

By: Kirby

To: Local and Private;
Finance

SENATE BILL NO. 3318
(As Sent to Governor)

1 AN ACT TO AMEND CHAPTER 977, LOCAL AND PRIVATE LAWS OF 1994,
2 TO PROVIDE THAT A METROPOLITAN SEWER AUTHORITY CREATED UNDER SUCH
3 ACT MAY ACQUIRE, CONSTRUCT AND OPERATE WATERWORKS AND WATER SUPPLY
4 SYSTEMS AS WELL AS SEWERAGE SYSTEMS AND SEWAGE DISPOSAL SYSTEMS;
5 TO AUTHORIZE THE ISSUANCE OF REVENUE BONDS FOR SUCH SYSTEMS; TO
6 PROVIDE THAT A METROPOLITAN SEWER AUTHORITY HERETOFORE CREATED
7 UNDER THIS ACT MAY EXERCISE THE POWERS SPECIFIED IN THIS ACT
8 WITHOUT FURTHER JUDICIAL PROCEEDINGS, OTHER THAN JUDICIAL
9 PROCEEDINGS TO EXPAND OR ENLARGE THE METROPOLITAN AREA OF SUCH
10 AUTHORITY; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 SECTION 1. Chapter 977, Laws of 1994, is amended as follows:

13 Section 1. This act is for the purpose of authorizing a
14 cooperative effort by the Cities of Brandon, Flowood, Pearl,
15 Richland and other eligible municipalities, public agencies and
16 political subdivisions for the acquisition, construction and
17 operation of one or more systems for the collection,
18 transportation, treatment and disposal of waste, and for the
19 collection, transportation, treatment and distribution of water,
20 including sewerage systems, sewage disposal systems, waterworks
21 and water supply systems, in order to ensure an adequate supply of
22 water for domestic, commercial and industrial use and to prevent
23 and control the pollution of the waters in this state by the
24 creation of a West Rankin Metropolitan Water Supply and Sewer
25 Authority. This act may be cited as the "West Rankin Metropolitan
26 Water Supply and Sewer Authority Act."

27 Section 2. Words and phrases used in this act shall have
28 meanings as follows:

29 (a) "Act" means the West Rankin Metropolitan Water
30 Supply and Sewer Authority Act, as originally enacted or as

31 hereafter amended.

32 (b) "Board of directors" means the board of directors
33 of the West Rankin Metropolitan Water Supply and Sewer Authority.

34 (c) "Bonds" means revenue bonds, interim notes having a
35 maturity of three (3) years or less, and other certificates of
36 indebtedness of the metropolitan authority issued under the
37 provisions of this act.

38 (d) "Member agency" means the City of Brandon, the City
39 of Flowood, the City of Pearl and the City of Richland and any
40 public agency which elects to become a constituent member of the
41 West Rankin Metropolitan Water and Sewer Authority upon its
42 organization or which subsequently elects to become a member of
43 the West Rankin Metropolitan Water and Sewer Authority and which
44 is admitted to the metropolitan * * * authority by affirmative
45 vote of the board of directors of such authority, in accordance
46 with the provisions of Section 3(5) of this act.

47 (e) "Metropolitan area" means all of the area or
48 territory lying within Rankin County, Mississippi, and lying
49 within five (5) miles from any portion of the corporate limits of
50 the City of Brandon, the City of Flowood, the City of Pearl or the
51 City of Richland; provided, however, that the metropolitan area
52 shall not include any area located within the corporate limits of
53 a municipality which is not a member agency.

54 (f) "Metropolitan area plan" means a comprehensive plan
55 for a sewage disposal system within the metropolitan area,
56 consistent with standards established pursuant to applicable
57 federal and state law.

58 (g) "Metropolitan * * * authority" means an authority
59 created pursuant to this act to serve the metropolitan area or a
60 designated portion thereof, as set forth in the decree creating or
61 expanding the metropolitan sewer authority.

62 (h) "Municipality" means any incorporated city or town
63 of the State of Mississippi, whether operating under general law

64 or under special charter, lying wholly or partly within the
65 metropolitan area.

66 (i) "Person" means and includes the State of
67 Mississippi, a municipality as defined herein, any public agency
68 as defined herein or any other city, town or political subdivision
69 or governmental agency of the State of Mississippi or of the
70 United States of America, or any private utility, individual,
71 copartnership, association, firm, trust, estate or any other
72 entity whatsoever.

73 (j) The terms "pollution," * * * and "waters of the
74 state" shall have meanings as set forth in the Mississippi Air and
75 Water Pollution Control Law, as now or hereafter amended,
76 appearing as Section 49-17-1 through Section 49-17-70, Mississippi
77 Code of 1972.

78 (k) "Public agency" means any county, municipality
79 (including the City of Brandon, the City of Flowood and the City
80 of Pearl), lying wholly or partially within the metropolitan area,
81 any state board or commission owning or operating properties
82 within a metropolitan area, a district created pursuant to
83 Sections 51-9-101 through 51-9-163 or Sections 19-5-151 through
84 19-5-257, Mississippi Code of 1972, or any other political
85 subdivision of the State of Mississippi lying wholly or partially
86 within a metropolitan area and having the power to own and operate
87 waterworks, water supply systems, sewerage systems, treatment
88 facilities or sewage disposal systems, or other facilities or
89 systems for the collection, transportation, treatment and disposal
90 of waste.

91 (l) "Sewage disposal system" means a system for
92 disposing of waste, including, but not limited to, sewerage
93 systems and treatment facilities, as such terms are defined
94 herein.

95 (m) "Sewerage system" means pipelines or conduits,
96 canals, pumping stations and force mains, and all other

97 structures, devices, facilities and appliances appurtenant
98 thereto, used for collecting or conducting waste to an ultimate
99 point for treatment or disposal.

100 (n) "Treatment facilities" means any plant, disposal
101 field, lagoon, pumping station, constructing drainage ditch or
102 surface water intercepting ditch, canal, incinerator, area devoted
103 to sanitary landfills or other works not specifically mentioned
104 herein, installed for the purpose of treating, neutralizing,
105 stabilizing or disposing of waste or facilities to provide cooling
106 water to collect, control and dispose of waste heat.

107 (o) "Waste" means sewage, industrial waste, municipal
108 waste, recreational waste and agricultural waste, waste heat and
109 any other waste that may cause impairment of the quality of the
110 waters in the state.

111 (p) "Water supply system" means pipelines, conduits,
112 pumping stations and all other structures, devices and appliances
113 appurtenant thereto, including land and right-of-way thereto, for
114 use for transporting water to a point of ultimate use.

115 (q) "Waterworks" means all works, plants or other
116 facilities necessary for the purpose of collecting, storing,
117 treating and transporting water for domestic, municipal,
118 commercial, industrial, agricultural and manufacturing purposes,
119 including open channels.

120 Section 3. (1) The City of Brandon, the City of Flowood,
121 the City of Pearl, and the City of Richland are authorized to file
122 a joint petition, which may be joined in by any public agency
123 lying wholly or partly within the metropolitan area, for the
124 organization of a metropolitan * * * authority in this state under
125 the provisions of this act in the manner hereinafter provided;
126 and, when so organized, the metropolitan * * * authority shall be
127 a political subdivision of the State of Mississippi, and a body
128 politic and corporate, and shall have the powers granted to a
129 metropolitan * * * authority under the act.

130 (2) A petition for the organization of a metropolitan * * *
131 authority shall be filed in the Chancery Court of Rankin County,
132 which petition shall show the proposed metropolitan area, the
133 proposed member public agencies and the necessity and desirability
134 of the proposed metropolitan * * * authority and shall be signed
135 by duly authorized elected public officials of the municipalities
136 within the proposed metropolitan area joining in filing the
137 petition and the authorized officers of any other public agency
138 joining in the petition. Upon the filing of said petition the
139 chancery clerk shall promptly give written notice of the same to a
140 chancellor of said chancery court who shall enter an order setting
141 a date not less than thirty (30) days from the date of the order
142 for a hearing on the organization of such metropolitan * * *
143 authority. Any public agency not a petitioner and any private
144 utility within the proposed metropolitan area shall be served with
145 process as a party defendant to said petition. The chancery clerk
146 shall cause a notice of such hearing addressed to the taxpayers
147 and qualified electors of the proposed metropolitan area and all
148 other persons interested to be published once a week for at least
149 three (3) successive weeks in a newspaper or newspapers published
150 in Rankin County having a general circulation within the proposed
151 metropolitan area, which notice shall state the date, place and
152 time of such hearing, that a petition has been filed to organize a
153 metropolitan * * * authority under the provisions of this act,
154 describe the proposed metropolitan area, and command that all such
155 persons appear before the chancery court or the chancellor in
156 vacation on the date and hour of the hearing to show cause, if any
157 they can, why the proposed metropolitan * * * authority should not
158 be organized and established as set forth in the said petition.
159 The first publication shall be at least twenty-one (21) days
160 before the date of such hearing and the last publication shall be
161 not more than seven (7) days before the date of such hearing.

162 (3) The chancery court may hear the petition at any term

163 thereof, or the chancellor of said court may fix a time to hear
164 such petition at any time in vacation, and may determine all
165 matters pertaining thereto, may adjourn the hearing from time to
166 time, and may continue the case for want of sufficient notice or
167 other good cause. If said petition shall prove defective in any
168 manner, the petitioners, upon motion, shall be permitted to amend
169 the same. At such hearing, or a day to which the same may be
170 continued, the chancellor shall take evidence and all interested
171 persons objecting to the creation of such metropolitan * * *
172 authority may appear and contest the same. If the chancellor
173 shall find that a sound plan exists for the creation of a
174 metropolitan * * * authority to accomplish the purposes set forth
175 in this act and the same would meet a public necessity, he shall
176 render a decree creating such metropolitan * * * authority under
177 the provisions of this act, specifying in the decree the
178 metropolitan area to be served thereby, which may be less than the
179 area set out in the petition. The chancellor shall not include
180 within the metropolitan area of a proposed metropolitan * * *
181 authority any area lying within the corporate limits of a
182 municipality unless such municipality shall have either joined in
183 the petition or filed a written consent to such inclusion adopted
184 by its governing body. If the chancellor finds that the proposed
185 metropolitan * * * authority should not be organized, then he
186 shall dismiss the proceedings.

187 (4) When so organized, the metropolitan * * * authority
188 shall have the power to sue and be sued, provided that the
189 metropolitan * * * authority shall not be liable and shall be
190 immune from suit at law or in * * * equity on account of any
191 wrongful or tortious act or omission, including libel, slander or
192 defamation, by it, or any such act or omission by any employee of
193 any such metropolitan * * * authority, subject to and in
194 accordance with the provisions of Sections 11-46-1 through
195 11-46-19, Mississippi Code of 1972.

196 (5) If at any time any public agency within the metropolitan
197 area of the duly organized metropolitan * * * authority shall
198 elect to become a member agency of the metropolitan * * *
199 authority by a majority vote of the governing body of such public
200 agency, such public agency may be admitted as a member agency of
201 such metropolitan * * * authority, upon the approval by a
202 three-fifths (3/5) affirmative vote of the total membership of the
203 board of directors of the metropolitan * * * authority and by a
204 concurrent affirmative vote of directors representing sixty
205 percent (60%) of the total payments for use of the sewerage system
206 of the metropolitan * * * authority during the preceding fiscal
207 year.

208 (6) The metropolitan area of the metropolitan * * *
209 authority may be expanded or enlarged at any time by decree of the
210 Chancery Court of Rankin County, if the chancellor shall render a
211 decree finding that the public necessity requires such expansion
212 after timely publication of notice and a hearing held before the
213 chancellor in the manner provided in this section.

214 Section 4. All powers of the metropolitan * * * authority
215 shall be exercised by a board of directors to be selected and
216 composed as follows: The governing body of each member agency
217 shall appoint one (1) person to serve on the board of directors of
218 the metropolitan * * * authority, each such director to serve at
219 the pleasure of the respective governing body.

220 The board of directors of the metropolitan * * * authority
221 shall annually elect from its number a president and vice
222 president of the metropolitan authority and such other officers
223 as, in the judgment of the board, are necessary. The president
224 shall be the chief executive officer of the metropolitan * * *
225 authority and the presiding officer of the board, and shall have
226 the same right to vote as any other director. The vice president
227 shall perform all duties and exercise all powers conferred by this
228 act upon the president when the president is absent or fails or

229 declines to act, except the president's right to vote. The board
230 shall also appoint a secretary and a treasurer who may or may not
231 be members of the board, and it may combine those officers. The
232 treasurer shall give bond in the sum of not less than Fifty
233 Thousand Dollars (\$50,000.00) as set by the board of directors,
234 and each director may be required to give bond in the sum of not
235 less than Ten Thousand Dollars (\$10,000.00), with sureties
236 qualified to do business in this state, and the premiums on said
237 bonds shall be an expense of such metropolitan * * * authority.
238 Each such bond shall be payable to the State of Mississippi; the
239 condition of each such bond shall be that the treasurer or
240 director will faithfully perform all duties of his office and
241 account for all money or other assets which shall come into his
242 custody as treasurer or director of such metropolitan * * *
243 authority.

244 Except for the election or appointment of officers, all
245 business of the metropolitan * * * authority shall be transacted
246 by a three-fifths (3/5) affirmative vote of the total membership
247 of the board of directors and, if the authority shall own or
248 operate a sewerage system, by a concurrent vote of directors
249 representing sixty percent (60%) of the total payments for use of
250 the sewerage system of the metropolitan * * * authority during the
251 preceding fiscal year. The quorum for any meeting of the board of
252 directors shall be three-fifths (3/5) of the total membership of
253 the board of directors and, if the authority shall own or operate
254 a sewerage system, the presence of directors representing more
255 than sixty percent (60%) of the total payments for use of the
256 sewerage system of the metropolitan * * * authority during the
257 preceding fiscal year.

258 Section 5. The metropolitan * * * authority is authorized
259 and empowered to acquire * * * , construct, improve, enlarge,
260 extend, repair, operate and maintain one or more waterworks, water
261 supply systems, sewerage systems or sewage disposal systems and to

262 make contracts with any person in furtherance thereof; and to make
263 contracts with any public agency, under the terms of which the
264 metropolitan * * * authority will, within its designated
265 metropolitan area, provide water to or accept, transport, treat or
266 dispose of waste for such public agency. A metropolitan
267 authority may also enter into contracts with any person to design
268 and construct any water supply system, waterworks or any waste
269 collection, transportation, treatment or sewage disposal
270 facilities or systems and thereafter * * * purchase, lease or
271 sell, by installments over such terms as may be deemed desirable,
272 or otherwise, any such system. The metropolitan * * * authority
273 is also authorized to enter into operating agreements with any
274 person, for such terms and upon such conditions as may be deemed
275 desirable, for the operation of any water supply system,
276 waterworks, or any waste collection, transportation, treatment or
277 sewage disposal facilities or systems; and the metropolitan * * *
278 authority may lease to or from any person, for such term and upon
279 such conditions as may be deemed desirable, any waterworks, water
280 supply systems or any waste collection, transportation, treatment
281 or sewage disposal facilities or systems. Any such contract may
282 contain provisions requiring any public agency or other person to
283 regulate the quality and strength of waste to be handled by the
284 sewage disposal system and may also provide that a
285 metropolitan * * * authority shall have the right to use any
286 streets, alleys and public ways and places within the jurisdiction
287 of a public agency * * * during the term of the contract. Any
288 provision of this act to the contrary notwithstanding, the
289 metropolitan * * * authority shall not become the owner of any
290 existing sewage disposal system unless all municipalities or other
291 public agencies currently utilizing such system or any portion
292 thereof, including the City of Richland, are offered access to
293 such sewage disposal system on terms not less favorable than the
294 terms contained in contracts with the City of Jackson in existence

295 prior to acquisition of such ownership. The City of Richland
296 shall have access to such system on terms not less favorable than
297 the terms contained in the contract between the Richland Water and
298 Sewer District (now the City of Richland) and the City of Jackson
299 dated the 21st day of February, 1975, as interpreted by the
300 Circuit Court of Rankin County in Cause No. 14,141; provided,
301 however, that the City of Richland will also pay its
302 proportionate share of the operation, maintenance and debt service
303 of the West Rankin Pumping Station, beginning at such time as such
304 system is acquired by the metropolitan * * * authority.

305 Section 6. The metropolitan * * * authority, through its
306 board of directors, in addition to any and all powers now or
307 hereafter granted to it, is hereby empowered:

308 (a) To develop and maintain long-range planning for
309 collection treatment and distribution of water and for the
310 collection, transportation, treatment and disposal or waste and
311 for pollution abatement.

312 (b) To acquire * * * and to own, maintain, use, operate
313 and convey or otherwise dispose of any and all property of any
314 kind, real, personal or mixed, or any interest therein within or
315 without the boundaries of its designated metropolitan area
316 necessary or convenient to the exercise of the purposes of and the
317 powers granted by Section 21-27-7 and Sections 21-27-161 through
318 21-27-191 unless any of the foregoing is otherwise prohibited
319 under the Constitution or this act. * * * The amount and
320 character of interest in land, other property, and easements thus
321 to be acquired shall be determined by the board of directors, and
322 their determination shall be conclusive and shall not be subject
323 to attack in the absence of manifold abuse of discretion or fraud
324 on the part of such board in making such determination. However,

325 (i) In acquiring lands, * * * a metropolitan * * *
326 authority shall not acquire minerals or royalties; provided that
327 sand and gravel shall not be considered as minerals within the

328 meaning of this section; and

329 (ii) No person or persons owning the drilling
330 rights or the right to share in production shall be prevented from
331 exploring, developing or producing oil or gas with necessary
332 rights-of-way for ingress and egress, pipelines and other means of
333 transporting interests on any land or interest thereon of any
334 metropolitan * * * authority held or used for the purposes of this
335 act; but any such activities shall be under such reasonable
336 regulations by the board of directors as will adequately protect
337 the waterworks, water supply system and sewage disposal system of
338 any such metropolitan * * * authority contemplated by this act.

339 (c) To provide for the necessary relocation or
340 re-routing of roads and highways, railroad, telephone and
341 telegraph lines and properties, electric power lines, gas pipe
342 lines and related facilities, or to require the anchoring or other
343 protection of any of these, provided due compensation is first
344 paid to the owners thereof or agreement is had with such owners
345 regarding the payment of the cost of such relocation, and to
346 acquire easements or rights-of-way for such relocation or
347 re-routing and to convey the same to the owners of the property
348 being relocated or re-routed in connection with the purpose of
349 this act.

350 (d) To enter into contracts with any * * * public
351 agency, including, but not limited to, contracts authorized by
352 Section 7 of this act, in furtherance of any of the purposes
353 authorized by this act upon such consideration as the board of
354 directors and such person may agree. Any such contract may extend
355 over any period of time, notwithstanding any provision or rule of
356 law to the contrary, may be upon such terms as the parties thereto
357 shall agree, and may provide that it shall continue in effect
358 until bonds specified therein, refunding bonds issued in lieu of
359 such bonds, and all other obligations specified therein are paid
360 or terminated. Any such contract shall be binding upon the

361 parties thereto according to its terms.

362 (e) To make and enforce, and from time to time amend
363 and repeal, bylaws and rules and regulations for the management of
364 its business and affairs and for the construction, use,
365 maintenance and operation of any waterworks, water supply systems
366 and sewage disposal systems under its management and control and
367 any other of its properties.

368 (f) To employ staff and other personnel, including
369 attorneys, engineers and consultants. The board of directors may,
370 in its discretion, employ a general manager having the authority
371 to employ and fire employees of the metropolitan * * * authority.

372 (g) To accept and utilize grants and other funds from
373 any source for waterworks, water supply systems and sewage
374 disposal systems.

375 (h) To establish and maintain rates and charges for the
376 use of the services of such waterworks, water supply systems,
377 sewerage systems, * * * treatment facilities and sewage disposal
378 systems * * *, and from time to time to adjust such rates, to the
379 end that the revenues therefrom will be sufficient at all times to
380 pay the expenses of operating and maintaining such works,
381 facilities and systems and all of the metropolitan authority's
382 obligations under any contract or bond resolution with respect
383 thereto.

384 (i) To adopt rules and regulations necessary to carry
385 out the implementation of the metropolitan area plan and to assure
386 the payment by each participating * * * public agency of its
387 proportionate share of treatment costs.

388 (j) To refuse to receive waste from any public agency
389 or subdivision thereof not currently using any sewerage system
390 which may be acquired by the metropolitan * * * authority or any
391 other person that does not comply with the provisions of the
392 metropolitan area plan applicable to the particular area within
393 which such public agency or subdivision thereof or any other

394 person is located.

395 (k) To accept industrial waste for treatment and to
396 require the pretreatment of same when within the opinion of such
397 metropolitan * * * authority such pretreatment is necessary.

398 (l) To adopt all necessary and reasonable rules and
399 regulations to carry out and effectuate any water supply, waste
400 treatment or waste disposal plan adopted for the metropolitan
401 area, as contractually authorized.

402 (m) So long as any indebtedness on any sewerage system,
403 treatment facilities and sewage disposal of the metropolitan * * *
404 authority remains outstanding, to require by contract with a
405 public agency or other person that all waste within the
406 metropolitan area be disposed of through sewerage systems,
407 treatment facilities and sewage disposal systems which comprise a
408 part of the metropolitan area plan, to the extent that the same
409 may be available, but no public agency shall be precluded from
410 constructing, operating and maintaining its own sewerage system
411 after the current indebtedness owing on the system as of the
412 effective date of this act is paid in full.

413 Section 7. (1) Any public agency may, pursuant to a duly
414 adopted resolution of the governing authority of such public
415 agency, enter into contracts with the metropolitan * * * authority
416 under the terms of which the metropolitan * * * authority will
417 collect, within its designated metropolitan area, * * * and
418 transport, treat or dispose of waste for such * * * public agency.
419 Any public agency may also, pursuant to a duly adopted resolution
420 of the governing authority of such public agency, enter into
421 contracts with the metropolitan * * * authority under the terms of
422 which the metropolitan authority will collect, store, treat and
423 distribute water for such public agency. Any public agency may
424 also enter into contracts with the metropolitan authority for the
425 metropolitan authority to purchase or sell, by installments over
426 such terms as may be deemed desirable, or otherwise, * * * any

427 waterworks, water supply systems, waste collection,
428 transportation, treatment or sewage disposal facilities or
429 systems. Any public agency is also authorized to enter into
430 operating agreements with the metropolitan * * * authority, for
431 such terms and upon such conditions as may be deemed desirable,
432 for the operation of waterworks, water supply systems, waste
433 collection, transportation, treatment or sewage disposal
434 facilities or systems * * * by such metropolitan * * * authority
435 or by any person contracting with the metropolitan * * * authority
436 to operate such systems; and any public agency may lease to or
437 from the metropolitan * * * authority, for such term and upon such
438 conditions as may be deemed desirable, any waterworks, water
439 supply systems, waste collection, transportation, treatment or
440 sewage disposal facilities or systems. Any such contract may
441 contain provisions requiring any public agency * * * to regulate
442 the quality and strength of waste to be handled by the sewage
443 disposal system and may also provide that such metropolitan * * *
444 authority shall have the right to use any streets, alleys and
445 public ways and places within the jurisdiction of a public
446 agency * * * during the term of the contract for its water supply
447 or sewerage system. Such contracts may obligate the public agency
448 to make payments to such metropolitan * * * authority or to a
449 trustee in amounts which shall be sufficient to enable such
450 metropolitan * * * authority to defray the expenses of
451 administering, operating and maintaining its waterworks, water
452 supply system and sewage disposal system, to pay interest and
453 principal (whether at maturity upon redemption or otherwise) on
454 bonds of such metropolitan * * * authority issued pursuant to this
455 act and to fund reserves for debt service, for operation and
456 maintenance and for renewals and replacements, and to fulfill the
457 requirements of any rate covenant with respect to debt service
458 coverage contained in any resolution, trust indenture or other
459 security agreement relating to the bonds of such

460 metropolitan * * * authority issued pursuant to this act. Any
461 public agency shall have the power to enter into such contracts
462 with the metropolitan * * * authority as in the discretion of the
463 governing authorities thereof would be in the best interest of
464 such public agency. Such contracts may include a pledge of the
465 full faith and credit of such public agency and/or the avails of
466 any special assessments made by such public agency against
467 property receiving benefits, as now or hereafter provided by law.

468 Any such contract may provide for the sale or lease to or use of
469 by such metropolitan * * * authority of any waterworks, water
470 supply system or sewage disposal system or any part thereof of the
471 public agency; may provide that such metropolitan * * * authority
472 shall operate any waterworks, water supply system or sewage
473 disposal system or any part thereof of the public agency; may
474 provide that any public agency shall have the right to continued
475 use and/or priority use of its waterworks, water supply system or
476 sewage disposal system or any part thereof during the useful life
477 thereof upon payment of reasonable charges therefor; may contain
478 provisions to assure equitable treatment of * * * public agencies
479 who contract with such metropolitan * * * authority pursuant to
480 this act; and may contain such other provisions and requirements
481 as the parties thereto may determine to be appropriate or
482 necessary. Such contracts may extend over any period of time,
483 notwithstanding any provisions of law to the contrary, and may
484 extend beyond the life of the waterworks, water supply system or
485 sewage disposal system or any part thereof or the term of any
486 bonds sold with respect to such facilities or improvements
487 thereto.

488 (2) The obligations of a public agency arising under the
489 terms of any contract referred to in this act, whether or not
490 payable solely from a pledge of revenues, shall not be included
491 within the indebtedness limitations of the public agency for
492 purposes of any constitutional or statutory limitation or

493 provision. To the extent provided in such contract and to the
494 extent such obligations of the public agency are payable wholly or
495 in part from the revenues and other monies derived by the public
496 agency from the operation of its waterworks, water supply system,
497 sewerage system or sewage disposal system or of its combined
498 waterworks, water supply and sewage system or any part thereof,
499 such obligations shall be treated as expenses of operating such
500 systems.

501 (3) Contracts referred to in this section may also provide
502 for payments in the form of contributions to defray the cost of
503 any purpose set forth in the contracts and as advances for the
504 waterworks, water supply system, sewerage system or sewage
505 disposal system or any part thereof subject to repayment by a
506 metropolitan * * * authority. A public agency may make such
507 contributions or advances from its general fund or surplus fund or
508 from special assessments or from any monies legally available
509 therefor.

510 (4) Payments made or to be made to any metropolitan * * *
511 authority by a public agency * * * pursuant to a contract for any
512 waterworks, water supply system or sewage disposal system or any
513 part thereof shall not be subject to approval or review by the
514 Mississippi Public Service Commission.

515 (5) Subject to the terms of a contract or contracts referred
516 to in this act, any metropolitan * * * authority is hereby
517 authorized to do and perform any and all acts or things necessary,
518 convenient or desirable to carry out the purposes of such
519 contracts, including the fixing, charging, collecting, maintaining
520 and revising of rates, fees and other charges for the services
521 rendered to any public agency using any waterworks, water supply
522 system or sewage disposal system operated or maintained by a
523 metropolitan * * * authority, whether or not such systems are
524 owned by such metropolitan * * * authority.

525 (6) No provision of this act shall be construed to prohibit

526 any public agency, otherwise permitted by law to issue bonds, from
527 issuing bonds in the manner provided by law for the construction,
528 renovation, repair or development of a waterworks, water supply
529 system or a sewage disposal system or any part thereof owned or
530 operated by such public agency.

531 Section 8. Whenever a public agency shall have executed a
532 contract pursuant to this act and the payments thereunder are to
533 be made either wholly or partly from the revenues of the public
534 agency's * * * waterworks, water supply system, sewage disposal
535 system or any part thereof or a combination of such systems, the
536 duty is hereby imposed on the public agency to establish and
537 maintain and from time to time to adjust the rates charged by the
538 public agency for the services of such system or systems, such
539 that the revenues therefrom together with any taxes and special
540 assessments levied in support thereof will be sufficient at all
541 times to pay: (a) the expense of operating and maintaining such
542 system or systems including all of the public agency's obligations
543 to such metropolitan * * * authority, its successors or assigns
544 under such contract; and (b) all of the public agency's
545 obligations under and in connection with revenue bonds theretofore
546 issued, or which may be issued thereafter and secured by the
547 revenues of such system or systems. Any such contract may require
548 the use of consulting engineers and financial experts to advise
549 the public agency whether and when such rates are to be adjusted.

550 Section 9. (1) The metropolitan * * * authority shall have
551 the power and is hereby authorized, from time to time, to borrow
552 money and to issue revenue bonds in such principal amounts as such
553 metropolitan * * * authority may determine to be necessary to
554 provide sufficient funds for achieving one or more of the purposes
555 of this act, including, without limiting the generality of the
556 foregoing, to defray the cost of the acquisition * * *,
557 construction, improvement, repair or extension of a waterworks,
558 water supply system or sewage disposal system * * *, or any part

559 thereof, whether or not such facilities are owned by such
560 metropolitan * * * authority, the payment of interest during
561 construction on bonds of such metropolitan * * * authority issued
562 pursuant to this act, establishment of reserves to secure such
563 bonds and payment of the interest thereon, expenses incident to
564 the issuance of such bonds and to the implementation of such
565 metropolitan * * * authority's waterworks, water supply system or
566 sewage disposal system, and all other expenditures of the
567 metropolitan * * * authority incident to or necessary or
568 convenient to carry out the purposes of this act.

569 (2) Before issuing bonds (other than interim notes or
570 refunding bonds as provided in Section 10 of this act) hereunder,
571 the board of directors of the metropolitan * * * authority shall
572 first hold a public hearing before the governing authorities of
573 each affected public agency with due notice of the time, date and
574 place of said hearing published in a newspaper of general
575 circulation in said public agency, and then shall adopt a
576 resolution declaring its intention to issue such bonds and stating
577 the maximum principal amount of bonds proposed to be issued, a
578 general generic description of the proposed improvements and the
579 proposed location thereof and the date, time and place at which
580 the board of directors proposes to take further action with
581 respect to the issuance of such bonds. No director shall vote for
582 the resolution of intent to issue such bonds unless the governing
583 authorities of the entity represented by said director shall have
584 adopted a resolution, not more than sixty (60) days before said
585 vote, authorizing said director to vote therefor. The resolution
586 of the authority shall be published once a week for at least three
587 (3) consecutive weeks in at least one (1) newspaper having a
588 general circulation within the geographical limits of all of the
589 public agencies:

590 (a) Which have contracted with the metropolitan * * *
591 authority pursuant to this act; and

592 (b) Whose contracts relate to the bonds proposed to be
593 issued, (each member agency which meets all of the criteria set
594 forth in (a) and (b) foregoing is hereinafter in this section
595 referred to as "affected member agency," and, together with other
596 such agencies, collectively referred to as the "affected member
597 agencies"); provided, however, that if no newspaper has a general
598 circulation within the geographical limits of all of the affected
599 member agencies, then such resolution shall be published in as
600 many different newspapers as may be required to provide general
601 circulation of the publication of such resolution within the
602 geographical limits of each affected member agency; and, provided
603 further, that if no newspaper has a general circulation within the
604 geographical limits of any particular affected member agency, then
605 notice in such affected member agency shall be made by posting a
606 copy of such resolution for at least twenty-one (21) days next
607 preceding the date therein at two (2) public places within the
608 geographical limits of such member agency. The first publication
609 of such resolution shall be made not less than twenty-one (21)
610 days prior to the date fixed in such resolution to direct the
611 issuance of the bonds and the last publication shall be made not
612 more than seven (7) days prior to such date. If twenty percent
613 (20%) of the qualified electors residing in the authority or one
614 thousand five hundred (1,500), whichever is lesser, shall file a
615 written protest against the issuance of such bonds on or before
616 the date specified in such resolution, then an election on the
617 question of the issuance of such bonds shall be called and held as
618 herein provided. If no such protest be filed, then such bonds may
619 be issued without an election on the question of the issuance
620 thereof at any time within a period of two (2) years after the
621 date specified in the above-mentioned resolution. Where an
622 election is to be called, notice of such election shall be signed
623 by the president of the board of directors, and shall be published
624 once a week for at least three (3) consecutive weeks in the same

625 manner as publication of the resolution. The first publication of
626 such notice shall be made not less than twenty-one (21) days prior
627 to the date fixed for such election and the last publication shall
628 be made not more than seven (7) days prior to such date. The
629 election shall be conducted by the election commissioners of the
630 county in which the authority is located. Such election shall be
631 held, as far as is practicable, in the same manner as other county
632 special elections are held in the county where the authority is
633 located. At such election, all qualified electors residing in the
634 authority may vote, and the ballots used at such election shall
635 have printed thereon a brief statement of the amount and purpose
636 of the proposed bond issue and the words "FOR THE BOND ISSUE" and
637 "AGAINST THE BOND ISSUE," and the voter shall vote by placing a
638 cross (X) or check mark (V) opposite his choice on the
639 proposition. When the results of the election on the question of
640 the issuance of such bonds shall have been canvassed by the
641 election commissioners of the county in which the authority is
642 located and certified by them to the board of directors of the
643 authority, it shall be the duty of the board of directors of the
644 authority to determine and adjudicate whether or not a majority of
645 the qualified electors who voted thereon in such election voted in
646 favor of the issuance of such bonds, and unless a majority of the
647 qualified electors who voted thereon in such election shall have
648 voted in favor of the issuance of such bonds, then such bonds
649 shall not be issued. Should a majority of the qualified electors
650 who vote thereon in such election vote in favor of the issuance of
651 such bonds, then the board of directors may issue such bonds,
652 either in whole or in part, within two (2) years after the date of
653 the election or the date of the final favorable termination of any
654 litigation affecting the issuance of such bonds.

655 (3) Bonds of any metropolitan * * * authority issued
656 pursuant to this act shall be payable from and secured by a pledge
657 of all or any part of the revenues under one or more entered into

658 pursuant to this act between the metropolitan authority and one or
659 more of its member public agencies and from all or any part of the
660 revenues derived from the operation of any designated waterworks,
661 water supply system or sewage disposal system or any part or parts
662 thereof and any other monies legally available and designated
663 therefor, as may be determined by such metropolitan * * *
664 authority, subject only to any agreement with the purchasers of
665 the bonds. Such bonds may be further secured by a trust indenture
666 between such metropolitan * * * authority and a corporate trustee,
667 which may be any trust company or bank having powers of a trust
668 company without or within the state.

669 (4) Bonds of the metropolitan * * * authority issued
670 pursuant to this act shall be authorized by a resolution or
671 resolutions adopted by a three-fifths (3/5) affirmative vote of
672 the total membership of the board of directors of the
673 metropolitan * * * authority and (if the authority shall own or
674 operate a sewerage system) by a concurrent affirmative vote of
675 directors representing sixty percent (60%) of the total payments
676 for use of the sewerage system of the metropolitan * * * authority
677 during the preceding fiscal year. Such bonds may be issued in
678 series, and each series of such bonds shall bear such date or
679 dates, mature at such time or times, bear interest at such rate or
680 rates (not exceeding the maximum rate set out in Section
681 75-17-103, Mississippi Code of 1972, as amended), be in such
682 denomination or denominations, be in such form, carry such
683 conversion privileges, have such rank or priority, be executed in
684 such manner and by such officers, be payable from such sources in
685 such medium of payment at such place or places within or without
686 the state, provided that one (1) such place shall be within the
687 state, and be subject to such terms of redemption prior to
688 maturity, all as may be provided by resolution or resolutions of
689 the board of directors.

690 (5) Bonds of the metropolitan * * * authority issued

691 pursuant to this act may be sold at such price or prices, at
692 public or private sale, in such manner and at such times as may be
693 determined by such metropolitan * * * authority to be in the
694 public interest, and such metropolitan * * * authority may pay all
695 expenses, premiums, fees and commissions which it may deem
696 necessary and advantageous in connection with the issuance and
697 sale thereof.

698 (6) Any pledge of earnings, revenues or other monies made by
699 the metropolitan * * * authority shall be valid and binding from
700 the time the pledge is made. The earnings, revenues or other
701 monies so pledged and thereafter received by such
702 metropolitan * * * authority shall immediately be subject to the
703 lien of such pledge without any physical delivery thereof or
704 further act, and the lien of any such pledge shall be valid and
705 binding as against all parties having claims of any kind in tort,
706 contract or otherwise against such metropolitan * * * authority
707 irrespective of whether such parties have notice thereof. Neither
708 the resolution nor any other instrument by which a pledge is
709 created need be recorded.

710 (7) Neither the members of the board of directors nor any
711 person executing the bonds shall be personally liable on the bonds
712 or be subject to any personal liability or accountability by
713 reason of the issuance thereof.

714 (8) Proceeds from the sale of bonds of the
715 metropolitan * * * authority may be invested, pending their use,
716 in such securities as may be specified in the resolution
717 authorizing the issuance of the bonds or the trust indenture
718 securing them, and the earnings on such investments applied as
719 provided in such resolution or trust indenture.

720 (9) Whenever any bonds shall have been signed by the
721 officer(s) designated by the resolution of the board of directors
722 to sign the bonds who were in office at the time of such signing
723 but who may have ceased to be such officer(s) prior to the sale

724 and delivery of such bonds, or who may not have been in office on
725 the date such bonds may bear, the manual or facsimile signatures
726 of such officer(s) upon such bonds shall nevertheless be valid and
727 sufficient for all purposes and have the same effect as if the
728 person so officially executing such bonds had remained in office
729 until the delivery of the same to the purchaser or had been in
730 office on the date such bonds may bear.

731 Section 10. The metropolitan * * * authority may by
732 resolution adopted by its board of directors issue refunding bonds
733 for the purpose of paying any of its bonds at or prior to maturity
734 or upon acceleration or redemption. Refunding bonds may be issued
735 at such time prior to the maturity or redemption of the refunded
736 bonds as the board of directors deems to be in the public
737 interest, without an election on the question of the issuance
738 thereof. The refunding bonds may be issued in sufficient amounts
739 to pay or provide the principal of the bonds being refunded,
740 together with any redemption premium thereon, any interest accrued
741 or to accrue to the date of payment of such bonds, the expenses of
742 issue of the refunding bonds, the expenses of redeeming the bonds
743 being refunded, and such reserves for debt service or other
744 capital or current expenses from the proceeds of such refunding
745 bonds as may be required by the resolution, trust indenture or
746 other security instruments. The issue of refunding bonds, the
747 maturities and other details thereof, the security therefor, the
748 rights of the holders and the rights, duties and obligations of a
749 metropolitan * * * authority in respect of the same shall be
750 governed by the provisions of this act relating to the issue of
751 bonds other than refunding bonds insofar as the same may be
752 applicable. Any such refunding may be effected, whether the
753 obligations to be refunded shall have then matured or shall
754 thereafter mature, either by the exchange of the refunding bonds
755 for the obligations to be refunded thereby with the consent of the
756 holders of the obligations so to be refunded, or by sale of the

757 refunding bonds and the application of the proceeds thereof to the
758 payment of the obligations proposed to be refunded thereby, and
759 regardless of whether the obligations proposed to be refunded
760 shall be payable on the same date or different dates or shall be
761 due serially or otherwise.

762 Section 11. All bonds (other than refunding bonds, interim
763 notes and certificates of indebtedness, which may be validated)
764 issued pursuant to this act shall be validated as now provided by
765 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
766 1972; provided, however, that notice of such validation
767 proceedings shall be addressed to the citizens of the State of
768 Mississippi and the citizens of the respective member agencies (a)
769 which have contracted with the metropolitan * * * authority
770 pursuant to this act, and (b) whose contracts and the payments to
771 be made by the public agencies thereunder constitute security for
772 the bonds of such metropolitan * * * authority proposed to be
773 issued, and that such notice shall be published at least once in a
774 newspaper or newspapers having a general circulation within the
775 geographical boundaries of each of the member agencies to whose
776 citizens the notice is addressed and within the State of
777 Mississippi. Such validation proceedings shall be instituted in
778 the Chancery Court of Rankin County. The validity of the bonds so
779 validated and of the contracts and payments to be made by the
780 public agencies thereunder constituting security for the bonds
781 shall be forever conclusive against such metropolitan * * *
782 authority and the public agencies which are parties to said
783 contracts; and the validity of said bonds and said contracts and
784 the payments to be made thereunder shall never be called in
785 question in any court in this state.

786 Section 12. Bonds issued under the provisions of this act
787 shall not be deemed to constitute, within the meaning of any
788 constitutional or statutory limitation, an indebtedness of the
789 metropolitan authority or any member agency thereof. Such bonds

790 shall not be secured by a pledge of the full faith and credit of
791 the State of Mississippi, the metropolitan authority or any member
792 agency thereof, but shall be payable solely from the revenues or
793 assets of the metropolitan * * * authority pledged therefor. Each
794 bond issued under this act shall contain on the face thereof a
795 statement to the effect that such metropolitan * * * authority
796 shall not be obligated to pay the same nor the interest thereon
797 except from the revenues or assets pledged therefor.

798 Section 13. The metropolitan * * * authority shall have
799 power in connection with the issuance of its bonds to:

800 (a) Covenant as to the use of any or all of its
801 property, real or personal.

802 (b) Redeem the bonds, to covenant for their redemption
803 and to provide the terms and conditions thereof.

804 (c) Covenant to charge rates, fees and charges
805 sufficient to meet operating and maintenance expenses, renewals
806 and replacements, principal and debt service on bonds, creation
807 and maintenance of any reserves required by a bond resolution,
808 trust indenture or other security instrument and to provide for
809 any margins or coverages over and above debt service on the bonds
810 deemed desirable for the marketability of the bonds.

811 (d) Covenant and prescribe as to events of default and
812 terms and conditions upon which any or all of its bonds shall
813 become or may be declared due before maturity, as to the terms and
814 conditions upon which such declaration and its consequences may be
815 waived and as to the consequences of default and the remedies of
816 the registered owners of the bonds.

817 (e) Covenant as to the mortgage or pledge of or the
818 grant of a security interest in any real or personal property and
819 all or any part of the revenues from any designated waterworks,
820 water supply system or sewage disposal systems or any part thereof
821 or any revenue-producing contract or contracts made by such
822 metropolitan * * * authority with any person to secure the payment

823 of bonds, subject to such agreements with the registered owners of
824 bonds as may then exist.

825 (f) Covenant as to the custody, collection, securing,
826 investment and payment of any revenues, assets, monies, funds or
827 property with respect to which such metropolitan * * * authority
828 may have any rights or interest.

829 (g) Covenant as to the purposes to which the proceeds
830 from the sale of any bonds then or thereafter to be issued may be
831 applied, and the pledge of such proceeds to secure the payment of
832 the bonds.

833 (h) Covenant as to the limitations on the issuance of
834 any additional bonds, the terms upon which additional bonds may be
835 issued and secured, and the refunding of outstanding bonds.

836 (i) Covenant as to the rank or priority of any bonds
837 with respect to any lien or security.

838 (j) Covenant as to the procedure by which the terms of
839 any contract with or for the benefit of the registered owners of
840 bonds may be amended or abrogated, the amount of bonds the
841 registered owners of which must consent thereto, and the manner in
842 which such consent may be given.

843 (k) Covenant as to the custody of any of its properties
844 or investments, the safekeeping thereof, the insurance to be
845 carried thereon, and the use and disposition of insurance
846 proceeds.

847 (l) Covenant as to the vesting in a trustee or
848 trustees, within or outside the state, of such properties, rights,
849 powers and duties in trust as such metropolitan * * * authority
850 may determine.

851 (m) Covenant as to the appointing and providing for the
852 duties and obligations of a paying agent or paying agents or other
853 fiduciaries within or outside the state.

854 (n) Make all other covenants and to do any and all such
855 acts and things as may be necessary or convenient or desirable in

856 order to secure its bonds, or in the absolute discretion of the
857 metropolitan authority tend to make the bonds more marketable,
858 notwithstanding that such covenants, acts or things may not be
859 enumerated herein; it being the intention hereof to give any
860 metropolitan * * * authority power to do all things in the
861 issuance of bonds and in the provisions for security thereof which
862 are not inconsistent with the Constitution of the state.

863 (o) Execute all instruments necessary or convenient in
864 the exercise of the powers herein granted or in the performance of
865 covenants or duties, which may contain such covenants and
866 provisions, as any purchaser of the bonds of such
867 metropolitan * * * authority may reasonably require.

868 Section 14. The metropolitan * * * authority may, in any
869 authorizing resolution of the board of directors, trust indenture
870 or other security instrument relating to its bonds, provide for
871 the appointment of a trustee who shall have such powers as are
872 provided therein to represent the registered owners of any issue
873 of bonds in the enforcement or protection of their rights under
874 any such resolution, trust indenture or security instrument. The
875 metropolitan * * * authority may also provide in such resolution,
876 trust indenture or other security instrument that the trustee, or
877 in the event that the trustee so appointed shall fail or decline
878 to so protect and enforce such registered owners' rights then such
879 percentage of registered owners as shall be set forth in, and
880 subject to the provisions of, such resolution, trust indenture or
881 other security interest, may petition the court of proper
882 jurisdiction for the appointment of a receiver of the waterworks,
883 water supply system or sewage disposal system * * * the revenues
884 of which are pledged to the payment of the principal of and
885 interest on the bonds of such registered owners. Such receiver
886 may exercise any power as may be granted in any such resolution,
887 trust indenture or security instrument to enter upon and take
888 possession of, acquire, construct or reconstruct or operate and

889 maintain such waterworks, water supply system or sewage disposal
890 system * * *, fix, charge, collect, enforce and receive all
891 revenues derived from such sewage disposal system or facilities
892 and perform the public duties and carry out the contracts and
893 obligations of such metropolitan * * * authority in the same
894 manner as such metropolitan * * * authority itself might do, all
895 under the direction of such court.

896 Section 15. (1) The exercise of the powers granted by this
897 act will be in all respects for the benefit of the people of the
898 state, for their well-being and prosperity and for the improvement
899 of their social and economic conditions, and the
900 metropolitan * * * authority shall be required to pay any tax or
901 assessment on any property owned by the metropolitan * * *
902 authority under the provisions of this act or upon the income
903 therefrom; nor shall any metropolitan * * * authority be required
904 to pay any recording fee or transfer tax of any kind on account of
905 instruments recorded by it or on its behalf.

906 (2) Any bonds issued by the metropolitan * * * authority
907 under the provisions of this act, their transfer and the income
908 therefrom shall at all times be free from taxation by the state or
909 any local unit or political subdivision or other instrumentality
910 of the state, excepting inheritance and gift taxes.

911 Section 16. All bonds issued under the provisions of this
912 act shall be legal investments for trustees, other fiduciaries,
913 savings banks, trust companies and insurance companies organized
914 under the laws of the State of Mississippi; and such bonds shall
915 be legal securities which may be deposited with and shall be
916 received by all public officers and bodies of the state and all
917 municipalities and other political subdivisions thereof for the
918 purpose of securing the deposit of public funds.

919 Section 17. The state hereby covenants with the registered
920 owners of any bonds of any metropolitan * * * authority that so
921 long as the bonds are outstanding and unpaid the state will not

922 limit or alter the rights and powers of any metropolitan * * *
923 authority under this act to conduct the activities referred to
924 herein in any way pertinent to the interests of the bondholders
925 including without limitation such metropolitan * * * authority's
926 right to charge and collect rates, fees and charges and to
927 fulfill the terms of any covenants made with the registered owners
928 of the bonds, or in any other way impair the rights and remedies
929 of the registered owners of the bonds, unless provision for full
930 payment of such bonds, by escrow or otherwise, has been made
931 pursuant to the terms of the bonds or the resolution, trust
932 indenture or security interest securing the bonds.

933 Section 18. The provisions of this act are cumulative of
934 other statutes now or hereafter enacted relating to the issuance
935 of bonds; to waterworks, water supply system, sewerage systems and
936 sewage disposal systems; and to the design, construction,
937 acquisition or approval of facilities for such purposes, and any
938 public agency may exercise all presently held powers in the
939 furtherance of this act; provided that the metropolitan authority
940 may issue bonds only under the provisions of this act.

941 Section 19. If any clause, sentence, paragraph, section or
942 part of the provisions of this act shall be adjudged by any court
943 of competent jurisdiction to be invalid, such judgment shall not
944 affect, impair or invalidate the remainder thereof directly
945 involved in the controversy in which such judgment shall have been
946 rendered.

947 Section 20. This act shall take effect and be in force from
948 and after its passage.

949 SECTION 2. A metropolitan sewer authority heretofore created
950 pursuant to Chapter 977, Local and Private Laws of 1994, may,
951 through its board of directors, exercise the powers conferred by
952 this act in accordance with the procedures specified in this act
953 without any further proceedings in the Chancery Court of Rankin
954 County, except that the metropolitan areas of such metropolitan

955 authority may be expanded or enlarged only by judicial decree of
956 the Chancery Court of Rankin County after notice and hearing as
957 provided in Section 3(6) of Chapter 977, Local and Private Laws of
958 1994, as amended by this act.

959 SECTION 3. The governing authority of the West Rankin
960 Metropolitan Sewer Authority shall submit this act, immediately
961 upon approval by the Governor, or upon approval by the Legislature
962 subsequent to a veto, to the Attorney General of the United States
963 or to the United States District Court for the District of
964 Columbia in accordance with the provisions of the Voting Rights
965 Act of 1965, as amended and extended.

966 SECTION 4. This act shall take effect and be in force from
967 and after the date it is effectuated under Section 5 of the Voting
968 Rights Act of 1965, as amended and extended.