

Stricken language will be deleted and underlined language will be added.

1 State of Arkansas As Engrossed: H2/26/19 H3/26/19 H4/3/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1120

4

5 By: Joint Budget Committee

6

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For An Act To Be Entitled

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AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES

9

AND OPERATING EXPENSES FOR THE OFFICE OF ATTORNEY

10

GENERAL FOR THE FISCAL YEAR ENDING JUNE 30, 2020; AND

11

FOR OTHER PURPOSES.

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Subtitle

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AN ACT FOR THE OFFICE OF ATTORNEY GENERAL

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APPROPRIATION FOR THE 2019-2020 FISCAL

17

YEAR.

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
23 for the Office of Attorney General for the 2019-2020 fiscal year, the
24 following maximum number of regular employees.

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26

Maximum Annual

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Maximum

Salary Rate

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Item Class

No. of

Fiscal Year

29

No. Code Title

Employees

2019-2020

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(1) Q242U SOLICITOR GENERAL

1

\$167,000

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(2) Q066U ATTORNEY GENERAL I

2

\$167,000

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(3) Q065U ATTORNEY GENERAL II

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\$157,100

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(4) Q124U ATTORNEY GENERAL III

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\$125,986

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(5) Q064U ATTORNEY GENERAL IV

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\$112,900

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(6) Q067U CHIEF INFORMATION OFFICER

1

\$115,000

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(6.1) Q363U CHIEF OPERATING OFFICER

1

\$105,000



1	(7)	Q102U CHIEF FISCAL OFFICER	1	\$101,175
2	(8)	Q063U ATTORNEY GENERAL V	11	\$101,175
3	(9)	Q061U ATTORNEY GENERAL VI	19	\$90,670
4	(10)	Q009U COMMUNITY RELATIONS DIRECTOR	1	\$90,670
5	(11)	Q008U CHIEF INVESTIGATOR	1	\$90,670
6	(12)	Q075U FISCAL SPECIALIST I	1	\$81,257
7	(13)	Q074U INVESTIGATOR I	1	\$81,257
8	(14)	Q072U COMMUNICATIONS OFFICER	1	\$81,257
9	(15)	Q062U PUBLIC INFORMATION OFFICER	1	\$81,257
10	(16)	Q059U OMBUDSMAN	1	\$81,257
11	(17)	Q033U LOGISTICS DIRECTOR	1	\$81,257
12	(18)	Q023U NETWORK SPECIALIST I	1	\$75,054
13	(19)	Q101U HUMAN RESOURCES DIRECTOR	1	\$72,822
14	(20)	Q073U EXECUTIVE ASSISTANT	1	\$72,822
15	(21)	Q070U INVESTIGATOR II	2	\$72,822
16	(22)	Q052U LAW ED ADMINISTRATOR	1	\$72,822
17	(23)	Q034U ADMINISTRATIVE ASSISTANT I	1	\$72,822
18	(24)	Q002U LEGAL ASSISTANT	1	\$72,822
19	(25)	Q037U NETWORK SPECIALIST II	1	\$67,267
20	(26)	Q035U LIBRARIAN	1	\$67,267
21	(27)	Q058U EXECUTIVE SECRETARY	1	\$65,265
22	(28)	Q025U PARALEGAL I	2	\$65,265
23	(29)	Q006U LAW ED INSTRUCTOR I	2	\$65,265
24	(30)	Q004U ASST LOGISTICS DIRECTOR	1	\$65,265
25	(31)	Q071U ADMINISTRATIVE ASSISTANT II	3	\$58,493
26	(32)	Q057U INVESTIGATOR IV	13	\$58,493
27	(33)	Q053U SECRETARY I	7	\$58,493
28	(34)	Q032U LAW ED INSTRUCTOR II	1	\$58,493
29	(35)	Q007U FISCAL SPECIALIST II	2	\$58,493
30	(36)	Q056U SECRETARY II	14	\$52,425
31	(37)	Q047U CONSUMER COUNSELOR	4	\$52,425
32	(38)	Q036U RECEPTIONIST	2	\$46,987
33	(39)	Q005U COURIER	1	\$46,987
34	(40)	Q132U COURIER II	<u>1</u>	\$42,117
35		MAX. NO. OF EMPLOYEES	142	

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SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Office of Attorney General for the 2019-2020 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: eight (8) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Office of Attorney General, to be payable from the State Central Services Fund, for personal services and operating expenses of the Office of Attorney General for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) REGULAR SALARIES	\$10,651,174
(02) EXTRA HELP	37,224
(03) PERSONAL SERVICES MATCHING	3,310,054
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	2,100,000
(B) CONF. & TRAVEL	126,578
(C) PROF. FEES	644,215
(D) CAP. OUTLAY	140,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$17,009,245</u>

SECTION 4. REGULAR SALARIES - CRIME VICTIMS REPARATIONS PROGRAM. There is hereby established for the Office of Attorney General - Crime Victims Reparations Program for the 2019-2020 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum	Maximum Annual
<u>No.</u>	<u>Code</u>	<u>No. of</u>	<u>Salary Rate</u>
<u>Title</u>	<u>Employees</u>	<u>Fiscal Year</u>	<u>2019-2020</u>
(1) Q038U CRIME VICTIM ADMINISTRATOR	1		\$72,822

1	(2) Q057U INVESTIGATOR IV	7	\$58,493
2	(3) Q007U FISCAL SPECIALIST II	<u>1</u>	\$58,493
3	MAX. NO. OF EMPLOYEES	9	

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 5 SECTION 5. APPROPRIATION - CRIME VICTIMS REPARATIONS PROGRAM. There is
 6 hereby appropriated, to the Office of Attorney General, to be payable from
 7 the Crime Victims Reparations Revolving Fund, for personal services,
 8 operating expenses and payment of claims by the Office of Attorney General -
 9 Crime Victims Reparations Program for the fiscal year ending June 30, 2020,
 10 the following:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2019-2020</u>
14	(01) REGULAR SALARIES	\$332,840
15	(02) EXTRA HELP	0
16	(03) PERSONAL SERVICES MATCHING	93,950
17	(04) MAINT. & GEN. OPERATION	
18	(A) OPER. EXPENSE	36,616
19	(B) CONF. & TRAVEL	1,081
20	(C) PROF. FEES	1,616
21	(D) CAP. OUTLAY	0
22	(E) DATA PROC.	0
23	(05) CLAIMS	<u>1,500,000</u>
24	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,966,103</u></u>

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 26 SECTION 6. REGULAR SALARIES - CRIME VICTIMS REPARATIONS PROGRAM -
 27 FEDERAL. There is hereby established for the Office of Attorney General -
 28 Crime Victims Reparations - Federal for the 2019-2020 fiscal year, the
 29 following maximum number of regular employees.

31		Maximum Annual
32		Salary Rate
33	Item Class	Fiscal Year
34	<u>No. Code Title</u>	<u>2019-2020</u>
35	(1) Q054U ADMINISTRATIVE ASSISTANT III	<u>1</u> \$33,883
36	MAX. NO. OF EMPLOYEES	1

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SECTION 7. APPROPRIATION - CRIME VICTIMS REPARATIONS PROGRAM - FEDERAL.
 There is hereby appropriated, to the Office of Attorney General, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services, operating expenses and payment of claims by the Office of Attorney General - Crime Victims Reparations Program - Federal for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) REGULAR SALARIES	\$25,412
(02) PERSONAL SERVICES MATCHING	9,650
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	5,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) CLAIMS	<u>1,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,040,062</u></u>

SECTION 8. REGULAR SALARIES - MEDICAID FRAUD DIVISION - STATE. There is hereby established for the Office of Attorney General - Medicaid Fraud Division - State for the 2019-2020 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum	Maximum Annual
<u>No.</u>	<u>Code Title</u>	<u>No. of</u>	<u>Salary Rate</u>
		<u>Employees</u>	<u>Fiscal Year</u>
			<u>2019-2020</u>
(1)	Q065U ATTORNEY GENERAL II	1	\$157,100
(2)	Q063U ATTORNEY GENERAL V	2	\$101,175
(3)	Q024U AUDITOR	1	\$90,670
(4)	Q056U SECRETARY II	<u>1</u>	\$52,425
	MAX. NO. OF EMPLOYEES	5	

1 SECTION 9. APPROPRIATION - MEDICAID FRAUD DIVISION - STATE. There is
 2 hereby appropriated, to the Office of Attorney General, to be payable from
 3 the State Central Services Fund, for personal services and operating expenses
 4 of the Office of Attorney General - Medicaid Fraud Division - State for the
 5 fiscal year ending June 30, 2020, the following:

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2019-2020</u>
9 (01) REGULAR SALARIES	\$481,274
10 (02) PERSONAL SERVICES MATCHING	133,711
11 (03) MAINT. & GEN. OPERATION	
12 (A) OPER. EXPENSE	11,667
13 (B) CONF. & TRAVEL	21,667
14 (C) PROF. FEES	16,667
15 (D) CAP. OUTLAY	10,000
16 (E) DATA PROC.	<u>0</u>
17 TOTAL AMOUNT APPROPRIATED	<u><u>\$674,986</u></u>

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19 SECTION 10. REGULAR SALARIES - MEDICAID FRAUD DIVISION - FEDERAL.

20 There is hereby established for the Office of Attorney General - Medicaid
 21 Fraud Division - Federal for the 2019-2020 fiscal year, the following maximum
 22 number of regular employees.

23

24		Maximum Annual	
25		Salary Rate	
26	Item Class	Fiscal Year	
27	<u>No. Code Title</u>	<u>2019-2020</u>	
		Maximum	
		No. of	
		Employees	
28	(1) Q131U MEDICAID DIRECTOR	1	\$125,986
29	(2) Q064U ATTORNEY GENERAL IV	1	\$112,900
30	(3) Q063U ATTORNEY GENERAL V	1	\$101,175
31	(4) Q008U CHIEF INVESTIGATOR	1	\$90,670
32	(5) Q003U NURSE ANALYST	2	\$88,058
33	(6) Q074U INVESTIGATOR I	2	\$81,257
34	(7) Q130U INVESTIGATOR III	5	\$65,265
35	(8) Q046U ANALYST	1	\$65,265
36	(9) Q025U PARALEGAL I	1	\$65,265

1	(10) Q069U CASE COORDINATOR	1	\$52,425
2	(11) Q056U SECRETARY II	<u>1</u>	\$52,425
3	MAX. NO. OF EMPLOYEES	17	

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 5 SECTION 11. EXTRA HELP - MEDICAID FRAUD DIVISION - FEDERAL. There is
 6 hereby authorized, for the Office of Attorney General - Medicaid Fraud
 7 Division - Federal for the 2019-2020 fiscal year, the following maximum
 8 number of part-time or temporary employees, to be known as "Extra Help",
 9 payable from funds appropriated herein for such purposes: two (2) temporary
 10 or part-time employees, when needed, at rates of pay not to exceed those
 11 provided in the Uniform Classification and Compensation Act, or its
 12 successor, or this act for the appropriate classification.

13
 14 SECTION 12. APPROPRIATION - MEDICAID FRAUD DIVISION - FEDERAL. There
 15 is hereby appropriated, to the Office of Attorney General, to be payable from
 16 the federal funds as designated by the Chief Fiscal Officer of the State, for
 17 personal services and operating expenses of the Office of Attorney General -
 18 Medicaid Fraud Division - Federal for the fiscal year ending June 30, 2020,
 19 the following:

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2019-2020</u>
23	(01) REGULAR SALARIES	\$1,275,330
24	(02) EXTRA HELP	28,453
25	(03) PERSONAL SERVICES MATCHING	378,420
26	(04) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	35,000
28	(B) CONF. & TRAVEL	65,000
29	(C) PROF. FEES	50,000
30	(D) CAP. OUTLAY	30,000
31	(E) DATA PROC.	<u>0</u>
32	TOTAL AMOUNT APPROPRIATED	<u>\$1,862,203</u>

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 34 SECTION 13. APPROPRIATION - MEDICAID FRAUD DIVISION - INDIRECT COSTS.
 35 There is hereby appropriated, to the Office of Attorney General, to be
 36 payable from the federal funds as designated by the Chief Fiscal Officer of

1 the State, for operating expenses of the Office of Attorney General -
 2 Medicaid Fraud Division - Indirect Costs for the fiscal year ending June 30,
 3 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$330,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$330,000</u></u>

15 SECTION 14. APPROPRIATION - INTERNET CRIME CHILD. There is hereby
 16 appropriated, to the Office of Attorney General, to be payable from the
 17 federal funds as designated by the Chief Fiscal Officer of the State, for
 18 operating expenses of the Office of Attorney General - Internet Crime Child
 19 for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$25,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$25,000</u></u>

31 SECTION 15. REGULAR SALARIES - COOPERATIVE DISABILITY INVESTIGATION
 32 PROGRAM. There is hereby established for the Office of Attorney General -
 33 Cooperative Disability Investigation Program for the 2019-2020 fiscal year,
 34 the following maximum number of regular employees.

Maximum Annual

Item Class	Maximum No. of Employees	Salary Rate Fiscal Year 2019-2020
(1) Q074U INVESTIGATOR I	2	\$81,257
(2) Q046U ANALYST	<u>1</u>	\$65,265
MAX. NO. OF EMPLOYEES	3	

SECTION 16. APPROPRIATION - COOPERATIVE DISABILITY INVESTIGATION PROGRAM. There is hereby appropriated, to the Office of Attorney General, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Office of Attorney General - Cooperative Disability Investigation Program for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REGULAR SALARIES	\$196,052
(02) PERSONAL SERVICES MATCHING	60,408
(03) OVERTIME	42,000
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	31,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$329,460</u></u>

SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ATTORNEY FEES. The disbursing officer of the appropriations provided for herein, shall deposit all monies received by the Office of Attorney General as attorney fees in the State Central Services Fund as direct revenues.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
2 PROVISION. After receiving approval from the Chief Fiscal Officer of the
3 State, and prior review by the Arkansas Legislative Council or Joint Budget
4 Committee, the Office of Attorney General is authorized to transfer
5 appropriation from any line item authorized in the Operations Appropriation
6 of the Office of Attorney General in this Act to any other line item
7 authorized in the Operations Appropriation.

8 The provisions of this section shall be in effect only from July 1, 2018
9 2019 through June 30, ~~2019~~ 2020.

10
11 *SECTION 19. Arkansas Code Title 25, Chapter 16, Subchapter 4, is*
12 *amended to add an additional section to read as follows:*

13 25-16-716. Fee reimbursement.

14 (a) The Office of the Attorney General may charge a fee to a
15 governmental unit to reimburse the office for an expenditure made on behalf
16 of a governmental unit.

17 (b) A fee under subsection (a) of this section shall be deposited by
18 the office into the State Central Services Fund as a refund to an
19 expenditure.

20
21 *SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
22 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND*
23 *TRANSFER. Immediately upon the effective date of this act, the Attorney*
24 *General shall may deposit or transfer by check ~~up to the sum of two million~~*
25 *dollars ~~(\$2,000,000)~~ monies* from the unobligated cash funds of the Office of
26 Attorney General received from court orders or settlement agreements to the
27 State Central Services Fund.

28 The provisions of this section shall be in effect only from July 1, 2018
29 2019 through June 30, ~~2019~~ 2020.

30
31 *SECTION 21. SPECIAL LANGUAGE. CODE AMENDMENT. Arkansas Code Title*
32 *20, Chapter 77, Subchapter 9, is amended to add an additional section to read*
33 *as follows:*

34 20-77-912. Funds for investigations and prosecutions.

35 (a) Under this subchapter and the Medicaid Fraud Act, § 5-55-101 et
36 seq., the Attorney General or a prosecuting attorney is entitled to recover

1 reasonable and necessary expenses incurred during its investigations and
2 prosecutions.

3 (b) The Attorney General shall create and maintain accounts for these
4 funds.

5 (c) The federal share of these funds shall be returned to the United
6 States Government in accordance with the federal regulations governing the
7 Medicaid Fraud Control Unit.

8 (d) The remaining funds shall be retained and expended by the Attorney
9 General to defer the cost of future investigations and prosecutions conducted
10 by the Medicaid Fraud Control Unit.

11
12 SECTION 22. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
13 authorized by this act shall be limited to the appropriation for such agency
14 and funds made available by law for the support of such appropriations; and
15 the restrictions of the State Procurement Law, the General Accounting and
16 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
17 Procedures and Restrictions Act, or their successors, and other fiscal
18 control laws of this State, where applicable, and regulations promulgated by
19 the Department of Finance and Administration, as authorized by law, shall be
20 strictly complied with in disbursement of said funds.

21
22 SECTION 23. LEGISLATIVE INTENT. It is the intent of the General
23 Assembly that any funds disbursed under the authority of the appropriations
24 contained in this act shall be in compliance with the stated reasons for
25 which this act was adopted, as evidenced by the Agency Requests, Executive
26 Recommendations and Legislative Recommendations contained in the budget
27 manuals prepared by the Department of Finance and Administration, letters, or
28 summarized oral testimony in the official minutes of the Arkansas Legislative
29 Council or Joint Budget Committee which relate to its passage and adoption.

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31 SECTION 24. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly, that the Constitution of the State of Arkansas prohibits
33 the appropriation of funds for more than a one (1) year period; that the
34 effectiveness of this Act on July 1, 2019 is essential to the operation of
35 the agency for which the appropriations in this Act are provided, and that in
36 the event of an extension of the legislative session, the delay in the

1 effective date of this Act beyond July 1, 2019 could work irreparable harm
2 upon the proper administration and provision of essential governmental
3 programs. Therefore, an emergency is hereby declared to exist and this Act
4 being necessary for the immediate preservation of the public peace, health
5 and safety shall be in full force and effect from and after July 1, 2019.

6
7 */s/Joint Budget Committee*
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