## Senate Bill 154

## In The Senate

| January 16, 19 | 81  | Introduced and referred to Committee on Education. |
|----------------|-----|--|
| February 5, 19 | 81  | Committee recommend bill do pass as amended.       |
| February 6, 19 | 81  | Bill printed and placed on members' desks.         |
| February 7, 19 | 81  | Second reading do pass.                            |
| February 9, 19 | 81  | Correctly engrossed.                               |
| February 10, 1 | 981 | Third reading do pass.                             |

In The House

February 11, 1981 Introduced and referred to Committee on Education.

March 7, 1981 Committee recommend bill not concurred.

In The Senate

March 7, 1981 Returned from House not concurred.

In The House

March 9, 1981

On motion to recall Senate
Bill 154 from the Senate
for futher consideration.
Motion adopted.

In The Senate

March 10, 1981

On motion request of House granted for return of Senate Bill 154 for futher consideration. Motion adopted.

In The House

March 11, 1981 Motion to move second reading to Education Committee.
Motion adopted.

Referred to Committee on Education.

April 23, 1981 Died in Committee.

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|     | 1     | Seast BILL NO. 154 Celul Some to   |
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| (11 | 2     | INTRODUCED WINTER Services Ser |
| SCR | 3<br> | A BILL FOR AN ACT ENTITLED! "AN ACT AMENDING THE OPEN.   |
|     | 5     | MEETING LAW TO SPECIFY THE NOTICE OF MEETINGS THAT THE Haffing   |
|     | ь     | TRUSTEES OF A SCHOOL DISTRICT MUST GIVE THE PUBLIC; AMENDING   |
|     | 7     | SECTION 20-3-322, MCA."  |
|     | 8     |  |

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 20-3-322, MCA, is amended to read:

11 "20-3-322. Meetings and quorum. (1) The trustees of a

district shall hold at least the following number of regular

13 meetings:

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- 14 (a) an organization meeting, as prescribed by 20-3-321:
- 16 (b) a preliminary budget meeting, as prescribed to 20-9-113; and
- (c) in first-class elementary districts, not less than
  one regular meeting per month; or
- 20 (d) in any other district, regular meetings during the 21 months of April, July, October, and January.
  - (2) The trustees of the district shall adopt a policy setting the day and time for the minimum number of regular school meetings prescribed in subsection (1)(c) or (1)(d) and, in addition, any other regular meeting days the

trustees wish to establish; such meetings shall be conducted in school buildings or on other property belonging to the district.

- (3) Special meetings of the trustees may be called by the chairman or any two members of the trustees by giving each member a 48-hour written notice of the meeting.
- (4) No business shall be transacted by the trustees of a district unless it is transacted at a regular meeting or a properly called special meeting. A quorum for any meeting shall be a majority of the trustees membership. All trustee meetings shall be public meetings, as prescribed by 2-3-201, except that the trustees may recess to an executive session under the provisions of 2-3-203.

(5) The trustees of a district shall give notice of all meetings in the manner prescribed in [section 2]."

NEW\_SECTION. Section 2. Notice of meetings of board of trustees of a school district. (1) The board of "rustees of a school district as defined in 20-6-101 shall give notice of meetings in the following manner:

(a) by posting a notice of the meeting at least 48 hours before the meeting on the main door of the building in which the school district administration office is located. If there is no such administration office, the notice must be posted on the main door of the principal school building in the district.

(b) by making the notice of the meeting available at least 48 hours before the meeting to a daily newspaper of general circulation in the district and an appropriate radio or television station that serves the people of the district;

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- 6 (c) by including in the notice of the meeting the
  7 place, time, and intended agenda of the meeting;
  - (d) by giving notice by telephone of any special meeting to the news media described in subsection (1)(b);
  - (e) by informing the news media described in subsection (1)(b) by written notice once a year of the proposed meeting dates and times and where agendas will be available.
  - (2) The trustees shall give notice of any rescheduled regular meeting in the same menner as provided for special meetings in subsection (1)(d).
  - (3) In the event of an emergency, the board of trustees of the district may meet at the earliest time that a majority of members can assemble and no public notice is required.
  - (4) At a meeting of the board of trustees, the trustees may take action only on the agenda items that were announced in the notice required by subsection (1), except that the board may act on other items if such items are raised spontaneously in good faith.

Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 2, chapter 3, part 2, and the provisions of Title 2, chapter 3, part 2 apply to section 2.

-End-

## Approved by Committee on Education

| 1   | SENATE BILL NO. 154  |
|-----|--|
| 2   | INTRODUCED BY KOLSTAD, IVERSON, KITSELMAN, SEIFERT, GOULD,   |
| 3   | ELLIDIT, HEMSTAD, GALT, DBERG, HANSON, HAFFERMAN,            |
| 4   | KEYSER. YARDLEY. WALDRUN, LEE, TVEIT, J. O'HARA.             |
| 5   | OCHSHER, AKLESTAD, NELSON, HAMMOND, CRIPPEN                  |
| 6   |  |
| 7   | A BILL FUR AN ACT ENTITLED: "AN ACT AMEMBINGTHEOPEN          |
| 8   | MEETING LAW TO SPECIFY THE NOTICE OF MEETINGS THAT THE       |
| 9   | TRUSTEES OF A SCHOOL DISTRICT MUST GIVE THE PUBLIC AND       |
| 0.  | PROVIDING FOR EMERGENCY MEETINGS BY TRUSTEES OF A SCHOOL     |
| .1  | DISTRICT; AMENDING SECTION 20-3-322. MCA.*                   |
| .2  |  |
| . 3 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:    |
| 4   | Section 1. Section 20-3-322, MCA, is amended to read:        |
| .5  | "20-3-322. Meetings and quorum. (i) The trustees of a        |
| .6  | district shall hold at least the following number of regular |
| .7  | meetings:  |
| .8  | (a) an organization meeting, as prescribed by                |
| .9  | 20-3-321;  |
| 0   | (b) a preliminary budget meeting, as prescribed by           |
| 1   | 20-9-113; and  |
| 2 . | (c) in first-class elementary districts, not less than       |
| 3   | one regular meeting per month; or                            |
| 4   | (d) in any other district, regular meetings during the       |
| :5  | months of April, July, October, and January.                 |

| 1  | (2) The trustees of the district shall adopt a policy              |
|----|--|
| 2  | setting the day and time for the minimum number of regular         |
| 3  | school meetings prescribed in subsection (1)(c) or (1)(d)          |
| 4  | and, in addition, any other regular meeting days the               |
| 5  | trustees wish to establish; such meetings shall be conducted       |
| 6  | in school buildings or on other property belonging to the          |
| 7  | district.  |
| 8  | (3) Special meetings of the trustees may be called by              |
| 9  | the chairman or any two members of the trustees by giving          |
| 10 | each member a 48-hour written notice of the meeting.               |
| 11 | (4) IN THE EVENT OF AN EMERGENCY SITUATION. THE                    |
| 12 | TRUSTEES OF A DISTRICT MAY MEET AT THE EARLIEST TIME THAT A        |
| 13 | MAJORITY OF THE TRUSTEES! MEMBERSHIP CAN ASSEMBLE.                 |
| 14 | (4)(5) No business shall be transacted by the trustees             |
| 15 | of a district unless it is transacted at a regular meeting         |
| 16 | er a properly called special meeting OR AN EMERGENCY               |
| 17 | MEETING. A quorum for any meeting shall be a majority of the       |
| 18 | trustees' membership. All trustee meetings shall be public         |
| 19 | meetings, as prescribed by 2-3-201, except that the trustees       |
| 20 | may recess to an executive session under the provisions of         |
| 21 | 2-3-203•   |
| 22 | <del>(5)</del> (6) The trustees of a district shall give notice of |
| 23 | all meetings in the manner prescriped in [section 2]."             |
| 24 | NEW SECTION. Section 2Noticeofmeetings-of-board                    |

of-trustees-of-a-school-district---(i)-The-board-of-trustees

| 1 | of-a-school-districtasdefinedin20-6-101shallgive             |
|---|--|
| 2 | notice-of-meetings-in-the-following-manner:                  |
| 3 | fo}bypostinganoticeof-the-meeting-at-least-48                |
| 4 | hours-before-the-meeting-on-the-main-door-of-the-building-in |
| 5 | which-the-school-district-administration-affice-islocatedw   |
| 6 | ifthereis-no-such-administration-officer-the-notice-must     |
| 7 | be-posted-on-the-main-door-of-the-principal-schoolbuilding   |
| 8 | in-the-district*   |
| 9 | <pre>fb}bymakingthe-notice-of-the-meeting-available-st</pre> |
| 0 | least-48-hours-before-the-meeting-to-adailynewspaperof       |
| l | general-eireulation-in-the-district-and-an-appropriate-radio |
| 2 | ortelevisionstationthatservesthepeopleofthe                  |
| 3 | districts  |
| 4 | fc}by-including-in-thenoticeofthemeetingthe                  |
| 5 | placetime-and-intended-agenda-of-the-meetingf                |
| 6 | <pre>fd&gt;bygivingnoticebytelephoneofony-spectal</pre>      |
| 7 | meeting-to-the-news-media-described-in-subsection-(1)(0);    |
| В | tetbyinformingthenewsmediadescribedin                        |
| 9 | subsection(l)(b)bywrittennoticeoncea-year-of-the             |
| 0 | proposed-meeting-dates-and-times-and-where-agendaswill-age   |
| 1 | avaitable=   |
| 2 | {2}Thetrustees-shall-give-notice-of-any-rescheduled          |
| 3 | regular-meeting-in-the-same-manner-as-providedforspecial     |
| 4 | #eetings-in-subSection-(1)(d)v                               |
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| ı  | trustees-of-the-district-may-meet-at-the-earliest-timethat   |
|----|--|
| 2  | amajorityof-members-can-assemble-and-no-public-notice-is     |
| 3  | required*  |
| 4  | (4)Atameetingoftheboardoftrusteesythe                        |
| 5  | trusteesmay-take-action-only-on-the-agenda-items-that-were   |
| 6  | announced-in-the-notice-required-by-subsection(1)yexcept     |
| 7  | thatthebaardmayacton-other-items-if-such-items-are           |
| 8  | raised-spontameously-in-good-faithm                          |
| 9  | 5ection-3Eadifreationinstructionsection2:s                   |
| 10 | intendedtobecodifiedasan-integral-part-of-Fitte-2*           |
| 11 | chapter-3,-part-2,-and-the-provisions-of-Title-2,-chapter-3, |
| 12 | part-2+-apply-to-section-2+ NOTICE OF MEETINGS OF BOARD OF   |
| 13 | TRUSTEES OF A SCHOOL DISTRICT. (1) THE BOARD OF TRUSTEES OF  |
| 14 | A SCHOOL DISTRICT AS DEFINED IN 20-6-101 SHALL GIVE MOTICE   |
| 15 | OF REGULAR MEETINGS IN THE FOLLOWING MANNER:                 |
| 16 | (A) BY POSTING A NOTICE OF THE MEETING AT LEAST 48           |
| 17 | HOURS BEFORE THE MEETING ON THE MAIN DUOR OF THE BUILDING IN |
| 18 | MHICH THE SCHOOL DISTRICT ADMINISTRATION OFFICE IS LOCATED:  |
| 19 | IF THERE IS NO SUCH ADMINISTRATION DEFICE. THE NOTICE MUST   |
| 20 | BE POSTED ON THE MAIN DOOR OF THE PRINCIPAL SCHOOL BUILDING  |
| 21 | IN THE DISTRICT;   |
| 22 | (8) BY PROVIDING A COPY OF THE NOTICE AT LEAST 48            |
| 23 | HOURS BEFORE THE MEETING TO A DAILY NEWSPAPER OF GENERAL     |
| 24 | CIRCULATION IN FIRST-CLASS DISTRICTS:                        |
| 25 | (C) BY PROVIDING A CUPY OF THE NOTICE IN TIME FOR            |

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-End-

1 3. PART 3 APPLY TO SECTION 2. PUBLICATION PRIOR TO THE MEETING IN A WEEKLY NEWSPAPER OF 2 GENERAL CIRCULATION IN SECOND-CLASS AND THIRD-CLASS DISTRICTS; 3 (D) BY INCLUDING IN THE NOTICE OF THE MEETING THE PLACE, TIME, AND INTENDED AGENDA OF THE MEETING: AND (E) BY DELIVERING WRITTEN NOTICE OF THE MEETING AT LEAST 48 HOURS BEFORE THE MEETING TO ANY INDIVIDUAL WHO IS SCHEDULED TO BE THE SUBJECT OF DISCUSSION OR ACTION AT ANY MEETING. 10 12) THE SOARD SHALL GIVE NOTICE OF SPECIAL MEETINGS IN 11 THE MANNER PRUVIDED IN (A) . (D) . AND (E) OF SUBSECTION (1) .

17 14) AT A REGULAR OR SPECIAL MESTING OF THE BOARD OF THE AGENDA

(3) IN THE EVENT OF AN EMERGENCY SITUATION AS PROVIDED

IN 20-3-322(4), NO PUBLIC NOTICE IS REQUIRED; HOWEVER: THE

TRUSTEES SHALL CONTACT ANY INDIVIDUAL WHO IS TO BE THE

SUBJECT OF DISCUSSION OR ACTION AT SUCH AN EMERGENCY

19 ITEMS THAT WERE ANNOUNCED IN THE NOTICE REQUIRED BY

TIEMS THAT WERE ANNOUNCED IN THE NOTICE REQUIRED BY

20 SUBSECTIONS (1) AND (2) . EXCEPT THAT THE BUARD MAY ACT UN

21 <u>NONPERSONNEL-RELATED ITEMS IF SUCH ITEMS ARE RAISED</u>

22 SPUNTANEOUSLY IN GOOD FAITH.

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MEETING .

23 SECTION 3. CUDIFICATION INSTRUCTION. SECTION 2 15

24 INTENDED TO BE COOTFIED AS AN INTEGRAL PART OF TITLE 20.

25 CHAPTER 3, PART 3, AND THE PROVISIONS OF TITLE 20, CHAPTER

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2-3-203.

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| 1  | SENATE BILL NO. 154  |
|----|--|
| 2  | INTRODUCED BY KOLSTAD, IVERSON, KITSELMAN, SEIFERT, GUULD,   |
| 3  | ELLIOTT, HEMSTAD, GALT, OBERG, HANSON, HAFFERMAN,            |
| 4  | KEYSER, YARDLEY, WALDRON, LEE, TVEIT, J. O'HARA,             |
| 5  | OCHSNER, AKLESTAD, NEESON, HAMMOND, CRIPPEN                  |
| 6  |  |
| 7  | A BILL FOR AN ACT ENTITLED: "AN ACT AMENDINGTHEOPEN          |
| 8  | MEEFINGEAW TO SPECIFY THE NOTICE OF MEETINGS THAT THE        |
| 9  | TRUSTEES OF A SCHOOL DISTRICT MUST GIVE THE PUBLIC AND       |
| 10 | PROVIDING FOR EMERGENCY MEETINGS BY TRUSTESS OF A SCHOOL     |
| 11 | DISTRICT: AMENDING SECTION 20-3-322, MCA."                   |
| 12 |  |
| 13 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONIANA:    |
| 14 | Section 1. Section 20-3-322, MCA, is amended to read:        |
| 15 | ™20-3-322. Meetings and quorum. (i) The trustees of a        |
| 16 | district shall hold at least the following number of regular |
| 17 | meetings:  |
| 18 | (a) an organization meeting, as prescribed by                |
| 19 | 20-3-321;  |
| 20 | (b) a preliminary budget meeting, as prescribed by           |
| 21 | 20-9-113; and  |
| 22 | (c) in first-class elementary districts, not less than       |
| 23 | one regular meeting per month; or                            |
| 24 | (d) in any other district, regular meetings during the       |

months of April, July, October, and January.

|   | (2) The trustees of the district shall adopt a polic                                 |
|---|--|
|   | setting the day and time for the minimum number of regular                           |
|   | school meetings prescribed in subsection (1)(c) or (1)(d                             |
|   | and, in addition, any other regular meeting days the                                 |
|   | trustees wish to establish; such meetings shall be conducted                         |
|   | in school buildings or on other property belonging to the                            |
|   | district.  |
|   | (3) Special meetings of the trustees may be called o                                 |
|   | the chairman or any two members of the trustees by giving                            |
|   | each member a 48-hour written notice of the meeting.                                 |
| • | (4) IN THE EVENT OF AN EMERGENCY SITUATION. TH                                       |
|   | TRUSTEES OF A DISTRICT MAY MEET AT THE EARLIEST TIME THAT                            |
|   | MAJORITY OF THE TRUSTEES! MEMBERSHIP CAN ASSEMBLE.                                   |
|   | (4)(5) No business shall be transacted by the trustees                               |
|   | of a district unless it is transacted at a regular meeting                           |
|   | er, a properly called special meeting, OR AN EMERGENC                                |
|   | $\underline{\mathtt{MEETINS}}$ . A quorum for any meeting shall be a majority of the |
|   | trustees' memoership. All trustee meetings shall be public                           |
|   | meetings, as prescribed by 2-3-201, except that the trusteer                         |

may recess to an executive session under the provisions of

all meetings in the manner prescribed in [section 2]."

+5+(6) The trustees of a district shall give notice of

NEW SECTION. Section 2. -- Notice -- of -- meetings-of-board

of-trustees-of-a-school-district---(1)-The-board-of-trustees

| 1   | of-a-schoot-districtasdefinedin20-6-101shaltgive             |
|-----|--|
| 2   | notice-of-meetings-in-the-following-manner+                  |
| 3   | fatbypostinga-hoticeof-the-meeting-et-tease-46               |
| 4   | hours-before-the-meeting-on-the-main-door-of-the-building-in |
| 5   | which-the-ichool-distfict-administration-office-istocated*   |
| 6   | Ifthereis-no-such-administration-officer-the-notice-must     |
| 7   | be-poseed-on-the-main-door-of-the-principal-schoolอยร์ไปรกัฐ |
| 8   | în-thé-diatricty   |
| 9   | <pre>fbfbÿmakingthe-natice-of-the-meeting-available-at</pre> |
| 10  | teast-48-hours-before-the-meeting-to-adaitynewspaperof       |
| 11  | général-circulation-in-thé-district-and-an-appropriate-radio |
| 12  | ortelevisionstationthatservesthepeopleofthe                  |
| 13  | districts  |
| 14  | fetby-including-in-thenaticeafthemeeting-rthe                |
| 15  | płacetimeand-intended-agenda-of-the-meeting+                 |
| 16  | <pre>fd;bygivingnaticebytelephoneofony-special</pre>         |
| 17  | meeting-to-the-mews-media-described-in-subsection-(1)(b)+    |
| 18  | fetbyinformingthehemsmediadescribedin                        |
| 19  | subsection{l}{b}bywrittennoticeoneeo-year-of-the             |
| ,20 | propposit meeting-dates-and-times-and-where-agendsswillse    |
| 28  | available.   |
| 22  | f2}Thetrustees-shall-give-notice-of-any-rescheduled          |
| 23  | · · · · · · · · · · · · · · · · · · ·                        |
|     | regular-meeting-in-the-same-manher-as-providedforspecial     |
| 24  | regular-meeting-in-the-same-manher-as-providedforspecial     |

| 1   | trustees-of-the-district-may-meet-at-the-earliest-timethat   |
|-----|--|
| 2   | amajorityof-members-can-acaemble-and-no-peblic-notree-is     |
| 3   | requireds  |
| 4   | (4)Atamaetingofthebook8oftrustmesythe                        |
| 5   | trustaesmay-take-action-only-on-the-agenda-items-that-were   |
| 6   | annowneed-in-the-notice-required-by-subsection:://           |
| 7   | thatthehoordmayecton-other-feems-if-sech-feems-ore           |
| 8   | rotised-spontaneously-in-good-foithe                         |
| 9   | Section-3Codificationinstructioniection2                     |
| 10  | intendedtobecodifiedasen-integral-part-of-Fithe-dy           |
| 11  | chapter-3part-2end-the-provisions-of-Fithe-2chapter-3-       |
| 12  | part-2+-apply-to-section-2+ NOTICE OF MEETINGS OF BOARD OF   |
| .13 | TRUSTEES OF A SCHOOL DISTRICT. 111 THE BOARD OF TRUSTEES OF  |
| 14  | A SCHOOL DISTRICT AS DEFINED IN 28-6-101 SHALL GIVE MOTICE   |
| 15  | OF REGULAR MEETINGS IN THE FOLLOWING MANNER:                 |
| 16  | (A) BY POSTING A NOTICE OF THE MEETING AT LEAST 48           |
| 17  | HOURS BEFORE THE MEETING ON THE MAIN DOOR OF THE BUILDING IN |
| 18  | MHICH THE SCHOOL DISTRICT ADMINISTRATION OFFICE IS LOCATED.  |
| 19  | IF THERE IS NO SUCH ADMINISTRATION OFFICE. THE NOTICE MUST   |
| 20  | BE POSTED ON THE MAIN DOOR OF THE PRINCIPAL SCHOOL BUILLING  |
| 21  | IN THE DISTRICT:   |
| 22  | (8) BY PROVIDING A COPY OF THE NOTICE AT LEAST 48            |
| 23  | HOURS BEFORE THE MEETING TO A DAILY NEWSPAPER OF GENERAL     |
| 24  | CIRCULATION IN FIRST-CLASS DISTRICTS;                        |
| 25  | (C) BY PROVIDING A COPY OF THE NOTICE IN TIME FOR            |

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PUBLICATION PRIOR TO THE MEETING IN A WEEKLY NEWSPAPER OF GENERAL CIRCULATION IN SECOND-CLASS AND THIRD-CLASS DISTRICTS; (D) BY INCLUDING IN THE NOTICE OF THE MEETING THE PLACE, TIME, AND INTENDED AGENDA OF THE MEETING; AND (E) BY DELIVERING WRITTEN NOTICE OF THE MEETING AT LEAST 48 HOURS BEFORE THE MEETING TO ANY INDIVIDUAL AND IS SCHEDULED TO BE THE SUBJECT OF DISCUSSION OR ACTION AT ANY MEETING. 10 (2) THE BOARD SHALL GIVE NOTICE OF SPECIAL MEETINGS IN 11 THE MANNER PROVIDED IN (A) + (D) + AND (E) OF SUBSECTION (1) -12 (3) IN THE EVENT OF AN EMERGENCY SITUATION AS PROVIDED 13 IN 20-3-322(4), NO PUBLIC NOTICE IS REQUIRED; HOWEVER, THE 14 TRUSTEES SHALL CONTACT ANY INDIVIDUAL WHO IS TO BE THE 15 SUBJECT OF DISCUSSION OR ACTION AT SUCH AN EMERGENCY 16 MEETING. 17 (4) AT A REGULAR OR SPECIAL MEETING OF THE BOARD OF 18 TRUSTEES. THE TRUSTEES MAY TAKE ACTION ONLY ON THE AGENDA 19 ITEMS THAT WERE ANNOUNCED IN THE NOTICE REQUIRED BY 20 SUBSECTIONS (1) AND (2) + EXCEPT THAT THE BOARD MAY ACT ON NONPERSONNEL-RELATED ITEMS IF SUCH ITEMS ARE RAISED 21 22 SPONTANEOUSLY IN GODD FAITH-23 SECTION 3. CODIFICATION INSTRUCTION. SECTION 2 IS

INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 20.

CHAPTER 3, PART 3, AND THE PROVISIONS OF TITLE 20, CHAPTER

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25

1 3. PART 3 APPLY TO SECTION 2.