House Bill 2399

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies duties of State Workforce Investment Board, Department of Community Colleges and Workforce Development, and Education and Workforce Policy Advisor. Specifies members and terms of board. Requires board to develop statewide plan for workforce development, make recommendation for workforce development investment funding, conduct biennial review of local workforce development programs and approve local plans. Requires certain workforce development programs to submit plans to board for approval.

A BILL FOR AN ACT

Relating to workforce development; creating new provisions; amending ORS 660.306, 660.312, 660.315,
660.318, 660.321 and 660.324; and repealing ORS 660.309.

4 Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 660.306 is amended to read:

6 660.306. (1) The Legislative Assembly finds that: [all Oregonians should benefit from the advan-

7 tages of Oregon's growing economy. The responsiveness and flexibility of providers of education and

8 workforce development services are critical to the continued success of Oregon's economy. Involvement

9 of key interested parties in identifying current and future workforce needs will be critical to matching
10 the needs of the workplace and economy with the development of trained workers. Therefore, it is
11 hereby declared the policy of the state to support and promote the best possible education, training and

12 employment for its citizens through effective statewide policy, planning, coordination and service de-13 livery.]

(a) The health of Oregon's economy is fundamentally linked to the health of industry
 sectors and the availability of a skilled workforce;

(b) An effective workforce development system integrates public education, job training
 and employment efforts and provides workforce training aligned with industry demands; and

(c) The involvement of industry in identifying current and future workforce needs is
 necessary to the development of programs that will prepare workers with the specific skill
 sets required by existing and emerging industries.

21 [(2) It is the purpose of ORS 660.306, 660.312 and 660.315 to provide advisory and technical ser-22 vices under the executive direction of the Governor to support the efforts of state government:]

[(a) To integrate education and workforce development by coordinating the contributions of partic ipating segments and providers;]

- 25 [(b) To achieve and maintain excellence in education, training and employment; and]
- 26 [(c) To connect education to social and economic commitments generally and workforce development 27 in particular.]
- 28 [(3) The Legislative Assembly further finds that the statewide workforce development and education

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coordinating functions established in ORS 660.306, 660.312 and 660.315 include job creation and eco-1 2 nomic development activities within the meaning of section 4 (3), Article XV of the Oregon Constitution.] 3 (2) The Legislative Assembly declares that it is the policy of this state to establish a co-4 ordinated workforce development system to provide to Oregonians the best possible educa-5 tion, training and employment opportunities that are consistent with existing and emerging 6 industry demands. 7 SECTION 2. ORS 660.321 is amended to read: 8 9 660.321. (1) A State Workforce Investment Board [shall be created under] is established in conformity with section 2821(b) and (c) of the Workforce Investment Act of 1998 to assist in the 10 development of the State Unified Workforce Plan established under ORS 660.324 and to carry out 11 12 the other functions described by the federal Act. 13 (2) The membership of the board shall be in accordance with the requirements of section 2821(b) of the federal Act. The board shall consist of 19 voting members and two nonvoting members 14 15 as follows: 16 (a) The Governor; (b) The Chancellor of the Oregon University System; 17 18 (c) The Commissioner of the Bureau of Labor and Industries; (d) The Commissioner for Community College Services; 19 (e) The Director of the Economic and Community Development Department; 20(f) The Director of the Employment Department; 21 22(g) The Superintendent of Public Instruction; (h) Ten members who represent business, appointed by the Governor; 23(i) Two members who represent labor organizations, appointed by the Governor; and 24 (j) One member from each house of the Legislative Assembly who serve in an advisory 25capacity and are nonvoting members. The member from the House of Representatives shall 2627be appointed by the Speaker of the House of Representatives. The member from the Senate shall be appointed by the President of the Senate. 28(3) The term of office for the members appointed by the Governor is four years. A 2930 member appointed by the Governor serves at the pleasure of the Governor. Before the expi-31 ration of the term of a member, the Governor shall appoint a successor whose term begins on the expiration of the term of the member who is being replaced. A member is eligible for 32reappointment. If there is a vacancy for any cause, the Governor shall make an appointment 33 34 to become immediately effective for the unexpired term. [(3)] (4) Representatives of business described in section 2821(b)(1)(C)(i) of the federal Act who 35 are appointed to the board shall be confirmed by the Senate in the manner prescribed under ORS 36 37 171.562 and 171.565. 38 [(4)] (5) The Governor shall select a chairperson in accordance with the requirements of section 2821(c) of the federal Act. 39 40 [(5)] (6) A majority of the voting members of the board shall be representatives of business, as described in section 2821(b)(1)(C)(i) of the federal Act. 41 [(6) Members of the Legislative Assembly appointed to the board are nonvoting members of the 42 board and may act in an advisory capacity only.] 43 (7) To transact business at a meeting of the board, a quorum of voting members must participate. 44 A quorum shall consist of a majority of the voting members. At least 25 percent of the members 45

1	participating shall be representatives of business, as described in section 2821(b)(1)(C)(i) of the fed-
2	eral Act.
3	SECTION 3. Notwithstanding the term of office specified in ORS 660.321, of the:
4	(1) Ten representatives of business first appointed to the State Workforce Development
5	Board after the effective date of this 2009 Act:
6	(a) Three shall serve for a term ending January 1, 2012;
7	(b) Three shall serve for a term ending on January 1, 2013; and
8	(c) Four shall serve for a term ending on January 1, 2014.
9	(2) Two labor representatives first appointed to the State Workforce Development Board
10	after the effective date of this 2009 Act:
11	(a) One shall serve for a term ending on January 1, 2013; and
12	(b) One shall serve for a term ending on January 1, 2014.
13	SECTION 4. Section 5 of this 2009 Act is added to and made a part of ORS 660.300 to
14	660.339.
15	SECTION 5. References in ORS 660.300 to 660.339 to the "federal Act" or "federal
16	Workforce Investment Act" shall be construed to refer to the federal Act as it is in effect
17	on the effective date of this 2009 Act.
18	SECTION 6. ORS 660.312 is amended to read:
19	660.312. (1) The Governor shall be responsible for a coordinated and comprehensive response to
20	education and workforce issues. The Governor shall appoint an Education and Workforce Policy
21	Advisor, who serves at the pleasure of the Governor. The advisor shall, with the advice of such
22	advisory committees as may be appointed or assigned, advise the Governor on policy, planning and
23	coordination for education and workforce development in Oregon.
24	(2) The duties of the advisor [shall] include, but are not limited to:
25	(a) [Guiding the development of state-level policy related to education and workforce issues;]
26	Serving as administrator of the State Workforce Investment Board;
27	(b) Assisting the board and the Governor in the administration of ORS 660.300 to 660.339;
28	(c) Supervising the staff of the board;
29	[(b)] (d) Providing general direction and serving as a liaison between state and local efforts in
30	education, training and workforce development; and
31	(e) Performing other duties as may be assigned to the advisor by the Governor.
32	[(c) Ensuring, through collaboration with the leadership of local workforce investment boards and
33	regional workforce committees, the alignment of statewide, local and regional strategic plans, and the
34	periodic reporting of performance in the implementation of such plans; and]
35	[(d) Consulting with local workforce investment boards and regional workforce committees on the
36	development and implementation of a workforce performance measurement system.]
37	[(3) In the performance of duties, the advisor shall collectively involve state agencies, including but
38	not limited to:]
39	[(a) The Department of Education;]
40	[(b) The Oregon University System;]
41	[(c) The Economic and Community Development Department;]
42	[(d) The Department of Community Colleges and Workforce Development;]
43	[(e) The Employment Department;]
44	[(f) The Department of Human Services;]
45	[(g) The Bureau of Labor and Industries;]

1 [(h) The Department of Corrections;]

2 [(i) The Oregon Student Assistance Commission; and]

3 [(j) The Teacher Standards and Practices Commission.]

4 [(4) The advisor shall seek input from key interested parties to help guide policy development, in-

5 cluding but not limited to representatives of:]

6 [(a) Businesses and industry organizations;]

7 [(b) Labor and labor organizations;]

8 [(c) Local education providers;]

9 [(d) Local government;]

10 [(e) Student, teacher, parent and faculty organizations;]

11 [(f) Community-based organizations;]

12 [(g) Public-private partnership organizations;]

13 [(h) Independent nonprofit and proprietary post-secondary colleges and schools; and]

[(i) Regional workforce committees, local workforce investment boards and regional investment
 boards.]

16 [(5) The advisor shall meet, on a regularly scheduled basis, with the local workforce investment 17 boards, regional workforce committees and such others as necessary to ensure that local interests are 18 represented. The advisor shall seek input, advice and feedback on policy issues affecting state, regional 19 and local education and workforce development from interested parties and other committees formed 20 under ORS 660.306, 660.312 and 660.315.]

21 [(6) Pursuant to ORS chapter 183, the advisor may adopt rules necessary to carry out the duties 22 of the advisor.]

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SECTION 7. ORS 660.318 is amended to read:

660.318. (1) To implement and oversee state implementation of Title I-B, the Department of
 Community Colleges and Workforce Development may:

(a) Receive federal youth activities funds allotted to this state by the Secretary of Labor pursuant to Title I-B and allocate those funds that are not reserved according to an allocation formula
recommended by the State Workforce Investment Board and approved by the Governor.

(b) Receive federal adult employment and training activities funds allotted to this state by the Secretary of Labor pursuant to Title I-B and allocate those funds that are not reserved according to an allocation formula recommended by the State Workforce Investment Board and approved by the Governor.

(c) Receive federal dislocated worker funds allotted to this state by the Secretary of Labor
 pursuant to Title I-B and allocate those funds that are not reserved according to an allocation for mula recommended by the State Workforce Investment Board and approved by the Governor.

(d) Establish a procedure for use by local workforce investment boards to identify eligible pro viders of training services according to section 2864 of the federal Act and to maintain the list of
 providers identified as eligible by the boards in all local workforce investment areas in this state.

39 [(e) Receive the comprehensive strategic plan developed and implemented by each local workforce 40 investment board and review the plan, with input from representatives of state and local workforce 41 programs, to determine if the plan meets the requirements of section 2833 of the federal Act and state 42 policy.]

43 [(f) Approve the plans, after review by the State Workforce Investment Board, that are found to 44 meet the requirements of Title I-B and review and approve any amendments to the plans.]

45 [(g) Carry out the required and allowable activities described in section 2864 of the federal Act

with the advice of the Education and Workforce Policy Advisor.] 1

2 [(h)] (e) Pursuant to ORS 660.339, establish procedures to maintain the confidentiality of the names and records of participants in workforce programs for which the department is responsible. 3 including circumstances under which the names and records may be disclosed. 4

 $\mathbf{5}$ [(i) Establish a method to set performance standards for the Secretary of Labor as required under section 2871 of the federal Act.] 6

[(j) Perform planning functions related to Title I-B programs and performance reporting.]

8 (2) The department, in consultation with the State Workforce Investment Board, may adopt rules 9 pursuant to ORS chapter 183 to implement this section.

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SECTION 8. ORS 660.324 is amended to read:

11 660.324. (1) In order to coordinate workforce development planning in a manner that tar-12 gets workforce development investments in the highest priority job sectors, and to effectively administer state and federal workforce investments, the State Workforce Investment 13 Board shall develop and submit to the Governor a single, unified state plan that outlines a strategy, 14 15 with quantitative goals, for the statewide workforce investment system for the State of Oregon in 16 accordance with section 2821 of the federal Workforce Investment Act of 1998. Upon the Governor's approval of the state plan, the Governor shall cause the State Unified Workforce Plan to be deliv-17 18 ered to the Legislative Assembly.

19 (2) [The board shall develop and include in the state plan goals designed to promote Oregonians' 20self-sufficiency.] In addition to requirements under the Federal Act regarding wage and other goals, the [state] plan shall [include]: 21

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(a) Define unmet workforce needs in Oregon.

23(b) Establish goals for workforce development activities, including, but not limited to:

(A) Overall goals for workforce development. 24

(B) Goals designed to promote Oregonians' self-sufficiency. 25

(C) Quantifiable goals that will empower Oregonians to gain independence from public assist-2627ance and move up the socioeconomic ladder.

(3) The board shall assist the Governor in: 28

(a) Developing Oregon's workforce investment system; 29

30 (b) Ensuring timely consultation and collaboration with chief elected officials, local workforce 31 investment boards and other workforce stakeholders, including but not limited to business and labor 32organizations;

(c) Reviewing local workforce plans; 33

34 (d) Developing, as required by the federal Act, allocation formulas for the distribution of funds 35 to local workforce investment areas for adult employment and training activities and for youth activities that are developed by the local workforce investment boards; 36

37 (e) Recommending the duties and responsibilities of state agencies to implement the federal Act, 38 to avoid conflicts of interest and to capitalize on the experience developed by workforce partners who are efficient and effective at meeting the requirements of the federal Act; 39

40 (f) Participating in the development of a coordinated statewide system of activities and services that includes both mandatory and optional partners of the one-stop delivery system, as provided in 41 42the federal Act;

(g) Providing for the development, accountability and continuous improvement of comprehensive 43 workforce performance measures to assess the effectiveness of the workforce investment activities 44 in this state; 45

1 (h) Developing a statewide employment statistics system, as described in section 15(e) of the 2 Wagner-Peyser Act (29 U.S.C. 49L-2(e)); and

3 (i) Preparing an annual report and submitting it to the United States Department of Education,
4 the United States Department of Health and Human Services and the United States Department of
5 Labor.

6 (4) The board, in partnership with the Governor, shall establish criteria for use by chief elected 7 officials in appointing members to local workforce investment boards in accordance with the re-8 quirements of section 2832 of the federal Workforce Investment Act of 1998. The board shall estab-9 lish the following requirements:

(a) To transact business at a meeting of a local workforce investment board, a quorum of members must participate. A quorum shall consist of a majority of the members. At least 25 percent of
the members participating must be representatives of business, as described in section
2821(b)(1)(C)(i) of the federal Act.

(b) When appropriate and upon a request from the chief elected official of a county or the City 14 15 of Portland, the State Workforce Investment Board shall consider the county or the City of Portland 16to be a candidate for designation as a local workforce investment area. The board shall consult with the county or the City of Portland before designating it as a local workforce investment area. After 17 18 considering the criteria in section 2831 of the federal Act for designating local workforce investment 19 areas, chief elected officials may submit a request to the board to combine their units of government 20into a local workforce investment area. The board shall make recommendations to the Governor about the designation of local workforce investment areas. Only the Governor may designate local 2122workforce investment areas. The Governor must show just cause for not designating a requested 23local workforce investment area. A county or the City of Portland may submit an appeal to the board, as provided in section 2831 of the federal Act, if the Governor does not grant the county's 2425or the city's request to designate a local workforce investment area.

26 [(5) The board shall provide guidance and direction to local workforce investment boards in the 27 development of local workforce plans. The State Workforce Investment Board shall adopt policies 28 that:]

[(a) Require each local workforce investment board, in partnership with its chief elected officials and in accordance with section 2833 of the federal Act, to develop and submit to the Governor and the board a strategic local workforce plan that includes, but is not limited to, performance goals; and]

[(b) Permit each local workforce investment board, in consultation with its chief elected officials:]
[(A) To determine, consistent with the requirements of the federal Act, the appropriate level of

34 services based on the workforce needs in the local workforce investment area; and]

35 [(B) To certify local one-stop operators.]

36 (5) The duties of the board include but are not limited to:

(a) Guiding the development of state-level policy related to education and workforce is sues;

(b) Ensuring, through collaboration with the leadership of local workforce investment
boards and regional workforce committees, the alignment of statewide, local and regional
strategic plans, and the periodic reporting of performance in the implementation of such
plans;

43 (c) Consulting with local workforce investment boards and regional workforce commit 44 tees on the development and implementation of a workforce performance measurement sys 45 tem; and

[6]

1	(d) Additional duties assigned to the board by the Governor.
2	(6) In the performance of duties, the board shall collectively involve state agencies, in-
3	cluding but not limited to:
4	(a) The Department of Education;
5	(b) The Oregon University System;
6	(c) The Economic and Community Development Department;
7	(d) The Department of Community Colleges and Workforce Development;
8	(e) The Employment Department;
9	(f) The Department of Human Services;
10	(g) The Bureau of Labor and Industries;
11	(h) The Department of Corrections;
12	(i) The Oregon Student Assistance Commission; and
13	(j) The Teacher Standards and Practices Commission.
14	(7) The board shall seek input from key interested parties to help guide policy develop-
15	ment, including but not limited to representatives of:
16	(a) Businesses and industry organizations;
17	(b) Labor and labor organizations;
18	(c) Local education providers;
19	(d) Local government;
20	(e) Student, teacher, parent and faculty organizations;
21	(f) Community-based organizations;
22	(g) Public-private partnership organizations;
23	(h) Independent nonprofit and proprietary post-secondary colleges and schools; and
24	(i) Regional workforce committees, local workforce investment boards and regional in-
25	vestment boards.
26	(8) The board shall meet, on a regularly scheduled basis, with the local workforce in-
27	vestment boards, regional workforce committees and others as necessary to ensure that lo-
28	cal interests are represented. The board shall seek input, advice and feedback on policy
29	issues affecting state, regional and local education and workforce development from inter-
30	ested parties and other committees formed under ORS 660.306, 660.312 and 660.315.
31	SECTION 9. Section 10 of this 2009 Act is added to and made a part of ORS 660.300 to
32	660.339.
33	SECTION 10. The State Workforce Investment Board shall:
34	(1) Provide guidance and direction to local workforce investment boards in the develop-
35	ment of local workforce plans. The board shall adopt policies that:
36	(a) Require each local workforce investment board, in partnership with its chief elected
37	officials and in accordance with section 2833 of the federal Act, to develop and submit to the
38	Governor and the board a strategic local workforce plan that includes, but is not limited to,
39	performance goals; and
40	(b) Permit each local workforce investment board, in consultation with its chief elected
41	officials:
42	(A) To determine, consistent with the requirements of the federal Act, the appropriate
43	level of services based on the workforce needs in the local workforce investment area; and
44	(B) To certify local one-stop operators.
45	(2) Receive the comprehensive strategic plan developed and implemented by each local

2 and local workforce programs, to determine if the plan meets the requirements of section 2833 of the federal Act and state policy. 4 (3)(a) Approve the plans that are found to meet the requirements of Title I-B. 5 (b) Provide a written explanation of the deficiencies of plans that are rejected and timeline for submitting amendments to a rejected plan. 7 (c) Review and approve amendments to plans. 8 (4) Carry out the required and allowable activities described in section 2864 of the fedde 9 Act with the advice of the Education and Workforce Policy Advisor. 10 (5) Establish a method to set performance standards for the Secretary of Labor as quired under section 2871 of the federal Act. 12 (6) Perform planning functions related to Title I-B programs and performance reportint SECTION 11. Sections 12 and 13 of this 2009 Act are added to and made a part of O 14 660.300 to 660.339. 15 SECTION 12. (1)(a) The State Workforce Investment Board shall conduct a bienne comprehensive review of workforce development program performance and budgets. 16 (2) Workforce development programs seeking state or federal funding must submit proposed program budget and data supporting the proposed budget to the board in the tit and manner established by the board by rule. 17 (3) After evaluating all proposed workforce development program budgets and supporting that a submitted to the board, the board shall make a system-wide recommendation the workforce developme	a ral re- ng. RS ial he a
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28 (A) Programs with the objective of training or retraining workers, preparing students	
	or
29 careers and placement of dislocated workers.	_
30 (B) Adult vocational programs, occupational skills training programs, on-the-job a	
31 workplace training programs, career technical education programs and apprenticeship p	'0-
32 grams.	~ (
33 (C) Workforce development programs provided by the agencies specified in ORS 660.	24
34 (6).	
35 (D) Federally funded workforce development programs.	
36 (E) Other programs receiving state or federal funds and designated by the Legislat	ve
37 Assembly to be workforce development programs.	
38 SECTION 13. Pursuant to ORS chapter 183, the board shall adopt rules necessary	to
 39 carry out the duties of the board. 40 SECTION 14 OPS 660 215 is amended to read; 	
40 SECTION 14. ORS 660.315 is amended to read: 41 660.215 (1) The Coverner shall designate regional workforce committees to advise the Covern	
41 660.315. (1) The Governor shall designate regional workforce committees to advise the Govern 42 local workforce investment boards that represent federally recognized workforce areas contain	٦r
 42 local workforce investment boards that represent federally recognized workforce areas contain 43 multiple regions, and county elected officials on regional and local needs for workforce developme 	
45 Inditiple regions, and county elected officials on regional and local needs for workforce developme 44 The committees shall also prepare plans for achieving regional goals and coordinate the provis	ng
of services within regions. The committees shall have private and public sector members. However	ng nt.

a majority of the members of each committee shall represent the private sector and include business 1

2 and labor representatives. The chairperson of each committee shall be a private sector member and

be elected by the committee. 3

(2) The private sector committee members shall play a critical role in workforce development, 4 including but not limited to: 5

(a) Identifying current and future workforce needs; 6

(b) Providing feedback on public sector programs;

(c) Assisting public agencies in changing programs to be more effective in meeting private sector 8 9 needs; and

10

7

(d) Being a partner in addressing workforce needs.

11 (3) Private sector members of a committee created under this section shall be appointed by 12 county commissioners and, in the region that includes the City of Portland, the Mayor of Portland. The members of the committee shall reflect the broadest feasible representation from the groups 13 described in ORS [660.312 (4)(a) to (h)] 660.324 (7)(a) to (h). 14

15 (4) The public sector representatives on the committee are representatives who receive re-16 sources and deliver education and workforce programs within the labor market area. Public sector 17 members shall include the broadest feasible representation from, but not be limited to, the following: 18 (a) The Department of Human Services;

19 (b) School districts, education service districts, community colleges, state institutions of higher education and Oregon Health and Science University; 20

(c) The Economic and Community Development Department and local economic development 2122entities;

23(d) The Employment Department;

(e) The federal Act programs; and 24

(f) Other public sector partners. 25

(5) A region may recommend to the Governor an alternate structure for its regional committee, 2627based on regional determination and mutually agreed to by the current public and private sector members of the regional workforce committee and the chief elected officials. The alternate structure 28must retain a private sector chairperson, appointments of the private sector members as provided 2930 in subsection (3) of this section, and substantive public and private sector and other stakeholder 31 participation through formalized methods, such as standing committees.

(6) A regional workforce committee shall develop and implement a strategic regional workforce 32plan that responds to the current and future workforce needs of the regional labor market. 33

34 (7) The strategic regional workforce plan shall:

35 (a) Consider the supply and demand outlook for the region;

(b) Identify and prioritize initiatives and resources, both public and private, to meet the regional 36 37 workforce needs;

38 (c) Articulate and include the coordination of both public and private resources in addressing the workforce needs and goals; and 39

40

(d) Ensure the most appropriate use of resource investments.

(8) The regional workforce committee shall create or enhance the workforce program delivery 41 system to meet the strategic priorities of the region and any strategic priorities of a federally re-42 cognized workforce area that includes that region. 43

(9) Within each region, or within overlapping regions, regional workforce committees, local 44 workforce investment boards and regional investment boards shall coordinate their planning efforts 45

1 to ensure that the strategic efforts and resource allocation of economic and workforce development

2 of an area are consistent. Regional workforce committees and regional investment boards will ex-

tend opportunities to other entities engaged in economic and workforce development programs and
services to participate in their joint or integrated strategic planning.

5 (10)(a) A local workforce investment board that represents a multiregional workforce area shall 6 hold regional workforce committees in the area accountable for any policy and operational respon-7 sibilities under 2832(d) of the federal Act that is delegated to the committees in accordance with 8 state policy and local workforce investment board policy.

9 (b) A regional workforce committee within a multiregional workforce area is accountable to the 10 local workforce investment board for any policy and operational responsibilities carried out under 11 the federal Act on behalf of the board.

(c) As it relates to regional responsibilities under this section, a regional workforce committee
may, through a vote of the committee, determine the methodology for delegating the responsibilities
of the regional workforce committee to a local workforce investment board representing the multiregional workforce area.

16 SECTION 15. ORS 660.309 is repealed.

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