

By: Representative Miles

To: Transportation

HOUSE BILL NO. 408

1 AN ACT TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION
2 COMMISSION, COUNTY BOARDS OF SUPERVISORS AND THE GOVERNING
3 AUTHORITIES OF MUNICIPALITIES TO CONSTRUCT, INDIVIDUALLY OR
4 JOINTLY WITH OTHER GOVERNMENTAL ENTITIES, TOLL ROAD OR TOLL BRIDGE
5 PROJECTS WITHIN THE STATE; TO AUTHORIZE THE MISSISSIPPI
6 TRANSPORTATION COMMISSION, COUNTY BOARDS OF SUPERVISORS AND THE
7 GOVERNING AUTHORITIES OF MUNICIPALITIES TO CONTRACT WITH ANY
8 PERSON, CORPORATION OR OTHER BUSINESS LICENSED TO DO BUSINESS IN
9 THE STATE FOR THE PURPOSE OF CONSTRUCTING TOLL ROADS OR BRIDGES;
10 TO PRESCRIBE THE TERMS AND CONDITIONS FOR THE LETTING OF SUCH
11 CONTRACTS AND THE RIGHTS AND DUTIES OF THE PARTIES ENTERING INTO
12 SUCH CONTRACTS; TO AUTHORIZE COUNTIES, CITIES AND THE STATE TO
13 ISSUE REVENUE BONDS TO FINANCE TOLL ROAD AND TOLL BRIDGE PROJECTS;
14 TO AMEND SECTION 65-3-1, MISSISSIPPI CODE OF 1972, IN CONFORMITY
15 TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** The Mississippi Transportation Commission, county
18 boards of supervisors and/or the governing authorities of
19 municipalities (hereinafter referred to as governmental entities),
20 in their discretion, may construct, operate and maintain,
21 individually or jointly with other governmental entities, one or
22 more new toll roads or toll bridges in the state for motor vehicle
23 traffic, including toll booths and related facilities, at and
24 along such locations where an alternate untolled route exists.
25 All such highways, pavement, bridges, drainage related structures
26 and other infrastructure comprising the projects shall be built
27 and maintained in accordance with not less than the minimum
28 highway design, construction and maintenance standards established
29 by the contracting governmental entity for such highways,
30 infrastructure and facilities.

31 **SECTION 2.** (1) In addition to and as an alternative to any
32 other authority granted by law including, but not limited to,
33 Section 1 of this act, any governmental entities, as defined in

34 Section 1 of this act, in their discretion, may contract,
35 individually or jointly with other governmental entities, with any
36 persons, corporations, partnerships or other businesses licensed
37 to do business in the State of Mississippi (hereinafter referred
38 to as "companies" or "company") for the purpose of designing,
39 financing, constructing, operating and maintaining one or more new
40 toll roads or toll bridges in the state for motor vehicle traffic,
41 including toll booths and related facilities, at and along such
42 locations where an alternate untolled route exists. Such
43 contracts shall provide that land held by the governmental
44 entities, whether in fee simple, as an easement or other interest,
45 shall be leased or assigned to a company for design, construction,
46 operation and maintenance of roadways, highways or bridges for
47 motor vehicle traffic, toll booths and related facilities. All
48 such highways, pavement, bridges, drainage related structures and
49 other infrastructure comprising the projects shall be built and
50 maintained in accordance with not less than the minimum highway
51 design, construction and maintenance standards established by the
52 contracting governmental entity for such highways, infrastructure
53 and facilities. The contracting governmental entity shall conduct
54 periodic inspections of any such project throughout the term of
55 the contract to ensure compliance by the company. Failure of a
56 company to comply with minimum standards established for the
57 project by the contracting governmental entity shall constitute a
58 breach and shall subject the company to liability on its bond or
59 security or to rescission of the contract in accordance with the
60 terms and provisions of the contract.

61 (2) Every contract entered into by a governmental entity
62 under this section shall require a company to enter into bond and
63 provide such security as the governmental entity determines may be
64 necessary or advisable to ensure timely completion and proper
65 execution and performance of the contract. The governmental
66 entities are authorized to acquire such property or interests in

67 property as may be necessary, by gift, purchase or eminent domain,
68 for construction and maintenance of the highways or bridges built
69 pursuant to contracts entered into under this section. Upon
70 expiration, termination or rescission of the contract, all
71 interests that the company may have in the land, infrastructure,
72 facilities or other improvements to the property subject to
73 contract shall terminate and automatically, by operation of law,
74 be returned or conveyed to and vest in the State of Mississippi or
75 the contracting governmental entity. Upon termination, expiration
76 or rescission of the contract, the collection of tolls shall cease
77 after all associated debts have been retired or released.

78 (3) During the term of any contract entered into under this
79 section, the company may establish, charge and collect motor
80 vehicle operators tolls for use of the highway and its facilities.
81 The amount of such tolls, and any modification thereto, shall be
82 subject to approval by the contracting governmental entity;
83 however, all such contracts entered into with the Mississippi
84 Transportation Commission may require a company to pay a
85 percentage of all tolls collected to the Mississippi Department of
86 Transportation. All such tolls paid to the department shall be
87 deposited into the special bond sinking fund under Section 5 of
88 this act and may be expended only as authorized by the
89 Legislature.

90 (4) All statutes of this state relating to traffic
91 regulation and control shall be applicable to motor vehicles
92 operated upon highways and bridges constructed under this section
93 and shall be enforceable by the Mississippi Department of Public
94 Safety, the Mississippi Highway Safety Patrol or any other law
95 enforcement agency having jurisdiction over such highways and
96 bridges.

97 (5) The State of Mississippi, the Mississippi Transportation
98 Commission, the Mississippi Department of Transportation,
99 counties, municipalities or any other agency or political

100 subdivision, or any officer or employee thereof, shall not be
101 liable for any tortious act or omission arising out of the
102 construction, maintenance or operation of any highway or bridge
103 project under the provisions of this section where the act or
104 omission occurs during the term of any such contract entered into
105 by the Mississippi Transportation Commission or other governmental
106 entity and a company.

107 (6) The powers conferred by this section shall be in
108 addition to the powers conferred by any other law, general,
109 special or local. This section shall be construed as an
110 additional and alternative method of funding all or any portion of
111 the purchasing, building, improving, owning or operating of
112 roadways, highways or bridges under the jurisdiction of the
113 Mississippi Transportation Commission, county boards of
114 supervisors or municipal governing authorities, any provision of
115 the laws of the state or any charter of any municipality to the
116 contrary notwithstanding.

117 **SECTION 3.** (1) For the purpose of providing funds to defray
118 the expenses of projects authorized pursuant to Sections 1 and 2
119 of this act, the board of supervisors of a county or the governing
120 authorities of a municipality shall have the right to borrow money
121 for the project, and to issue revenue bonds therefor in such
122 principal amounts as the board of supervisors or governing
123 authorities may determine to be necessary to provide sufficient
124 funds to defray the expenses of projects authorized pursuant to
125 Sections 1 and 2 of this act. The bonds shall be payable out of
126 any revenues derived from the project, including grants or
127 contributions from the federal government or other sources. Such
128 bonds may be sold at public or private sale at not less than par
129 and shall bear interest at a rate or rates not exceeding that
130 allowed in Section 75-17-103. Any such bonds so issued shall not
131 constitute a debt of the county, the municipality or any political
132 subdivision of the county or the city within the meaning of any

133 constitutional, statutory or charter restriction, limitation or
134 provision. It shall be plainly stated on the face of each bond in
135 substance that the bond has been issued pursuant to the authority
136 granted in this section and that the taxing power of the county or
137 municipality issuing the bond is not pledged to the payment of the
138 bond or the interest on it and that the bond and the interest on
139 it are payable solely from the revenues of the project for which
140 the bond is issued.

141 (2) All bonds issued under the authority of this section
142 shall bear such date or dates, shall be in such form or
143 denomination, shall bear such rate of interest, and shall mature
144 at such times as the county or municipality shall determine, but
145 no bonds issued under the authority of this section shall mature
146 more than thirty (30) years from the date of the issuance thereof
147 and none of the bonds shall be sold for less than par and accrued
148 interest. All bonds shall be sold in the manner now provided by
149 law for the sale of bonds without any restrictions, limitations,
150 requirements or conditions applicable to the borrowing of such
151 money and the issuance of such bonds which are not herein
152 contained. The denomination, form, place of payment and other
153 details of such bonds may be determined by resolution or order of
154 the board of supervisors of a county or the governing authorities
155 of a municipality, and shall be executed on behalf of the county
156 or municipality as is now provided by law.

157 (3) Before issuing any bonds under the provisions of this
158 section, the board of supervisors of the county or the governing
159 authorities of the municipality shall, by resolution spread upon
160 the minutes, declare its intention to issue such bonds for the
161 purposes authorized by this section and shall state in the
162 resolution the amount of bonds proposed to be issued and shall
163 likewise fix in the resolution the date upon which the board of
164 supervisors of the county or the governing authorities of the
165 municipality proposes to direct the issuance of the bonds. Notice

166 of such intention shall be published once a week for at least
167 three (3) consecutive weeks in a newspaper published or having a
168 general circulation in the county or the municipality, with the
169 first publication of the notice to be made not less than
170 twenty-one (21) days prior to the date fixed in the resolution for
171 the issuance of the bonds and the last publication to be made not
172 more than seven (7) days prior to such date. If, on or before the
173 date specified in the resolution, twenty percent (20%) or fifteen
174 hundred (1500), whichever is less, of the qualified electors of
175 the county or municipality shall file a written protest against
176 the issuance of the bonds, then an election upon the issuance of
177 the bonds shall be called, and held, as provided in this section.
178 If no such protest shall be filed, then the board of supervisors
179 of the county or the governing authorities of the municipality may
180 issue such bonds without an election on the question of the
181 issuance of the bonds at any time within a period of two (2) years
182 after the date specified in the resolution.

183 (4) If an election is called under the provisions of this
184 section on the question of the issuance of bonds, the election
185 shall be held, insofar as practicable, in the same manner as other
186 elections are held in the county or municipality. At the
187 election, all qualified electors of the county or municipality may
188 vote and the ballots used in the election shall have printed
189 thereon a brief statement of the amount and purposes of the
190 proposed bond issue and the words "FOR THE BOND ISSUE" and the
191 words "AGAINST THE BOND ISSUE," and the voters shall vote by
192 placing a cross (X) or check mark (✓) opposite their choice on the
193 proposition.

194 (5) When the results of any election provided for in this
195 section shall have been canvassed by the election commissioners of
196 the county or municipality and certified by them to the proper
197 authorities, it shall be the duty of the board of supervisors of
198 the county or the governing authorities of the municipality to

199 determine and adjudicate whether or not a majority of the
200 qualified electors who voted in the election voted in favor of the
201 issuance of the bonds and unless a majority of the qualified
202 electors who voted in the election voted in favor of the issuance
203 of the bonds, then the bonds shall not be issued. Should a
204 majority of the qualified electors who vote in the election vote
205 in favor of the bonds, the board of supervisors of the county or
206 the governing authorities of the municipality may issue the bonds,
207 either in whole or in part, within two (2) years from the date of
208 such election, or within two (2) years after final favorable
209 determination of any litigation affecting the issuance of such
210 bonds at such time or times, and in such amount or amounts, not
211 exceeding that specified in the notice of the election, as shall
212 be deemed proper.

213 (6) This section, without reference to any other statute,
214 shall be deemed to be full and complete authority for the issuance
215 of bonds and borrowing of money as authorized in this section by
216 counties or municipalities, and shall be construed as an
217 additional and alternate method therefor. The bonds authorized by
218 this section shall not constitute an indebtedness within the
219 meaning of any constitutional or statutory limitation or
220 restriction.

221 **SECTION 4.** (1) (a) A special fund, to be designated as the
222 "Toll Road Revenue Bond Fund," is created within the State
223 Treasury. The fund shall be maintained by the State Treasurer as
224 a separate and special fund, separate and apart from the General
225 Fund of the state. Unexpended amounts remaining in the fund at
226 the end of a fiscal year shall not lapse into the State General
227 Fund, and any interest earned or investment earnings on amounts in
228 the fund shall be deposited into such fund.

229 (b) Monies deposited into the fund shall be disbursed,
230 in the discretion of the Mississippi Transportation Commission, to

231 pay the costs incurred in defraying the expenses of projects
232 authorized pursuant to Sections 1 and 2 of this act.

233 (2) Amounts deposited into such special fund shall be
234 disbursed to pay the expenses described in subsection (1) of this
235 section. If any monies in the special fund are not used within
236 six (6) years after the date the proceeds of the bonds authorized
237 under Sections 4 through 19 of this act are deposited into such
238 fund, then the Mississippi Transportation Commission shall provide
239 an accounting of such unused monies to the State Bond Commission.
240 Promptly after the State Bond Commission has certified, by
241 resolution duly adopted, that the projects for which the revenue
242 bonds have been issued shall have been completed, abandoned or
243 cannot be completed in a timely fashion, any amounts remaining in
244 such special fund shall be applied to pay debt service on the
245 bonds issued under Sections 4 through 19 of this act, in
246 accordance with the proceedings authorizing the issuance of such
247 bonds and as directed by the commission.

248 **SECTION 5.** For the purpose of providing for the payment of
249 the principal of and interest upon bonds issued under the
250 provisions of Sections 4 through 19 of this act, there is created
251 a special bond sinking fund in the State Treasury. The special
252 bond sinking fund shall consist of the monies required to be
253 deposited into the fund under Section 2 of this act and such other
254 amounts as the Legislature may direct to be paid into the fund by
255 appropriation or other authorization by the Legislature.
256 Unexpended amounts remaining in the special bond sinking fund at
257 the end of a fiscal year shall not lapse into the State General
258 Fund, and any interest earned or investment earnings on amounts in
259 the special bond sinking fund shall be deposited into such sinking
260 fund.

261 **SECTION 6.** (1) The State Bond Commission, at one time or
262 from time to time, may declare by resolution the necessity for
263 issuance of revenue bonds of the State of Mississippi for the

264 purpose of providing funds to defray the expenses of projects
265 authorized pursuant to Sections 1 and 2 of this act. Upon the
266 adoption of a resolution by the Mississippi Transportation
267 Commission, declaring the necessity for the issuance of the
268 revenue bonds authorized by this section, the Mississippi
269 Transportation Commission shall deliver a certified copy of its
270 resolution or resolutions to the State Bond Commission. Upon
271 receipt of such resolution, the State Bond Commission, in its
272 discretion, may act as the issuing agent, prescribe the form of
273 the bonds, advertise for and accept bids, issue and sell, at
274 public or private sale, the bonds so authorized to be sold and do
275 any and all other things necessary and advisable in connection
276 with the issuance and sale of such bonds. Revenue bonds issued
277 under this section shall be in such principal amounts as the
278 Mississippi Transportation Commission may determine to be
279 necessary to provide sufficient funds to defray the expenses of
280 projects authorized pursuant to Sections 1 and 2 of this act.

281 (2) Any investment earnings on amounts deposited into the
282 special fund created in Section 4 of this act shall be used to pay
283 debt service on bonds issued under Sections 4 through 19 of this
284 act, in accordance with the proceedings authorizing issuance of
285 such bonds.

286 **SECTION 7.** The principal of and interest on the bonds
287 authorized under Sections 4 through 19 of this act shall be
288 payable in the manner provided in this section. Such bonds shall
289 bear such date or dates, be in such denomination or denominations,
290 bear interest at such rate or rates (not to exceed the limits set
291 forth in Section 75-17-103, Mississippi Code of 1972), be payable
292 at such place or places within or without the State of
293 Mississippi, shall mature absolutely at such time or times not to
294 exceed thirty (30) years from date of issue, be redeemable before
295 maturity at such time or times and upon such terms, with or
296 without premium, shall bear such registration privileges, and

297 shall be substantially in such form, all as shall be determined by
298 resolution of the State Bond Commission.

299 **SECTION 8.** The bonds authorized by Sections 4 through 19 of
300 this act shall be signed by the Chairman of the State Bond
301 Commission, or by his facsimile signature, and the official seal
302 of the State Bond Commission shall be affixed thereto, attested by
303 the secretary of the commission. The interest coupons, if any, to
304 be attached to such bonds may be executed by the facsimile
305 signatures of such officers. Whenever any such bonds shall have
306 been signed by the officials designated to sign the bonds who were
307 in office at the time of such signing but who may have ceased to
308 be such officers before the sale and delivery of such bonds, or
309 who may not have been in office on the date such bonds may bear,
310 the signatures of such officers upon such bonds and coupons shall
311 nevertheless be valid and sufficient for all purposes and have the
312 same effect as if the person so officially signing such bonds had
313 remained in office until their delivery to the purchaser, or had
314 been in office on the date such bonds may bear. However,
315 notwithstanding anything herein to the contrary, such bonds may be
316 issued as provided in the Registered Bond Act of the State of
317 Mississippi.

318 **SECTION 9.** All bonds and interest coupons issued under the
319 provisions of Sections 4 through 19 of this act have all the
320 qualities and incidents of negotiable instruments under the
321 provisions of the Uniform Commercial Code, and in exercising the
322 powers granted by Sections 4 through 19 of this act, the State
323 Bond Commission shall not be required to and need not comply with
324 the provisions of the Uniform Commercial Code.

325 **SECTION 10.** The State Bond Commission shall act as the
326 issuing agent for the bonds authorized under Sections 4 through 19
327 of this act, prescribe the form of the bonds, advertise for and
328 accept bids, issue and sell, at public or private sale, the bonds
329 so authorized to be sold, pay all fees and costs incurred in such

330 issuance and sale, and do any and all other things necessary and
331 advisable in connection with the issuance and sale of such bonds.
332 The State Bond Commission is authorized and empowered to pay the
333 costs that are incident to the sale, issuance and delivery of the
334 bonds authorized under Sections 4 through 19 of this act from the
335 proceeds derived from the sale of such bonds. The State Bond
336 Commission shall sell such bonds on sealed bids at public or
337 private sale, and for such price as it may determine to be for the
338 best interest of the State of Mississippi, but no such sale shall
339 be made at a price less than par plus accrued interest to the date
340 of delivery of the bonds to the purchaser. All interest accruing
341 on such bonds so issued shall be payable semiannually or annually;
342 however, the first interest payment may be for any period of not
343 more than one (1) year.

344 Notice of the sale of any such bonds shall be published at
345 least one time, not less than ten (10) days before the date of
346 sale, and shall be so published in one or more newspapers
347 published or having a general circulation in the City of Jackson,
348 Mississippi, and in one or more other newspapers or financial
349 journals with a national circulation, to be selected by the State
350 Bond Commission.

351 The State Bond Commission, when issuing any bonds under the
352 authority of Sections 4 through 19 of this act, may provide that
353 bonds, at the option of the State of Mississippi, may be called in
354 for payment and redemption at the call price named therein and
355 accrued interest on such date or dates named therein.

356 **SECTION 11.** Bonds issued under authority of Sections 4
357 through 19 of this act shall be revenue bonds of the state, the
358 principal of and interest on which shall be payable solely from
359 the revenue from projects authorized under Section 1 or 2 of this
360 act. The bonds shall never constitute an indebtedness of the
361 state within the meaning of any state constitutional provision or
362 statutory limitation, and shall never constitute or give rise to a

363 pecuniary liability of the state, or a charge against its general
364 credit or taxing powers, and such fact shall be plainly stated on
365 the face of each such bond. The bonds shall not be considered
366 when computing any limitation of indebtedness of the state. All
367 bonds issued under the authority of Sections 4 through 19 of this
368 act and all interest coupons applicable thereto shall be construed
369 to be negotiable instruments, despite the fact that they are
370 payable solely from a specified source.

371 **SECTION 12.** Upon the issuance and sale of bonds under the
372 provisions of Sections 4 through 19 of this act, the State Bond
373 Commission shall transfer the proceeds of any such sale or sales
374 to a special fund created in Section 4 of this act. The proceeds
375 of such bonds shall be disbursed solely upon the order of the
376 Mississippi Transportation Commission under such restrictions, if
377 any, as may be contained in the resolution providing for the
378 issuance of the bonds.

379 **SECTION 13.** The bonds authorized under Sections 4 through 19
380 of this act may be issued without any other proceedings or the
381 happening of any other conditions or things other than those
382 proceedings, conditions and things which are specified or required
383 by Sections 4 through 19 of this act. Any resolution providing
384 for the issuance of bonds under the provisions of Sections 4
385 through 19 of this act shall become effective immediately upon its
386 adoption by the commission, and any such resolution may be adopted
387 at any regular or special meeting of the commission by a majority
388 of its members.

389 **SECTION 14.** The bonds authorized under the authority of
390 Sections 4 through 19 of this act may be validated in the Chancery
391 Court of the First Judicial District of Hinds County, Mississippi,
392 in the manner and with the force and effect provided by Chapter
393 13, Title 31, Mississippi Code of 1972, for the validation of
394 county, municipal, school district and other bonds. The notice to
395 taxpayers required by such statutes shall be published in a

396 newspaper published or having a general circulation in the City of
397 Jackson, Mississippi.

398 **SECTION 15.** Any holder of bonds issued under the provisions
399 of Sections 4 through 19 of this act or of any of the interest
400 coupons pertaining thereto may, either at law or in equity, by
401 suit, action, mandamus or other proceeding, protect and enforce
402 any and all rights granted under Sections 4 through 19 of this
403 act, or under such resolution, and may enforce and compel
404 performance of all duties required by Sections 4 through 19 of
405 this act to be performed, in order to provide for the payment of
406 bonds and interest thereon.

407 **SECTION 16.** All bonds issued under the provisions of
408 Sections 4 through 19 of this act shall be legal investments for
409 trustees and other fiduciaries, and for savings banks, trust
410 companies and insurance companies organized under the laws of the
411 State of Mississippi, and such bonds shall be legal securities
412 which may be deposited with and shall be received by all public
413 officers and bodies of this state and all municipalities and
414 political subdivisions for the purpose of securing the deposit of
415 public funds.

416 **SECTION 17.** Bonds issued under the provisions of Sections 4
417 through 19 of this act and income therefrom shall be exempt from
418 all taxation in the State of Mississippi.

419 **SECTION 18.** The proceeds of the bonds issued under Sections
420 4 through 19 of this act shall be used solely for the purposes
421 provided in Sections 4 through 19 of this act, including the costs
422 incident to the issuance and sale of such bonds.

423 **SECTION 19.** The State Treasurer is authorized, without
424 further process of law, to certify to the Department of Finance
425 and Administration the necessity for warrants, and the Department
426 of Finance and Administration is authorized and directed to issue
427 such warrants, in such amounts as may be necessary to pay when due
428 the principal of, premium, if any, and interest on, or the

429 accreted value of, all bonds issued under Sections 4 through 19 of
430 this act; and the State Treasurer shall forward the necessary
431 amount to the designated place or places of payment of such bonds
432 in ample time to discharge such bonds, or the interest thereon, on
433 the due dates thereof.

434 **SECTION 20.** Section 65-3-1, Mississippi Code of 1972, is
435 amended as follows:

436 65-3-1. Subject only to the provisions hereinafter
437 contained, it shall be unlawful for any person, acting privately
438 or in any official capacity or as an employee of any subdivision
439 of the state, to charge or collect any toll or other charge from
440 any person for the privilege of traveling on any part of any
441 highway which has been heretofore or may hereafter be designated
442 as a state highway, and being a part of the state highway system,
443 or on or across any bridge wholly within this state, which is a
444 part of any such highway.

445 For a violation of this section, any judge or chancellor may,
446 in termtime or vacation, grant an injunction upon complaint of the
447 Mississippi Transportation Commission.

448 However, none of the provisions of this section shall
449 prohibit the collection of any toll or other charge for the
450 privilege of traveling on, or the use of, any causeway, bridge,
451 tunnel, toll bridge, or any combination of such facility
452 constructed under the provisions of Sections 65-23-101 through
453 65-23-119, forming a part of U.S. Highway * * * 90 across the Bay
454 of St. Louis, or across or under the East Pascagoula River or the
455 West Pascagoula River on * * * U.S. Highway 90.

456 The provisions of this section shall be inapplicable to any
457 toll road or bridge built or operated under the authority of
458 Section 1 or Section 2 of House Bill No. , 2006 Regular
459 Session.

460 **SECTION 21.** The Attorney General of the State of Mississippi
461 shall submit this act, immediately upon approval by the Governor,

462 or upon approval by the Legislature subsequent to a veto, to the
463 Attorney General of the United States or to the United States
464 District Court for the District of Columbia in accordance with the
465 provisions of the Voting Rights Act of 1965, as amended and
466 extended.

467 **SECTION 22.** This act shall take effect and be in force from
468 and after the date it is effectuated under Section 5 of the Voting
469 Rights Act of 1965, as amended and extended.