HOUSE BILL NO. 96

INTRODUCED BY YARDLEY

BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 5, 1983	Introduced and referred to Committee on Natural Resources.
January 14, 1983	Committee recommend bill do pass. Report adopted.
January 15, 1983	Bill printed and placed on members' desks.
January 17, 1983	Second reading, do pass.
January 18, 1983	Considered correctly engrossed.
January 19, 1983	Third reading passed. Transmitted to Senate.

IN THE SENATE

January 20, 1983

March 18, 1983

March 21, 1983

March 23, 1983

Introduced and referred to Committee on Public Health, Welfare and Safety.

Committee recommend bill be concurred in. Report adopted.

Second reading, concurred in.

Third reading, concurred in. Ayes, 48; Noes, 2.

IN THE HOUSE

March 24, 1983

Returned to House. Sent to enrolling.

Reported correctly enrolled.

LC 0398/01

House BILL NO. 96 1 INTRODUCED BY _____ z BY REQUEST OF THE DEFARTMENT OF HEALTH AND 3 ENVIRONMENTAL SCIENCES 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW 6 7 RELATING TO JUNKYARDS ALONG ROADS BY AMENDING THE PROVISIONS 8 RELATING TO MOTOR VEHICLE GRAVEYARDS, MOTOR VEHICLE WRECKING 9 FACILITIES. GARBAGE DUMPS. AND SANITARY LANDFILLS TO CONFORM 10 TO THE APPLICABLE PROVISIONS OF TITLE 75. CHAPTER 10. MCA. 11 AND BY CLARIFYING THE PROVISION ON ADDITIONAL SCREENING; AMENDING SECTIONS 75-15-203. 75-15-214. 75-15-222. AND 12 13 75-15-223. NCA: REPEALING SECTIONS 75-15-212 AND 75-15-213. NCA. 14 15 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 17 Section 1. Section 75-15-203, HCA, is amended to read: *75-15-203. Definitions. As used in this part only. 18 19 the following definitions apply: 20 21 place-of-business-which-is-maintainedy-usedy-or-operated-for 22 storingy--keepingy--buyingy--or--seiting--wreckedy-scrappedy 23 ruined-or-discontied-motor-vehieles-or-motor-vehiele-ports-24 +2+(1) *Interstate system* means that portion of the 25 national system of interstate and defense highways located

within this state as officially designated or as may 1 hereafter the so designated by the state highway commission 2 з and approved by the secretary of transportation pursuant to the provisions of Title 23, United States Code, "Highways", 5 +34121 "Junk" means old or scrap copper, brass, rope, 6 rags, batteries, paper, trash, rubber debris, or waster junkedy---diamont ledy---or---wrecked---witomobiles----tor----parts 7 8 thereofy; iron, steel, and other old prescrap ferrous or 9 nonferrous material.

10 (4)(3) "Junkyard" means any establishment or place of 11 business which is maintained, operated, or used for storing. 12 keeping, buying, or selling (unk or for the maintenance or 13 operation-of-an-automobile-graveyord-or-a--garbage---duep---or 14 senitory fill excluding a motor vehicle graveyard or motor 15 vehicle wrecking facility which is regulated under Title 75. 16 chapter 10. part 5. and excluding a parbage dump or sanitary 17 landfill which is regulated under Title 75; chapter 10, part 18 2.

19 (5)(4) "Primary system" means that portion of 20 connected main highways as officially designated or as may 21 hereafter be so designated by the commission and approved by 22 the secretary of transportation pursuant to the provisions 23 of Title 23, United States Code, "Highways"."

24Section 2. Section 75-15-214, MCA, is amended to read:25"75-15-214. Highways to issue license for certain

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junkyards. (1) The department of highways may issue a
 license for a junkyard that-is-not-a-motor-vehicle-wrecking
 facility-as-defined-in-chapter-loy-part-Sy-of-this-title.

15 <u>(2111)</u> The department of highways may adopt rules 16 governing the materials to be used in and the locations 17 plantings constructions and maintenance of screening or 18 fencing required by this part.

19 (3)(2) The department of highways way determine that 20 in the best interests of the state, additional screening in 21 addition to that required by rules of the department of 22 highways as of July 1, 1979, is required of certain 23 junkyards or motor: whicle wrecking facilities licensed 24 under this title. The cost of any additional screening shall 25 be borne or reimbursed by the department of highways."

- 1	Section 4. Section 75-15-223, MCA, is amanded to read:
2	#75-15-223. Authority to acquire interest in land for
3	screening and removal of junkyards <u>e motor vehicle</u>
4	graveyards. motor vehicle wrecking facilities, garbage
5	dumps. and sanitary landfills. (1) When the department of
6	highways determines that it is in the best interests of the
7	state, it may acquire such lands or interests. in lands as
8	may be necessary to provide adequate screening.
9	(2) When the department of highways determines that
10	the topography of the land adjoining the highway will not
11	permit adequate or economically feasible screening, it may
12	acquire by gift, purchase, exchange, or condemnation such
13	interests in lands as may be necessary to secure the
14	relocation, removal, or disposal of junkyards <u>, motor vehicle</u>
15	graveyards, motor: vehicle wrecking facilities, garbage
16	dumpse or sanitary landfills which were either lawfully:
17	(a) in existence on October 22, 1965;
18	(b) along any highway made a part of the interstate or
19	primary systems on or after October 22, 1965, and before
20	January 1, 1968; or
21	(c) established on or after January 1, 1968.
22	(3) The department of highways shall pay just
23	compensation to the owner for the relocations removals or
24	disposal of any such junkyord facility.
25	[4] Any new site chosen by the department of highways

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1 pursuant to subsection (2) for the relocation of a garbage 2 dump or sanitary landfill must be approvable as the site of 3 a Solid waste management system pursuant to Title 75s 4 chapter 10s part 2s and the rules promulgated under 5 authority of that parts^m

6 <u>NEW SECTION</u> Section 5. Repeater. Sections 75-15-212 7 and 75-15-213, NCA, are repeated.

8 <u>NEW_SECTIONs</u> Section 6. Saving clause. This act does 9 not affect rights and duties that matured, penalties that 10 were incurred, or proceedings that were begun before the 11 effective date of this act.

12 <u>NEW SECTION</u>. Section 7. Severability. If a part of 13 this act is invalid, all valid parts that are severable from 14 the invalid part remain in effect. If a part of this act is 15 invalid in one or more of its applications, the part remains 16 in effect in all valid applications that are severable from 17 the invalid applications.

-End-

Approved by Committee on <u>Natural Resources</u>

LC 0398/01

HOLLAS BILL NO. 96 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF HEALTH AND 3 ENVIRONMENTAL SCIENCES 4

6 A BILL FOR AN ACT ENTITLED: "AN" ACT TO CLARTEY THE LAW 7 RELATING TO JUNKYARDS ALONG ROADS BY AMENDING THE PROVISIONS RELATING TO MOTOR VEHICLE GRAVEYARDS, NOTOR VEHICLE WRECKING 8 9 FACILITIES, GARBAGE DUMPS, AND SANITARY LANDFILLS TO CONFORM 10 TO THE APPLICABLE PROVISIONS OF TITLE 75. CHAPTER 10. NCA. 11 AND BY CLARIFYING THE PROVISION ON ADDITIONAL SCREENING: 12 AMENDING SECTIONS 75-15-203. 75-15-214. 75-15-222. AND 13 75-15-223. NCA: REPEALING SECTIONS 75-15-212 AND 75-15-213. NCA. 14

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 17 Section 1. Section 75-15-203, MCA, is amended to read: 18 "75-15-203. Definitions. As used in this part only, 19 the following definitions apply:

20 (1)--*Automobile-groveyard* means-any establishment--or 21 place-of-business-which-is-maintainedy-usedy-or-operated-for 22 storingy--keepingy-buying, or-selling-wreckedy scrappedy 23 ruinedy-or-dismantled-motor-vehiclos-or motor-vehicle-partsy 24 (2)(1) *Interstate system* means that portion of the 25 national system of interstate and defense highways located

within this state as officially designated or as may 1 hereafter 'be' so designated by the state highway commission 2 and approved by the secretary of transportation pursuant to 3 the provisions of Title 23, United States Code, "Highways". 4 5 +3+121 "Junk" means old or scrap copper, brass, rope, 6 rags, batteries, paper, trash, rubber debris, or waster 7 8 thereofit iron, steel, and other old or scrap ferrous or 9 nonferrous material.

10 141(3) "Junkyard" means any establishment or place of 11 business which is maintained, operated, or used for storing, 12 keeping, buying, or selling junk or for the maintenance or 13 eperation-of-an-automobile-graveyard-or-a--garbage--dump--or 14 semitery-fill_excluding a motor vehicle graveyard or motor 15 vehicle wrecking facility which is regulated under Title 75. 16 chapter 10. part 5. and excluding a garbage dump or sanitary 17 landfill which is regulated under Title 75, chapter 10, part 18 **Z**• 19 (5)(4) "Primary system" means that portion of

20 connected main highways as officially designated or as may 21 hereafter be so designated by the commission and approved by 22 the secretary of transportation pursuant to the provisions 23 of Title 23, United States Code, "Highways"."

24Section 2. Section 75-15-214, MCA, is amended to read:25=75-15-214. Highways to issue license for certain

-2- SECOND READING 110 36

2 license for a junkyard that is not a motor -vehicle-wrecking fact lity-as-defined-in-chapter-liv-part-5y-of-this-title. 3 4 (2) Nothing in 75-15-212 through -- 75-15-214--prohibits 5 the The department of highways from-sequiring may acquire an interest in land for screening purposes or paving may pay 6 7 for screening installation and materials as authorized by this part." 8 9 Section 3. Section 75-15-222, NCA, is amended to read: 16 *75-15-222. Rules governing screening. +++---The 11 department-of-health-and-onvironmental-sciences-shall--adopt 12 13 this bitle. 14 15 12111 The department of highways way adopt rules 16 governing the materials to be used in and the location, 17 planting, construction, and maintenance of screening or 18 fencing required by this parts 19 (3)(2) The department of highways may determine that 20 in the best interests of the state, additional screening id **Z1** addition to that required by rules of the department of 22 hichways as of July 1. 1979. is required of certain 23 junkyards or motor vehicle wrecking facilities licensed 24 under this title. The cost of any additional screening shall 25

junkyards, (1) The department of highways may issue a

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1 Section 4. Section 75-15-223, MCA, is amended to read: 2 "75-15-223. Authority to acouste interest in land for screening and removal of junkyards, motor vehicle 3 4 gravevards, motor vehicle wrecking facilities, garbage 5 dumos. and sanitary landfills. (1) When the department of 6 highways determines that it is in the best interests of the 7 state, it may acquire such lands or interests, in lands as 8 may be necessary to provide adequate screening. 9 (2) When the department of highways determines that 10 the topography of the land adjoining the highway will not 11 permit adequate or economically feasible screening, it may acquire by gifty purchase, exchange, or condemnation such 12 13 interests in lands as may be necessary to secure the 14 relocation, removal, or disposal of junkyards, motor vehicle gravevards, motor vehicle vrecking facilities, garbage 15 dumpse or sanitary landfills which were either lawfully: 16 17 (a) in existence on October 22, 1965; (b) along any highway made a part of the interstate or 18 primary systems on or after October 22, 1965, and before 19 20 January 1, 1968; or (c) established on or after January 1, 1968. 21 22 (3) The department of highways shall pay iust 23 compensation to the owner for the relocation, removal, or 24 disposal of any such junkyord facility. (4) Any new site chosen by the department of highways 25

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be borne or reimbursed by the department of highways."

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1 <u>pursuant to subsection (2) for the relocation of a garbage</u>
2 <u>dump or sanitary landfill must be approvable as the site of</u>
3 <u>a solid waste management system pursuant to litle 75:</u>
4 <u>chapter 10: part 2: and the reles promulgated under</u>
5 <u>authority of that part:</u>[®]

MEW SECTION. Section 5. Repeater. Sections 75-15-212
and 75-15-213, NCA, are repeated.

B <u>NEW_SECTION</u>: Section 6. Saving clause. This act does 9 not affect rights and duties that matured, penalties that 10 were incurred, or proceedings that were begun before the 11 effective date of this act.

12 <u>NEW SECTION</u> Section 7. Severability. If a part of 13 this act is invalid, all valid parts that are severable from 14 the invalid part remain in effect. If a part of this act is 15 invalid in one or more of its applications, the part remains 16 in effect in all valid applications that are severable from 17 the invalid applications.

-End-

HOLLAS BILL NO. 96 1 INTRODUCED BY _____ Z BY REQUEST OF THE DEPARTMENT OF HEALTH AND 3 ENVIRONMENTAL SCIENCES 5 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW

7 RELATING TO JUNKYARDS ALONG ROADS BY AMENDING THE PROVISIONS 8 RELATING TO MOTOR VEHICLE GRAVEYARDS, MOTOR VEHICLE WRECKING 9 FACILITIES, GARBAGE DUMPS, AND SANITARY LANDFILLS TO CONFORM 10 TO THE APPLICABLE PROVISIONS OF TITLE 75, CHAPTER 10, MCA, 11 AND BY CLARIFYING THE PROVISION ON ADDITIONAL SCREENING; 12 AMENDING SECTIONS 75-15-203, 75-15-214, 75-15-222, AND 13 75-15-223, MCA; REPEALING SECTIONS 75-15-212 AND 75-15-213, 14 MCA.*

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE DF MONTANA: 17 Section 1. Section 75-15-203, MCA, is amended to read: 18 "75-15-203. Definitions. As used in this part only. 19 the following definitions apply: 20 (1)- "Automobile-groveyard" means ony establishment or

21 place of business which is maintainedy usedy or operated for 22 storing, keeping, buying, we selling weekedy scrappedy 23 ruined, or dismantled motor vehicles or motor vehicle parts 24 (2)(1) "Interstate system" means that portion of the 25 national system of interstate and defense highways located

within this state as officially designated or as may 1 ' 2 hereafter be so designated by the state highway commission 3 and approved by the secretary of transportation pursuant to provisions of Title 23, United States Code, "Highways", 4 the 5 (3)(12) "Junk" means old or scrap coppery brass, rope, 6 rags, batteries, paper, trash, rubber debris, or waste; 7 junkedy-disantledy-or-wracked-autoaobiles-for-parts 8 therwefter iron, steel, and other eld-or-scrap ferrous or 9 nonferrous material.

10 (4)(3) "Junkyard" means any establishment or place of 11 business which is maintained, operated, or used for storing. 12 keeping, buying, or selling lunk pr-for-the-pointenance-or 13 operation-of-an-automobile-graveyard-or-an-garbage--dump--or 14 senitery fills excluding a motor vehicle graveyard or motor 15 vehicle wrecking facility which is regulated under litle 75. 16 chapter 10. part 5. and excluding a garbage duep or sanitary 17 landfill which is regulated under Title 75, chapter 10, part 18 2.

19 (57)(4) "Primary system" means that portion of 20 connected main highways as officially designated or as may 21 hereafter be so designated by the commission and approved by 22 the secretary of transportation pursuant to the provisions 23 of Title 23, United States Code, "Highways","

 Section Z. Section 75-15-214, MCA, is amended to read:
 "75-15-214. Highways to issue license for certain T H I R D R E A D I N G

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license for a lunkward that is not a motor vehicle-wracking , 2 3 fact hty-ss-defined-in-checker-th-sect-5-of-shis-tette. 4 (2) Nothing in 75-15-212 through --- 25-214 -- prohibits the The department of highways from acquiring may acquire an 5 6 interest in land for screening purposes or proving may pay 7 for screening installation and materials as authorized by 8 this part." 9 Section 3. Section 75-19-222. NCA. is anended to read: 16 *75-15-222. Rules governing screening. +++---The 11 deportment of the the and environmental sciences shall adopt 12 13 14 this-bitle. 15 (2)11 The department of highways may adopt rules 16 coversing the meterials to be used in and the location. 17 planting, construction, and mainsance of screening pr 18 fencing required by this parts 19 (3)(2) The department of highways may determine that 20 in the best interests of the state, additional screening in 21 addition to that required by relay of the department of 22 highways as of July 1. 1979. is required of certain 23 junkyards or motor vehicle wrecking facilities licensed 24 under this title. The cost of any additional screening shall

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1	pursuant to subsection (2) for the relocation of a garbage
2	dump or sanitary Tandfill must be approvable as the site of
3 ·	a solid waste management system pursuant to Title To-
4	chapter 10- part 2+ and the rules promulgated under
5	authority of that parts"
6	NEW SECTION. Section 5. Repeater. Sections 75-15-212

7 and 75-15-213, MCA, are repealed.

8 <u>NEW SECTION</u> Section 6. Saving clause. This act does 9 not affect rights and duties that matured, penalties that 10 were incurred, or proceedings that were begun before the 11 effective date of this act.

12 <u>NEW SECTION</u>. Section 7. Severability. If a part of 13 this act is invalid, all valid parts that are severable from 14 the invalid part remain in effect. If a part of this act is 15 invalid in one or more of its applications, the part remains 16 in effect in all valid applications that are severable from 17 the invalid applications.

-End-

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1	HOUSE BILL NO. 96
z	INTRODUCED BY YARDLEY
3	BY REQUEST OF THE DEPARTMENT OF HEALTH AND
4	ENVIRONMENTAL SCIENCES
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6	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW
7	RELATING TO JUNKYARDS ALONG ROADS BY AMENDING THE PROVISIONS
8	RELATING TO MOTOR VEHICLE GRAVEYARDS, MOTOR VEHICLE WRECKING
9	FACILITIES, GARBAGE DUMPS, AND SANITARY LANDFILLS TO CONFORM
10	TO THE APPLICABLE PROVISIONS OF TITLE 75, CHAPTER 10, MCA,
11	AND BY CLARIFYING THE PROVISION ON ADDITIONAL SCREENING;
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16	BF IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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18	*75-15-203. Definitions. As used in this part only.
19	the following definitions apply:
20	<pre>{tt==aroveyord==means-eny-establishmentor</pre>
21	place-of-business-which-is-maintainedy-usedy-or-operated-for
27	storingykeepingybuyingyorsellingwreckedy-scrappedy
23	
	ruinedy-or-dismantled-motor-vehicles-or-mator-vehicle-parts*
24	<pre>f2f(1) "Interstate system" means that portion of the</pre>
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1 within this state as officially designated or as may 2 hereafter be so designated by the state highway commission 3 and approved by the secretary of transportation pursuant to the provisions of Title 23, United States Code, "Highways". 4 t3t121 "Junk" means old or scrap copper, brass, rope, 5 6 rags, batteries, paper, trash, rubber debris, or waste; 7 iunkedy--dismontledy--or--wrecked--automobiles---tor---parts thereoft iron. steel. and other old or scrap ferrous or 8 9 nonferrous material. 10 t4+131 "Junkyard" means any establishment or place of 11 business which is maintained, operated, or used for storing, 12 keeping, buying, or selling junk or-for-the-maintenance-or

13 operation-of-on-automobile-graveyard-or-a--garbage--dump--or 14 sonitory--fills_excluding_a_motor_vebicle_graveyard_or_motor 15 vebicle_wrecking_facility_which_is_regulated_under_Title_T5* 16 chapter_10*_gart_5*_and_excluding_a_garbage_dump_or_sanitary 17 landfill_which_is_regulated_under_Title_T5*_chapter_10*_part 19 2*

19 (5)(1) "Primary system" means that portion of 20 connected main highways as officially designated or as may 21 hereafter be so designated by the commission and approved by 22 the secretary of transportation pursuant to the provisions 23 of Title 23, United States Code, "Highways"."

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1 junkvards. (1) The department of highways may issue a 2 license for a junkvard that-is-not-a-motor-vehicle-wrecking 3 facility-as-defined-in-chapter-10y-part-5y-of-this-title. 4 (2) Nothing-in-75-15-212-through--75-15-214--prohibits 5 the The department of highways from-accurring way acquire an interest in land for screening purposes or paying may may 6 for screening installation and materials as authorized by 7 8 this part." Section 3. Section 75-15-222. ACA, is amended to read: 9

10 "75-15-222. Rules governing screening. (1)---The 11 department-of-health-and-environmental-sciences-shall--adopt 12 rules--governing-the-screening-or-shielding-of-motor-vehicle 13 wrecking-facilittes-as-provided-in-chapter-10v--part--5v--of 14 this-titles

15 <u>t2)(1)</u> The department of highways may adopt rules 16 governing the materials to be used in and the location. 17 planting, construction, and maintenance of screening or 18 fencing required by this part.

19 (3)(2) The department of highways may determine that 20 in the best interests of the state, additional screening in 21 addition to that required by rules of the department of 22 bighways as of duly is 1979s is required of certain 23 junkyards or motor vehicle wrecking facilities licensed 24 under this title. The cost of any additional screening shall 25 be borne or reimbursed by the department of highways.* 1 Section 4. Section 75-15-223. MCA. is amended to read: 2 "75-15-223. Authority to acquire interest in land for screening and removal of junkyards___motor__vehicle, 3 4 5 dumps, and samitary landfills, (1) When the department of highways determines that It is in the best interests of the 6 state, it may acquire such lands or interests in lands as 7 8 may be necessary to provide adequate screening.

q (2) When the department of highways determines that the topography of the land adjoining the highway will not 10 permit adequate or economically feasible screening, it may 11 12 acquire by gift, purchase, exchange, or condemnation such 13 interests in lands as may be necessary to secure the 14 relocation, removal, or disposal of junkvards, motor vehicle 15 graveyards.__motor__vehicle__wrecking_facilities.__garbage 16 dumos.or_sanitary_landfills which were either lawfully: 17 (a) in existence on October 22, 1965;

18 (b) along any highway made a part of the interstate or
19 primary systems on or after October 22, 1965, and before
20 January 1, 1968; or

21 (c) established on or after January 1, 1968.

22 (3) The department of highways shall pay just
23 compensation to the owner for the relocation, removal, or
24 disposal of any such junkyord facility.

25 141_Aoy_new_site_chosen_by_the_department_of__bigbways

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Pursuant_to_subsystion_121_for_the_relocation_of_a_garbage dump_or_samitary_landfill_must_be_approvable_as_the_site_of a_solid_waste_management_system_pursuant_to_litle_I5s chapter_l0s_part_2s_and_the_rules_promulgated_under authority_of_that_parts"

6 <u>YEW_SECTION</u> Section 5. Repeater. Sections 75-15-212 7 and 75-15-213, MCA, are repeated.

<u>YEW_SECTION</u> Section 6. Saving clause. This act does
 not affect rights and duties that matured, penalties that
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-End-