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### State of Minnesota

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Page No.

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## HOUSE OF REPRESENTATIVES

A bill for an act

NINETY-SECOND SESSION

H. F. No. 396

01/28/2021 Authored by Freiberg and Bahner

The bill was read for the first time and referred to the Committee on State Government Finance and Elections

02/18/2021 Adoption of Report: Placed on the General Register as Amended

Read for the Second Time

05/17/2021 Pursuant to Rule 4.20, returned to the Committee on State Government Finance and Elections

relating to campaign finance; modifying provisions applying to the financing of 12 campaigns for Hennepin County elections and for certain political subdivisions in 1.3 Hennepin County; amending Minnesota Statutes 2020, sections 10A.01, 1.4 subdivisions 4, 7, 9, 11, 16a, 17c, 18, 20, 27, 28, by adding a subdivision; 10A.12, 1.5 subdivisions 1, 2; 10A.121, subdivision 2; 10A.13, subdivision 1; 10A.17, 1.6 subdivision 4; 10A.20, subdivisions 3, 6a, by adding a subdivision; 383B.041; 1.7 repealing Minnesota Statutes 2020, sections 10A.15, subdivision 6; 383B.042; 1.8 383B.043; 383B.044; 383B.045; 383B.046; 383B.047; 383B.048; 383B.049; 1.9 383B.05; 383B.051; 383B.052; 383B.053; 383B.054; 383B.055; 383B.056; 1.10 383B.057. 1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA: 1.12 Section 1. Minnesota Statutes 2020, section 10A.01, subdivision 4, is amended to read: 1.13 Subd. 4. Approved expenditure. "Approved expenditure" means an expenditure made 1.14 on behalf of a candidate or a local candidate by an entity other than the candidate's principal 1.15 campaign committee of the candidate or the local candidate, if the expenditure is made with 1.16 the authorization or expressed or implied consent of, or in cooperation or in concert with, 1.17 or at the request or suggestion of the candidate or local candidate, the candidate's principal 1.18 campaign committee, or the candidate's or local candidate's agent. An approved expenditure 1.19 is a contribution to that candidate or local candidate. 1.20 Sec. 2. Minnesota Statutes 2020, section 10A.01, subdivision 7, is amended to read: 1.21 Subd. 7. Ballot question. "Ballot question" means a question or proposition that is placed 1.22

Sec. 2. 1

(1) all voters of the state.;

on the ballot and that may be voted on by:

F396 FIRST ENGRO	OSSMENT	REVISOR	JRM	H0396-

	2.1	(2) all voters	of Henne	pin	County
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- (3) all voters of any home rule charter city or statutory city located wholly within 2.2 Hennepin County and having a population of 75,000 or more; or 2.3
- (4) all voters of Special School District No. 1. 2.4
- "Promoting or defeating a ballot question" includes activities, other than lobbying 2.5 activities, related to qualifying the question for placement on the ballot. 2.6
- Sec. 3. Minnesota Statutes 2020, section 10A.01, subdivision 9, is amended to read: 2.7
  - Subd. 9. Campaign expenditure. "Campaign expenditure" or "expenditure" means a purchase or payment of money or anything of value, or an advance of credit, made or incurred for the purpose of influencing the nomination or election of a candidate or a local candidate or for the purpose of promoting or defeating a ballot question.
- An expenditure is considered to be made in the year in which the candidate made the 2.12 purchase of goods or services or incurred an obligation to pay for goods or services. 2.13
- An expenditure made for the purpose of defeating a candidate or a local candidate is 2.14 considered made for the purpose of influencing the nomination or election of that candidate 2.15 or local candidate or any opponent of that candidate or local candidate. 2.16
- 2.17 Except as provided in clause (1), "expenditure" includes the dollar value of a donation in kind. 2.18
- "Expenditure" does not include: 2.19
- (1) noncampaign disbursements as defined in subdivision 26; 2.20
- (2) services provided without compensation by an individual volunteering personal time 2.21 on behalf of a candidate or a local candidate, ballot question, political committee, political 2.22 fund, principal campaign committee, or party unit; 2.23
- (3) the publishing or broadcasting of news items or editorial comments by the news 2.24 media; or 2.25
- (4) an individual's unreimbursed personal use of an automobile owned by the individual 2.26 and used by the individual while volunteering personal time. 2.27

Sec. 3. 2

	Sec. 4. Minnesota Statutes 2020, section 10A.01, is amended by adding a subdivision to
	read:
	Subd. 10d. Local candidate. "Local candidate" means an individual who seeks
	nomination or election to:
	(1) any county office in Hennepin County;
	(2) any city office in any home rule charter city or statutory city located wholly within
	Hennepin County and having a population of 75,000 or more; or
	(3) the school board in Special School District No. 1.
	Sec. 5. Minnesota Statutes 2020, section 10A.01, subdivision 11, is amended to read:
0	Subd. 11. Contribution. (a) "Contribution" means money, a negotiable instrument, or
1	a donation in kind that is given to a political committee, political fund, principal campaign
2	committee, local candidate, or party unit. An allocation by an association of general treasury
	money to be used for activities that must be or are reported through the association's political
	fund is considered to be a contribution for the purposes of disclosure required by this chapter.
;	(b) "Contribution" includes a loan or advance of credit to a political committee, political
	fund, principal campaign committee, <u>local candidate</u> , or party unit, if the loan or advance
	of credit is: (1) forgiven; or (2) repaid by an individual or an association other than the
	political committee, political fund, principal campaign committee, <u>local candidate</u> , or party
	unit to which the loan or advance of credit was made. If an advance of credit or a loan is
	forgiven or repaid as provided in this paragraph, it is a contribution in the year in which the
	loan or advance of credit was made.
	(c) "Contribution" does not include services provided without compensation by an
	individual volunteering personal time on behalf of a candidate, <u>local candidate</u> , ballot
	question, political committee, political fund, principal campaign committee, or party unit;
	the publishing or broadcasting of news items or editorial comments by the news media; or
	an individual's unreimbursed personal use of an automobile owned by the individual while
	volunteering personal time.
	Sec. 6. Minnesota Statutes 2020, section 10A.01, subdivision 16a, is amended to read:
	Subd. 16a. Expressly advocating. "Expressly advocating" means that a communication
	clearly identifies a candidate or a local candidate and uses words or phrases of express
	advocacy.

Sec. 6. 3

HF396 FIRST ENGROSSMENT **REVISOR JRM** H0396-1 Sec. 7. Minnesota Statutes 2020, section 10A.01, subdivision 17c, is amended to read: 4.1 Subd. 17c. General treasury money. "General treasury money" means money that an 4.2 association other than a principal campaign committee, party unit, or political committee 4.3 accumulates through membership dues and fees, donations to the association for its general 4.4 purposes, and income from the operation of a business. General treasury money does not 4.5 include money collected to influence the nomination or election of candidates or local 4.6 candidates or to promote or defeat a ballot question. 4.7 Sec. 8. Minnesota Statutes 2020, section 10A.01, subdivision 18, is amended to read: 4.8 Subd. 18. Independent expenditure. "Independent expenditure" means an expenditure 4.9 expressly advocating the election or defeat of a clearly identified candidate or local candidate, 4.10 if the expenditure is made without the express or implied consent, authorization, or 4.11 cooperation of, and not in concert with or at the request or suggestion of, any candidate or 4.12 any candidate's principal campaign committee or agent or any local candidate or local 4.13 candidate's agent. An independent expenditure is not a contribution to that candidate or 4.14 local candidate. An independent expenditure does not include the act of announcing a formal 4.15 public endorsement of a candidate or local candidate for public office, unless the act is 4.16 simultaneously accompanied by an expenditure that would otherwise qualify as an 4.17

- Sec. 9. Minnesota Statutes 2020, section 10A.01, subdivision 20, is amended to read:
- Subd. 20. **Loan.** "Loan" means an advance of money or anything of value made to a political committee, political fund, principal campaign committee, <u>local candidate</u>, or party unit.
- Sec. 10. Minnesota Statutes 2020, section 10A.01, subdivision 27, is amended to read:
- Subd. 27. **Political committee.** "Political committee" means an association whose major purpose is to influence the nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question, other than a principal campaign committee, local candidate, or a political party unit.
- Sec. 11. Minnesota Statutes 2020, section 10A.01, subdivision 28, is amended to read:
- Subd. 28. **Political fund.** "Political fund" means an accumulation of dues or voluntary contributions by an association other than a political committee, principal campaign committee, or party unit, if the accumulation is collected or expended to influence the

Sec. 11. 4

independent expenditure under this subdivision.

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nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question. The term political fund as used in this chapter may also refer to the association acting through its political fund.

- Sec. 12. Minnesota Statutes 2020, section 10A.12, subdivision 1, is amended to read:
- Subdivision 1. When required for contributions and approved expenditures. An association other than a political committee or party unit may not contribute more than \$750 in aggregate in any calendar year to candidates, local candidates, political committees, or party units or make approved expenditures of more than \$750 in aggregate in any calendar year unless the contribution or expenditure is made through a political fund.
- Sec. 13. Minnesota Statutes 2020, section 10A.12, subdivision 2, is amended to read: 5.10
  - Subd. 2. Commingling prohibited. The contents of an association's political fund may not be commingled with other funds or with the personal funds of an officer or member of the association or the fund. It is not commingling for an association that uses only its own general treasury money to make expenditures and disbursements permitted under section 10A.121, subdivision 1, directly from the depository used for its general treasury money. An association that accepts more than \$1,500 in aggregate in contributions to influence the nomination or election of candidates or local candidates or more than \$5,000 in contributions to promote or defeat a ballot question must establish a separate depository for those contributions.
  - Sec. 14. Minnesota Statutes 2020, section 10A.121, subdivision 2, is amended to read:
- Subd. 2. **Penalty.** (a) An independent expenditure political committee or independent 5.21 expenditure political fund is subject to a civil penalty of up to four times the amount of the 5.22 contribution or approved expenditure if it does the following: 5.23
  - (1) makes a contribution to a candidate, local candidate, party unit, political committee, or political fund other than an independent expenditure political committee or an independent expenditure political fund; or
  - (2) makes an approved expenditure.
- 5.28 (b) No other penalty provided in law may be imposed for conduct that is subject to a civil penalty under this section. 5.29

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6.1 Sec. 1:	5. Minnesota	Statutes 202	0, section	i 10A.13	, subdivision 1	, is amended to 1	read:
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- Subdivision 1. **Accounts; penalty.** The treasurer of a political committee, political fund, principal campaign committee, or party unit must keep an account of:
- (1) the sum of all contributions, except any donation in kind valued at \$20 or less, made to the committee, fund, or party unit;
  - (2) the name and address of each source of a contribution made to the committee, fund, or party unit in excess of \$20, together with the date and amount of each;
- (3) each expenditure made by the committee, fund, or party unit, together with the date and amount;
  - (4) each approved expenditure made on behalf of the committee, fund, or party unit, together with the date and amount; and
  - (5) the name and address of each political committee, political fund, principal campaign committee, <u>local candidate</u>, or party unit to which contributions in excess of \$20 have been made, together with the date and amount.
- Any individual who knowingly violates this subdivision is subject to a civil penalty imposed by the board of up to \$1,000.
  - Sec. 16. Minnesota Statutes 2020, section 10A.17, subdivision 4, is amended to read:
  - Subd. 4. **Independent expenditures.** An individual, political committee, political fund, principal campaign committee, or party unit that independently solicits or accepts contributions or makes independent expenditures on behalf of a candidate or local candidate must publicly disclose that the expenditure is an independent expenditure. All written and broadcast communications with those from whom contributions are independently solicited or accepted or to whom independent expenditures are made on behalf of a candidate or local candidate must contain a statement in substantially the form provided in section 211B.04, subdivision 2. The statement must be on the front page of all written communications and at the end of all broadcast communications made by that individual, political committee, political fund, principal campaign committee, or party unit on the candidate's or local candidate's behalf.

Sec. 16. 6

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7.1	Sec. 17. Minnesota Statutes 2020, section 10A.20, is amended by adding a subdivision to
7.2	read:
7.3	Subd. 2a. Local election reports. (a) This subdivision applies to a political committee,
7.4	political fund, or political party unit that during a non-general election year:
7.5	(1) spends in aggregate more than \$200 to influence the nomination or election of local
7.6	candidates;
7.7	(2) spends in aggregate more than \$200 to make independent expenditures on behalf of
7.8	local candidates; or
7.9	(3) spends in aggregate more than \$200 to promote or defeat ballot questions defined
7.10	in section 10A.01, subdivision 7, clause (2), (3), or (4).
7.11	(b) In addition to the reports required by subdivision 2, the entities listed in paragraph
7.12	(a) must file the following reports in each non-general election year:
7.13	(1) a first-quarter report covering the calendar year through March 31, which is due
7.14	April 14;
7.15	(2) a report covering the calendar year through May 31, which is due June 14;
7.16	(3) a pre-primary-election report due 15 days before the local primary election date
7.17	specified in section 205.065;
7.18	(4) a pre-general-election report due 42 days before the local general election; and
7.19	(5) a pre-general-election report due ten days before a local general election.
7.20	The reporting obligations in this paragraph begin with the first report due after the
7.21	reporting period in which the entity reaches the spending threshold specified in paragraph
7.22	<u>(a).</u>
7.23	Sec. 18. Minnesota Statutes 2020, section 10A.20, subdivision 3, is amended to read:
7.24	Subd. 3. Contents of report. (a) The report required by this section must include each
7.25	of the items listed in paragraphs (b) to (q) that are applicable to the filer. The board shall
7.26	prescribe forms based on filer type indicating which of those items must be included on the
7.27	filer's report.
7.28	(b) The report must disclose the amount of liquid assets on hand at the beginning of the
7.29	reporting period.
7.30	(c) The report must disclose the name, address, employer, or occupation if self-employed,
7.31	and registration number if registered with the board, of each individual or association that

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has made one or more contributions to the reporting entity, including the purchase of tickets

- for a fund-raising effort, that in aggregate within the year exceed \$200 for legislative or statewide candidates or more than \$500 for ballot questions, together with the amount and date of each contribution, and the aggregate amount of contributions within the year from each source so disclosed. A donation in kind must be disclosed at its fair market value. An approved expenditure must be listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors must be listed in alphabetical order. Contributions from the same contributor must be listed under the same name. When a contribution received from a contributor in a reporting period is added to previously reported unitemized contributions from the same contributor and the aggregate exceeds the disclosure threshold of this paragraph, the name, address, and employer, or occupation if self-employed, of the contributor must then be listed on the report.
- (d) The report must disclose the sum of contributions to the reporting entity during the reporting period.
- (e) The report must disclose each loan made or received by the reporting entity within the year in aggregate in excess of \$200, continuously reported until repaid or forgiven, together with the name, address, occupation, principal place of business, if any, and registration number if registered with the board of the lender and any endorser and the date and amount of the loan. If a loan made to the principal campaign committee of a candidate is forgiven or is repaid by an entity other than that principal campaign committee, it must be reported as a contribution for the year in which the loan was made.
- (f) The report must disclose each receipt over \$200 during the reporting period not otherwise listed under paragraphs (c) to (e).
- (g) The report must disclose the sum of all receipts of the reporting entity during the reporting period.
- (h) The report must disclose the name, address, and registration number if registered with the board of each individual or association to whom aggregate expenditures, approved expenditures, independent expenditures, and ballot question expenditures have been made by or on behalf of the reporting entity within the year in excess of \$200, together with the amount, date, and purpose of each expenditure, including an explanation of how the expenditure was used, and the name and address of, and office sought by, each candidate or local candidate on whose behalf the expenditure was made, identification of the ballot question that the expenditure was intended to promote or defeat and an indication of whether

Sec. 18. 8

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the expenditure was to promote or to defeat the ballot question, and in the case of independent expenditures made in opposition to a candidate or local candidate, the candidate's or local candidate's name, address, and office sought. A reporting entity making an expenditure on behalf of more than one candidate for state or legislative office or local candidate must allocate the expenditure among the candidates and local candidates on a reasonable cost basis and report the allocation for each candidate or local candidate. The report must list on separate schedules any independent expenditures made on behalf of local candidates and any expenditures made for ballot questions as defined in section 10A.01, subdivision 7, clause (2), (3), or (4).

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- (i) The report must disclose the sum of all expenditures made by or on behalf of the reporting entity during the reporting period.
- (j) The report must disclose the amount and nature of an advance of credit incurred by the reporting entity, continuously reported until paid or forgiven. If an advance of credit incurred by the principal campaign committee of a candidate is forgiven by the creditor or paid by an entity other than that principal campaign committee, it must be reported as a donation in kind for the year in which the advance of credit was made.
- (k) The report must disclose the name, address, and registration number if registered with the board of each political committee, political fund, principal campaign committee, local candidate, or party unit to which contributions have been made that aggregate in excess of \$200 within the year and the amount and date of each contribution. The report must list on separate schedules any contributions made to state candidates' principal campaign committees and any contributions made to local candidates.
- (1) The report must disclose the sum of all contributions made by the reporting entity during the reporting period and must separately disclose the sum of all contributions made to local candidates by the reporting entity during the reporting period.
- (m) The report must disclose the name, address, and registration number if registered with the board of each individual or association to whom noncampaign disbursements have been made that aggregate in excess of \$200 within the year by or on behalf of the reporting entity and the amount, date, and purpose of each noncampaign disbursement, including an explanation of how the expenditure was used.
- (n) The report must disclose the sum of all noncampaign disbursements made within the year by or on behalf of the reporting entity.
- (o) The report must disclose the name and address of a nonprofit corporation that provides administrative assistance to a political committee or political fund as authorized by section

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211B.15, subdivision 17, the type of administrative assistance provided, and the aggregate fair market value of each type of assistance provided to the political committee or political fund during the reporting period.

- (p) Legislative, statewide, and judicial candidates, party units, and political committees and funds must itemize contributions that in aggregate within the year exceed \$200 for legislative or statewide candidates or more than \$500 for ballot questions on reports submitted to the board. The itemization must include the date on which the contribution was received, the individual or association that provided the contribution, and the address of the contributor. Additionally, the itemization for a donation in kind must provide a description of the item or service received. Contributions that are less than the itemization amount must be reported as an aggregate total.
- (q) Legislative, statewide, and judicial candidates, party units, political committees and funds, and committees to promote or defeat a ballot question must itemize expenditures and noncampaign disbursements that in aggregate exceed \$200 in a calendar year on reports submitted to the board. The itemization must include the date on which the committee made or became obligated to make the expenditure or disbursement, the name and address of the vendor that provided the service or item purchased, and a description of the service or item purchased, including an explanation of how the expenditure was used. Expenditures and noncampaign disbursements must be listed on the report alphabetically by vendor.
  - Sec. 19. Minnesota Statutes 2020, section 10A.20, subdivision 6a, is amended to read:
- Subd. 6a. **Statement of independence.** An individual, political committee, political fund, or party unit filing a report or statement disclosing an independent expenditure under subdivision 3 or 6 must file with the report a sworn statement that the disclosed expenditures were not made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of any candidate; or any candidate's principal campaign committee or agent; any local candidate, or any local candidate's agent.
- Sec. 20. Minnesota Statutes 2020, section 383B.041, is amended to read:

# 10.28 **383B.041 CAMPAIGN FINANCING, DISCLOSURE OF ECONOMIC**10.29 **INTERESTS.**

Subdivision 1. Hennepin County candidates. Sections 383B.041 to 383B.058 apply to the financing of campaigns for county elections in Hennepin County and for city elections in home rule charter cities and statutory cities located wholly within Hennepin County, having a population of 75,000 or more, and for school board elections in the Special School

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District No. 1, Minneapolis, and to	disclosure of econom	nic interests by cand	lidates and
elected public officials of those juris	dictions. The provisio	ns of sections 211A	.02 to 211A.07
do not apply to the financing of cam	paigns for elections su	ubject to the provisi	ons of sections
383B.041 to 383B.058. Candidates	for county commission	oner, county attorne	ey, and sheriff
of Hennepin County must file campa	aign disclosure forms	with the filing office	r for Hennepin
County. These candidates are subje	ct to the provisions of	f chapter 211A.	
Subd. 2. Political subdivision of	candidates. Candidate	es for elected city, s	chool board,
park commissioner, and other politi	ical subdivision office	es within Hennepin	County shall
file campaign disclosure forms with	the filing officer for t	the political subdivi	sion for which
the candidate is seeking office. The	ese candidates are sub	ject to the provision	ns of chapter
<u>211A.</u>			
Subd. 3. Political committees,	political funds, and i	independent exper	nditures. (a)
The provisions of chapter 10A appl	ly to political commit	tees as defined in so	ection 10A.01,
subdivision 27; political funds as de	fined in section 10A.0	1, subdivision 28; ar	nd independent
expenditures as defined in section 1	10A.01, subdivision 1	8, related to:	
(1) a campaign for the nominati	on or election of a car	ndidate for:	
(i) a county office in Hennepin	County;		
(ii) a city office in a home rule c	charter or statutory city	y located wholly wi	thin Hennepin
County with a population of 75,000	or more; or		
(iii) the school board in Special	School District No. 1	; and	
(2) a ballot question or proposit	ion that may be voted	on by:	
(i) all voters in Hennepin Count	<u>y;</u>		
(ii) all voters of a home rule cha	arter or statutory city l	located wholly with	in Hennepin
County and having a population of	75,000 or more; or		
(iii) all voters in Special School	District No. 1.		
(b) The provisions of chapter 21	11A apply to a campa	ign for nomination	or election for
an office in the following political s	subdivisions:		
(1) a home rule or statutory city	located wholly within	n Hennepin County	and having a

(2) a school district located wholly within Hennepin County other than Special School

Sec. 20.

population of less than 75,000; and

District No. 1.

Sec. 22. EFFECTIVE DATE. 12.25

12.26 This act is effective January 1, 2022, and applies to reports and disclosures required to be filed on or after that date. 12.27

Sec. 22. 12

### APPENDIX

Repealed Minnesota Statutes: H0396-1

#### 10A.15 CONTRIBUTIONS.

No active language found for: 10A.15.6

No active language found for: 383B.042

No active language found for: 383B.043

No active language found for: 383B.044

No active language found for: 383B.045

No active language found for: 383B.046

No active language found for: 383B.047

No active language found for: 383B.048

No active language found for: 383B.049

No active language found for: 383B.05

No active language found for: 383B.051

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