

**Legislative Activity pertinent to Environmental, Health, and Safety Professionals**

**As of: March 25, 2018 (Changes since last report are highlighted in yellow)**

<u>Unicameral Bill / Constitutional Amendment</u>	<u>Status</u>
<p><b>LB82 - Require the Department of Motor Vehicles to include certain traffic stop safety information in the Nebraska Driver's Manual.</b> LB82 mandates that, at the next update of the Nebraska Driver's Manual, Traffic Stop Safety be included (such as signaling your intention to turn or pull over, turning off your vehicle, rolling down your window, turning on your interior light as soon as you stop, do not reach for anything, etc.)</p>	<p>Jan 03, 2018 Title printed. Carryover bill                      Feb 02 Notice of hearing for February 28                      Jan 09 Referred to Trans &amp; Telecom Committee                      Jan 05 Date of introduction</p>
<p><b>LB147 - Change workers' compensation provisions relating to waiting time, termination of compensation, and attorney's fees.</b> Gives employer &amp; insurance company time to investigate whether claim is legit and this time does not go against them when an employee is claiming delinquent payment.</p>	<p>Jan 03, 2018 Title printed. Carryover bill                      Feb 02 Notice of hearing for March 06                      Jan 10 Referred to Business &amp; Labor Committee                      Jan 09 Date of introduction</p>
<p><b>LB164 - Change provisions relating to trailers, commercial motor vehicle disqualification provisions, accident reports, and motor vehicle records disclosure and authorize the Department of Motor Vehicles to keep and sell certain registration and certificate of title records.</b> LB164 cleans up the definition of trailer and cabin trailer, amends statutes to meet regulatory requirements in 49 CFR 384.231(b) by adding language that specifies disqualification periods for commercial driver license holders must be served consecutively and separately.</p> <p>LB164 eliminates the requirement of the Department of Motor Vehicles (DMV) to send Part II of the driver accident report to insurance companies by US Mail, and allows the Department of Roads to electronically submit information from Part II of the driver accident report to the DMV.</p> <p>LB164 requires the DMV to maintain registration, allow release and purchase of records of motorboats, all-terrain vehicle, utility-type vehicles, snowmobile, and minibike records under the same provisions as motor vehicle records. The bill includes motorboats, all-terrain vehicle, utility-type vehicles, snowmobile, and minibike records as motor vehicle records for protection of personal information under the Uniform Motor Vehicle Records Disclosure Act.</p>	<p>May 23 Provisions/portions of LB164 amended into LB263 by AM538                      May 23 Indefinitely postponed                      May 23 Motion to suspend rules to indefinitely postpone prevailed                      May 17 Motion to suspend rules to indefinitely postpone filed                      Feb 06 Placed on General File with AM4                      Feb 06 Trans &amp; Telecom AM4 filed                      Jan 13 Notice of hearing for January 24                      Jan 12 Referred to Trans &amp; Telecom Comm                      Jan 10 Date of introduction</p>
<p><b>LB181 - Provide for reimbursement to employees for certain medical examinations under the Nebraska Workers' Compensation Act</b> Under current law, an employee is required to submit to a medical exam performed by a physician furnished by the employer or its insurer. LB 181 would allow an employee who disagrees with the medical findings of the employer-appointed physician to be reimbursed by the employer or its insurer for a similar examination and report by a physician selected by the employee. [Editor's Note: Those who have Workers Compensation may want to keep an eye on this one – could drive up costs whenever the employee doesn't like the verdict from the employer/insurer-paid doctor. Bill also includes paying employee reasonably necessary transportation expenses. I think this is an effort to allow the injured employee more say in his/her care. Passed committee 4-3.]</p>	<p>Jan 10, 2018 Passed over                      Jan 03, 2018 Title printed. Carryover bill                      Mar 06 Quick MO50 approved                      Mar 06 Quick MO50 Unanimous consent to bracket until January 10, 2018 filed                      Feb 23 Quick priority bill                      Feb 09 Placed on General File                      Jan 13 Notice of hearing for January 23                      Jan 12 Referred to Business &amp; Labor Committee                      Jan 10 Date of introduction</p>

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<p><b>LB182 - Change powers and duties of the Department of Environmental Quality under the Drinking Water State Revolving Fund Act.</b> LB 182 clarifies provisions in the Drinking Water State Revolving Fund Act that authorize the Department of Environmental Quality to provide grants and make and forgive loans made to political subdivisions that operate public water systems for safe drinking water projects. Currently, the statute authorizes loans, grants and loan forgiveness for such political subdivisions with populations of ten thousand or less. The <i>intent</i> of the program was to allow loans, grants and loan forgiveness if the political <i>subdivision's public water system served populations of ten thousand or less</i>. LB182 reflects this intention. [Editor's Note: Passed Committee 8-0]</p>	<p style="text-align: center;"><b><i>Approved by the Governor on April 27, 2017</i></b></p>
<p><b>LB211 - Change the minimum wage for persons compensated by way of gratuities.</b> Raises the minimum wage for those who also get tips (like waiters &amp; waitresses). Will raise to 40% of minimum wage rate in late 2017 and to 50% on January 1, 2018.</p>	<p>Feb 02, 2018 Hansen AM1604 pending  Feb 01, 2018 Bolz name added  Jan 26, 2018 Pansing Brooks name added  Jan 23, 2018 Hansen AM1604 filed  Jan 03, 2018 Title printed. Carryover bill  Mar 15 Placed on General File  Feb 02 Notice of hearing for February 27  Jan 12 Referred to Business and Labor Comm  Jan 10 Date of introduction</p>
<p><b>LB244 - Change provisions relating to mental injury and mental illness for workers' compensation.</b> Make employees of state institutions where regular interaction with high risk and dangerous individuals is a core function eligible for workers compensation for mental health injuries that arise from their employment. Such a provision currently is authorized for first responders.</p>	<p>May 23 Provisions/portions of LB244 amended into LB444 by AM842  May 23 Indefinitely postponed  May 23 Motion to suspend rules to indefinitely postpone prevailed  May 17 Motion to suspend rules to indefinitely postpone filed</p> <p>Apr 19 Watermeier name added  Apr 13 Hilkemann name added  Mar 03 Business and Labor AM460 filed  Mar 03 Placed on General File with AM460  Feb 02 Notice of hearing for February 27  Jan 13 Referred to Business &amp; Labor Committee  Jan 11 Date of introduction</p>
<p><b>LB261 - Adopt the Nebraska Worker Adjustment and Retraining Notification Act.</b> The purpose of the Nebraska Worker Adjustment and Retraining Notification Act is to protect workers and communities by requiring advance notification of large-scale employment loss. The NE WARN Act would require notice to affected employees, the Department of Labor, the local workforce development board and the mayor of the affected city or village or the county board of the affected county.</p>	<p>Jan 03, 2018 Title printed. Carryover bill  Feb 02 Notice of hearing for February 13  Jan 13 Referred to Business &amp; Labor Committee  Jan 11 Date of introduction</p>
<p><b>LB264 - Change provisions relating to qualifications of boiler inspectors.</b> LB 264 updates a section of the Boiler Inspection Act to account for changes in boiler inspection industry terminology. The National Board is the organization that commissions boiler inspectors worldwide. It has changed the names of the commissions and endorsements that it issues, and it has changed the way that commissions and endorsements are described.</p>	<p style="text-align: center;"><b><i>Approved by the Governor on May 10, 2017</i></b></p>

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<p><b>LB279 - Require lap-shoulder belts on school buses as prescribed.</b> Senator has introduced similar legislation before. Requires 3-point seatbelts on school buses.</p>	<p>Jan 03, 2018 Title printed. Carryover bill  Feb 02 Notice of hearing for February 27  Jan 13 Referred to Trans and Telecom Comm  Jan 11 Date of introduction</p>
<p><b>LB294 - Provide for a reciprocity agreement with a foreign country for mutual recognition of motor vehicle operator licenses.</b> LB 294 gives the Nebraska Department of Motor Vehicles the authority to enter into a reciprocity agreement with a foreign country to provide for the mutual recognition and reciprocal exchange of a valid operator's license issued by this state or the foreign country if the department determines that the licensing standards are comparable. LB 294 explicitly prohibits the inclusion of a commercial driver's license in any reciprocity agreement.</p>	<p>Jan 03, 2018 Title printed. Carryover bill  May 23 Provisions/portions of LB294 amended into LB263 by AM538  Jan 27 Notice of hearing for February 07  Jan 13 Referred to Trans &amp; Telecom Committee  Jan 11 Date of introduction</p>
<p><b>LB319 - Provide for confidentiality of and access to certain injury reports under the Nebraska Workers' Compensation Act.</b> A "First Report of Injury or Illness" report shall be confidential and not open to public inspection or copying, except as otherwise provided in the statute. <i>[Editor's Note: Similar legislation is tried nearly every session. Won't go anywhere.]</i></p>	<p>Jan 03, 2018 Title printed. Carryover bill  Feb 02 Notice of hearing for March 06  Jan 17 Referred to Business &amp; Labor Committee  Jan 12 Date of introduction</p>
<p><b>LB371 - Eliminate condemnation authority of the State Fire Marshal.</b> LB 371 will eliminate the authority of the State Fire Marshal to condemn buildings by repealing sections 81-513 through 81-519, and will amend 81-526 by removing the reference to this authority. The removal of this authority will not adversely affect the Agency as it will still have the ability to deal with building defects that pose fire hazards by utilizing the adopted Life Safety Code requirements. <i>[Editor's Note: State Fire Marshal in favor. Passed Committee 7-0-1]</i></p>	<p style="text-align: center;"><b><i>Approved by the Governor on May 12, 2017</i></b></p>
<p><b>LB408 - Provide for a drug formulary under the Nebraska Workers' Compensation Act.</b> Requires the Workers Compensation Court to develop a drug formulary. Doctors using this formulary do not need to get prior authorization to prescribe these drugs.</p>	<p>Jan 03, 2018 Title printed. Carryover bill  Feb 02 Notice of hearing for March 06  Jan 17 Referred to Business &amp; Labor Committee  Jan 13 Date of introduction</p>
<p><b>LB455 - Update references to the National Electrical Code.</b> LB 455 allows the State Electrical Board to continue to have the power to adopt, promulgate, and revise rules and regulations necessary to enable it to carry into effect the State Electrical Act.</p> <p>The bill updates the minimum standards set forth in the National Electrical Code issued and adopted by the National Fire Protection Association which govern the State Electrical Board. <i>[Editor's Note: Passed Committee 7-0]</i></p>	<p style="text-align: center;"><b><i>Approved by the Governor on May 12, 2017</i></b></p>

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<p><b>LB553 - Provide for a nonelection of coverage under the Nebraska Workers' Compensation Act.</b> Allows an owner/partner of a company to opt out of workers compensation coverage. But, also allows that person to opt back in at any time. However, any injury occurring within one week of opting in is not covered. Of course, any injury occurring prior to opting in is not covered.</p>	<p><b>Mar 13, 2018 Murante name added</b>          Jan 03, 2018 Title printed. Carryover bill          Feb 24 Brewer name added          Feb 02 Notice of hearing for February 27          Jan 31 McCollister name added          Jan 31 Harr name added          Jan 27 Krist name added          Jan 23 Lindstrom name added          Jan 20 Referred to Business &amp; Labor Committee          Jan 19 Kolterman name added          Jan 18 Date of introduction</p>
<p><b>LB590 - Change state building code provisions.</b> LB 590 would amend the state building code to bring occupancy classifications relating to inhome daycares and in-home care into alignment with current childcare regulations promulgated by the Department of Health and Human Services. LB 590 also clarifies the ability of state agencies to adopt, promulgate, or enforce rules and regulations in conflict with the state building code when specifically authorized by statute to do so.</p>	<p><i>Approved by the Governor on May 2, 2017</i></p>
<p><b>LB591 - Provide for enforcement of building codes under the Contractor Registration Act.</b> LB 591 provides a mechanism for the Department of Labor to revoke a contractor’s registration under the Contractor Registration Act if presented with substantiated evidence that the contractor willfully failed to bring a building or buildings into compliance with applicable state and local building codes or the Nebraska Energy code if the contractor does not take the necessary actions to correct these violations within the timeframe determined by the Commissioner. After a contractor’s registration has been revoked, it can be reinstated when the contractor provides substantiated findings from the appropriate code officials to the Department of Labor that all of the necessary corrective actions have been taken and the building or buildings have been brought into compliance with state and local building codes and the Nebraska Energy Code.</p>	<p>Jan 03, 2018 Title printed. Carryover bill          Jan 23 Notice of hearing for February 07          Jan 20 Referred to Urban Affairs Comm          Jan 18 Date of introduction</p>
<p><b>LB609 - Provide fee schedules under the Nebraska Workers' Compensation Act.</b> <i>[Editor’s Note: The changes to the fee schedules are so confusing and based on Medicare/Medicaid payments that I think there will not be any interest in this. However, it DOES normalize the CPT codes for both Work Comp &amp; Medicare.]</i></p>	<p>Jan 03, 2018 Title printed. Carryover bill          Feb 02 Notice of hearing for March 06, 2017          Jan 20 Referred to Business &amp; Labor Committee          Jan 18 Date of introduction</p>

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<p><b>LB622 - Adopt the Medical Cannabis Act.</b> [Editor’s Note: A 44-page bill detailing how the medical cannabis will be regulated in Nebraska. It states that medical cannabis cannot be vaporized at the place of employment but I did not find (except in the transportation sector) where having cannabis in your system was forbidden at work. But, again, this was 44 pages, and I could have missed it.]</p>	<p>Jan 03, 2018 Title printed. Carryover bill  Apr 19 Judiciary AM697 pending  Mar 20 Judiciary AM697 filed  Mar 20 Placed on General File with AM697  Mar 13 Wishart AM496 filed  Feb 28 Wishart priority bill  Jan 30 Notice of hearing for March 15  Jan 20 Referred to Judiciary Committee  Jan 18 Date of introduction</p>
<p><b>LB629 - Exempt certain commercial driver's license holders from hazardous waste endorsement requirements.</b> Any person possessing a valid commercial driver's license authorizing the operation of a Class A combination vehicle may lawfully operate a Class A, B, or C commercial motor vehicle without a hazardous materials endorsement if such person:</p> <p>(1) Is acting within the scope of his or her employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and (2) Is operating a service vehicle that is:</p> <p>(a) Transporting diesel fuel in a quantity of one thousand gallons or less; and</p> <p>(b) Clearly marked with a “flammable” or “combustible” placard, as appropriate. [Editor’s Note: Another bill to give agriculture an exemption. I, personally, do not like this one because agricultural chemicals are very hazardous (just look at the person who died of an anhydrous ammonia leak in Northeast Nebraska last year). I think the Senator who submitted this bill doesn’t even understand what he is saying – there is no “Hazardous Waste” endorsement – only a HAZMAT endorsement. Scary.]</p>	<p>Jan 03, 2018 Title printed. Carryover bill  Apr 04 Placed on General File  Feb 02 Notice of hearing for February 28  Jan 20 Referred to Trans &amp; Telecom Committee  Jan 18 Date of introduction</p>
<p><b>LB643 - Change automobile liability insurance and financial responsibility requirements.</b> Raises minimum insurance levels 100% (from \$25000/\$50000 to \$50000/\$100000)</p>	<p>Jan 03, 2018 Title printed. Carryover bill  Feb 02 Notice of hearing for February 28  Jan 20 Referred to Banking, Commerce and Insurance Committee  Jan 18 Date of introduction</p>
<p><b>LB671 - Change requirements for certain driving permits and use of occupant protection systems, change certain violations from secondary to primary enforcement, and prohibit use of interactive wireless communication devices by school bus operators.</b> Requires all vehicle passengers to be buckled up, changes seat belt violation to primary enforcement, more.</p>	<p>Jan 10, 2018 Notice of hearing for January 23  Jan 08, 2018 Referred to Trans &amp; Telecom Com  Jan 03, 2018 Date of introduction</p>

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<p><b>LB688 - Provide for the possession, use, and application of sunscreen for children and students and provide immunity.</b> This is what our society has come to – we actually need a law to allow students to bring and use sunscreen to school; and to allow adults to help put it on.</p>	<p>Jan 09, 2018 Notice of hearing for January 25                  Jan 08, 2018 Referred to Judiciary Committee                  Jan 05, 2018 Howard name added                  Jan 03, 2018 Date of introduction</p>
<p><b>LB711 - Change requirements for use of occupant protection systems.</b> Requires ALL occupants to wear seat belts, not just front seat passengers.</p>	<p>Jan 10, 2018 Notice of hearing for January 23                  Jan 08, 2018 Referred to Trans &amp; Telecom Com                  Jan 03, 2018 Date of introduction</p>
<p><b>LB712 - Require drug testing for certain applicants and recipients of unemployment benefits.</b> Allows DOL to drug test unemployment benefit applicants who were terminated from their most recent employment due to the unlawful use of controlled substances. Also treats an individual's failure of a pre-employment drug screening test which an employer requires as a condition of employment as a failure to accept suitable work.</p>	<p>Jan 09, 2018 Notice of hearing for January 22                  Jan 08, 2018 Brewer name added                  Jan 08, 2018 Referred to Business &amp; Labor Comm                  Jan 03, 2018 Date of introduction</p>
<p><b>LB767 - Adopt changes to the state building code.</b> Adopts the 2018 International Building Code standard from the 2012 version. What will affect you? See: <a href="https://www.jensenhughes.com/blog/2015-international-building-code-changes/">https://www.jensenhughes.com/blog/2015-international-building-code-changes/</a> and <a href="https://www.iccsafe.org/about-icc/periodicals-and-newsroom/key-changes-in-the-2018-i-codes/">https://www.iccsafe.org/about-icc/periodicals-and-newsroom/key-changes-in-the-2018-i-codes/</a></p>	<p>Jan 30, 2018 Notice of hearing for February 13                  Jan 08, 2018 Referred to Urban Affairs Com                  Jan 03, 2018 Date of introduction</p>
<p><b>LB844 - Adopt the Healthy and Safe Families and Workplaces Act</b> Mandates paid Sick/Safe Leave (1 hour for every 30 hours worked; maximum annual accumulation is 40 hours).</p>	<p>Jan 26, 2018 Notice of hearing for February 12                  Jan 08, 2018 Referred to Business and Labor Com                  Jan 04, 2018 Date of introduction</p>
<p><b>LB928 - Change provisions relating to compensation paid upon the death of an employee under the Nebraska Workers' Compensation Act.</b> Changes the burial amount from \$10,000 to 14xSAWW (right now, that would be \$11,438) AND Second, the bill would provide that, if an employee is killed in a compensable accident and that employee has no dependents, the employee's estate would receive a lump sum payment of \$25,000.</p>	<p>Jan 26, 2018 Notice of hearing for February 05                  Jan 10, 2018 Referred to Business and Labor Com                  Jan 09, 2018 Date of introduction</p>

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<p><b>LB952 - Change provisions relating to dismissals of actions under the Nebraska Workers' Compensation Act.</b> LB 952 proposes to limit when workers' compensation petitions may be dismissed with prejudice. Dismissals shall be without prejudice, unless, the petitioner has previously filed a petition against the State under the same facts and circumstance and also dismissed that action. There may be a cost savings to the State as the proposal would prevent repeat filings and could save on the cost of a defense.</p>	<p>Jan 26, 2018 Notice of hearing for February 05                  Jan 11, 2018 Referred to Business and Labor Com                  Jan 10, 2018 Date of introduction</p>
<p><b>LB953 - Change provisions relating to lump-sum settlements under the Nebraska Workers' Compensation Act.</b> LB 953 provides that lump-sum settlements shall be conclusively presumed to be in conformity with the compensation schedule and for the best interests of the employee (or his or her dependents), even if the medical, surgical, or hospital services provided to the employee are not paid or reimbursed by the employer or the employee is or expects to be a Medicare beneficiary.</p>	<p>Feb 22, 2018 Business and Labor AM1779 filed                  Feb 22, 2018 Placed on General File with AM1779                  Feb 20, 2018 Business and Labor priority bill                  Jan 26, 2018 Notice of hearing for February 05                  Jan 11, 2018 Referred to Business and Labor Com                  Jan 10, 2018 Date of introduction</p>
<p><b>LB957 - Provide procedures for choosing a method of payment for payments under the Nebraska Workers' Compensation Act.</b> Bill + Amendment permits payment to be paid by check in addition to direct deposit, prepaid card, or similar electronic payment system. Payment by a method other than the method in which the employee was paid his or her wages can only be done upon agreement between the employee and the employer, workers' compensation insurer, or risk management pool. Requires notice in the agreement that payment by direct deposit or similar electronic payment system is subject to attachment or garnishment pursuant to section 48-149. Specifically states that compensation may be transferred electronically to the attorney representing the employee or other person entitled to compensation.</p>	<p>Feb 22, 2018 Business and Labor AM1952 filed                  Feb 22, 2018 Placed on General File w/ AM1952                  Feb 21, 2018 Speaker priority bill                  Jan 26, 2018 Notice of hearing for February 05                  Jan 11, 2018 Referred to Business and Labor Com                  Jan 10, 2018 Date of introduction</p>

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**LB1015 - Allow withholding from public of reports of injury under the Nebraska Workers' Compensation Act that reveal an employee's identity.** LB 1015 would allow any government entity to withhold information regarding reports filed pursuant to section 48-144.01 which reveal the identity of the employee who is the subject of the report. These are reports of injuries arising out of the course of employment filed with the Nebraska Workers' Compensation Court. AM 1927 adds exceptions to the general public records exemption of the bill. First, it provides that the reports shall be made available for inspection or copying by the following:

(a) the employee who is the subject of the report or by an attorney or authorized agent of such employee

(b) the employer, workers' compensation insurer, risk management pool, or third-party administrator that is a party to the report or an attorney or authorized agent of such party

(c) a third party for the purpose of identifying the number and nature of any injuries to any employees of an employer if the identity of any employee is redacted prior to releasing the reports

(d) a nonprofit organization for the purpose of sending condolences to, providing memorials for, and offering grief counseling to family members of an employee whose death was caused by a workplace incident

Second, it makes clear that the reports must be disclosed by the court if the reports are requested for use in connection with a state or federal investigation or examination or for use by the state or federal government to compile statistical information.

[Note by editor: This has been proposed MANY times. There is case law that prohibits the withholding of this information. The trial attorneys will be on this like you-know-what. It is interesting that this was referred to this committee; it really should be under Bus & Labor. It *may* pass, but will be overturned. Harr amendment includes: (4) No public record obtained directly or indirectly from the state or a political subdivision of the state shall be used for purposes of advertising or marketing or for any other commercial purpose.]

**LB1025 - Create the Building Codes Advisory Committee and change building code provisions.** Creates the Building Codes Advisory Committee, which would make recommendations to the Legislature on whether to update the state building code when a new edition of current building codes is published. Also makes the state building code a "default" code, so that the state building code would be applicable in any county, city, or village that does not adopt a local building or construction code.

Mar 23, 2018 Harr AM2590 Filed

Feb 28, 2018 Government, Military and Veterans Affairs AM1927 filed

Feb 28, 2018 Placed on General File with AM1927

Feb 20, 2018 Government, Military and Veterans Affairs priority bill

Feb 06, 2018 Notice of hearing for February 14

Jan 18, 2018 Referred to Government, Military and Veterans Affairs Committee

Jan 16, 2018 Date of introduction

Jan 30, 2018 Notice of hearing for February 13

Jan 18, 2018 Referred to Urban Affairs Committee

Jan 16, 2018 Date of introduction



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<p><b>LB1031 - Change excavation notification and marking requirements and provide for large project planning meetings, rulemaking authority, and cost allocation under the One-Call Notification System Act.</b> Makes changes to Nebraska's One-Call System Notification Act. It provides that locate costs for large projects be paid by the excavator, and for excavations not part of a large project, it provides that an excavator would pay locate costs after three locate costs are incurred in the same location area.</p>	<p>Feb 01, 2018 Notice of hearing for February 13 Jan 18, 2018 Referred to Trans &amp; Telecom Com Jan 16, 2018 Date of introduction</p>
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