

**SENATE JOURNAL**  
Sixty-third General Assembly  
**STATE OF COLORADO**  
First Regular Session

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Fifty-ninth Legislative Day

Friday, March 9, 2001

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Prayer By the chaplain, Reverend Robert Dooling, Mountain View Presbyterian Church, Loveland, Colorado.

Call to Order By the President at 9:00 a.m.

Roll Call Present--Total, 34.  
Absent/Excused--Gordon--Total 1.  
Present later--Gordon.

Quorum The President announced a quorum present.

Reading of Journal On motion of Senator McElhany, reading of the Journal of Thursday, March 8, 2001, was dispensed with and the Journal stands approved as corrected by the Secretary.

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**SENATE SERVICES REPORT**

Senate Services To the Governor for signature on Thursday, March 8, 2001, at 4:00 pm:  
SB 01-048, SJR 01-004, 005.

Correctly engrossed: SB01-129, 021.

Correctly enrolled: SB01-048, SJR01-004, SJR01-005 .

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**COMMITTEE OF REFERENCE REPORTS**

The committees recommend the following:

Judiciary After consideration on the merits, the committee recommends that **HB01-1114** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 2, strike line 17 and substitute the following:

"(d) THE REASON FOR THE TRAFFIC STOP;" .

Page 3, strike lines 1 through 3 and substitute "CRIME;" ;

line 7, strike "STOP;" and substitute "STOP; AND;" ;

line 9, strike "STOP;" and substitute "STOP." ;

strike lines 10 through 12.

Page 5, line 9, after the period, add "THE REPORT OF ANY SUCH COMMENTS MAY, AT THE DISCRETION OF THE PERSON REPORTING THE COMMENTS, BE MADE ANONYMOUSLY." ;

line 19, after "OFFICERS", insert "OR THE NAMES OF PERSONS ALLEGING PROFILING" .

Page 6, line 4, after "PROFILING." , insert "EACH OFFICER SHALL RECEIVE SUCH TRAINING." .

Judiciary After consideration on the merits, the committee recommends that **HB01-1323** be referred favorably to the Committee of the Whole.

Judiciary	After consideration on the merits, the committee recommends that <b>HB01-1113</b> be referred favorably to the Committee of the Whole.	1 2 3 4
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Government, Veterans and Military Relations, and Transportation	After consideration on the merits, the committee recommends that <b>HB01-1060</b> be referred favorably to the Committee on Appropriations.	5 6 7 8 9 10 11 12 13
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Business, Labor, and Finance	The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:	14 15 16 17
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MEMBER OF THE  
BANKING BOARD

for a term expiring July 1, 2001:

William A. Mitchell of Superior, Colorado, to serve as an executive director of a state bank and as a representative of the Second Congressional District and as a Republican, appointed.

Business, Labor, and Finance	After consideration on the merits, the committee recommends that <b>SB01-205</b> be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.	29 30 31 32
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Amend printed bill, page 2, after line 17, insert the following:

**"SECTION 3.** 10-8-605 (13), Colorado Revised Statutes, is amended to read:

**10-8-605. Small employer health care coverage availability program - exemption from taxes - repeal.** (13) This section is repealed, effective July 1, 2001; EXCEPT THAT THE BOARD SHALL CONTINUE UNTIL JULY 1, 2002, FOR THE PURPOSE OF WINDING DOWN THE BUSINESS OF THE BOARD."

Renumber succeeding sections accordingly.

Business, Labor, and Finance	After consideration on the merits, the committee recommends that <b>HB01-1064</b> be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation and be placed on the Consent Calendar.	48 49 50 51
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Amend reengrossed bill, page 2, line 10, strike "IN THE STATEMENTS OF";

strike lines 11 through 13 and substitute the following:

"BY NATIONALLY RECOGNIZED INSURANCE STATUTORY ACCOUNTING PRINCIPLES; AND".

Page 5, strike lines 7 through 9 and substitute the following:

"NONADMITTED BY NATIONALLY RECOGNIZED INSURANCE STATUTORY ACCOUNTING PRINCIPLES. NONADMITTED assets shall".

Page 11, strike lines 7 through 9 and substitute the following:

"PROCEDURES MANUAL OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS' SECURITIES VALUATION OFFICE OR PURSUANT TO A SUCCESSOR TO SUCH PUBLICATION."

Page 12, strike lines 3 and 4;

line 5, strike "ACCOUNTING PRINCIPLES" and substitute "PURPOSES AND

**HB01-1064**

PROCEDURES MANUAL OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS' SECURITIES VALUATION OFFICE AS ELIGIBLE".

Page 16, line 21, strike "IN THE STATEMENTS OF";

strike lines 22 through 24 and substitute the following:

"BY NATIONALLY RECOGNIZED INSURANCE STATUTORY ACCOUNTING PRINCIPLES."

Page 17, strike lines 11 and 12;

line 13, strike "ACCOUNTING PRACTICES AND PROCEDURES." and substitute "PROVIDED BY NATIONALLY RECOGNIZED INSURANCE STATUTORY ACCOUNTING PRINCIPLES."

Page 18, line 17, strike "A FINANCIAL";

strike lines 18 through 22 and substitute the following:

"THE CONVENTION BLANK FORM FOR HEALTH MAINTENANCE ORGANIZATIONS AS ADOPTED FROM YEAR TO YEAR BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, INCLUDING ANY INSTRUCTIONS, PROCEDURES, AND GUIDELINES NOT IN CONFLICT WITH ANY PROVISION OF THIS TITLE FOR COMPLETING SUCH FORM."

Business,  
Labor, and  
Finance

After consideration on the merits, the committee recommends that **HB01-1078** be referred favorably to the Committee of the Whole.

Business,  
Labor, and  
Finance

After consideration on the merits, the committee recommends that **HB01-1281** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 18 through 26 and substitute the following:

**SECTION 2. Effective date.** This act shall take effect July 1, 2001.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."

Health,  
Environment,  
Children  
and Families

After consideration on the merits, the committee recommends that **HB01-1161** be amended as follows and, as so amended be referred to the Committee on Appropriations with favorable recommendation.

Amend reengrossed bill, page 3, strike lines 23 through 27 and substitute the following:

**SECTION 2. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the children's basic health plan trust created in section 26-19-105, Colorado Revised Statutes, not otherwise appropriated, to the department of health care policy and financing, for the fiscal year beginning July 1, 2001, the sum of one hundred one thousand three hundred forty-eight dollars (\$101,348) and 3.0 FTE, or so much thereof as may be necessary, for the implementation of this act. It is the intent of the general assembly that no general fund appropriations be used to implement this act."

Page 1, line 102, strike "care." and substitute "care, and making an appropriation therefor."

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**INTRODUCTION OF BILLS**

The following bill was read by title and referred to the committee indicated:

**SB01-207** by Senators Chlouber and Hernandez--Concerning sentencing in cases involving class 1 felonies.  
Judiciary

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Senate proceeded out of order for Consideration of Third Reading--Final Passage of Bills.

**THIRD READING--FINAL PASSAGE OF BILLS**

On Third Reading, the titles of the following bills were publicly read, the reading at length having been dispensed with by unanimous consent.

**SB01-129** by Senator Thiebaut; also Representative Dean--Concerning the financing of public schools.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	23	NO	12	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	N	Takis	Y
Andrews	N	Fitz-Gerald	Y	McElhany	N	Tate	Y
Arnold	N	Gordon	Y	Musgrave	N	Taylor	Y
Cairns	N	Hagedorn	Y	Nichol	Y	Teck	N
Chlouber	Y	Hanna	Y	Owen	N	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	N	Perlmutter	Y	Windels	Y
Dyer, F.	N	Lamborn	N	Phillips	Y	Mr. President	Y
Epps	N	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Chlouber, Fitz-Gerald, Gordon, Hanna, Hernandez, Linkhart, Matsunaka, Nichol, Pascoe, Phillips, Tupa, Windels.

**SB01-021** by Senators Anderson, Andrews, Hagedorn, Hernandez, Owen, Pascoe, Tate and Thiebaut; also Representatives Dean, Coleman, Keller, King, Smith and Williams T.-- Concerning disclosure of information relating to the regulation of lobbyists, and making an appropriation in connection therewith.

The question being "Shall the bill pass?", the roll call was taken with the following result:

YES	35	NO	0	EXCUSED	0	ABSENT	0
Anderson	Y	Evans	Y	May	Y	Takis	Y
Andrews	Y	Fitz-Gerald	Y	McElhany	Y	Tate	Y
Arnold	Y	Gordon	Y	Musgrave	Y	Taylor	Y
Cairns	Y	Hagedorn	Y	Nichol	Y	Teck	Y
Chlouber	Y	Hanna	Y	Owen	Y	Thiebaut	Y
Dennis	Y	Hernandez	Y	Pascoe	Y	Tupa	Y
Dyer, E.	Y	Hillman	Y	Perlmutter	Y	Windels	Y
Dyer, F.	Y	Lamborn	Y	Phillips	Y	Mr. President	Y
Epps	Y	Linkhart	Y	Reeves	Y		

A majority of all members elected to the Senate having voted in the affirmative, the bill was declared **passed**.

Co-sponsors added: Chlouber, Dennis, Dyer (Durango), Evans, Fitz-Gerald, Gordon, Hanna, Hernandez, Matsunaka, Nichol, Phillips, Reeves, Takis, Taylor, Teck, Tupa, Windels.

Committee of the Whole On motion of Senator Pascoe, the Senate resolved itself into Committee of the Whole for continuation of Special Orders and Senator Pascoe was called to the Chair to act as Chairman.

**SPECIAL ORDERS--SECOND READING OF BILLS**  
(Continuation)

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

**SB01-035**

by Senator Anderson; also Representative Swenson--Concerning the taxable value of certain types of personal property, and, in connection therewith, changing the taxable value of Class A and B personal property that has a gross vehicle weight of less than or equal to sixteen thousand pounds from actual purchase price to seventy-five percent of the manufacturer's suggested retail price.

Amendment No. 1, Government, Veterans and Military Relations, and Transportation Committee Amendment.

(Printed in Senate Journal, January 22, 2001, page 67.)

Amendment No. 2, Business, Labor and Finance Committee Amendment.

(Printed in Senate Journal, February 22, 2001, page 170-171.)

Amendment No. 3, Appropriations Committee Amendment.

(Printed in Senate Journal, March 5, 2001, page 465.)

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

**SB01-073**

by Senator Anderson; also Representative Mitchell--Concerning the sale of tobacco to minors, and making an appropriation in connection therewith.

Amendment No. 1, Health, Environment, Children and Families Committee Amendment.

(Printed in Senate Journal, February 2, 2001, page 171-173.)

Amendment No. 2, Appropriations Committee Amendment.

(Printed in Senate Journal, March 8, page 466.)

Amendment No. 3(L.011), by Senator Anderson.

Amend the Appropriations Committee amendment, as printed in the Senate Journal, March 5, page 466, strike lines 5 through 30 and substitute the following:

"Amend the Health, Environment, Children and Families Committee amendment, as printed in the Senate Journal, February 2, page 172, line 3, after "(3)", insert "(a)";

strike line 8 and substitute the following:

"(b) THE DIVISION SHALL PERFORM AT LEAST THE MINIMUM NUMBER OF";

after line 10, insert the following:

"(c) IN ORDER TO PAY FOR THE INSPECTIONS REQUIRED BY PARAGRAPH (b) OF THIS SUBSECTION (3), THE DIVISION SHALL APPLY FOR A GRANT FROM THE TOBACCO EDUCATION, PREVENTION, AND CESSATION PROGRAM ESTABLISHED IN PART 8 OF ARTICLE 3.5, TITLE 25, C.R.S.".

Page 173 of the Health, Environment, Children and Families Committee amendment, line 17, change the period to a semicolon;

after line 17 of the Health, Environment, Children and Families Committee amendment, insert the following:

"strike line 17 and substitute the following:";

line 32 of the Appropriations Committee amendment, strike "**SECTION 6.**" and substitute "**SECTION 5.**"

line 33 of the Appropriations Committee amendment, strike "in the" and substitute "received from a grant from the tobacco education, prevention, and cessation program established in part 8 of article 3.5, title 25, Colorado";

**SB01-073**

strike line 34 of the Appropriations Committee amendment;  
strike line 58 of the Appropriations Committee amendment..

As amended, ordered engrossed and placed on the calendar for Third Reading and Final Passage.

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**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

On motion of Senator Pascoe, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken:

Passed on Second Reading: **SB01-035** as amended, **SB01-073** as amended.

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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the General Orders--Second Reading of Bills--Consent Calendar (**HB01-1222**) of Friday, March 9, 2001, was laid over until Monday, March 12, 2001, retaining its place on the calendar.

Committee of the Whole

On motion of Senator Pascoe, the Senate resolved itself into Committee of the Whole for consideration of General Orders and Senator Pascoe was called to the Chair to act as Chairman.

**GENERAL ORDERS--SECOND READING OF BILLS**

The Committee of the Whole having risen, the Chairman reported that the following bills, reading at length having been dispensed with by unanimous consent, had been considered and action taken thereon as follows:

On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **HB01-1076** and **HB01-1152** were advanced on the General Orders calendar and laid over until Monday, March 12, 2001, retaining its place on the Calendar.

**HB01-1210**

By Representative Sinclair; also Senator Arnold--Concerning the authorization of electronic hearings in situations where citations for certain driving offenses may cause individuals to lose their driver's licenses.

Amendment No. 1, Judiciary Committee Amendment.  
(Printed in Senate Journal, March 2, 2001, page 452.)

As amended, laid over until March 12, 2001, retaining its place on the calendar.

**HB01-1265**

by Representatives Bacon, Alexander, Larson, Stafford, Williams S. and Witwer; also Senators Linkhart and Hagedorn--Concerning family resource center programs in local communities.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.  
(Printed in Senate Journal, March 2, 2001, page 462.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1023**

by Representatives Tochtrop and Coleman; also Senator Anderson--Concerning the establishment of a reduced-rate nursing license for retired volunteer nurses.

Amendment No. 1, Agriculture and Natural Resources Committee Amendment.  
(Printed in Senate Journal, March 2, 2001, page 463.)

As amended, ordered revised and placed on the calendar for Third Reading and Final Passage.

**HB01-1095**

by Representative Stengel; also Senator Hillman--Concerning selection of depositories for state moneys by the state treasurer.

Ordered revised and placed on the calendar for Third Reading and Final Passage.

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- HB01-1056** by Representative Tapia; also Senator Dennis--Concerning construction contracts for public projects. 1  
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Amendment No. 1, Business, Labor and Finance Committee Amendment. 4  
(Printed in Senate Journal, March 1, 2001, page 443.) 5  
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As amended, ordered revised and placed on the calendar for Third Reading and Final Passage. 7  
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- HB01-1128** by Representative Fairbank; also Senator Tate--Concerning the use of means of payment other than petty cash to pay liabilities incurred on behalf of the state without previously filed commitment vouchers. 10  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 14  
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- HB01-1073** by Representative Veiga; also Senator Tupa--Concerning an increase in compensation for members of the board of directors of the regional transportation district to twelve thousand dollars per annum. 16  
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Ordered revised and placed on the calendar for Third Reading and Final Passage. 20  
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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, **SB01-081**, **SB01-204** and **SCR01-002** were advanced on the General Orders Calendar and laid over until Friday, March 16, 2001, retaining its place on the General Orders, Second Reading of Bills Calendar. 22  
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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the balance of the General Orders, Second Reading of Bills Calendar (**HB01-1030**, **HB01-1124**, **HB01-1034**, **HB01-1187**, **HB01-1211**) of Friday, March 9, 2001, was laid over until Monday, March 12, 2001, retaining its place on the calendar. 27  
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### ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

On motion of Senator Pascoe, the Report of the Committee of the Whole was adopted and, a majority of all members elected having voted in the affirmative, the following action was taken: 32  
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Passed on Second Reading: **HB01-1265** as amended, **HB01-1023** as amended, **HB01-1095**, **HB01-1056** as amended, **HB01-1128**, **HB01-1073**. 40  
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Laid over until Monday, March 12, 2001: **HB01-1076**, **HB01-1152**, **HB01-1030**, **HB01-1124**, **HB01-1034**, **HB01-1187**, **HB01-1211**, **HB01-1210**. 42  
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Laid over until Friday, March 16, 2001: **SB01-081**, **SB01-204**, **SCR01-002**. 44  
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On motion of Senator Thiebaut, and with a majority of those elected to the Senate having voted in the affirmative, the Consideration of Resolutions Calendar (**SJR01-012**, **HJR01-1014**, **SJR01-013**, **HJR01-1010**) of Friday, March 9, 2001, was laid over until Monday, March 12, 2001, retaining its place on the calendar. 47  
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### COMMITTEE OF REFERENCE REPORTS

The committee recommends the following: 54  
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Health, Environment, Children and Families After consideration on the merits, the committee recommends that **HB01-1238** be referred favorably to the Committee of the Whole. 58  
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Health, Environment, Children and Families After consideration on the merits, the committee recommends that **HB01-1236** be amended as follows and, as so amended be referred to the Committee of the Whole with favorable recommendation. 65  
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**HB01-1236**

Amend reengrossed bill, page 2, line 15, after the period add the following:

"IN PROMULGATING SUCH RULES, THE COMMISSIONER SHALL RECOGNIZE THAT THE SUBSTANCE OF THE MECHANISMS FOR PREAUTHORIZATION OR UTILIZATION REVIEW MAY DIFFER BETWEEN MEDICAL SPECIALITIES AND THAT SUCH MECHANISMS SHALL NOT BE MORE BURDENSOME FOR A DETERMINATION UNDER THIS SUBPARAGRAPH (I) THAN FOR ANY OTHER PHYSICAL ILLNESS."

Health,  
Environment,  
Children  
and Families

The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

EXECUTIVE DIRECTOR  
OF THE  
DEPARTMENT OF HEALTH CARE POLICY  
AND FINANCING

effective March 1, 2001, for a term expiring at the pleasure of the Governor.

Karen Reinertson of Aurora, Colorado, to replace James T. Rizzuto who resigned.

Health,  
Environment,  
Children  
and Families

The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBERS OF THE  
MEDICAL SERVICES BOARD

for terms expiring July 1, 2004:

Doralyn B. Genova of Grand Junction, Colorado, to serve as a member of the Third Congressional District and as a Democrat, reappointed;

Joseph F. Rall of Florence, Colorado, to serve as a member of the Third Congressional District and as a Republican, appointed;

Julie Reiskin of Denver, Colorado, to serve as a member of the First Congressional District and as a Democrat, reappointed.

Health,  
Environment,  
Children  
and Families

The committee has had under consideration and has had a hearing on the following appointments and recommends that the appointments be confirmed:

MEMBER OF THE  
CHILDREN'S BASIC HEALTH  
PLAN POLICY BOARD

for a term expiring June 30, 2001:

Orville F. Petersen of Grand Junction, Colorado to fill the vacancy occasioned by the resignation of John L. Moss and to serve as a representative of business, appointed.

**SIGNING OF BILLS--RESOLUTIONS--MEMORIALS**

The President has signed: **SB 01-048.**

The President has signed: **HB01-1117, 1146, 1186, 1196.**

On motion of Senator Thiebaut, the Senate adjourned until 10:00 a.m., Monday, March 12, 2001.

Attest:

Approved:

Karen Goldman  
Secretary of the Senate

Stan Matsunaka  
President of the Senate

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