarters facilities are needed to maintain modern law enforcement and
11	are, therefore, essential to the safety and welfare of the people of the
12	state; and
13	(8) The most feasible and least expensive way of providing a
14	permanent source for financing the acquisition and construction of
15	headquarters facilities and communication and information technology
16	equipment is to authorize the use of revenue bonds and permanently designate
17	certain driver license fees to be utilized and pledged for that purpose.
18	
19	12-8-603. Definitions.
20	As used in this subchapter:
21	(1) "Acquire" means to acquire by purchase or otherwise,
22	construct, repair, alter, install, restore, or place on land or in a building
23	or motor vehicle by negotiation or bidding on terms and conditions that:
24	(A) Are determined by the Arkansas State Police Commission
25	to be in the best interests of the Department of Arkansas State Police; and
26	(B) Will most effectively serve the purposes of this
27	subchapter;
28	(2) "Communication and information technology equipment" means:
29	(A) Wireless data and related technologies equipment,
30	including without limitation workstations, modems, and other vehicle-based
31	equipment, network controllers, computer-aided dispatch equipment, central
32	information services sites with related server computers and controllers,
33	software and information support;
34	(B) Furnishings and fixtures used in connection with the
35	operation of equipment described in subdivision (2)(A) of this section; and
36	(C) Other equipment, property, and items determined by the

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1 commission to be necessary to accomplish the purpose of this subchapter; 2 (3) "Cost" means the costs related to a headquarters facility or 3 communication and information technology equipment, including without 4 limitation the following: 5 (A) The costs of the acquisition of communication and 6 information technology equipment and the related costs, including without 7 limitation engineering, architectural, consulting, and related services; 8 (B) The cost of acquiring an interest in real estate for 9 the location of a headquarters facility that provides necessary or 10 recommended access or buffer zones or that facilitates the delivery of utility services and the related costs, including without limitation 11 12 engineering, architectural, consulting, and related services; 13 (C) The cost of the preparation of plans, specifications, 14 studies, surveys, and estimates of cost and revenues; 15 (D) Other expenses necessary or incident to planning, 16 providing, or determining the need for or the feasibility of the headquarters 17 facility or communication and information technology equipment; 18 (E) The costs of related software for the operation and 19 support of the communication and information technology equipment; 20 (F) The costs of database development and other 21 information sources and the training required for the efficient use of 22 communication and information technology equipment; and 23 (G) The costs paid or incurred in connection with the 24 issuance of bonds by the Arkansas Development Finance Authority to finance 25 the acquisition, development, upgrade, improvement, or expansion of a 26 headquarters facility or communication and information technology equipment; 27 (4) "Debt service payment" means a payment to be made by the 28 department from pledged revenues or other legally available sources to secure 29 and provide for payments due on any bonds or other obligations issued by the 30 authority to accomplish the purposes of this subchapter; 31 (5) "Financing documents" means a note and mortgage, loan agreement, lease purchase agreement, trust indenture, and related documents 32 executed in connection with the issuance of bonds by the authority to finance 33 34 headquarters facilities or communication and information technology 35 equipment; 36 (6) "Headquarters facility" means part or all of one (1) or more

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1	items or properties used by the department to accomplish or facilitate its
2	purposes, including without limitation:
3	(A) Land, buildings, fixtures, infrastructure,
4	improvements, furniture, equipment, software, and personal property necessary
5	or convenient to the land, buildings, fixtures, infrastructure, improvements,
6	furniture, equipment, and software; and
7	(B) Engineering, design, construction, or architectural
8	plans related to a property used by the department;
9	(7) "Pledged revenues" means the fees generated under § 27-16-
10	801(a) and § 27-23-118(a)(3) that may be pledged for the security and payment
11	of debt service payments under this subchapter; and
12	(8) "Purchase agreement" means an agreement entered into by the
13	commission with a vendor to acquire a headquarters facility or communication
14	and information technology equipment.
15	
16	12-8-604. Pledge of revenues.
17	The fees generated under § 27-16-801(a) and § 27-23-118(a)(3) shall be:
18	(1) Pledged to meet obligations authorized under this
19	subchapter; and
20	(2) Used by the Department of Arkansas State Police as provided
21	in this subchapter.
22	
23	<u>12-8-605. Arkansas State Police Commission — Powers.</u>
24	The Arkansas State Police Commission may:
25	(1) Acquire, construct, repair, renovate, alter, maintain, and
26	equip headquarters facilities and communication and information technology
27	equipment;
28	(2) Contract to acquire headquarters facilities and
29	communication and information technology equipment on the terms and
30	conditions specified by this subchapter and approved by the Director of the
31	Department of Arkansas State Police with the consent of the commission;
32	(3) Provide for the payment of the costs associated with the
33	acquisition of headquarters facilities and communication and information
34	technology equipment from any legally available source, including without
35	limitation pledged revenues and funds appropriated and made available under §
36	<u>12-8-101 et seq.;</u>

2       Arkansas Development Finance Authority that are necessary and appropriate to         3       secure obligations issued by the authority that will facilitate the         4       acquisition of the headquarters facilities and communication and information         5       technology equipment; and         6       (5) Take other action, not inconsistent with law, that may be         7       necessary, convenient, or desirable to carry out the powers, purposes, and         8       authority stated in this subchapter or to carry out the intent of this         9       subchapter.         10       12-8-606. Use of pledged revenues.         11       12-8-606. Use of pledged revenues.         12       (a)(1) The debt service payments and other costs relating to a         18       headquarters facility or communication and information technology equipment         14       shall be secured by a lien on and pledge of the pledged revenues.         16       debt service payments, the pledged revenues shall be released to the         19       (b)(1) All pledged revenues are received by the Commissioner of         10       (b)(1) All pledged revenues are received by the Commissioner of         20       dedicated and to be used solely as provided in this subchapter.         21       (2) When pledged revenues are received by the Commissioner of         22       Mot	1	(4) Enter into financing documents and agreements with the
4acquisition of the headquarters facilities and communication and information technology equipment; and5(5) Take other action, not inconsistent with law, that may be necessary, convenient, or desirable to carry out the powers, purposes, and a authority stated in this subchapter or to carry out the intent of this subchapter.1012-8-606. Use of pledged revenues. (a)(1) The debt service payments and other costs relating to a headquarters facility or communication and information technology equipment shall be secured by a lien on and pledge of the pledged revenues. (2) To the extent that pledged revenues are not required to make debt service payments, the pledged revenues shall be released to the Department of Arkanasa State Police to provide operating funds as described in this section.19(b)(1) All pledged revenues are received by the Commissioner of Motor Vehicles, the Office of Motor Vehicle, the Department of Arkanasa State Police, the Arkanasa State Police Commission, the Department of Arkanasa State Police to the credit of the Department of Arkanasa State Police to the credit of the Department of Arkanasa State Police Financing Fund. (c)(1) On the date that the Arkanasa Povelopment Financing Authority issues bonds under this subchapter and the Arkanasa Povelopment Financing Authority issues bonds under this subchapter and the Arkanasa Povelopment Financing fund shall be pledged revenues.13(c)(1) On the date that the Arkanasa State Police Financing Fund shall be pledged revenues.14issues bonds under this subchapter and the Arkanasa Development Financing Authority Act, §§ 15-5-201 – 15-5-211, 15-5-213, and 15-5-301 – 15-5-316, any revenues in the Department of Arkanasa State Police Financing Fund shall be pledged revenues.15(2) De	2	Arkansas Development Finance Authority that are necessary and appropriate to
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20dedicated and to be used solely as provided in this subchapter.21(2) When pledged revenues are received by the Commissioner of22Motor Vehicles, the Office of Motor Vehicle, the Department of Arkansas State23Police, the Arkansas State Police Commission, the Department of Finance and24Administration, or any other state agency, the pledged revenues shall be25deposited as cash funds into a bank selected by the Department of Arkansas26State Police to the credit of the Department of Arkansas State Police27Financing Fund.28(c)(1) On the date that the Arkansas Development Financing Authority29issues bonds under this subchapter and the Arkansas Development Finance30Authority Act, §§ 15-5-201 - 15-5-211, 15-5-213, and 15-5-301 - 15-5-316, any31revenues in the Department of Arkansas State Police Financing Fund shall be32(2) Debt service payments shall be paid from the Department of34Arkansas State Police Financing Fund as stated in the financing documents.35(3)(A) If all debt service payments have been properly made on	18	in this section.
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<ul> <li>deposited as cash funds into a bank selected by the Department of Arkansas</li> <li>State Police to the credit of the Department of Arkansas State Police</li> <li>Financing Fund.</li> <li>(c)(1) On the date that the Arkansas Development Financing Authority</li> <li>issues bonds under this subchapter and the Arkansas Development Finance</li> <li>Authority Act, §§ 15-5-201 - 15-5-211, 15-5-213, and 15-5-301 - 15-5-316, any</li> <li>revenues in the Department of Arkansas State Police Financing Fund shall be</li> <li>pledged revenues.</li> <li>(2) Debt service payments shall be paid from the Department of</li> <li>Arkansas State Police Financing Fund as stated in the financing documents.</li> <li>(3)(A) If all debt service payments have been properly made on</li> </ul>	23	Police, the Arkansas State Police Commission, the Department of Finance and
<ul> <li>State Police to the credit of the Department of Arkansas State Police</li> <li>Financing Fund.</li> <li>(c)(1) On the date that the Arkansas Development Financing Authority</li> <li>issues bonds under this subchapter and the Arkansas Development Finance</li> <li>Authority Act, §§ 15-5-201 - 15-5-211, 15-5-213, and 15-5-301 - 15-5-316, any</li> <li>revenues in the Department of Arkansas State Police Financing Fund shall be</li> <li>pledged revenues.</li> <li>(2) Debt service payments shall be paid from the Department of</li> <li>Arkansas State Police Financing Fund as stated in the financing documents.</li> <li>(3)(A) If all debt service payments have been properly made on</li> </ul>	24	Administration, or any other state agency, the pledged revenues shall be
<ul> <li>Financing Fund.</li> <li>(c)(1) On the date that the Arkansas Development Financing Authority</li> <li>issues bonds under this subchapter and the Arkansas Development Finance</li> <li>Authority Act, §§ 15-5-201 - 15-5-211, 15-5-213, and 15-5-301 - 15-5-316, any</li> <li>revenues in the Department of Arkansas State Police Financing Fund shall be</li> <li>pledged revenues.</li> <li>(2) Debt service payments shall be paid from the Department of</li> <li>Arkansas State Police Financing Fund as stated in the financing documents.</li> <li>(3)(A) If all debt service payments have been properly made on</li> </ul>	25	deposited as cash funds into a bank selected by the Department of Arkansas
<ul> <li>(c)(1) On the date that the Arkansas Development Financing Authority</li> <li>issues bonds under this subchapter and the Arkansas Development Finance</li> <li>Authority Act, §§ 15-5-201 - 15-5-211, 15-5-213, and 15-5-301 - 15-5-316, any</li> <li>revenues in the Department of Arkansas State Police Financing Fund shall be</li> <li>pledged revenues.</li> <li>(2) Debt service payments shall be paid from the Department of</li> <li>Arkansas State Police Financing Fund as stated in the financing documents.</li> <li>(3) (A) If all debt service payments have been properly made on</li> </ul>	26	State Police to the credit of the Department of Arkansas State Police
29 issues bonds under this subchapter and the Arkansas Development Finance 30 Authority Act, §§ 15-5-201 – 15-5-211, 15-5-213, and 15-5-301 – 15-5-316, any 31 revenues in the Department of Arkansas State Police Financing Fund shall be 32 pledged revenues. 33 (2) Debt service payments shall be paid from the Department of 34 Arkansas State Police Financing Fund as stated in the financing documents. 35 (3) (A) If all debt service payments have been properly made on	27	Financing Fund.
<ul> <li>Authority Act, §§ 15-5-201 – 15-5-211, 15-5-213, and 15-5-301 – 15-5-316, any</li> <li>revenues in the Department of Arkansas State Police Financing Fund shall be</li> <li>pledged revenues.</li> <li>(2) Debt service payments shall be paid from the Department of</li> <li>Arkansas State Police Financing Fund as stated in the financing documents.</li> <li>(3) (A) If all debt service payments have been properly made on</li> </ul>	28	(c)(l) On the date that the Arkansas Development Financing Authority
31 revenues in the Department of Arkansas State Police Financing Fund shall be 32 pledged revenues. 33 (2) Debt service payments shall be paid from the Department of 34 Arkansas State Police Financing Fund as stated in the financing documents. 35 (3)(A) If all debt service payments have been properly made on	29	issues bonds under this subchapter and the Arkansas Development Finance
32 <u>pledged revenues.</u> 33 (2) Debt service payments shall be paid from the Department of 34 <u>Arkansas State Police Financing Fund as stated in the financing documents.</u> 35 (3)(A) If all debt service payments have been properly made on	30	Authority Act, §§ 15-5-201 - 15-5-211, 15-5-213, and 15-5-301 - 15-5-316, any
<ul> <li>33 (2) Debt service payments shall be paid from the Department of</li> <li>34 Arkansas State Police Financing Fund as stated in the financing documents.</li> <li>35 (3)(A) If all debt service payments have been properly made on</li> </ul>	31	revenues in the Department of Arkansas State Police Financing Fund shall be
34Arkansas State Police Financing Fund as stated in the financing documents.35(3)(A) If all debt service payments have been properly made on	32	pledged revenues.
35 (3)(A) If all debt service payments have been properly made on	33	(2) Debt service payments shall be paid from the Department of
	34	Arkansas State Police Financing Fund as stated in the financing documents.
36 the last day of each fiscal quarter, the pledged revenues remaining in the	35	(3)(A) If all debt service payments have been properly made on
	36	the last day of each fiscal quarter, the pledged revenues remaining in the

	Department of Arkansas State Police Financing Fund shall be withdrawn from
2	the Department of Arkansas State Police Financing Fund and deposited into the
3	State Treasury as special revenues to the credit of the Department of
4	Arkansas State Police Fund.
5	(B) However, if any debt service payments remain to be
6	paid under this subchapter, all moneys in the Department of Arkansas State
7	Police Financing Fund shall continue to be pledged to the debt service
8	payments and other costs in connection with the bonds and the maintenance of
9	reserves.
10	(d) If any debt service payments remain to be made, the General
11	Assembly may modify or change the pledged revenues only if there is always
12	maintained in effect and made available for the payment of debt service
13	payments, sources of revenue comparable in amount and time of receipt that
14	produce revenues sufficient to provide for and secure debt service payments
15	when due.
16	
17	12-8-607. Department of Arkansas State Police Financing Fund.
18	(a) There is created the Department of Arkansas State Police Financing
19	Fund.
20	(b) The fund is a cash fund of the Department of Arkansas State Police
21	and shall be used as provided in this subchapter.
21 22	
22	and shall be used as provided in this subchapter.
22 23	and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration
22 23 24	and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration of special revenues, is repealed.
22 23 24 25	and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration of special revenues, is repealed.
22 23 24 25 26	and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration of special revenues, is repealed. (128) Driving test examination fees, § 27-16-801(a)(1)(C);
22 23 24 25 26 27	and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration of special revenues, is repealed. (128) Driving test examination fees, § 27-16-801(a)(1)(C); SECTION 4. Arkansas Code § 19-6-301(150), concerning the enumeration
22 23 24 25 26 27 28	and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration of special revenues, is repealed. (128) Driving test examination fees, § 27-16-801(a)(1)(C); SECTION 4. Arkansas Code § 19-6-301(150), concerning the enumeration of special revenues, is amended to read as follows:
22 23 24 25 26 27 28 29	<pre>and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration of special revenues, is repealed.</pre>
22 23 24 25 26 27 28 29 30	<pre>and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration of special revenues, is repealed.</pre>
22 23 24 25 26 27 28 29 30 31	<pre>and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration of special revenues, is repealed.</pre>
22 23 24 25 26 27 28 29 30 31 32	<pre>and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration of special revenues, is repealed.</pre>
22 23 24 25 26 27 28 29 30 31 32 33	<pre>and shall be used as provided in this subchapter. SECTION 3. Arkansas Code § 19-6-301(128), concerning the enumeration of special revenues, is repealed.</pre>

1 SECTION 6. Arkansas Code § 19-6-301(220), concerning the enumeration 2 of special revenues, is amended to read as follows: 3 (220) That portion of driver's driver license special fees for 4 duplicate and identification licenses, as enacted by Acts 1977, No. 311, and 5 all laws amendatory thereto, § 27-16-801, § 27-16-805, and § 27-16-806(c); 6 7 SECTION 7. Arkansas Code § 19-6-404 is amended to read as follows: 8 19-6-404. Department of Arkansas State Police Fund. 9 The Department of Arkansas State Police Fund shall consist of: 10 Those special revenues as specified in 19-6-301(1), (5), (1)11 (7), (8), (38)-(40), (94), (128), (150), (168), (175), (184)-(186), (190),12 (202), (218)-(220), (222), (226), (227), (234), and (252); (2) Moneys transferred or deposited from the State 13 14 Administration of Justice Fund; and 15 (3) Those general revenues as may be provided by law, there to 16 be used for the maintenance, operation, and improvement of the Department of 17 Arkansas State Police in carrying out the functions, powers, and duties as 18 set out by stated in § 12-8-106 or other duties imposed by law upon the 19 department; and 20 (4) Any revenues credited to the Department of Arkansas State 21 Police Fund under the Department of Arkansas State Police Headquarters 22 Facilities and Equipment Financing Act, § 12-8-601 et seq. 23 24 SECTION 8. Arkansas Code § 27-16-801(d), concerning the disposition of 25 certain driver license and examination fees, is amended to read as follows: 26 (d) All license fees collected under subsection (a) of this section 27 shall be deposited into the State Treasury as special revenues, and the net amount thereof shall be credited to the Department of Arkansas State Police 28 29 Fund, to be used for the operation, maintenance, and improvement of the Department of Arkansas State Police cash funds restricted in their use and 30 31 shall be deposited into a bank selected by the Department of Arkansas State 32 Police to the credit of the Department of Arkansas State Police Financing 33 Fund. 34 SECTION 9. Arkansas Code § 27-16-801(g), concerning the disposition of 35 36 certain driver license and examination fees, is repealed.

8

1	(g) Such fees as are collected under subsection (a) of this section
2	shall be remitted to the State Treasury, there to be deposited as special
3	revenues to the credit of the Department of Arkansas State Police Fund, to be
4	used for the operation, maintenance, and improvement of the Department of
5	Arkansas State Police.
6	
7	SECTION 10. EMERGENCY CLAUSE. It is found and determined by the
8	General Assembly of the State of Arkansas that certain driver license fees
9	are needed to provide vital services to the Department of Arkansas State
10	Police; that this act will allow the permanent use of those fees; and that
11	this act is immediately necessary to provide a permanent source of revenues
12	to the department. Therefore, an emergency is declared to exist, and this act
13	being immediately necessary for the preservation of the public peace, health,
14	and safety shall become effective on:
15	(1) The date of its approval by the Governor;
16	(2) If the bill is neither approved nor vetoed by the Governor,
17	the expiration of the period of time during which the Governor may veto the
18	bill; or
19	(3) If the bill is vetoed by the Governor and the veto is
20	overridden, the date the last house overrides the veto.
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