

Senate BILL NO. 329
Rashie

1
2 INTRODUCED BY _____
3 BY REQUEST OF THE BOARD OF ARCHITECTS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DESCRIBE THE PURPOSE
6 OF ARCHITECTURE LICENSING LAWS, DEFINE PUBLIC BUILDING,
7 PROVIDE FOR INJUNCTION OF VIOLATIONS OF SUCH LAWS, REVISE
8 THE EXEMPTION PROVISIONS, PROHIBIT OTHER STATE AGENCIES OR
9 POLITICAL SUBDIVISIONS FROM CHARGING ARCHITECT LICENSE FEES,
10 MAKE CLEAR THAT ANY PERSON RENDERING PROFESSIONAL SERVICES
11 ON A PUBLIC BUILDING MUST BE LICENSED TO PRACTICE
12 ARCHITECTURE, AND DELETE THE REQUIREMENT FOR ERRORS AND
13 OMISSIONS INSURANCE; AMENDING SECTIONS 66-103, 66-106,
14 66-107, 66-110, 66-113, AND 66-114, R.C.M. 1947; AND
15 REPEALING SECTION 66-115, R.C.M. 1947."

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18 Section 1. There is a new R.C.M. section that reads as
19 follows:

20 Purpose. It is hereby declared, as a matter of
21 legislative policy in the state of Montana, that the
22 practice of architecture is a privilege granted by
23 legislative authority and is not a natural right of
24 individuals and that it is necessary, as a matter of such
25 policy and in the interests of the health, safety, and

1 welfare of the people of Montana, to provide laws covering
2 the granting of that privilege and its subsequent use,
3 control, and regulation for the purpose of protecting the
4 public from the unprofessional, improper, unauthorized, and
5 unqualified practice of architecture.

6 Section 2. Section 66-103, R.C.M. 1947, is amended to
7 read as follows:

8 "66-103. Definitions -- examinations for certificates
9 to practice -- granting of certificates -- registration
10 without examination under certain circumstances. (1) Except
11 as provided in this act, no person may practice architecture
12 in this state or use the title "architect" or "registered
13 architect," or any words, letters, figures, or other device
14 indicating or intending to imply that he is an architect,
15 without having qualified under this act.

16 (2) Unless the context requires otherwise, in this
17 act:

18 (a) "Practice of architecture" means rendering or
19 offering to render services by consultations, preliminary
20 studies, drawings, specifications, or other service in
21 connection with the design of a building or addition or
22 alteration thereto, whether one or all of these services are
23 performed either in person or as the directing head of an
24 organization.

25 (b) "Architect" means an individual technically and

1 legally qualified to practice architecture and who is
2 authorized under this act to practice architecture.

3 (c) "Building" means a structure intended primarily
4 for human occupancy or use.

5 ~~(d) "Public building" means any building which the~~
6 ~~state or any political subdivision thereof maintains for the~~
7 ~~use of the public or any building where the public has a~~
8 ~~right to go and be.~~

9 ~~(e)~~(e) "Board" means the board of architects, provided
10 for in section 82A-1602.3.

11 ~~(f)~~(f) "Department" means the department of
12 professional and occupational licensing, provided for in
13 Title 82A, chapter 16.

14 (3) A person wishing to practice architecture in this
15 state shall apply to the department for a certificate to do
16 so. A person applying shall have successfully completed the
17 requirement of prerequisites in education, practical
18 experience and a written examination as prescribed by the
19 board in conformance with the standard national council of
20 architectural registration boards examination and grading
21 procedure. After examination the department shall, if the
22 candidate has been found qualified, grant a certificate to
23 the candidate to practice architecture in this state, which
24 may only be granted on the consent of not less than two (2)
25 members of the board, and attested by the secretary, and

1 have the seal of the board attached. However, an architect
2 holding a valid and current license to practice in another
3 state, territory or country will be granted a certificate to
4 practice in Montana following presentation of a certificate
5 issued by the national council of architectural registration
6 boards and approved by the board. But no arrangement may be
7 made under this section which may lower the standard of
8 practice of architecture in this state. The board may, if
9 considered necessary, require an examination of applicants
10 for a license from other states, after careful consideration
11 of the credentials from those states. The board shall by
12 rule establish methods and procedures for investigation of
13 applicants for a license by reciprocity."

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15 read as follows:

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17 title. (1) Any person who shall use the title "architect" or
18 "registered architect" or any other words, letters, figures,
19 or other device indicating or intending to imply that the
20 person using the same is an architect, or who shall engage
21 in the practice of architecture within the meaning of this
22 act, or shall accept compensation for rendering
23 architectural service, without first having complied with
24 the provisions of this act, shall be deemed guilty of a
25 misdemeanor, and upon conviction shall be punished by a fine

1 of not less than two hundred dollars (\$200.00) nor more than
 2 five hundred dollars (\$500.00), or by imprisonment in the
 3 county jail for not less than thirty (30) days nor more than
 4 six (6) months, or by both such fine and imprisonment. Any
 5 person convicted a second time for any violation of this act
 6 shall be punished by both such fine and imprisonment. The
 7 district court shall have jurisdiction of all prosecutions
 8 brought hereunder.

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 10 cause to believe that a person is violating any provision of
 11 this act or rule of the board, it may, in addition to the
 12 remedies provided in subsection (1) and without prejudice
 13 thereto, bring an action in the district court for the
 14 county in which the violation is occurring to enjoin such
 15 person from continuing to engage in such violation or from
 16 doing any act in furtherance thereof."

17 Section 4. Section 66-107, R.C.M. 1947, is amended to
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19 "66-107. Registration limited to individuals --
 20 employees of architects entitled to practice under
 21 supervision -- exceptions -- exemptions. (a) No firm,
 22 company, partnership, association, corporation or other
 23 similar organization shall be registered as an architect.
 24 Only individuals shall be registered as architects but a
 25 number of architects constituting a firm may use the

1 collective title "architects" or "registered architects."

2 (b) Nothing contained in this act shall prevent
 3 draftsmen, students, clerks of work, superintendents, and
 4 other employees of those lawfully practicing as architects
 5 under the provisions of this act from acting under the
 6 instruction, control, or supervision of their employers, or
 7 to prevent the employment of superintendents of the
 8 construction, enlargement, or structural alteration of
 9 buildings or any appurtenance thereto. Nor shall anything
 10 contained in this act be construed to apply to alterations
 11 to any building which do not involve changes affecting the
 12 structural safety thereof or the public health; nor to
 13 prevent the preparation of details and shop drawings by
 14 persons, other than architects, for use in connection with
 15 the execution of their work; nor to prevent the preparation
 16 of drawings or details for fixtures, cabinet work,
 17 furniture, or other interior appliances or equipment, or for
 18 any work necessary to provide for their installation unless
 19 the same involves public health or safety. None of the acts
 20 enumerated in this paragraph shall be interpreted or
 21 construed as the practice of architecture.

22 (c) Nothing in this act shall be construed to affect
 23 or prevent the following, provided that no words, letters,
 24 figures, or other device shall be used in such manner as to
 25 tend to convey the impression that the person rendering such

1 service is an architect duly registered under this act:

2 1. Consultants, officers, and employees of the United
3 States while engaged solely in the practice of architecture
4 for said government.

5 2. Professional engineers from performing
6 architectural services which are purely incidental to their
7 engineering practice.

8 3. Any person from planning, designing, altering,
9 ~~constructing, repairing, or supervising, or engaging in~~
10 ~~construction--of residential construction consisting of less~~
11 ~~than eight living units regardless of size or cost~~ or farm
12 buildings ~~which are not intended for use or used as a public~~
13 ~~building.~~

14 4. The planning, designs design, alteration,
15 ~~consultation construction, repair, or supervision of~~
16 ~~construction~~ of a building by its owner ~~if the building is~~
17 ~~not intended for use or used as a public building."~~

18 Section 5. Section 66-110, R.C.M. 1947, is amended to
19 read as follows:

20 "66-110. Annual fee of licensed architects. (1) A
21 licensed architect in this state who desires to continue the
22 practice of his profession shall annually, during the time
23 he continues in this practice, pay to the department, during
24 the month of July, a fee of ~~twenty dollars (\$20).~~

25 ~~(2) The board of architects is vested with exclusive~~

1 ~~jurisdiction to issue licenses for the privilege of~~
2 ~~practicing architecture. No other state agency or political~~
3 ~~subdivision of the state, including counties and~~
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7 "66-113. Architects on public buildings must hold
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11 buildings or other public works or improvements may not be
12 entered into by this state or its agencies, or a county,
13 city, or school district in this state unless the ~~architect~~
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17 Section 7. Section 66-114, R.C.M. 1947, is amended to
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19 "66-114. Plans for public buildings to have seal and
20 signature of architect---~~insurance----~~coverage. All
21 architectural plans and specifications for public buildings
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23 county, city, or school district of the state, shall bear
24 the seal and signature of the architect responsible
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1 ~~All architects shall have an adequate errors and~~
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6 ~~state and such insurance shall be in force for three (3)~~
7 ~~years after the completion of the public buildings, works~~
8 ~~or improvements."~~

9 Section 8. Repealer. Section 66-115, R.C.M. 1947, is
10 repealed.

-End-

STATE OF MONTANA

REQUEST NO. 296-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 329 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act relating to the Architecture Licensing Laws; prohibiting other state agencies or political subdivisions from charging license fees.

FISCAL IMPACT:

None. Senate Bill 329 is mainly for housekeeping purposes. The Board of Architects foresees no change in revenue or expenditure associated with this proposal.

LOCAL IMPACT:

A slight decrease in revenue may be felt by cities licensing architects. The cities doing licensing are unknown.

Carolyn Dearing
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 4, 1977

Approved by Committee
on Public Health, Welfare
& Safety

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 4 other employees of those lawfully practicing as architects
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 6 instruction, control, or supervision of their employers, or
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 8 construction, enlargement, or structural alteration of
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 14 persons, other than architects, for use in connection with
 15 the execution of their work; nor to prevent the preparation
 16 of drawings or details for fixtures, cabinet work,
 17 furniture, or other interior appliances or equipment, or for
 18 any work necessary to provide for their installation unless
 19 the same involves public health or safety. None of the acts
 20 enumerated in this paragraph shall be interpreted or
 21 construed as the practice of architecture.

22 (c) Nothing in this act shall be construed to affect
 23 or prevent the following, provided that no words, letters,
 24 figures, or other device shall be used in such manner as to
 25 tend to convey the impression that the person rendering such

1 service is an architect duly registered under this act:

2 1. Consultants, officers, and employees of the United
3 States while engaged solely in the practice of architecture
4 for said government.

5 2. Professional engineers from performing
6 architectural services which are purely incidental to their
7 engineering practice.

8 3. Any person from planning, designing, altering,
9 ~~constructing~~ repairing, or supervising, or engaging in
10 construction--of residential construction consisting of less
11 than eight living units regardless of size or cost or farm
12 buildings which are not intended for use or used as a public
13 building.

14 4. The planning, ~~designs~~ design, alteration,
15 ~~consultation~~ construction, repair, or supervision of
16 construction of a building by its owner if the building is
17 not intended for use or used as a public building."

18 Section 5. Section 66-110, R.C.M. 1947, is amended to
19 read as follows:

20 "66-110. Annual fee of licensed architects. (1) A
21 licensed architect in this state who desires to continue the
22 practice of his profession shall annually, during the time
23 he continues in this practice, pay to the department, during
24 the month of July, a fee of ~~twenty-dollars-(\$20).~~

25 (2) The board of architects is vested with exclusive

1 jurisdiction to issue licenses for the privilege of
2 practicing architecture. No other state agency or political
3 subdivision of the state, including counties and
4 municipalities, may levy any fee or tax for such privilege."

5 Section 6. Section 66-113, R.C.M. 1947, is amended to
6 read as follows:

7 "66-113. Architects on public buildings must hold
8 certificate from board. A contract for the employment of or
9 the rendering of professional services by an ~~an~~ architect any
10 person relating to the planning or construction of public
11 buildings or other public works or improvements may not be
12 entered into by this state or its agencies, or a county,
13 city, or school district in this state unless the architect
14 person is the holder in good standing of a certificate
15 granted by the board entitling him to practice architecture
16 in this state."

17 Section 7. Section 66-114, R.C.M. 1947, is amended to
18 read as follows:

19 "66-114. Plans for public buildings to have seal and
20 signature of architect ~~insurance--coverage~~ INSURANCE
21 COVERAGE. All architectural plans and specifications for
22 public buildings of the state of Montana, or any agency
23 thereof, or of any county, city, or school district of the
24 state, shall bear the seal and signature of the architect
25 responsible therefor.

1 ~~All architects shall have an adequate errors and~~
2 ~~omissions insurance policy when performing any supervisory~~
3 ~~acts relating to the construction of any public buildings,~~
4 ~~works or improvements of the state of Montana or any agency~~
5 ~~thereof or of any county, city or school district of the~~
6 ~~state and such insurance shall be in force for three (3)~~
7 ~~years after the completion of the public buildings, works~~
8 ~~or improvements.~~ EACH CONTRACT FOR ARCHITECTURAL SERVICES
9 FOR PUBLIC BUILDINGS OF THE STATE OF MONTANA, ANY AGENCY
10 HEREOF, ANY COUNTY, CITY, SCHOOL DISTRICT, OR OTHER
11 SUBDIVISION OF THE STATE SHALL REQUIRE ERRORS AND OMISSIONS
12 INSURANCE FURNISHED BY THE ARCHITECT. THE AMOUNT AND
13 DURATION OF THE COVERAGE SHALL BE DETERMINED ON EACH
14 CONTRACT FOR SERVICE BY AN AUTHORIZED AGENT OF THE
15 CONTRACTING AUTHORITY AND THE COST INCLUDED IN THE
16 CONTRACT."

17 Section 8. Repealer. Section 66-115, R.C.M. 1947, is
18 repealed.

-End-

HOUSE OF REPRESENTATIVES

April 6, 1977

COMMITTEE ON BUSINESS AND INDUSTRY AMENDMENTS TO SENATE BILL 329

Amend the third reading bill as follows:

1. Amend title, line 12.
Following: "ARCHITECTURE, AND"
Strike: "DELETE"
Insert: "REVISE"

AS AMENDED
BE CONCURRED IN

1 SENATE BILL NO. 329
 2 INTRODUCED BY ROSKIE
 3 BY REQUEST OF THE BOARD OF ARCHITECTS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DESCRIBE THE PURPOSE
 6 OF ARCHITECTURE LICENSING LAWS, DEFINE PUBLIC BUILDING,
 7 PROVIDE FOR INJUNCTION OF VIOLATIONS OF SUCH LAWS, REVISE
 8 THE EXEMPTION PROVISIONS, PROHIBIT OTHER STATE AGENCIES OR
 9 POLITICAL SUBDIVISIONS FROM CHARGING ARCHITECT LICENSE FEES,
 10 MAKE CLEAR THAT ANY PERSON RENDERING PROFESSIONAL SERVICES
 11 ON A PUBLIC BUILDING MUST BE LICENSED TO PRACTICE
 12 ARCHITECTURE, AND ~~DELETE~~ REVISE THE REQUIREMENT FOR ERRORS
 13 AND OMISSIONS INSURANCE; AMENDING SECTIONS 66-103, 66-106,
 14 66-107, 66-110, 66-113, AND 66-114, R.C.M. 1947; AND
 15 REPEALING SECTION 66-115, R.C.M. 1947."

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 18 Section 1. There is a new R.C.M. section that reads as
 19 follows:
 20 Purpose. It is hereby declared, as a matter of
 21 legislative policy in the state of Montana, that the
 22 practice of architecture is a privilege granted by
 23 legislative authority and is not a natural right of
 24 individuals and that it is necessary, as a matter of such
 25 policy and in the interests of the health, safety, and

1 welfare of the people of Montana, to provide laws covering
 2 the granting of that privilege and its subsequent use,
 3 control, and regulation for the purpose of protecting the
 4 public from the unprofessional, improper, unauthorized, and
 5 unqualified practice of architecture.

6 Section 2. Section 66-103, R.C.M. 1947, is amended to
 7 read as follows:

8 "66-103. Definitions -- examinations for certificates
 9 to practice -- granting of certificates -- registration
 10 without examination under certain circumstances. (1) Except
 11 as provided in this act, no person may practice architecture
 12 in this state or use the title "architect" or "registered
 13 architect," or any words, letters, figures, or other device
 14 indicating or intending to imply that he is an architect,
 15 without having qualified under this act.

16 (2) Unless the context requires otherwise, in this
 17 act:

18 (a) "Practice of architecture" means rendering or
 19 offering to render services by consultations, preliminary
 20 studies, drawings, specifications, or other service in
 21 connection with the design of a building or addition or
 22 alteration thereto, whether one or all of these services are
 23 performed either in person or as the directing head of an
 24 organization.

25 (b) "Architect" means an individual technically and

1 legally qualified to practice architecture and who is
2 authorized under this act to practice architecture.

3 (c) "Building" means a structure intended primarily
4 for human occupancy or use.

5 ~~(d) "Public building" means any building which the~~
6 ~~state or any political subdivision thereof maintains for the~~
7 ~~use of the public or any building where the public has a~~
8 ~~right to go and be.~~

9 (d)(a) "Board" means the board of architects, provided
10 for in section 82A-1602.3.

11 (e)(f) "Department" means the department of
12 professional and occupational licensing, provided for in
13 Title 82A, chapter 16.

14 (3) A person wishing to practice architecture in this
15 state shall apply to the department for a certificate to do
16 so. A person applying shall have successfully completed the
17 requirement of prerequisites in education, practical
18 experience and a written examination as prescribed by the
19 board in conformance with the standard national council of
20 architectural registration boards examination and grading
21 procedure. After examination the department shall, if the
22 candidate has been found qualified, grant a certificate to
23 the candidate to practice architecture in this state, which
24 may only be granted on the consent of not less than two (2)
25 members of the board, and attested by the secretary, and

1 have the seal of the board attached. However, an architect
2 holding a valid and current license to practice in another
3 state, territory or country will be granted a certificate to
4 practice in Montana following presentation of a certificate
5 issued by the national council of architectural registration
6 boards and approved by the board. But no arrangement may be
7 made under this section which may lower the standard of
8 practice of architecture in this state. The board may, if
9 considered necessary, require an examination of applicants
10 for a license from other states, after careful consideration
11 of the credentials from those states. The board shall by
12 rule establish methods and procedures for investigation of
13 applicants for a license by reciprocity."

14 Section 3. Section 66-106, R.C.M. 1947, is amended to
15 read as follows:

16 "66-106. Penalty for illegal practice or misuse of
17 title. (1) Any person who shall use the title "architect" or
18 "registered architect" or any other words, letters, figures,
19 or other device indicating or intending to imply that the
20 person using the same is an architect, or who shall engage
21 in the practice of architecture within the meaning of this
22 act, or shall accept compensation for rendering
23 architectural service, without first having complied with
24 the provisions of this act, shall be deemed guilty of a
25 misdemeanor, and upon conviction shall be punished by a fine

1 of not less than two hundred dollars (\$200.00) nor more than
 2 five hundred dollars (\$500.00), or by imprisonment in the
 3 county jail for not less than thirty (30) days nor more than
 4 six (6) months, or by both such fine and imprisonment. Any
 5 person convicted a second time for any violation of this act
 6 shall be punished by both such fine and imprisonment. The
 7 district court shall have jurisdiction of all prosecutions
 8 brought hereunder.

9 (2) Whenever the board of architects has reasonable
 10 cause to believe that a person is violating any provision of
 11 this act or rule of the board, it may, in addition to the
 12 remedies provided in subsection (1) and without prejudice
 13 thereto, bring an action in the district court for the
 14 county in which the violation is occurring to enjoin such
 15 person from continuing to engage in such violation or from
 16 doing any act in furtherance thereof."

17 Section 4. Section 66-107, R.C.M. 1947, is amended to
 18 read as follows:

19 "66-107. Registration limited to individuals --
 20 employees of architects entitled to practice under
 21 supervision -- exceptions -- exemptions. (a) No firm,
 22 company, partnership, association, corporation or other
 23 similar organization shall be registered as an architect.
 24 Only individuals shall be registered as architects but a
 25 number of architects constituting a firm may use the

1 collective title "architects" or "registered architects."

2 (b) Nothing contained in this act shall prevent
 3 draftsmen, students, clerks of work, superintendents, and
 4 other employees of those lawfully practicing as architects
 5 under the provisions of this act from acting under the
 6 instruction, control, or supervision of their employers, or
 7 to prevent the employment of superintendents of the
 8 construction, enlargement, or structural alteration of
 9 buildings or any appurtenance thereto. Nor shall anything
 10 contained in this act be construed to apply to alterations
 11 to any building which do not involve changes affecting the
 12 structural safety thereof or the public health; nor to
 13 prevent the preparation of details and shop drawings by
 14 persons, other than architects, for use in connection with
 15 the execution of their work; nor to prevent the preparation
 16 of drawings or details for fixtures, cabinet work,
 17 furniture, or other interior appliances or equipment, or for
 18 any work necessary to provide for their installation unless
 19 the same involves public health or safety. None of the acts
 20 enumerated in this paragraph shall be interpreted or
 21 construed as the practice of architecture.

22 (c) Nothing in this act shall be construed to affect
 23 or prevent the following, provided that no words, letters,
 24 figures, or other device shall be used in such manner as to
 25 tend to convey the impression that the person rendering such

1 service is an architect duly registered under this act:

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3 States while engaged solely in the practice of architecture
4 for said government.

5 2. Professional engineers from performing
6 architectural services which are purely incidental to their
7 engineering practice.

8 3. Any person from planning, designing, altering,
9 ~~constructing, repairing, or supervising, or engaging in~~
10 ~~construction~~ of residential construction consisting of less
11 than eight living units regardless of size or cost or farm
12 buildings which are not intended for use or used as a public
13 building.

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24 the month of July, a fee of ~~twenty dollars~~ (\$20).

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10 person relating to the planning or construction of public
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13 city, or school district in this state unless the ~~architect~~
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11 SUBDIVISION OF THE STATE SHALL REQUIRE ERRORS AND OMISSIONS
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