

September 15, 2022

MEMO TO: Traci Fujita, Director of Council Services

F R O M: *DMR* David Raatz, Deputy Director of Council Services

SUBJECT: **“2022 LEGISLATIVE UPDATE: AN INSIDE THE STATE CAPITOL PERSPECTIVE”** (PAF 21-012(45))

I attended a virtual continuing-legal-education program called “2022 Legislative Update: An Inside the State Capitol Perspective” on July 22, 2022. The program was sponsored by the Hawai‘i State Bar Association, and the speakers were Senator Joy San Buenaventura and Representative Della Au Belatti.

The speakers highlighted a number of new laws enacted this year, including the following:

### **Budgetary and Economic Matters**

#### Act 114: Minimum Wage

- Incrementally increases the State minimum wage:
  - \$12 per hour beginning October 1, 2022.
  - \$14 per hour beginning January 1, 2024.
  - \$16 per hour beginning January 1, 2026.
  - \$18 per hour beginning January 1, 2028.

#### Act 279: Department of Hawaiian Home Lands

- Appropriates \$600 million to DHHL to develop lots, purchase lands, and provide down payment and rent subsidies for waitlist beneficiaries.
- Requires development of a strategic plan (working group) divided by county and submitted to the Legislature with findings, recommendations, and proposed legislation by December 10, 2022, to address applicant waitlist preferences:
  - 76% prefer a lot with a single-family home or vacant lot for a house.
  - 16% prefer to rent or rent-to-own with the option to buy in the future.
- Requires annual report submitted to the Legislature on the first day of each regular session that outlines:
  - Expenditures for the purposes of this Act in the previous fiscal year.

- The number of applicants on the waiting list assisted.

## **Human Services**

### Act 129: Family First Programs

- Requires the Departments of Human Services, Education, and Health to coordinate with public and private entities and county and State agencies to develop and implement family resource centers.

### Act 130: Safe Spaces for Youth

- Establishes the Safe Spaces for Youth Pilot Program for youth ages 14-25.
- Requires the Department of Human Services to collaborate with all State and county departments that offer services on the well-being of youth in Hawai'i to coordinate the identification of youth who are experiencing homelessness and placement of these youth at a shelter for homeless youth.

## **Crime**

### Act 88: Catalytic Converters

- Regulates the purchase of catalytic converters by used motor vehicle parts dealers and palladium, platinum, and rhodium by scrap dealers and recyclers.

## **Environment**

### Act 185: Carbon Sequestration

- Establishes the Hawaii Carbon Smart Land Management Assistance Pilot Program to incentivize carbon sequestration.

### Act 223: Development Rights

- Expands the authority of the counties to transfer development rights to address areas at risk of sea level rise, coastal erosion, storm surge, or flooding associated with climate change.

## **Housing**

### Act 251: Public Housing Authority

- Allows the Hawaii Public Housing Authority to develop mixed-income and mixed-financed housing projects.
- Prohibits the development or construction of housing projects on ceded land that is vacant on or after January 1, 2022.

### Act 305: Affordable Housing

- Establishes a statewide working group on affordable housing to foster increased inter-agency coordination on housing and zoning issues, raise public awareness of ongoing State and county efforts to reduce barriers to affordable housing development, and propose legislation, including on YIMBY, or “Yes In My Backyard,” legislation.
- Requires an annual report to the Legislature.

The speakers also said they expect the Legislature next year to consider the introduction of State constitutional amendments on reproductive freedom and the right to marry and to continue to address overtourism.

A copy of the speakers’ PowerPoint presentation is attached.

Thank you for the opportunity to attend this CLE program. Please let me know if you have any questions or need additional information.

paf:dmr:21-012(45)a

Attachment

cc: OCS Legislative Attorneys



## 2022 Legislative Update: An Inside the State Capitol Perspective

Senator Joy San Buenaventura  
Representative Della Au Belatti

July 22, 2022

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## Introduction

### **Senator Joy San Buenaventura, District 2 (Puna-East Ka'ū)**

- Chair: Senate Committee on Human Services
- Member: Senate Committees on Health and Commerce & Consumer Protection
- Former House Majority Whip and Vice Chair, House Committee on Judiciary

### **Representative Della Au Belatti, District 24 (Makiki, Tantalus, Punchbowl, Papakolea)**

- House Majority Leader
- Former Chair: House Committee on Health
- Member, Access to Justice Commission

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## Agenda

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- “Budget Bills”
- Judiciary Budget Bill & Programs
- Human Services Budget Items & Highlights
- Other Penal Code, Elections, Health Care Policy, & Development Reforms
- 2022 Vetoed Bills
- Bills that Did Not Pass Conference & Potential Legislation for 2023
- Questions?

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## 2022 Legislative Highlights “BUDGET BILLS”

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## 2022 “BUDGET BILLS”

### *Highlights*

- [HB1600 CD1](#) Executive Supplemental Budget – Operating Budget (Act 248 subject to line item vetoes) \$16.9B
- [SB514 CD2](#) Rainy Day & Pension Funds; Tax Refund - (Act 115)
- [HB1147 CD1](#) Additional Supplemental Appropriations Act - Hawai‘i Tourism Authority) **(Vetoed)**
- [HB2511 CD1](#) DHHL Affordable Housing (Act 279)
- [SB3041 CD1](#) Claims Against the State (Act 280)
- [SB2021 CD1](#) OHA Public Land Trust Bill (Act 226)

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## 2022 “BUDGET BILLS”

### *Highlights*

- [HB2510 CD1](#) Minimum Wage, Earned Income Tax Credit (Act 114)
- [HB2512 CD2](#) 'Ohana Zones (Act 235)
- [SB3048 CD2](#) Rental Housing Revolving Fund (Act 236)
- [HB2233](#) Temporary Assistance for Needy Families (TANF) (Act 237)
- [HB1752 CD1](#) Section 8 Vouchers (Act 287)
- [SB2076 CD1](#) Broadband Infrastructure (Act 231)
- [HB2000 CD1](#) School Facilities Authority (Act 257)

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## 2022 “BUDGET BILLS”

### *HB2511 CD1 Department of Hawaiian Home Lands*

- **HB2511 CD1** Appropriates \$600M to DHHL to develop lots, purchase lands, and provide down payment and rent subsidies for waitlist beneficiaries
- Requires development of a strategic plan (working group) divided by county and submitted to the legislature with findings, recommendations, and proposed legislation by December 10, 2022, to address applicant waitlist preferences:
  - 76% prefer a lot with a single-family home or vacant lot for a house
  - 16% prefer to rent or rent-to-own with the option to buy in the future
- Requires annual report submitted to the Legislature on the first day of each regular session that outlines:
  - Expenditures for the purposes of this act in the previous fiscal year
  - The number of applicants on the waiting list assisted

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## 2022 “BUDGET BILLS”

### *SB3041 CD1 Claims Against the State*

- **SB3041 CD1** is an annual bill that appropriate payments for claims against the State, its officers, and its employees
- Funds the \$328 million Kalima case settlement of waitlisted DHHL beneficiaries

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## 2022 “BUDGET BILLS”

### *SB2021 CD1 Public Land Trust Bill*

- **SB2021 CD1** Increases Office of Hawaiian Affairs interim annual share of income and proceeds of the public land trust to \$21.5 million beginning FY 2022-2023
- Next steps: Establishes a working group to determine pro rata share of income & proceeds from the public land trust due annually to OHA

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## 2022 “BUDGET BILLS”

### *SB2076 CD1 Broadband Infrastructure & HB2000 CD1 School Facilities Authority*

- **SB2076 CD1** Convenes a working group to determine the appropriate governance structure to operate, maintain, and oversee public broadband assets. Appropriates funds for three full-time positions.
  - Line-item veto rationale: \$200M vetoed by Governor Ige as an over-appropriation of federal funds. In addition, the State must operate within the federal Maintenance of Effort (MOE) requirements contained in the American Rescue Plan Act.
- **HB2000 CD1** appropriates \$200 million in funds to school facilities authority to expand access to pre-kindergarten. Schools may expend funds on the construction of new facilities, renovation or improvement of existing facilities, and any other costs schools deem appropriate to increase pre-kindergarten student capacity within the State.

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## 2022 Legislative Highlights Judiciary Budget & Programs

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## Judiciary Budget & Programs

*HB1536 Judiciary Supplemental Appropriations Act of 2022*

**HB1536 CD1** Appropriates supplemental funds for the operating & capital improvement costs for the Judiciary for the fiscal biennium beginning 7/1/2021 and ending 6/30/2023 that includes:

- Adjusted position ceilings for the courts of appeal & circuit courts on Oahu, Maui, Hawaii Island & Kauai, & Judiciary administration;
- Capital improvement costs on Oahu & funds for a new courtroom at Hoapili Hale, Maui; &
- Adjusted program appropriations including funding for civil legal services.

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## Judiciary Budget & Programs

### *SB2390 CD1 Intermediate Court of Appeals*

#### **SB2390 CD1**

- Increases the number of associate judges in the Intermediate Court of Appeals from five to six
- Appropriates \$478,326 of general revenues for the additional associate judge, support staff, and other administrative expenses

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## Judiciary Budget & Programs

### *Women's Prison Reform Bills*

- **HB2312 CD1** Women's Corrections Implementation Commission
- **HB2421 CD1** 3-year Women's Court Pilot Program on Oahu
- **SB3294 CD1** Reentry Planning Circles for incarcerated individuals, their families & prison staff
- **SB2637 CD1** Mandating availability of Community-Based Work Furlough Program for women offenders
- **SB2641 CD1** Residential programs that allow minors to remain with their mothers while participating in Community-Based Furlough Programs and Residential Drug Treatment

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## Judiciary Budget & Programs

### *Future Judiciary Bills*

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- Codifying Property Division for Divorce/Separation
- Pre-arrest Diversion/CORE versus HRS 702/HRS 706-607 – pre/post sentencing commitment
- Civil Asset Forfeiture limits

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## 2022 Legislative Highlights Human Services (HMS) Health

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## Human Services (HMS)

### *Department of Human Services Budget Highlights*

- \$3,006,048 in operating costs and twenty-five positions to implement a **childcare subsidies program** within the department, statewide for eligible low-income families.
- \$6,960,000 to assist families with **child-care payments**.
- \$2,080,000 to fund a database and a wage subsidy for **early learning educators**.
- \$1,842,000 for the **Exit Retention Bonus Payment Program** to help families successfully exit the Temporary Assistance to Needy Families (TANF) program.
- \$6,000,000 for the **TANF program to procure innovative afterschool services**.
- \$23,094,000 to fund additional housing subsidies of up to \$500 per month to **TANF and TAONF program** participants who are participating in the First-to-Work Program..
- \$5,897,505 to expand **post-partum coverage** from 2 to 12 months for MedQuest patients to increase lifesaving screening services, provide preventative treatment, and address healthcare parity.
- \$25,952,297 to provide **adult dental benefits to MedQuest patients** including both cleaning and treatment services.

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## Human Services (HMS)

### *SB2457 CD1 Immigrant Resource Centers*



**U.S. Citizenship  
and Immigration  
Services**

- **SB2457 CD1** Appropriates funds to the Department of Labor and Industrial Relations' Office of Community Services to restore funding for immigrant resource centers. (CD1)
- **Future:** Temporary/Reciprocal licensing for healthcare and other hard-to-fill positions
- 07/07/2022 Act 256 (Gov. Msg. No 1359)

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## Human Services (HMS)

### *SB2857 Child Wellness*

- **SB2857** Establishes within the Department of Human Services, a five-year Child Wellness Incentive Pilot Program that pays \$50 to each state Medicaid benefit recipient for each completed well-child examination of that recipient parent's child.
- **Future: *Result of CWS Audit/More eyes on children in system*** Act 127 (Gov. Msg. No. 1228)

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## Human Services (HMS)

### *SB3111 Family Resource Centers*

- **SB3111** Requires the Departments of Human Services, Education, and Health to coordinate with public and private entities and county and State agencies to develop and implement family resource centers.
- **Future: *Family First Programs*** – focus on family retention versus foster care
- 06/27/2022 Act 129 (Gov. Msg. No. 1230)

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## Human Services (HMS)

### *SB3235 Safe Spaces for Youth Pilot Program*

- **SB 3235** Establishes the Safe Spaces for Youth Pilot Program for Youth ages 14-25. Requires DHS to collaborate with all state and county departments that offer services to ensure the well-being of youth in Hawaii to coordinate the identification of youth who are experiencing homelessness and placement of these youth at a shelter for homeless youth. Repeals 6/30/2025. (CD1)
- **Future: Minor Emancipation Procedure**
- 06/27/2022 Act 130 (Gov. Msg. No. 1231)



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## Human Services (HMS)

### *SB3294 Reentry Planning Circles*

**SB3294** Appropriates moneys for reentry planning circles for incarcerated. 06/27/2022 Act 118 (Gov. Msg. No. 1219)

**Future:** New DPS-  
Re-entry Rent  
Vouchers/Employer  
incentives

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## *Increasing Access to Health Care*

- **HB2405 Insurance** Prohibits health insurers, mutual benefit societies, and health maintenance organizations from applying categorical cosmetic or blanket exclusions to gender affirming treatments or procedures when determined to be medically necessary pursuant to applicable law and specifies a process for appealing a claim denied on the basis of medical necessity.
- **SB2821 Menstrual Equality** Requires the Department of Education to provide menstrual products free of charge to all students on all public school campuses.
- **SB2280 Dental Assistants** Allows dental assistants to perform limited duties under the general supervision of a dentist and under the direction of a dental hygienist.
- **HB1758 Nurses** Allows for temporary permits to be issued to registered nurses and licensed practical nurses from a territory or foreign country who are seeking a state license by endorsement.
- **HB1575 Physician Assistants** Expands the scope of practice for physician assistants

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## *Potential Future Healthcare Bills*

- Expansion of APRN duties
- Reciprocal licensing for out-of-state healthcare workers (similar to military)
- Licensing of Community Healthcare Workers
- Limited Expansion of Psychologists to include prescriptive ability
- 988 - More Behavioral Health Resources
- Increasing Telehealth to include audio only

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## 2022 Legislative Highlights Other Penal Code, Elections, Health Care Policy, & Development Reforms

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### *Penal Code Reforms (1)*

- **SB2163** *Negligent Homicide* Makes negligent homicide in the first degree a class A felony if the person causes the death of another by operating a vehicle in a negligent manner while under the influence of drugs or alcohol and the person has prior convictions for operating a vehicle under the influence or a suspended and revoked license and privilege to operate a vehicle due to driving while under the influence of an intoxicant or the person is a highly intoxicated driver, subject to certain conditions.
- **HB2213** *Mail Theft* Establishes the theft of mail as a misdemeanor
- **HB1455** *Robbery in the First Degree* Amends the offense of robbery in the first degree to include a person committing theft or unlawful taking of a motor vehicle while being armed with an electric gun.

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## *Penal Code Reforms (2)*

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- **SB2279** *Catalytic Converters* Regulates the purchase of catalytic converters by used motor vehicle parts dealers and palladium, platinum, and rhodium by scrap dealers and recyclers. Subjects persons who violate related provisions to a class C felony.
- **HB1653** *Aquatic Resources* Establishes a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured. Establishes a criminal fine structure on a per-specimen basis for violations involving aquatic life.

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## *Potential Future Penal Code Bills*

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- Open/Concealed-Carry Gun Regulation – New York State Rifle & Pistol Association v. Bruen
- Decriminalization of Hemp/CBD manufacture/Marijuana
- Domestic Violence Pilot Project – make permanent/tweak
- Red-Light Camera

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## *Election Reforms*

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- **SB665** *Violations of Campaign Finance Law* Makes intentionally providing false information concerning the name or address of a person paying for a campaign advertisement a class C felony.
- **SB2162** *Ranked Choice Voting* Establishes ranked-choice voting for special federal elections and special elections of vacant county council seats. Effective 1/1/2023.
- **Future: For Con Am's and County initiatives, Pro & Con Positions**

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## *New Laws Impacting Development*

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- **SB2251** *Public Housing Authority* Allows the Hawaii Public Housing Authority to develop mixed-income and mixed-financed housing projects. Prohibits the development or construction of housing projects on ceded land that is vacant on or after 1/1/2022.
- **HB1436** *Development Rights* Expands the authority of the counties to transfer development rights to address areas at risk of sea level rise, coastal erosion, storm surge, or flooding associated with climate change.
- **SB3325** Establishes the Hawaii Carbon Smart Land Management Assistance Pilot Program to incentivize carbon sequestration.

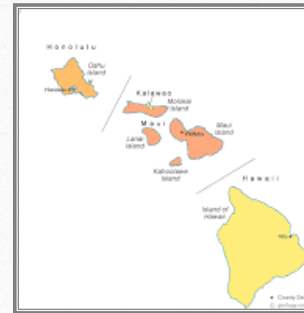
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## *SB3324 CD1 Relating to Infrastructure Maintenance in Housing Subdivisions*

- **SB3324 CD1** Establishes a working group to examine and address the problem of infrastructure repair and maintenance in planned housing subdivisions that do not have compulsory homeowner associations.
- **Future:** *Subdivisions/Planned Community Assoc (HRS 421J) vs. Condos (HRS 514A)*
- 06/27/2022 Act 200 (Gov. Msg. No. 1301)



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## *Potential Future Environment/Development Bills*

- Increase limitation on Waste Impact due to lack of recyclers
  - **HB1806** *Cesspool conversion requirement by 2050;*
  - **HB1644** *Ban on wraps liners;* **SB 2290** *Ban on microbeads*
- Hydrogen Fuel Use Expansion
- Yes-in-my-Backyard legislation
- Increased Enforcement/More limitation of Permits on popular over-used tourist areas

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## 2022 VETOED BILLS

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### Isabela Kaluna Bill: VETOED

#### *HB2424 Child Welfare Services*

- [HB2424](#) Expands the investigative authority of DHS to include families with foster children with a pending adoption decree or and who receive permanency assistance payments, and against whom a complaint has been filed with DHS at any time.
- [HB2424](#) Establishes the Malama Ohana working group to seek, design, and recommend transformative changes to the State's child welfare system. Appropriates funds to increase the procurement of contracted services to provide additional support, resources, and monitoring of families receiving benefits from the State's adoption assistance and permanency assistance programs. (CD1)

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Bail Reform  
Bill:  
VETOED

*HB1567 Criminal Pretrial Reform*

- [HB1567](#) Eliminates the use of monetary bail and requires defendants to be released on their own recognizance for certain nonviolent offenses, subject to certain exclusions. Requires the department of public safety to take steps to provide videoconferencing to a defendant who chooses to participate in a bail report interview via videoconference.

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Ag Leases  
Bill:  
VETOED

*HB1705 Agricultural Park Leases*

- [HB1705](#) Allows the Department of Agriculture to extend the agricultural park lease of any lessee who holds a lease with a remaining term of 15 years or less; provided that the land covered by the lease is 25 acres or less and located in a county with a population of less than 500,000

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Tobacco  
Flavor Ban  
Bill:  
VETOED

*HB1570 Youth Vaping Epidemic*

- **HB1570** Bans the sale of certain flavored tobacco products and mislabeled e-liquid products. Establishes fines.

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BILLS THAT DID NOT PASS  
CONFERENCE & POTENTIAL  
LEGISLATION FOR 2023

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## *SB3320 & SB2195 Feral Animal Control*

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- **SB3320** Explicitly includes feral pigs within the department of land and natural resources' permit system for the taking of wild birds, game birds, and game mammals.
- **SB2195** Requires Dept of Ag & DLNR to create a program to manage feral chickens.

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## *SB2372 Affordable Housing*

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- **SB 2372** Requires the HHFDC, with the assistance of the governor's coordinator on homelessness, to review the Affordable Rental Housing Report and 10-Year Plan; determine whether any of the lands in the report are suitable for development of temporary housing for the ohana zones pilot program or other affordable housing; and determine the actions required to develop the lands accordingly.



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## *Potential Bills for the 2023 Legislative Session*

Bills to amend the Hawaii State Constitution or statutes to protect & recognize:

- Abortion & contraception rights;
- The Right to marry; &
- LGBTQ+ rights.

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# QUESTIONS?

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**MAHALO!**

**Senator Joy San Buenaventura**

[sensanbuenaventura@capitol.hawaii.gov](mailto:sensanbuenaventura@capitol.hawaii.gov)

**Representative Della Au Belatti**

[repbelatti@capitol.hawaii.gov](mailto:repbelatti@capitol.hawaii.gov)

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