

P.L.2017, CHAPTER 212, *approved August 7, 2017*
Assembly, No. 3381 (*First Reprint*)

1 AN ACT ¹**[establishing]** authorizing the establishment of¹ municipal
2 volunteer snow removal programs and supplementing chapter 65
3 of Title 40 of the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. Each municipality ¹**[shall]** may¹ establish a volunteer
9 program for free removal of snow and ice from the entrance ways,
10 driveways, and abutting sidewalks of qualified residential properties
11 within the municipality ¹**[that are occupied by seniors or disabled**
12 **persons]**¹.

13 b. The governing body of each municipality ¹that establishes a
14 volunteer program under subsection a. of this section¹ shall appoint
15 a coordinator to administer the volunteer program. The coordinator
16 shall be responsible for recruiting and assigning volunteers to
17 conduct snow and ice removal under the volunteer program.

18 c. (1) The coordinator and volunteers of a volunteer program
19 shall serve without compensation, but shall be entitled to request
20 assistance and avail themselves of the personnel, facilities, and
21 equipment of the municipality as may be required and as may be
22 made available for the purposes of the volunteer program. The
23 coordinator and volunteers shall not be considered employees or
24 agents of the municipality, and shall not be entitled to worker's
25 compensation or any other benefits in the event of injury as a result
26 of participation in the volunteer program, and shall not be entitled
27 to indemnification by the municipality.

28 (2) The coordinator and volunteers of a volunteer program shall
29 be immune from suit and liability for any claim for damage to or
30 loss of property, personal injury, or other civil liability caused by
31 any action or inaction that occurred during the course, or as a result
32 of, snow and ice removal under the volunteer program; provided,
33 however, that this paragraph shall not be construed to protect a
34 coordinator or volunteer from suit and liability for damage to or
35 loss of property, personal injury, or other civil liability caused by
36 the intentional or willful and wanton misconduct of that person.

37 (3) Notwithstanding the provisions of the "New Jersey Tort
38 Claims Act," N.J.S.59:1-1 et seq., a municipality, or any employee
39 or agent thereof, shall not be held liable in any civil action to any
40 person for any claim for damage to or loss of property, personal

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted September 15, 2016.

1 injury, or other civil liability that may be caused or sustained by a
2 coordinator or volunteer of a volunteer program during the course,
3 or as a result of, snow and ice removal under the volunteer program.

4 d. Each municipality ¹that establishes a volunteer program under
5 subsection a. of this section¹ shall post on its Internet website, if
6 any, and include in appropriate community notices, newsletters, or
7 other communications made to municipal residents, if any,
8 information about the volunteer program, including the possible
9 availability of free snow and ice removal for seniors and disabled
10 persons, the opportunity to serve as a volunteer, and appropriate
11 contact information for the volunteer program. ¹~~Each~~ Such¹
12 municipality shall also provide this information to the school board
13 of each school district operating within the municipality for it to be
14 shared with the student body of each such school district.

15 e. As used in this section:

16 “Disabled person” means a person having an impairment which
17 is expected to be of long-continued and indefinite duration and
18 substantially impedes the person’s ability to live independently
19 unless the person receives supportive services.

20 “Driveway” means a private roadway providing access to a
21 public street or highway, including any pathway necessary to access
22 the driveway from a qualified residential property.

23 “Dwelling unit” means a detached house, townhouse, apartment,
24 cooperative, condominium, mobile home, or any other similar
25 habitable structure.

26 “Entrance way” means a private pathway providing access to the
27 abutting sidewalks from a qualified residential property.

28 “Private community” means a residential condominium,
29 cooperative, fee simple community, horizontal property regime, or
30 mobile home park comprised of a community trust or other trust
31 device, condominium association, homeowners’ association, or
32 council of co-owners.

33 “Qualified residential property” means a dwelling unit occupied
34 by a senior or disabled person ¹or persons living by themselves or
35 with young children¹, except for a rental unit, the lease of which
36 requires the landlord to provide snow and ice removal equivalent to
37 that provided under a volunteer program, or a unit in a private
38 community, the governing documents of which require the entity
39 responsible for managing the common elements and facilities of the
40 community to provide snow and ice removal equivalent to that
41 provided under a volunteer program.

42 “Senior” means any person 62 years of age or older.

43

44 2. This act shall take effect immediately.

45

46 _____
47 Authorizes municipal volunteer programs for free removal of
48 snow from certain residential properties occupied by seniors or
disabled persons.

ASSEMBLY, No. 3381

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 3, 2016

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblyman NICHOLAS CHIARAVALLOTTI

District 31 (Hudson)

Assemblywoman ANNETTE QUIJANO

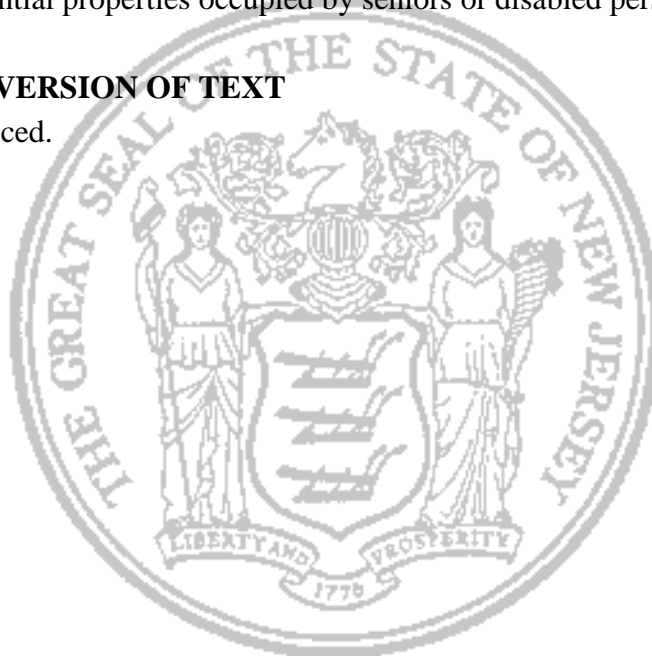
District 20 (Union)

SYNOPSIS

Establishes municipal volunteer programs for free removal of snow from certain residential properties occupied by seniors or disabled persons.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/16/2016)

1 AN ACT establishing municipal volunteer snow removal programs
2 and supplementing chapter 65 of Title 40 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Each municipality shall establish a volunteer program for
8 free removal of snow and ice from the entrance ways, driveways,
9 and abutting sidewalks of qualified residential properties within the
10 municipality that are occupied by seniors or disabled persons.

11 b. The governing body of each municipality shall appoint a
12 coordinator to administer the volunteer program. The coordinator
13 shall be responsible for recruiting and assigning volunteers to
14 conduct snow and ice removal under the volunteer program.

15 c. (1) The coordinator and volunteers of a volunteer program
16 shall serve without compensation, but shall be entitled to request
17 assistance and avail themselves of the personnel, facilities, and
18 equipment of the municipality as may be required and as may be
19 made available for the purposes of the volunteer program. The
20 coordinator and volunteers shall not be considered employees or
21 agents of the municipality, and shall not be entitled to worker's
22 compensation or any other benefits in the event of injury as a result
23 of participation in the volunteer program, and shall not be entitled
24 to indemnification by the municipality.

25 (2) The coordinator and volunteers of a volunteer program shall
26 be immune from suit and liability for any claim for damage to or
27 loss of property, personal injury, or other civil liability caused by
28 any action or inaction that occurred during the course, or as a result
29 of, snow and ice removal under the volunteer program; provided,
30 however, that this paragraph shall not be construed to protect a
31 coordinator or volunteer from suit and liability for damage to or
32 loss of property, personal injury, or other civil liability caused by
33 the intentional or willful and wanton misconduct of that person.

34 (3) Notwithstanding the provisions of the "New Jersey Tort
35 Claims Act," N.J.S.59:1-1 et seq., a municipality, or any employee
36 or agent thereof, shall not be held liable in any civil action to any
37 person for any claim for damage to or loss of property, personal
38 injury, or other civil liability that may be caused or sustained by a
39 coordinator or volunteer of a volunteer program during the course,
40 or as a result of, snow and ice removal under the volunteer program.

41 d. Each municipality shall post on its Internet website, if any,
42 and include in appropriate community notices, newsletters, or other
43 communications made to municipal residents, if any, information
44 about the volunteer program, including the possible availability of
45 free snow and ice removal for seniors and disabled persons, the
46 opportunity to serve as a volunteer, and appropriate contact
47 information for the volunteer program. Each municipality shall also
48 provide this information to the school board of each school district

1 operating within the municipality for it to be shared with the student
2 body of each such school district.

3 e. As used in this section:

4 “Disabled person” means a person having an impairment which
5 is expected to be of long-continued and indefinite duration and
6 substantially impedes the person’s ability to live independently
7 unless the person receives supportive services.

8 “Driveway” means a private roadway providing access to a
9 public street or highway, including any pathway necessary to access
10 the driveway from a qualified residential property.

11 “Dwelling unit” means a detached house, townhouse, apartment,
12 cooperative, condominium, mobile home, or any other similar
13 habitable structure.

14 “Entrance way” means a private pathway providing access to the
15 abutting sidewalks from a qualified residential property.

16 “Private community” means a residential condominium,
17 cooperative, fee simple community, horizontal property regime, or
18 mobile home park comprised of a community trust or other trust
19 device, condominium association, homeowners’ association, or
20 council of co-owners.

21 “Qualified residential property” means a dwelling unit occupied
22 by a senior or disabled person, except for a rental unit, the lease of
23 which requires the landlord to provide snow and ice removal
24 equivalent to that provided under a volunteer program, or a unit in a
25 private community, the governing documents of which require the
26 entity responsible for managing the common elements and facilities
27 of the community to provide snow and ice removal equivalent to
28 that provided under a volunteer program.

29 “Senior” means any person 62 years of age or older.

30

31 2. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 This bill would require each municipality to establish a volunteer
37 program for the free removal of snow and ice from the entrance
38 ways, driveways, and abutting sidewalks of residential properties in
39 the municipality that are occupied by seniors and disabled persons.
40 The bill would provide an avenue for seniors and disabled persons
41 to connect with volunteers in their communities who can help clear
42 out any snow and ice so that seniors and disabled persons may
43 safely enter and exit their homes and carry on their usual activities
44 in the aftermath of severe winter weather.

45 The bill requires each municipality to appoint a coordinator to
46 administer the volunteer program. The coordinator would recruit
47 volunteers to conduct the snow and ice removal under the program.

A3381 MCKNIGHT, HOLLEY

4

1 The volunteers and the municipality would generally be immune
2 from suit for snow and ice removal under the program.

3 The municipality would be required to post information about
4 the volunteer program on its Internet website, if any exists, and in
5 appropriate community notices, newsletters, or other
6 communications made to municipal residents, if any exist. The
7 municipality would also be required to share information about the
8 program with the local schools to share with their student bodies, as
9 students may provide a good source of volunteers.

10 It is the intention of the sponsor that this bill establish a purely
11 volunteer program, not a municipal or governmental entity, that
12 does not incur any costs to the municipality or to the recipients of
13 its snow and ice removal services.

ASSEMBLY HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3381

STATE OF NEW JERSEY

DATED: MAY 12, 2016

The Assembly Housing and Community Development Committee reports favorably Assembly Bill No. 3381.

This bill would require each municipality to establish a volunteer program for the free removal of snow and ice from the entrance ways, driveways, and abutting sidewalks of residential properties in the municipality that are occupied by seniors and disabled persons. The bill would provide an avenue for seniors and disabled persons to connect with volunteers in their communities who can help clear out any snow and ice so that seniors and disabled persons may safely enter and exit their homes and carry on their usual activities in the aftermath of severe winter weather.

The bill requires each municipality to appoint a coordinator to administer the volunteer program. The coordinator would recruit volunteers to conduct the snow and ice removal under the program. The volunteers and the municipality would generally be immune from suit for snow and ice removal under the program.

The municipality would be required to post information about the volunteer program on its Internet website, if any exists, and in appropriate community notices, newsletters, or other communications made to municipal residents, if any exist. The municipality would also be required to share information about the program with the local schools to share with their student bodies, as students may provide a good source of volunteers.

It is the intention of the sponsor that this bill establish a purely volunteer program, not a municipal or governmental entity, that does not incur any costs to the municipality or to the recipients of its snow and ice removal services.

STATEMENT TO
ASSEMBLY, No. 3381

with Assembly Floor Amendments
(Proposed by Assemblywoman MCKNIGHT)

ADOPTED: SEPTEMBER 15, 2016

These floor amendments would make the establishment of municipal volunteer snow removal programs optional for municipalities. The bill originally required all municipalities to establish these programs. The floor amendments also limit the services of these programs to senior or disabled persons who either live by themselves or with young children.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3381

STATE OF NEW JERSEY

DATED: DECEMBER 15, 2016

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 3381 (1R).

This bill would authorize each municipality to establish a volunteer program for the free removal of snow and ice from the entrance ways, driveways, and abutting sidewalks of residential properties in the municipality that are occupied by seniors and disabled persons.

The bill requires each municipality that establishes a snow removal volunteer program to appoint a coordinator to administer the volunteer program. The coordinator would recruit volunteers to conduct the snow and ice removal under the program. The volunteers and the municipality would generally be immune from suit for snow and ice removal under the program.

A municipality that establishes a snow removal volunteer program would also be required to post information about the volunteer program on its Internet website, if any exists, and in appropriate community notices, newsletters, or other communications made to municipal residents, if any exist. Such municipality would also be required to share information about the program with the local schools to share with their student bodies.

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Governor Christie Takes Action On Pending Legislation

Monday, August 7, 2017

Tags: [Bill Action](#)

Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

BILL SIGNINGS:

S-169/A-4329 (Bateman/McKeon, Zwicker) - Allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns

S-452/A-838 (Sacco, Greenstein/Jimenez, Moriarty) - Requires waiver of dealer obligation regarding necessary repairs impacting vehicle inspection to include description of known defects

S-678/A-4967 (Rice/Watson, Tucker, Caputo) - Requires local government units to certify compliance with certain federal hiring requirements when filing annual budgets

S-726/A-4460 (Cruz-Perez, Oroho/Jones, Mosquera, Downey, Johnson) – Extends full protection of Law Against Discrimination to persons having liability for service in Armed Forces of United States; guarantees equal employment opportunity in State contracting to all veterans

S-996wGR/A-1378 (Rice, Van Drew, Turner/Muoio, Benson, Pintor Marin, Quijano, Schaer) – Requires report on status of lead-safe program in DCA

S-1219/A-936 (Holzapfel, Allen/Wolfe, McGuckin, Oliver, Giblin, Wimberly) - Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law"

S-1359/A-4096 (A.R. Bucco, Stack/A.M. Bucco, Vainieri Huttie, McKnight, Mazzeo) - Guarantees full and equal access to all housing to disabled persons who retain their retired service or guide dog as a pet, and who also obtain a new service or guide dog

S-1497/A-3225 (A.R. Bucco, Pennacchio/Dancer, Clifton, Munoz, A.M. Bucco) - Designates Killed in Action flag as an official State flag; mandates it be displayed at certain public buildings

SCS for S-1640, 1642, 1013/AS AS ACS for A-3152, 3154, 2426 (Van Drew, Holzapfel, Singer, Turner/Andrzejczak, McGuckin, Land, Wolfe, Vainieri Huttie, Taliaferro, Benson) - Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs

S-1660/A-770 (Van Drew, Cruz-Perez/Andrzejczak, Land, Houghtaling, DeAngelo, Johnson) - Provides for voluntary contributions by taxpayers on gross income tax returns for maintenance of certain State memorials honoring war veterans

S-1731/A-2368 (Gordon, Allen/Vainieri Huttie) - Permits municipality to establish civil penalty for smoking in public places

S-1739/A-2167 (Turner, Diegman/Johnson, Vainieri Huttie, Wimberly) - Establishes sexual assault training requirements for law enforcement officers

S-1750/A-2729 (Madden, Cruz-Perez/A.M. Bucco, DeAngelo, Space, Mosquera, Wisniewski, DeCroce, Mukherji, Jones) - Establishes special motorcycle license plates for veterans

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S-1808/A-3342 (Van Drew, Diegnan/Karabinchak) - Designates striped bass as NJ State Saltwater Fish; redesignates brook trout as NJ Freshwater Fish

S-2153/A-3520 (Gordon/Eustace, Sumter, Wimberly, Vainieri Huttie, Johnson) – Requires NJTA to study impact of constructing rail stations at certain park and ride facilities

S-2369/A-4152 (Whelan, Van Drew, Connors/Andrzejczak, Mazzeo, Land, Burzichelli) - Limits application of DEP shellfish habitat rules for certain dredging activities

S-2457/A-3999 (Van Drew, Oroho/Houghtaling, Andrzejczak, Mazzeo, Space, Downey) - Enables collection of voluntary contributions for Jersey Fresh Program through gross income tax returns

S-2578/A-4239 (Cunningham, Pou, Gordon/Sumter, Jasey, Benson, Muoio, Downey, Mukherji) - Revises New Jersey College Loans to Assist State Students Loan Program to require applicants first exhaust federal student loans, require income verification, and limit total student loan amounts

S-2884/A-4484 (Whelan, Greenstein/Eustace, Quijano, Chiaravalloti, Caride) - Declares that deed restrictions or agreements that prevent raising or constructing of a structure to certain flood elevation standards are unenforceable

S-2892/A-5042 (Sweeney/Giblin) - Exempts certain real estate brokers, broker-salespersons and salespersons from continuing education requirement

S-3074/A-4586 (Lesniak, Turner/Johnson, Oliver, Holley, Chiaravalloti) - Establishes gubernatorial veto power over Waterfront Commission of New York Harbor's meeting minutes; expands gubernatorial oversight powers over commission

S-3244/A-4854 (Sweeney, Allen/Singleton, Burzichelli, Taliaferro) - Designates portion of Interstate Highway Route 295 in West Deptford Township as "State Trooper Sean E. Cullen Memorial Highway"

A-445/S-1661 (Mazzeo, Pinkin, DeAngelo, Chiaravalloti/Van Drew, A.R. Bucco) - Provides for voluntary contributions by taxpayers on gross income tax returns for the NJ World War II Veterans' Memorial Fund

A-1185/S-2771 (Mosquera, Holley, Moriarty, Quijano/Cruz-Perez, Van Drew) - Requires State Comptroller to report findings of audit compliance reviews

A-1199/S-1326 (Mosquera, Moriarty, Lagana, Zwicker, Downey/Turner, Oroho) - Permits a victim or witness of any age to testify by closed circuit television under certain circumstances in prosecutions for domestic violence, sexual assault, and certain other crimes

ACS for A-1690/SCS SCS for S-660, 2002 (Dancer, Singleton, Andrzejczak, Land, Benson, Moriarty, Houghtaling/Turner, Beach, Van Drew) - Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda

A-1953/S-2448 (Coughlin, Lagana, Muoio, Benson, Houghtaling, Danielsen, Mukherji/Vitale, Whelan) - Allows installment payments for senior and disabled property taxpayers to repay overpayments of homestead credits and homestead property tax reimbursements

A-1955/SCS for S-1795 (Jones, Lampitt, Phoebus, Space/A.R. Bucco, Oroho) - Provides for voluntary discharge of personal representatives overseeing administration of estates by application to the Surrogate's Court

A-2176/S-156 (Taliaferro, Eustace, Benson, Mazzeo, Chiaravalloti/Madden, Ruiz) - Criminalizes possession and sale of alpha-pyrrolidinopentophenone (alpha-PVP), commonly known as "flakka" or "flocka"

A-3056/SCS for S-2360, 3030 (Taliaferro, Dancer, Houghtaling, Space, Andrzejczak, Webber/Allen, Greenstein, Bateman, Smith, Wimberly) – Requires DEP to establish voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle food waste; extends "Food Bank Good Samaritan Act" immunity protections to public and nonpublic schools.

A-3058/S-2366 (Space, Taliaferro, Dancer, Houghtaling, Andrzejczak/Oroho, Ruiz) - Establishes Farm to School Coordinating Council

A-3381 (McKnight, Holley, Vainieri Huttie, Houghtaling, Chiaravalloti, Quijano, Gordon) – Authorizes municipal volunteer programs for free removal of snow from certain residential properties occupied by seniors or disabled persons.

A-3386/S-2711 (Schaer, Vainieri Huttie, Chiaravalloti, Caride, Mukherji, Wimberly/Vitale, Rice) - Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care

A-3437/S-1076 (DeAngelo, Gusciora, Land, Andrzejczak/Turner) - Designates "Garden State" as State Slogan

A-3896/S-2790 (Sumter, Mukherji, Pintor Marin/Scutari, Turner) - Concerns sale of certain tires

A-3908/S-3021 (Mazzeo, DeAngelo, Mukherji, Houghtaling, Quijano/Whelan, T. Kean) - Establishes 9/11 Memorial Registry

A-3911/S-2863 (Wisniewski, Vainieri Huttie, Mukherji/Cardinale, Pennacchio) - Provides that motor vehicle registration expires on registrant's numerical calendar day of birth

A-4164/S-2588 (Houghtaling, Downey, Holley, Muoio, Webber/Van Drew, Cruz-Perez) - Requires State Auditor to annually report on unspent State account balances

A-4206/S-2676 (Karabinchak, Prieto, Webber, Holley/Diegnan, A.R. Bucco) - Requires candidates for election to school board to file with their nominating petitions specific affirmation that they have not been convicted of crimes that would disqualify them from office

A-4230/S-3141 (Conaway, O'Scanlon, Mukherji, Pintor Marin/Codey) - Requires health insurance carriers; SHBP, and SEHBP to inform covered persons about organ and tissue donation

ACS for A-4432/SCS for S-2841 (Schaer, Lampitt, Benson, Singleton, Chiaravalloti, Wimberly/Cunningham) - Provides increased tax credit amounts under Grow New Jersey Assistance Program for certain businesses that have collaborative research relationships with colleges or universities

A-4542/S-2986 (Mazzeo, Johnson, Land, Andrzejczak, DeCrocce/Van Drew) - Designates portion of State Highway Route 55 as "State Trooper Frankie L. Williams Memorial Highway"

A-4580/S-2989 (Taliaferro, Burzichelli, Quijano, Houghtaling/Lesniak, Oroho) - Appropriates \$2,900,000 from "2009 Farmland Preservation Fund" for grants to certain nonprofit organizations for farmland preservation purposes

A-4581/S-2987 (Houghtaling, Andrzejczak, Singleton, Downey/Cruz-Perez, Oroho) - Appropriates \$22,385,743 to State Agriculture Development Committee for farmland preservation purposes

A-4582/S-2990 (Andrzejczak, Mazzeo, Taliaferro, Zwicker, Houghtaling/Whelan, Van Drew) - Appropriates \$32.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants

A-4584/S-2988 (Zwicker, Taliaferro, Burzichelli, Houghtaling/Sweeney) - Appropriates \$7,500,000 from constitutionally dedicated CBT revenues for planning incentive grants to municipalities for farmland preservation purposes

A-4630/S-1938 (Jones/Cruz-Perez) - Repeals law regulating charges assessed by a miller for grinding grain

A-4673/S-3095 (Houghtaling, Downey/Van Drew) - Concerns assessment of buildings or structures on real property located in certain counties following material depreciation thereof

A-4713/S-3235 (Burzichelli, Prieto, Gusciora, DeAngelo, Benson/Kyrillos, Whelan) - Designates building where NJEDA is located in memory of Caren Franzini to commemorate her outstanding service to State

A-4895/S-3056 (Egan, Sumter, Pinkin/Cunningham) - Eliminates UI exemption for interns employed by hospitals

BILL VETOED:

S-2214/A-3847 (Turner, Cunningham/Lampitt, Mukherji, Johnson, Eustace) - CONDITIONAL - Requires institutions of higher education and proprietary degree-granting institutions to improve transparency of tuition and fees

###

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