

By: Representatives Rogers (61st), Baker (74th), Moore, Smith (59th), Weathersby

To: Local and Private Legislation

HOUSE BILL NO. 1785

1 AN ACT TO AMEND CHAPTER 977, LOCAL AND PRIVATE LAWS OF 1994,
2 AS AMENDED BY CHAPTER 987, LOCAL AND PRIVATE LAWS OF 2000, AS
3 AMENDED BY CHAPTER 1004, LOCAL AND PRIVATE LAWS OF 2004, TO
4 CLARIFY THE BOUNDARIES OF THE WEST RANKIN UTILITY AUTHORITY, AND
5 TO ELIMINATE THE REQUIREMENT FOR CHANCERY COURT APPROVAL OF ANY
6 AMENDMENT TO THE BOUNDARIES OF THE METROPOLITAN AREA; AND FOR
7 RELATED PURPOSES.

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

9 **SECTION 1.** Chapter 977, Local and Private Laws of 1994, as
10 amended by Chapter 987, Local and Private Laws of 2000, as amended
11 by Chapter 1004, Local and Private Laws of 2004, is amended as
12 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 wastewater; for the
19 treatment and distribution of potable water; and for the
20 collection, transportation, and disposal of nonhazardous solid
21 waste; all of the foregoing, including sewerage systems, sewage
22 disposal systems, waterworks and water supply systems, solid waste
23 collection, transportation and disposal systems, in order to
24 ensure an adequate supply of water for domestic, commercial and
25 industrial use and to prevent and control the pollution of the
26 lands and waters in this state by the creation of a West Rankin
27 Utility Authority. This act may be cited as the "West Rankin
28 Utility Authority Act."

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

31 (a) "Act" means the West Rankin Utility Authority Act,
32 as amended from time to time.

33 (b) "Authority" means the West Rankin Utility
34 Authority.

35 (c) "Board of directors" means the board of directors
36 of the authority.

37 (d) "Bonds" means revenue bonds, interim notes having a
38 maturity of three (3) years or less, and other certificates of
39 indebtedness of the authority issued under the provisions of this
40 act.

41 (e) "Costs of the project" means:

42 (i) All costs of site preparation and other
43 startup costs;

44 (ii) All costs of construction;

45 (iii) All costs of real and personal property
46 required for the purposes of the project and facilities related
47 thereto, including land and any rights or undivided interest
48 therein, easements, franchises, fees, utility charges, permits,
49 approvals, licenses and certificates and the securing of any
50 permits, approvals, licenses and certificates and all machinery
51 and equipment, including motor vehicles, which are used for
52 project functions;

53 (iv) All costs of engineering, geotechnical,
54 architectural and legal services;

55 (v) All costs of plans and specifications and all
56 expenses necessary or incident to determining the feasibility or
57 practicability of the project;

58 (vi) Administrative expenses; and

59 (vii) Any other expenses as may be necessary or
60 incidental to the project financing.

61 (f) "Ditch" means any branch or lateral drain, tile
62 drain, levee, sluiceway, water course, floodgate and any other
63 construction work fund necessary for the reclamation of wet and
64 overflowed lands.

65 (g) "Facilities" means any structure, building, ditch,
66 pipe, channel, improvement, land or other real or personal
67 property used or useful in a system under this act.

68 (h) "Member agency" means the City of Brandon, the City
69 of Flowood, the City of Pearl and the City of Richland and any
70 public agency which elects to become a constituent member of the
71 West Rankin Utility Authority upon its organization or which
72 subsequently elects to become a member of the West Rankin Utility
73 Authority and which is admitted to the authority by affirmative
74 vote of the board of directors of such authority, in accordance
75 with the provisions of Section 3(5) of this act.

76 (i) "Metropolitan area" means the area described as
77 follows:

78 **PARCEL A**

79 Beginning at the point of intersection of the South line
80 of Section 16, Township 4 North, Range 1 East with the
81 Rankin-Hinds County line, and from this point thence run
82 east along the South line of Sections 16, 15, 14, and
83 13, Township 4 North, Range 1 East, continuing East
84 along the South line of Sections 18, 17, 16, 15, 14 and
85 13, Township 4 North, Range 2 East, continuing East
86 along the South line of Section 18, Township 4 North,
87 Range 3 East, a distance of approximately 11 miles,
88 excluding that portion of the municipal limits of the
89 City of Florence within Section 13, Township 4 North,
90 Range 1 East, and that portion of said City within
91 Section 18, Township 4 North, Range 2 East, to a point
92 on the Southeast corner of Section 18, Township 4 North,
93 Range 3 East; thence run north along the east line of

94 sections 18 and 7 to the Southeast corner of Section 6,
95 Township 4 North, Range 3 East, approximately two miles:
96 Thence run east along the South line of Sections 5 and 4
97 to the Southeast corner of Section 4, Township 4 North,
98 Range 3 East, a distance of approximately two miles:
99 Thence run north along the East line of Section 4,
100 Township 4 North, Range 3 East, approximately one mile
101 to the intersection of the South line of Section 34,
102 Township 5 North, Range 3 East; thence run East along
103 the South line of Sections 34, 35 and 36, Township 5
104 North, Range 3 East, to the Southeast corner of Section
105 36, Township 5 North, Range 3 East; thence run South
106 along the West line of Section 31, Township 5 North,
107 Range 4 East, to the Southwest Corner of said Section
108 31; thence run East a distance of approximately two
109 miles along the South lines of Sections 31 and 32,
110 Township 5 North, Range 4 East, to the Southeast corner
111 of said Section 32; thence run North a distance of
112 approximately six miles along the East lines of Sections
113 32, 29, 20, 17, 8 and 5, Township 5 North, Range 4 East;
114 thence continue North a distance of approximately six
115 miles along the East lines of Sections 32, 29, 20, 17, 8
116 and 5, Township 6 North, Range 4 East; thence continue
117 North a distance of approximately six miles along the
118 East lines of Sections 32, 29, 20, 17, 8 and 5, Township
119 7 North, Range 4 East; thence continue North a distance
120 of approximately three and one-half miles along the East
121 lines of Sections 32, 29, 20 and 17, Township 8 North,
122 Range 4 East to the point of intersection with
123 Rankin-Madison County line; thence run generally South
124 and West along the West line of Rankin County to the
125 point of beginning.

126 **PARCEL B**

127 All land included in the Project Area as set forth in
128 the Pearl River Valley Water Supply District Law which
129 is within Rankin County and lying north of a line
130 beginning at the Southeast corner of Section 20,
131 Township 8 North, Range 4 East continuing easterly to
132 the Rankin-Scott County line, said line running along
133 South line of Sections 21, 22, 23 and 24, Township 8
134 North, Range 4 East; thence continue East along South
135 line of Sections 19, 20, 21 and 22, Township 8 North,
136 Range 5 East.

137 (j) "Metropolitan area plan" means a comprehensive plan
138 for a sewage disposal system, water distribution system and solid
139 waste transportation, collection and disposal system within the
140 metropolitan area, consistent with standards established pursuant
141 to applicable federal and state law.

142 (k) "Metropolitan authority" means the authority.

143 (l) "Municipality" means any incorporated city or town
144 of the State of Mississippi, whether operating under general law
145 or under special charter, lying wholly or partly within the
146 metropolitan area.

147 (m) "Person" means and includes the State of
148 Mississippi, a municipality as defined herein, any public agency
149 as defined herein or any other city, town or political subdivision
150 or governmental agency of the State of Mississippi or of the
151 United States of America, or any private utility, individual,
152 copartnership, association, firm, trust, estate or any other
153 entity whatsoever.

154 (n) The terms "pollution," and "waters of the state"
155 shall have meanings as set forth in the Mississippi Air and Water
156 Pollution Control Law, as now or hereafter amended, appearing as
157 Sections 49-17-1 through 49-17-70, Mississippi Code of 1972.

158 (o) "Public agency" means any county, municipality
159 (including the City of Brandon, the City of Flowood, the City of

160 Richland and the City of Pearl), lying wholly or partially within
161 the metropolitan area, any state board or commission owning or
162 operating properties within a metropolitan area, a district
163 created pursuant to Sections 51-9-101 through 51-9-163 or Sections
164 19-5-151 through 19-5-257, Mississippi Code of 1972, or any other
165 political subdivision of the State of Mississippi lying wholly or
166 partially within a metropolitan area and having the power to own
167 and operate waterworks, water supply systems, sewerage systems,
168 treatment facilities, sewage disposal systems, solid waste
169 disposal or other facilities or systems for the collection,
170 transportation, treatment and disposal of waste.

171 (p) "Sewerage system" means pipelines or conduits,
172 canals, pumping stations and force mains, and all other
173 structures, devices, facilities and appliances appurtenant
174 thereto, used for collecting or conducting waste to an ultimate
175 point for treatment or disposal.

176 (q) "System" means any or all of the following:
177 sewerage system, waste disposal system and water supply system and
178 all vehicles, structures, devices, facilities and appliances used
179 for treatment or distribution of potable water or for collecting
180 or conducting waste, solid waste or sewage to an ultimate point
181 for treatment or disposal.

182 (r) "Treatment facilities" means any plant, disposal
183 field, lagoon, pumping station, constructing drainage ditch or
184 surface water intercepting ditch, canal, incinerator, area devoted
185 to sanitary landfills or other works not specifically mentioned
186 herein, installed for the purpose of treating, neutralizing,
187 stabilizing or disposing of wastewater, sludge or solid waste or
188 facilities to provide cooling water to collect, control and
189 dispose of waste heat.

190 (s) "Waste" means sewage, solid waste, industrial
191 waste, municipal waste, recreational waste and agricultural waste,

192 waste heat and any other waste that may cause impairment of the
193 quality of the waters in the state.

194 (t) "Waste disposal system" means a system for
195 disposing of waste, including, but not limited to, sewerage
196 systems and treatment facilities, and solid waste disposal
197 facilities, as such terms are defined herein.

198 (u) "Water supply system" means waterworks, pipelines,
199 conduits, pumping stations and all other structures, devices and
200 appliances appurtenant thereto, including land and right-of-way
201 thereto, for use for transporting water to a point of ultimate
202 use.

203 (v) "Waterworks" means all works, plants or other
204 facilities necessary for the purpose of collecting, storing,
205 treating and transporting water for domestic, municipal,
206 commercial, industrial, agricultural and manufacturing purposes,
207 including open channels.

208 Words of the masculine gender shall be deemed and construed
209 to include correlative words of the feminine and neuter genders.
210 Unless the context shall otherwise indicate, words and terms
211 herein defined shall be equally applicable to the plural as well
212 as the singular form of any such words and terms.

213 Section 3. (1) The City of Brandon, the City of Flowood,
214 the City of Pearl, and the City of Richland are authorized to file
215 a joint petition, which may be joined in by any public agency
216 lying wholly or partly within the metropolitan area, for the
217 organization of a metropolitan authority in this state under the
218 provisions of this act in the manner hereinafter provided; and,
219 when so organized, the metropolitan authority shall be a political
220 subdivision of the State of Mississippi, and a body politic and
221 corporate, and shall have the powers granted to a metropolitan
222 authority under the act.

223 (2) A petition for the organization of a metropolitan
224 authority shall be filed in the Chancery Court of Rankin County,

225 which petition shall show the proposed metropolitan area, the
226 proposed member public agencies and the necessity and desirability
227 of the proposed metropolitan authority and shall be signed by duly
228 authorized elected public officials of the municipalities within
229 the proposed metropolitan area joining in filing the petition and
230 the authorized officers of any other public agency joining in the
231 petition. Upon the filing of said petition the chancery clerk
232 shall promptly give written notice of the same to a chancellor of
233 said chancery court who shall enter an order setting a date not
234 less than thirty (30) days from the date of the order for a
235 hearing on the organization of such metropolitan authority. Any
236 public agency not a petitioner and any private utility within the
237 proposed metropolitan area shall be served with process as a party
238 defendant to said petition. The chancery clerk shall cause a
239 notice of such hearing addressed to the taxpayers and qualified
240 electors of the proposed metropolitan area and all other persons
241 interested to be published once a week for at least three (3)
242 successive weeks in a newspaper or newspapers published in Rankin
243 County having a general circulation within the proposed
244 metropolitan area, which notice shall state the date, place and
245 time of such hearing, that a petition has been filed to organize a
246 metropolitan authority under the provisions of this act, describe
247 the proposed metropolitan area, and command that all such persons
248 appear before the chancery court or the chancellor in vacation on
249 the date and hour of the hearing to show cause, if any they can,
250 why the proposed metropolitan authority should not be organized
251 and established as set forth in the said petition. The first
252 publication shall be at least twenty-one (21) days before the date
253 of such hearing and the last publication shall be not more than
254 seven (7) days before the date of such hearing.

255 (3) The chancery court may hear the petition at any term
256 thereof, or the chancellor of said court may fix a time to hear
257 such petition at any time in vacation, and may determine all

258 matters pertaining thereto, may adjourn the hearing from time to
259 time, and may continue the case for want of sufficient notice or
260 other good cause. If said petition shall prove defective in any
261 manner, the petitioners, upon motion, shall be permitted to amend
262 the same. At such hearing, or a day to which the same may be
263 continued, the chancellor shall take evidence and all interested
264 persons objecting to the creation of such metropolitan authority
265 may appear and contest the same. If the chancellor shall find
266 that a sound plan exists for the creation of a metropolitan
267 authority to accomplish the purposes set forth in this act and the
268 same would meet a public necessity, he shall render a decree
269 creating such metropolitan authority under the provisions of this
270 act, specifying in the decree the metropolitan area to be served
271 thereby, which may be less than the area set out in the petition.
272 The chancellor shall not include within the metropolitan area of a
273 proposed metropolitan authority any area lying within the
274 corporate limits of a municipality unless such municipality shall
275 have either joined in the petition or filed a written consent to
276 such inclusion adopted by its governing body. If the chancellor
277 finds that the proposed metropolitan authority should not be
278 organized, then he shall dismiss the proceedings.

279 (4) When so organized, the metropolitan authority shall have
280 the power to sue and be sued, provided that the metropolitan
281 authority shall not be liable and shall be immune from suit at law
282 or in equity on account of any wrongful or tortious act or
283 omission, including libel, slander or defamation, by it, or any
284 such act or omission by any employee of any such metropolitan
285 authority, subject to and in accordance with the provisions of
286 Sections 11-46-1 through 11-46-19, Mississippi Code of 1972.

287 (5) If at any time any public agency within the
288 metropolitan area of the duly organized metropolitan
289 authority shall elect to become a member agency of the
290 metropolitan authority by a majority vote of the governing

291 body of such public agency, such public agency may be
292 admitted as a member agency of such metropolitan authority,
293 upon the approval by a three-fifths (3/5) affirmative vote of
294 the total membership of the board of directors of the
295 metropolitan authority and by a concurrent affirmative vote
296 of directors representing sixty percent (60%) of the total
297 payments for use of the system of the metropolitan authority
298 during the preceding fiscal year.

299 * * *

300 Section 4. All powers of the metropolitan authority shall be
301 exercised by a board of directors to be selected and composed as
302 follows: The governing body of each member agency shall appoint
303 one (1) person to serve on the board of directors of the
304 metropolitan authority, each such director to serve at the
305 pleasure of the respective governing body.

306 The board of directors of the metropolitan authority shall
307 annually elect from its number a president and vice president of
308 the metropolitan authority and such other officers as, in the
309 judgment of the board, are necessary. The president shall be the
310 chief executive officer of the metropolitan authority and the
311 presiding officer of the board, and shall have the same right to
312 vote as any other director. The vice president shall perform all
313 duties and exercise all powers conferred by this act upon the
314 president when the president is absent or fails or declines to
315 act, except the president's right to vote. The board shall also
316 appoint a secretary and a treasurer who may or may not be members
317 of the board, and it may combine those officers. The treasurer
318 shall give bond in the sum of not less than Fifty Thousand Dollars
319 (\$50,000.00) as set by the board of directors, and each director
320 may be required to give bond in the sum of not less than Ten
321 Thousand Dollars (\$10,000.00), with sureties qualified to do
322 business in this state, and the premiums on said bonds shall be an
323 expense of such metropolitan authority. Each such bond shall be

324 payable to the State of Mississippi; the condition of each such
325 bond shall be that the treasurer or director will faithfully
326 perform all duties of his office and account for all money or
327 other assets which shall come into his custody as treasurer or
328 director of such metropolitan authority.

329 Except for the election or appointment of officers, all
330 business of the metropolitan authority shall be transacted by a
331 three-fifths (3/5) affirmative vote of the total membership of the
332 board of directors and, if the authority shall own or operate a
333 system, by a concurrent vote of directors representing sixty
334 percent (60%) of the total payments for use of the system of the
335 metropolitan authority during the preceding fiscal year. The
336 quorum for any meeting of the board of directors shall be
337 three-fifths (3/5) of the total membership of the board of
338 directors and, if the authority shall own or operate a system, the
339 presence of directors representing more than sixty percent (60%)
340 of the total payments for use of the system of the metropolitan
341 authority during the preceding fiscal year.

342 Section 5. The metropolitan authority is authorized and
343 empowered to acquire, construct, improve, enlarge, extend, repair,
344 operate and maintain one or more systems and to make contracts
345 with any person in furtherance thereof; and to make contracts with
346 any public agency, under the terms of which the metropolitan
347 authority will, within its designated metropolitan area, provide
348 water to or accept, transport, treat or dispose of waste from such
349 public agency. A metropolitan authority may also enter into
350 contracts with any person to design and construct any system, and
351 thereafter purchase, lease or sell, by installments over such
352 terms as may be deemed desirable, or otherwise, any such system.
353 The metropolitan authority is also authorized to enter into
354 operating agreements with any person, for such terms and upon such
355 conditions as may be deemed desirable, for the operation of any
356 facilities or systems; and the metropolitan authority may lease to

357 or from any person, for such term and upon such conditions as may
358 be deemed desirable, any facilities or systems. Any such contract
359 may contain provisions requiring any public agency or other person
360 to regulate the quality of water and the quality and strength of
361 waste to be handled by the system and may also provide that a
362 metropolitan authority shall have the right to use any streets,
363 alleys and public ways and places within the jurisdiction of a
364 public agency during the term of the contract. Any provision of
365 this act to the contrary notwithstanding, the metropolitan
366 authority shall not become the owner of any existing sewage
367 disposal system unless all municipalities or other public agencies
368 currently utilizing such system or any portion thereof, including
369 the City of Richland, are offered access to such sewage disposal
370 system on terms not less favorable than the terms contained in
371 contracts with the City of Jackson in existence prior to
372 acquisition of such ownership. The City of Richland shall have
373 access to such system on terms not less favorable than the terms
374 contained in the contract between the Richland Water and Sewer
375 District (now the City of Richland) and the City of Jackson dated
376 the 21st day of February, 1975, as interpreted by the Circuit
377 Court of Rankin County in Cause No. 14,141; provided, however,
378 that the City of Richland will also pay its proportionate share of
379 the operation, maintenance and debt service of the West Rankin
380 Pumping Station, beginning at such time as such system is acquired
381 by the metropolitan authority.

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

385 (a) To develop and maintain long-range planning for
386 collection treatment and distribution of water and for the
387 collection, transportation, treatment and disposal or waste and
388 for pollution abatement.

389 (b) To acquire and to own, maintain, use, operate and
390 convey or otherwise dispose of any and all property of any kind,
391 real, personal or mixed, or any interest therein within or without
392 the boundaries of its designated metropolitan area necessary or
393 convenient to the exercise of the purposes of and the powers
394 granted by Section 21-27-7 and Sections 21-27-161 through
395 21-27-191, Mississippi Code of 1972, as amended, unless any of the
396 foregoing is otherwise prohibited under the State Constitution or
397 this act. The amount and character of interest in land, other
398 property, and easements thus to be acquired shall be determined by
399 the board of directors, and their determination shall be
400 conclusive and shall not be subject to attack in the absence of
401 manifold abuse of discretion or fraud on the part of such board in
402 making such determination. However,

403 (i) In acquiring lands, a metropolitan authority
404 shall not acquire minerals or royalties; provided that sand and
405 gravel shall not be considered as minerals within the meaning of
406 this section; and

407 (ii) No person or persons owning the drilling
408 rights or the right to share in production shall be prevented from
409 exploring, developing or producing oil or gas with necessary
410 rights-of-way for ingress and egress, pipelines and other means of
411 transporting interests on any land or interest thereon of any
412 metropolitan authority held or used for the purposes of this act;
413 but any such activities shall be under such reasonable regulations
414 by the board of directors as will adequately protect the systems
415 of any such metropolitan authority contemplated by this act.

416 (c) To provide for the necessary relocation or
417 rerouting of roads and highways, railroad, telephone and telegraph
418 lines and properties, electric power lines, gas pipe lines and
419 related facilities, or to require the anchoring or other
420 protection of any of these, provided due compensation is first
421 paid to the owners thereof or agreement is had with such owners

422 regarding the payment of the cost of such relocation, and to
423 acquire easements or rights-of-way for such relocation or
424 rerouting and to convey the same to the owners of the property
425 being relocated or rerouted in connection with the purpose of this
426 act.

427 (d) To enter into contracts with any public agency,
428 including, but not limited to, contracts authorized by Section 7
429 of this act, in furtherance of any of the purposes authorized by
430 this act upon such consideration as the board of directors and
431 such public agency may agree. Any such contract may extend over
432 any period of time, notwithstanding any provision or rule of law
433 to the contrary, may be upon such terms as the parties thereto
434 shall agree, and may provide that it shall continue in effect
435 until bonds specified therein, refunding bonds issued in lieu of
436 such bonds, and all other obligations specified therein are paid
437 or terminated. Any such contract shall be binding upon the
438 parties thereto according to its terms.

439 (e) To make and enforce, and from time to time amend
440 and repeal, bylaws and rules and regulations for the management of
441 its business and affairs and for the construction, use,
442 maintenance and operation of any systems under its management and
443 control and any other of its properties.

444 (f) To employ staff and other personnel, including
445 attorneys, engineers and consultants. The board of directors may,
446 in its discretion, employ a general manager having the authority
447 to employ and fire employees of the metropolitan authority.

448 (g) To accept and utilize grants and other funds from
449 any source for systems.

450 (h) To establish and maintain rates and charges for the
451 use of the services of such systems, and from time to time to
452 adjust such rates, to the end that the revenues therefrom will be
453 sufficient at all times to pay the expenses of operating and
454 maintaining such systems and all of the metropolitan authority's

455 obligations under any contract or bond resolution with respect
456 thereto.

457 (i) To adopt rules and regulations necessary to carry
458 out the implementation of the metropolitan area plan and to assure
459 the payment by each participating public agency of its
460 proportionate share of system costs.

461 (j) To refuse to receive waste from any public agency
462 or subdivision thereof that does not comply with the provisions of
463 the metropolitan area plan applicable to the particular area
464 within which such public agency or subdivision thereof is located.

465 (k) To accept industrial waste for treatment and to
466 require the pretreatment of same when in the opinion of such
467 metropolitan authority such pretreatment is necessary.

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

472 (m) So long as any indebtedness on any sewerage system,
473 treatment facilities and sewage disposal system of the
474 metropolitan authority remains outstanding, to require by contract
475 with a public agency or other person that all waste within the
476 metropolitan area be disposed of through sewerage systems,
477 treatment facilities and sewage disposal systems which comprise a
478 part of the metropolitan area plan, to the extent that the same
479 may be available, but no public agency shall be precluded from
480 constructing, operating and maintaining its own sewerage system
481 after the current indebtedness owing on the system as of the
482 effective date of this act is paid in full.

483 Section 7. (1) Any public agency may, pursuant to a duly
484 adopted resolution of the governing authority of such public
485 agency, enter into contracts with the metropolitan authority under
486 the terms of which the metropolitan authority will collect, within
487 its designated metropolitan area, and transport, treat or dispose

488 of waste for such public agency. Any public agency may also,
489 pursuant to a duly adopted resolution of the governing authority
490 of such public agency, enter into contracts with the
491 metropolitan authority under the terms of which the metropolitan
492 authority will collect, store, treat and distribute water for such
493 public agency. Any public agency may also enter into contracts
494 with the metropolitan authority for the metropolitan authority to
495 purchase or sell, by installments over such terms as may be deemed
496 desirable, or otherwise, any waterworks, water supply systems,
497 waste collection, transportation, sewage disposal or treatment
498 facilities or systems. Any public agency is also authorized to
499 enter into operating agreements with the metropolitan authority,
500 for such terms and upon such conditions as may be deemed
501 desirable, for the operation of waterworks, water supply systems,
502 waste collection, transportation, sewage disposal or treatment
503 facilities or systems by such metropolitan authority or by any
504 person contracting with the metropolitan authority to operate such
505 systems; and any public agency may lease to or from the
506 metropolitan authority, for such term and upon such conditions as
507 may be deemed desirable, any waterworks, water supply systems,
508 waste collection, transportation, treatment or sewage disposal or
509 treatment facilities or systems. Any such contract may contain
510 provisions requiring any public agency to regulate the quality of
511 water and the quality and strength of waste to be handled by the
512 sewage disposal system and may also provide that such metropolitan
513 authority shall have the right to use any streets, alleys and
514 public ways and places within the jurisdiction of a public agency
515 during the term of the contract for any of its systems. Such
516 contracts may obligate the public agency to make payments to such
517 metropolitan authority or to a trustee in amounts which shall be
518 sufficient to enable such metropolitan authority to defray the
519 expenses of administering, operating and maintaining its
520 waterworks, water supply system and sewage disposal system and

521 other systems, to pay interest and principal (whether at maturity
522 upon redemption or otherwise) on bonds of such metropolitan
523 authority issued pursuant to this act and to fund reserves for
524 debt service, for operation and maintenance and for renewals and
525 replacements, and to fulfill the requirements of any rate covenant
526 with respect to debt service coverage contained in any resolution,
527 trust indenture or other security agreement relating to the bonds
528 of such metropolitan authority issued pursuant to this act. Any
529 public agency shall have the power to enter into such contracts
530 with the metropolitan authority as in the discretion of the
531 governing authorities thereof would be in the best interest of
532 such public agency. Such contracts may include a pledge of the
533 full faith and credit of such public agency and/or the avails of
534 any special assessments made by such public agency against
535 property receiving benefits, as now or hereafter provided by law.
536 Any such contract may provide for the sale or lease to or use of
537 by such metropolitan authority of any system or any part thereof
538 of the public agency; may provide that such metropolitan authority
539 shall operate any system or any part thereof of the public agency;
540 may provide that any public agency shall have the right to
541 continued use and/or priority use of any of its system or any
542 part thereof during the useful life thereof upon payment of
543 reasonable charges therefor; may contain provisions to assure
544 equitable treatment of public agencies who contract with such
545 metropolitan authority pursuant to this act; and may contain such
546 other provisions and requirements as the parties thereto may
547 determine to be appropriate or necessary. Such contracts may
548 extend over any period of time, notwithstanding any provisions of
549 law to the contrary, and may extend beyond the life of the system
550 or any part thereof or the term of any bonds sold with respect to
551 such facilities or improvements thereto.

552 (2) The obligations of a public agency arising under the
553 terms of any contract referred to in this act, whether or not

554 payable solely from a pledge of revenues, shall not be included
555 within the indebtedness limitations of the public agency for
556 purposes of any constitutional or statutory limitation or
557 provision. To the extent provided in such contract and to the
558 extent such obligations of the public agency are payable wholly or
559 in part from the revenues and other monies derived by the public
560 agency from the operation of its system or any part thereof, such
561 obligations shall be treated as expenses of operating such system.

562 (3) Contracts referred to in this section may also provide
563 for payments in the form of contributions to defray the cost of
564 any purpose set forth in the contracts and as advances for the
565 system or any part thereof subject to repayment by a
566 metropolitan authority. A public agency may make such
567 contributions or advances from its general fund or surplus fund or
568 from special assessments or from any monies legally available
569 therefor.

570 (4) Payments made or to be made to any metropolitan
571 authority by a public agency pursuant to a contract for a system
572 or any part thereof shall not be subject to approval or review by
573 the Mississippi Public Service Commission.

574 (5) Subject to the terms of a contract or contracts referred
575 to in this act, any metropolitan authority is hereby authorized to
576 do and perform any and all acts or things necessary, convenient or
577 desirable to carry out the purposes of such contracts, including
578 the fixing, charging, collecting, maintaining and revising of
579 rates, fees and other charges for the services rendered by any
580 system operated or maintained by a metropolitan authority, whether
581 or not such system is owned by such metropolitan authority.

582 (6) No provision of this act shall be construed to prohibit
583 any public agency, otherwise permitted by law to issue bonds, from
584 issuing bonds in the manner provided by law for the construction,
585 renovation, repair or development of a system or any part thereof
586 owned or operated by such public agency.

587 Section 8. Whenever a public agency shall have executed a
588 contract pursuant to this act and the payments thereunder are to
589 be made either wholly or partly from the revenues of a system, of
590 a public agency or any part thereof or a combination of such
591 systems, the duty is hereby imposed on the public agency to
592 establish and maintain and from time to time to adjust the rates
593 charged by the public agency for the services of such system or
594 systems, such that the revenues therefrom together with any taxes
595 and special assessments levied in support thereof will be
596 sufficient at all times to pay: (a) the expense of operating and
597 maintaining such system or systems including all of the public
598 agency's obligations to such metropolitan authority, its
599 successors or assigns under such contract; and (b) all of the
600 public agency's obligations under and in connection with revenue
601 bonds theretofore issued, or which may be issued thereafter and
602 secured by the revenues of such system or systems. Any such
603 contract may require the use of consulting engineers and financial
604 experts to advise the public agency whether and when such rates
605 are to be adjusted.

606 Section 9. (1) The metropolitan authority shall have the
607 power and is hereby authorized, from time to time, to borrow money
608 and to issue revenue bonds in such principal amounts as such
609 metropolitan authority may determine to be necessary to provide
610 sufficient funds for achieving one or more of the purposes of this
611 act, including, without limiting the generality of the foregoing,
612 to defray all the costs of the project, the cost of the
613 acquisition, construction, improvement, repair or extension of a
614 system, or any part thereof, whether or not such facilities are
615 owned by such metropolitan authority, the payment of interest on
616 bonds of such metropolitan authority issued pursuant to this act,
617 establishment of reserves to secure such bonds and payment of the
618 interest thereon, expenses incident to the issuance of such bonds
619 and to the implementation of such metropolitan authority's system,

620 and all other expenditures of the metropolitan authority incident
621 to or necessary or convenient to carry out the purposes of this
622 act.

623 (2) Before issuing bonds (other than interim notes or
624 refunding bonds as provided in Section 10 of this act) hereunder,
625 the board of directors of the metropolitan authority shall first
626 hold a public hearing before the governing authorities of each
627 affected public agency with due notice of the time, date and place
628 of said hearing published in a newspaper of general circulation in
629 said public agency, and then shall adopt a resolution declaring
630 its intention to issue such bonds and stating the maximum
631 principal amount of bonds proposed to be issued, a general generic
632 description of the proposed improvements and the proposed location
633 thereof and the date, time and place at which the board of
634 directors proposes to take further action with respect to the
635 issuance of such bonds. No director shall vote for the resolution
636 of intent to issue such bonds unless the governing authorities of
637 the entity represented by said director shall have adopted a
638 resolution, not more than sixty (60) days before said vote,
639 authorizing said director to vote therefor. The resolution of the
640 authority shall be published once a week for at least three (3)
641 consecutive weeks in at least one (1) newspaper having a general
642 circulation within the geographical limits of all of the public
643 agencies:

644 (a) Which have contracted with the metropolitan
645 authority pursuant to this act; and

646 (b) Whose contracts relate to the bonds proposed to be
647 issued, (each member agency which meets all of the criteria set
648 forth in (a) and (b) foregoing is hereinafter in this section
649 referred to as "affected member agency," and, together with other
650 such agencies, collectively referred to as the "affected member
651 agencies"); provided, however, that if no newspaper has a general
652 circulation within the geographical limits of all of the affected

653 member agencies, then such resolution shall be published in as
654 many different newspapers as may be required to provide general
655 circulation of the publication of such resolution within the
656 geographical limits of each affected member agency; and, provided
657 further, that if no newspaper has a general circulation within the
658 geographical limits of any particular affected member agency, then
659 notice in such affected member agency shall be made by posting a
660 copy of such resolution for at least twenty-one (21) days next
661 preceding the date therein at two (2) public places within the
662 geographical limits of such member agency. The first publication
663 of such resolution shall be made not less than twenty-one (21)
664 days prior to the date fixed in such resolution to direct the
665 issuance of the bonds and the last publication shall be made not
666 more than seven (7) days prior to such date. If twenty percent
667 (20%) of the qualified electors residing in the authority or one
668 thousand five hundred (1,500), whichever is lesser, shall file a
669 written protest against the issuance of such bonds on or before
670 the date specified in such resolution, then an election on the
671 question of the issuance of such bonds shall be called and held as
672 herein provided. If no such protest be filed, then such bonds may
673 be issued without an election on the question of the issuance
674 thereof at any time within a period of two (2) years after the
675 date specified in the above-mentioned resolution. Where an
676 election is to be called, notice of such election shall be signed
677 by the president of the board of directors, and shall be published
678 once a week for at least three (3) consecutive weeks in the same
679 manner as publication of the resolution. The first publication of
680 such notice shall be made not less than twenty-one (21) days prior
681 to the date fixed for such election and the last publication shall
682 be made not more than seven (7) days prior to such date. The
683 election shall be conducted by the election commissioners of the
684 county in which the authority is located. Such election shall be
685 held, as far as is practicable, in the same manner as other county

686 special elections are held in the county where the authority is
687 located. At such election, all qualified electors residing in the
688 metropolitan area may vote, and the ballots used at such election
689 shall have printed thereon a brief statement of the amount and
690 purpose of the proposed bond issue and the words "FOR THE BOND
691 ISSUE" and "AGAINST THE BOND ISSUE," and the voter shall vote by
692 placing a cross (X) or check mark (V) opposite his choice on the
693 proposition. When the results of the election on the question of
694 the issuance of such bonds shall have been canvassed by the
695 election commissioners of the county in which the authority is
696 located and certified by them to the board of directors of the
697 authority, it shall be the duty of the board of directors of the
698 authority to determine and adjudicate whether or not a majority of
699 the qualified electors who voted thereon in such election voted in
700 favor of the issuance of such bonds, and unless a majority of the
701 qualified electors who voted thereon in such election shall have
702 voted in favor of the issuance of such bonds, then such bonds
703 shall not be issued. Should a majority of the qualified electors
704 who vote thereon in such election vote in favor of the issuance of
705 such bonds, then the board of directors may issue such bonds,
706 either in whole or in part, within two (2) years after the date of
707 the election or the date of the final favorable termination of any
708 litigation affecting the issuance of such bonds.

709 (3) Bonds of any metropolitan authority issued pursuant to
710 this act shall be payable from and secured by a pledge of all or
711 any part of the revenues under one or more contracts entered into
712 pursuant to this act between the metropolitan authority and one or
713 more of its member public agencies and from all or any part of the
714 revenues derived from the operation of any designated system or
715 any part or parts thereof and any other monies legally available
716 and designated therefor, as may be determined by such metropolitan
717 authority, subject only to any agreement with the purchasers of
718 the bonds. Such bonds may be further secured by a trust indenture

719 between such metropolitan authority and a corporate trustee, which
720 may be any trust company or bank having powers of a trust company
721 without or within the state.

722 (4) Bonds of the metropolitan authority issued pursuant to
723 this act shall be authorized by a resolution or resolutions
724 adopted by a three-fifths (3/5) affirmative vote of the total
725 membership of the board of directors of the metropolitan authority
726 and by a concurrent affirmative vote of directors representing
727 sixty percent (60%) of the total payments for use of the system of
728 the metropolitan authority during the preceding fiscal year. Such
729 bonds may be issued in series, and each series of such bonds shall
730 bear such date or dates, mature at such time or times, bear
731 interest at such rate or rates (not exceeding the maximum rate set
732 out in Section 75-17-103, Mississippi Code of 1972, as amended),
733 be in such denomination or denominations, be in such form, carry
734 such conversion privileges, have such rank or priority, be
735 executed in such manner and by such officers, be payable from such
736 sources in such medium of payment at such place or places within
737 or without the state, provided that one (1) such place shall be
738 within the state, and be subject to such terms of redemption prior
739 to maturity, all as may be provided by resolution or resolutions
740 of the board of directors.

741 (5) Bonds of the metropolitan authority issued pursuant to
742 this act may be sold at such price or prices, at public or private
743 sale, in such manner and at such times as may be determined by
744 such metropolitan authority to be in the public interest, and such
745 metropolitan authority may pay all expenses, premiums, fees and
746 commissions which it may deem necessary and advantageous in
747 connection with the issuance and sale thereof.

748 (6) Any pledge of earnings, revenues or other monies made by
749 the metropolitan authority shall be valid and binding from the
750 time the pledge is made. The earnings, revenues or other monies
751 so pledged and thereafter received by such metropolitan authority

752 shall immediately be subject to the lien of such pledge without
753 any physical delivery thereof or further act, and the lien of any
754 such pledge shall be valid and binding as against all parties
755 having claims of any kind in tort, contract or otherwise against
756 such metropolitan authority irrespective of whether such parties
757 have notice thereof. Neither the resolution nor any other
758 instrument by which a pledge is created need be recorded.

759 (7) Neither the members of the board of directors nor any
760 person executing the bonds shall be personally liable on the bonds
761 or be subject to any personal liability or accountability by
762 reason of the issuance thereof.

763 (8) Proceeds from the sale of bonds of the metropolitan
764 authority may be invested, pending their use, in such securities
765 as may be specified in the resolution authorizing the issuance of
766 the bonds or the trust indenture securing them, and the earnings
767 on such investments applied as provided in such resolution or
768 trust indenture.

769 (9) Whenever any bonds shall have been signed by the
770 officer(s) designated by the resolution of the board of directors
771 to sign the bonds who were in office at the time of such signing
772 but who may have ceased to be such officer(s) prior to the sale
773 and delivery of such bonds, or who may not have been in office on
774 the date such bonds may bear, the manual or facsimile signatures
775 of such officer(s) upon such bonds shall nevertheless be valid and
776 sufficient for all purposes and have the same effect as if the
777 person so officially executing such bonds had remained in office
778 until the delivery of the same to the purchaser or had been in
779 office on the date such bonds may bear.

780 Section 10. The metropolitan authority may by resolution
781 adopted by its board of directors issue refunding bonds for the
782 purpose of paying any of its bonds at or prior to maturity or upon
783 acceleration or redemption. Refunding bonds may be issued at such
784 time prior to the maturity or redemption of the refunded bonds as

785 the board of directors deems to be in the public interest, without
786 an election on the question of the issuance thereof. The
787 refunding bonds may be issued in sufficient amounts to pay or
788 provide the principal of the bonds being refunded, together with
789 any redemption premium thereon, any interest accrued or to accrue
790 to the date of payment of such bonds, the expenses of issue of the
791 refunding bonds, the expenses of redeeming the bonds being
792 refunded, and such reserves for debt service or other capital or
793 current expenses from the proceeds of such refunding bonds as may
794 be required by the resolution, trust indenture or other security
795 instruments. The issue of refunding bonds, the maturities and
796 other details thereof, the security therefor, the rights of the
797 holders and the rights, duties and obligations of a
798 metropolitan authority in respect of the same shall be governed by
799 the provisions of this act relating to the issue of bonds other
800 than refunding bonds insofar as the same may be applicable. Any
801 such refunding may be effected, whether the obligations to be
802 refunded shall have then matured or shall thereafter mature,
803 either by the exchange of the refunding bonds for the obligations
804 to be refunded thereby with the consent of the holders of the
805 obligations so to be refunded, or by sale of the refunding bonds
806 and the application of the proceeds thereof to the payment of the
807 obligations proposed to be refunded thereby, and regardless of
808 whether the obligations proposed to be refunded shall be payable
809 on the same date or different dates or shall be due serially or
810 otherwise.

811 Section 11. All bonds (other than refunding bonds, interim
812 notes and certificates of indebtedness, which may be validated)
813 issued pursuant to this act shall be validated as now provided by
814 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
815 1972, as amended from time to time; however, notice of such
816 validation proceedings shall be addressed to the citizens of the
817 State of Mississippi and the citizens of the respective member

818 public agencies (a) which have contracted with the metropolitan
819 authority pursuant to this act, and (b) whose contracts and the
820 payments to be made by the public agencies thereunder constitute
821 security for the bonds of such metropolitan authority proposed to
822 be issued, and that such notice shall be published at least once
823 in a newspaper or newspapers having a general circulation within
824 the geographical boundaries of each of the member public agencies
825 to whose citizens the notice is addressed and within the State of
826 Mississippi. Such validation proceedings shall be instituted in
827 the Chancery Court of Rankin County. The validity of the bonds so
828 validated and of the contracts and payments to be made by the
829 public agencies thereunder constituting security for the bonds
830 shall be forever conclusive against such metropolitan authority
831 and the public agencies which are parties to said contracts; and
832 the validity of said bonds and said contracts and the payments to
833 be made thereunder shall never be called in question in any court
834 in this state.

835 Section 12. Bonds issued under the provisions of this act
836 shall not be deemed to constitute, within the meaning of any
837 constitutional or statutory limitation, an indebtedness of the
838 metropolitan authority or any member agency thereof. Such bonds
839 shall not be secured by a pledge of the full faith and credit of
840 the State of Mississippi, the metropolitan authority or any member
841 agency thereof, but shall be payable solely from the revenues or
842 assets of the metropolitan authority pledged therefor. Each bond
843 issued under this act shall contain on the face thereof a
844 statement to the effect that such metropolitan authority shall not
845 be obligated to pay the same nor the interest thereon except from
846 the revenues or assets pledged therefor.

847 Section 13. The metropolitan authority shall have power in
848 connection with the issuance of its bonds to:

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

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

853 (c) Covenant to charge rates, fees and charges
854 sufficient to meet operating and maintenance expenses, renewals
855 and replacements, principal and debt service on bonds, creation
856 and maintenance of any reserves required by a bond resolution,
857 trust indenture or other security instrument and to provide for
858 any margins or coverages over and above debt service on the bonds
859 deemed desirable for the marketability of the bonds.

860 (d) Covenant and prescribe as to events of default and
861 terms and conditions upon which any or all of its bonds shall
862 become or may be declared due before maturity, as to the terms and
863 conditions upon which such declaration and its consequences may be
864 waived and as to the consequences of default and the remedies of
865 the registered owners of the bonds.

866 (e) Covenant as to the mortgage or pledge of or the
867 grant of a security interest in any real or personal property and
868 all or any part of the revenues from any designated system or any
869 part thereof or any revenue-producing contract or contracts made
870 by such metropolitan authority with any person to secure the
871 payment of bonds, subject to such agreements with the registered
872 owners of bonds as may then exist.

873 (f) Covenant as to the custody, collection, securing,
874 investment and payment of any revenues, assets, monies, funds or
875 property with respect to which such metropolitan authority may
876 have any rights or interest.

877 (g) Covenant as to the purposes to which the proceeds
878 from the sale of any bonds then or thereafter to be issued may be
879 applied, and the pledge of such proceeds to secure the payment of
880 the bonds.

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

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

886 (j) Covenant as to the procedure by which the terms of
887 any contract with or for the benefit of the registered owners of
888 bonds may be amended or abrogated, the amount of bonds the
889 registered owners of which must consent thereto, and the manner in
890 which such consent may be given.

891 (k) Covenant as to the custody of any of its properties
892 or investments, the safekeeping thereof, the insurance to be
893 carried thereon, and the use and disposition of insurance
894 proceeds.

895 (l) Covenant as to the vesting in a trustee or
896 trustees, within or outside the state, of such properties, rights,
897 powers and duties in trust as such metropolitan authority may
898 determine.

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

902 (n) Make all other covenants and to do any and all such
903 acts and things as may be necessary or convenient or desirable in
904 order to secure its bonds, or in the absolute discretion of the
905 metropolitan authority tend to make the bonds more marketable,
906 notwithstanding that such covenants, acts or things may not be
907 enumerated herein; it being the intention hereof to give any
908 metropolitan authority power to do all things in the issuance of
909 bonds and in the provisions for security thereof which are not
910 inconsistent with the Constitution of the state.

911 (o) Execute all instruments necessary or convenient in
912 the exercise of the powers herein granted or in the performance of
913 covenants or duties, which may contain such covenants and
914 provisions, as any purchaser of the bonds of such metropolitan
915 authority may reasonably require.

916 Section 14. The metropolitan authority may, in any
917 authorizing resolution of the board of directors, trust indenture
918 or other security instrument relating to its bonds, provide for
919 the appointment of a trustee who shall have such powers as are
920 provided therein to represent the registered owners of any issue
921 of bonds in the enforcement or protection of their rights under
922 any such resolution, trust indenture or security instrument. The
923 metropolitan authority may also provide in such resolution, trust
924 indenture or other security instrument that the trustee, or in the
925 event that the trustee so appointed shall fail or decline to so
926 protect and enforce such registered owners' rights then such
927 percentage of registered owners as shall be set forth in, and
928 subject to the provisions of, such resolution, trust indenture or
929 other security interest, may petition the court of proper
930 jurisdiction for the appointment of a receiver of the waterworks,
931 water supply system or sewage disposal system the revenues of
932 which are pledged to the payment of the principal of and interest
933 on the bonds of such registered owners. Such receiver may
934 exercise any power as may be granted in any such resolution, trust
935 indenture or security instrument to enter upon and take possession
936 of, acquire, construct or reconstruct or operate and maintain such
937 system fix charges for services of the system and enforce
938 collection thereof, and receive all revenues derived from such
939 system or facilities and perform the public duties and carry out
940 the contracts and obligations of such metropolitan authority in
941 the same manner as such metropolitan authority itself might do,
942 all under the direction of such court.

943 Section 15. (1) The exercise of the powers granted by this
944 act will be in all respects for the benefit of the people of the
945 state, for their well-being and prosperity and for the improvement
946 of their social and economic conditions, and the metropolitan
947 authority shall not be required to pay any tax or assessment on
948 any property owned by the metropolitan authority under the

949 provisions of this act or upon the income therefrom; nor shall any
950 metropolitan authority be required to pay any recording fee or
951 transfer tax of any kind on account of instruments recorded by it
952 or on its behalf.

953 (2) Any bonds issued by the metropolitan authority under the
954 provisions of this act, their transfer and the income therefrom
955 shall at all times be free from taxation by the state or any local
956 unit or political subdivision or other instrumentality of the
957 state, excepting inheritance and gift taxes.

958 Section 16. All bonds issued under the provisions of this
959 act shall be legal investments for trustees, other fiduciaries,
960 savings banks, trust companies and insurance companies organized
961 under the laws of the State of Mississippi; and such bonds shall
962 be legal securities which may be deposited with and shall be
963 received by all public officers and bodies of the state and all
964 municipalities and other political subdivisions thereof for the
965 purpose of securing the deposit of public funds.

966 Section 17. The state hereby covenants with the registered
967 owners of any bonds of any metropolitan authority that so long as
968 the bonds are outstanding and unpaid the state will not limit or
969 alter the rights and powers of any metropolitan authority under
970 this act to conduct the activities referred to herein in any way
971 pertinent to the interests of the bondholders including without
972 limitation such metropolitan authority's right to charge and
973 collect rates, fees and charges and to fulfill the terms of any
974 covenants made with the registered owners of the bonds, or in any
975 other way impair the rights and remedies of the registered owners
976 of the bonds, unless provision for full payment of such bonds, by
977 escrow or otherwise, has been made pursuant to the terms of the
978 bonds or the resolution, trust indenture or security interest
979 securing the bonds.

980 Section 18. The provisions of this act are cumulative of
981 other statutes now or hereafter enacted relating to the issuance

982 of bonds and systems; and to the design, construction, acquisition
983 or approval of facilities for such purposes, and any public agency
984 may exercise all presently held powers in the furtherance of this
985 act.

986 Section 19. If any clause, sentence, paragraph, section
987 or part of the provisions of this act shall be adjudged by
988 any court of competent jurisdiction to be invalid, such
989 judgment shall not affect, impair or invalidate the remainder
990 thereof directly involved in the controversy in which such
991 judgment shall have been rendered.

992 * * *

993 **SECTION 2.** This act shall take effect and be in force
994 from and after its passage.