

By: Representative Beckett

To: Local and Private
Legislation

HOUSE BILL NO. 1684

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF LAFAYETTE
2 COUNTY, MISSISSIPPI, TO CREATE AND ESTABLISH A PUBLIC BODY
3 CORPORATE AND POLITIC CONSTITUTING A POLITICAL SUBDIVISION OF THE
4 STATE OF MISSISSIPPI TO BE KNOWN AS THE LAFAYETTE COUNTY UTILITY
5 AUTHORITY FOR THE PURPOSE OF PROVIDING NATURAL GAS, SOLID WASTE,
6 STORM WATER, WATER AND WASTEWATER SYSTEMS FOR THE ANTICIPATED
7 GROWTH WITHIN LAFAYETTE COUNTY AND ECONOMIC DEVELOPMENT ACTIVITIES
8 WITHIN LAFAYETTE COUNTY; TO PROVIDE FOR A BOARD OF DIRECTORS TO
9 EXERCISE THE POWERS OF THE AUTHORITY; TO PROVIDE FOR THE
10 MEMBERSHIP OF THE BOARD OF DIRECTORS; TO PROVIDE FOR THE POWERS,
11 DUTIES AND RESPONSIBILITIES OF THE AUTHORITY; TO AUTHORIZE PUBLIC
12 AGENCIES TO ENTER INTO CONTRACTS WITH THE AUTHORITY FOR CERTAIN
13 PURPOSES; TO PROVIDE THAT ANY MUNICIPALITY, PUBLIC AGENCY,
14 DISTRICT, PUBLIC UTILITY OR OTHER PERSON AUTHORIZED BY LAW TO
15 PROVIDE NATURAL GAS, WATER, SEWER AND WASTEWATER SERVICES TO
16 TRANSFER ITS POWERS, DUTIES AND RESPONSIBILITIES TO THE AUTHORITY;
17 TO AUTHORIZE THE AUTHORITY TO BORROW MONEY AND TO ISSUE REVENUE
18 BONDS AND INTERIM NOTES IN SUCH PRINCIPAL AMOUNTS AS THE AUTHORITY
19 MAY DETERMINE TO BE NECESSARY TO PROVIDE SUFFICIENT FUNDS FOR
20 ACHIEVING ONE OR MORE OF THE PURPOSES OF THIS ACT; AND FOR RELATED
21 PURPOSES.

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

23 **SECTION 1.** The purpose of this act is to create the
24 Lafayette County Utility Authority for the purpose of providing
25 natural gas, solid waste, storm water, water, and wastewater
26 systems for the anticipated growth within Lafayette County and
27 economic development activities within Lafayette County. The act



28 provides for a cooperative effort by any area situated within
29 Lafayette County, including the areas situated within the
30 corporate boundaries of any existing municipality and other
31 eligible municipalities, public agencies and political
32 subdivisions, for the acquisition, construction, operation of a
33 user funded solid waste, storm water, water or wastewater systems,
34 in order to prevent and control the pollution of the waters in
35 this state by the creation of the Lafayette County Utility
36 Authority. This act may be cited as the "Lafayette County Utility
37 Authority Act."

38 **SECTION 2.** Whenever used in this act, the following words
39 and phrases shall have the meanings ascribed in this section
40 unless the context clearly indicates otherwise:

41 (a) "Authority" means the Lafayette County Utility
42 Authority created under this act.

43 (b) "Board of directors" means the Board of Directors
44 of the Lafayette County Utility Authority.

45 (c) "Economic development project" shall be any project
46 which the Board of Supervisors of Lafayette County by resolution
47 defines to be an economic development project.

48 (d) "Facilities" mean any structure, building, ditch,
49 pipe, channel, improvement, land or other real or personal
50 property used or useful in natural gas, storm water,
51 water, wastewater systems or combination of systems under this
52 act.



53 (e) "Fiscal year" means the period of time beginning on
54 October 1 of each year and ending on September 30 of each year.

55 (f) "Governing body" means the elected or duly
56 appointed officials constituting the governing body of a
57 municipality or county.

58 (g) "Municipality" means any incorporated city, town or
59 village in this state.

60 (h) "Natural gas" shall be the transmission, sale, sale
61 for resale, or distribution of natural, artificial or mixed
62 natural and artificial gas to the public for compensation by means
63 of transportation, transmission or distribution facilities and
64 equipment located within the service area; however, the term shall
65 not include the production and gathering of natural gas, the sale
66 of natural gas in or within the vicinity of the field where
67 produced, or the distribution or sale of liquefied petroleum gas
68 or the sale to the ultimate consumer of natural gas for use as
69 motor vehicle fuel.

70 (i) "Person" means the State of Mississippi, a
71 municipality, any public agency or any other city, town, village
72 or political subdivision or governmental agency of the State of
73 Mississippi or of the United States of America or any private
74 utility, individual, copartnership, association, firm, trust,
75 estate or any other entity whatsoever.



76 (j) "Project" means the construction, development or
77 acquisition by the authority or county of any infrastructure for
78 industrial, commercial and residential development, economic
79 development projects, and the construction and operation of
80 natural gas, storm water, water or wastewater systems or services
81 and includes upgrading or repair of existing systems.

82 (k) "Public agency" means any municipality, county,
83 political subdivision, governmental authority or unit, public
84 institution of higher learning, community college, planning and
85 development district, drainage district or any body politic and
86 corporate or governmental agency created under the laws of the
87 state.

88 (l) "Solid waste" shall mean any garbage, refuse,
89 sludge from a waste treatment plant, water supply treatment plant
90 or air pollution control facility and other discarded material,
91 including solid, liquid, semisolid or contained gaseous material
92 resulting from industrial, commercial, mining and agricultural
93 operations, and from community activities, but does not include
94 solid or dissolved material in domestic sewage, or solid or
95 dissolved materials in irrigation returns flows or industrial
96 discharges which are point sources subject to permits under
97 Section 402 of the Federal Water Pollution Control Act, as amended
98 (86 Stat. 880), or source, special nuclear or by-product material
99 as defined by the Atomic Energy Act of 1954.

100 (m) "State" means the State of Mississippi.



101 (n) "Storm water" means any flow occurring during or
102 following any form of natural precipitation and resulting from
103 that precipitation.

104 (o) "System" or "systems" means any plants, structures,
105 facilities and other real and personal property, used or useful in
106 the generation, storage, transportation or supply of natural gas,
107 solid waste, water, and the collection, transportation, treatment
108 or disposal of wastewater, and storm water, including, but not
109 limited to, tanks, reservoirs, lakes, streams, ponds, pipes, trunk
110 lines, mains, sewers, conduits, pipelines, pumping and ventilating
111 stations, plants and works, connections and any other real and
112 personal property and rights therein necessary, useful or
113 convenient for the purposes of the authority in connection
114 therewith.

115 (p) "Wastewater" means water being disposed of by any
116 person and which is contaminated with waste or sewage, including
117 industrial, municipal and any other waste that may cause
118 impairment of the quality of the waters in the state.

119 (q) "Water" means potable water, service water and
120 groundwater.

121 (r) "Unit of local government" means any county or
122 municipality of the state.

123 **SECTION 3.** The Board of Supervisors of Lafayette County,
124 Mississippi, is authorized and empowered, in its discretion to
125 create and establish a public body corporate and politic



126 constituting a political subdivision of the State of Mississippi
127 to be known as the Lafayette County Utility Authority. The
128 authority is composed of the geographic area of Lafayette County
129 as defined in Section 19-1-71, Mississippi Code of 1972, for the
130 purpose of acquiring property for the planning, acquisition,
131 construction, maintenance, operation and coordination of natural
132 gas, solid waste, storm water, water and wastewater systems in
133 order to ensure the delivery of natural gas, solid waste, storm
134 water, water, and wastewater services to citizens residing within
135 the boundaries of Lafayette County and for economic development
136 projects. The Lafayette County Utility Authority shall be deemed
137 to be acting in all respects for the benefit of the people of the
138 state in the performance of essential public functions, and the
139 Lafayette County Utility Authority shall be empowered in
140 accordance with the provisions of this act to promote the health,
141 welfare and prosperity of the general public.

142 **SECTION 4.** (1) All powers of the Lafayette County Utility
143 Authority shall be exercised by a board of directors comprised of
144 seven (7) directors who shall be appointed within thirty (30) days
145 of the creation of the authority as follows:

146 (a) The Mayor of the City of Oxford, Mississippi, shall
147 appoint, with the advice and consent of the board of supervisors,
148 one (1) director for a term of five (5) years;



149 (b) Chancellor of the University of Mississippi shall
150 appoint, with the advice and consent of the board of supervisors,
151 one (1) director for a term of three (3) years;

152 (c) The board of supervisors shall appoint one (1)
153 director for an initial term of one (1) year; one (1) director for
154 an initial term of two (2) years; one (1) director for an initial
155 term of three (3) years; one (1) director for an initial term of
156 four (4) years and one (1) director for a term of five (5) years.

157 (2) No elected official may serve as a director. Upon the
158 expiration of the initial term, the director shall be appointed to
159 a term of five (5) years. Any vacancy arising by expiration of a
160 director's term, or a vacancy created by the removal of a director
161 for any other reason, shall be filled by the public agency
162 originally responsible for the appointment of the director
163 vacating his or her appointment. The directors shall serve at the
164 will and pleasure of the governing body making the appointments.

165 (3) The board of supervisors, when making each appointment,
166 shall ensure diversity among members of the board of directors.
167 Members appointed to the authority collectively must possess
168 strong experience and expertise in public and nonprofit
169 governance, management and finance, real estate, economic
170 development, engineering and public utilities. Each member of the
171 board of directors must have demonstrated an understanding of and
172 commitment to providing utility services to the citizens of
173 Lafayette County.



174 (4) The board of directors shall elect annually from its
175 number a president and a vice president of the authority and such
176 other officers as in the judgment of the board is necessary. The
177 president shall be the chief executive officer of the authority
178 and the presiding officer of the board, and shall have the same
179 right to vote as any other director. The vice president shall
180 perform all duties and exercise all powers conferred by this act
181 upon the president when the president is absent, fails or declines
182 to act, except the president's right to vote. The board also
183 shall appoint a secretary and a treasurer who may or may not be
184 members of the board, and it may combine these offices. The
185 treasurer shall give bond in the sum of not less than One Hundred
186 Thousand Dollars (\$100,000.00) as set by the board of directors,
187 and each director may be required to give bond in the sum of not
188 less than Fifty Thousand Dollars (\$50,000.00), with sureties
189 qualified to do business in this state, and the premiums on bonds
190 shall be an expense of the authority. Each bond shall be payable
191 to the State of Mississippi. The condition of each bond shall be
192 that the treasurer and director will faithfully perform all duties
193 of his or her office and account for all money and other assets
194 which shall come into his or her custody as treasurer or director
195 of the authority.

196 (5) The members of the board of directors shall serve
197 without salary, but shall be entitled to receive per diem pay as
198 provided in Section 25-3-69, Mississippi Code of 1972. The



199 members of the board of directors shall be reimbursed their actual
200 travel and hotel expenses as provided in Section 25-3-41,
201 Mississippi Code of 1972, incurred while in the performance of
202 their duties as members of the board of directors, to be paid on
203 an itemized statement. Expenses shall he paid from available
204 funds of the authority.

205 (6) All business of the authority shall be transacted by a
206 simple majority affirmative vote of the total membership of the
207 board of directors. The quorum for any meeting of the board of
208 directors shall be a simple majority of the total membership of
209 the board of directors.

210 (7) Regular meetings of the board of directors shall be held
211 as set forth in its bylaws for management of the authority's
212 business and affairs. Additional meetings of the board shall be
213 held at the call of the chairman or whenever a majority of
214 directors so request.

215 **SECTION 5.** In addition to any other powers granted under any
216 other provision of law, the authority shall have the following
217 powers including, but not limited to:

218 (a) To acquire, construct, improve, enlarge, extend,
219 repair, operate and maintain one or more of its systems used for
220 providing services for natural gas, solid waste, storm water,
221 water and wastewater.

222 (b) To make contracts with any person in furtherance
223 thereof; and to make contracts with any person, under the terms of



224 which the authority will provide services for natural gas, solid
225 waste, storm water, water or wastewater for such person.

226 (c) To make contracts with any person to design and
227 construct any natural gas, solid waste, storm water, water,
228 wastewater systems or facilities and thereafter to purchase, lease
229 or sell, by installments over such terms as may be deemed
230 desirable, reasonable and necessary, or otherwise, any such system
231 or systems.

232 (d) To enter into operating agreements with any person,
233 for such terms and upon such conditions as may be deemed
234 desirable, for the operation of any natural gas, solid waste,
235 storm water, water or wastewater systems; and the authority may
236 lease to or from any person, for such term and upon such
237 conditions as may be deemed desirable, any natural gas, solid
238 waste, storm water, water, wastewater facilities or systems. Any
239 such contract may contain provisions requiring any public agency
240 or other person to regulate the quality and strength of materials
241 to be handled by the respective system or systems and also may
242 provide that the authority shall have the right to use any
243 streets, alleys and public ways and places within the jurisdiction
244 of a public agency or other person during the term of the
245 contract.

246 (e) To enter into contracts with any person or any
247 public agency, including, but not limited to, contracts authorized
248 by this act, in furtherance of any of the purposes authorized



249 under this act upon such consideration as the board of directors
250 and such person may agree. Any such contract may extend over any
251 period of time, notwithstanding any provision or rule of law to
252 the contrary; may be upon such terms and for such consideration,
253 nominal or otherwise, as the parties thereto shall agree; and may
254 provide that it shall continue in effect until bonds specified
255 therein, refunding bonds issued in lieu of such bonds, and all
256 other obligations specified therein are paid or terminated. Any
257 such contract shall be binding upon the parties thereto according
258 to its terms.

259 (f) To adopt an official seal and alter the seal at its
260 pleasure.

261 (g) To sue and be sued, in its own name, and to enjoy
262 all of the protections, immunities and benefits provided by the
263 Mississippi Tort Claims Act as it may be amended or supplemented
264 from time to time.

265 (h) To maintain office space at such place or places
266 within Lafayette County as it may determine.

267 (i) To invest money of the authority, including
268 proceeds from the sale of any bonds subject to any agreements with
269 bondholders, on such terms and in such manner as the authority
270 deems proper.

271 (j) To require the necessary relocation or rerouting of
272 roads and highways, railroads, telephone and telegraph lines, and
273 properties, electric power lines, gas pipelines and related



274 facilities or to require the anchoring or other protection of any
275 of these, provided fair compensation is first paid to the owners
276 or an agreement with such owners regarding the payment of the cost
277 of such relocation, and to acquire easements or rights-of-way for
278 such relocation or rerouting and to convey the same to the owners
279 of the property being relocated or rerouted in connection with the
280 purposes of this act.

281 (k) To acquire, construct, improve or modify, to
282 operate or cause to be operated and maintained, either as owner of
283 all or of any part in common with others, any natural gas, solid
284 waste, storm water, water or wastewater system within the
285 authority's service area. The authority may pay all or part of
286 the cost of any system from any contribution by persons, firms,
287 public agencies or corporations. The authority may receive,
288 accept and use all funds, public or private, and pay all costs of
289 the development, implementation and maintenance as may be
290 determined as necessary for any project.

291 (l) To acquire, in its own name, by purchase on any
292 terms and conditions and in any manner as it may deem proper,
293 including by eminent domain through action of Lafayette County,
294 property for public use, or by gift, grant, lease, or otherwise,
295 real property or easements therein, franchises and personal
296 property necessary or convenient for its corporate purposes.

297 (m) To acquire, in its own name, by purchase on any
298 terms and conditions and in any manner as it may deem proper,



299 including eminent domain through action of Lafayette County,
300 property for the economic development of the county, or by gift,
301 grant, lease, or otherwise, real property or easements therein and
302 may lease or manage such property for the economic development of
303 the county and personal property necessary or convenient for the
304 economic development of the county.

305 (n) To acquire insurance for the authority's systems,
306 facilities, buildings, treatment plants and all property, real or
307 personal, to insure against all risks as any insurance may, from
308 time to time, be available.

309 (o) To use any property and rent or lease any property
310 to or from others, including public agencies, or make contracts
311 for the use of the property. The authority may sell, lease,
312 exchange, transfer, assign, pledge, mortgage or grant a security
313 interest for any property. The powers to acquire, use and dispose
314 of property as set forth in this paragraph shall include the power
315 to acquire, use and dispose of any interest in that property,
316 whether divided or undivided, title to any property of the
317 authority shall be held by the authority exclusively for the
318 benefit of the public.

319 (p) To apply, contract for, accept, receive and
320 administer gifts, grants, appropriations and donations of money,
321 materials, and property of any kind, including loans and grants
322 from the United States, the state, a unit of local government, or
323 any agency, department, district or instrumentality of any of the



324 foregoing, upon any terms and conditions as the United States, the
325 state, a unit of local government or any agency, department,
326 district or instrumentality shall impose. The authority may
327 administer trusts. The authority may sell, lease, transfer,
328 convey, appropriate and pledge any and all of its property and
329 assets.

330 (q) To make and enforce, and from time to time amend
331 and repeal, bylaws, rules, ordinances and regulations for the
332 management of its business and affairs and for the construction,
333 use, maintenance and operation of any of the systems under its
334 management and control.

335 (r) To employ and terminate staff and other personnel,
336 including attorneys, engineers and consultants as may be necessary
337 to the functioning of the authority. The board of directors, in
338 its discretion, may employ an executive director having the
339 authority to employ and fire employees and other duties as
340 determined by the board.

341 (s) To establish and maintain rates, fees, assessments
342 and any other charges for services and the use of systems and
343 facilities within the control of the authority, and from time to
344 time, to adjust such rates, fees, assessments and any other
345 charges to the end that the revenues therefrom will be sufficient
346 at all times to pay the expenses of operating and maintaining of
347 the facilities and systems and all of the obligations under any
348 contract or bonds resolution with respect thereto or any



349 obligation of any person under any agreement, contract, indenture
350 or bonds resolution with respect thereto. Such rates, fees,
351 assessments and any other charges shall not be subject to the
352 jurisdiction of the Mississippi Public Service Commission.

353 (t) To adopt rules and regulations necessary to
354 accomplish the purposes of the authority and to assure the payment
355 of each participating person or public agency of its proportionate
356 share of the costs for use of any of the systems.

357 (u) To enter on public or private lands, waters or
358 premises for the purpose of making surveys, borings or soundings,
359 or conducting tests, examinations or inspections for the purposes
360 of the district, subject to responsibility for any damage done to
361 property entered.

362 (v) To accept industrial wastewater from within the
363 boundaries of the authority for treatment and to require the
364 pretreatment of same when, in the opinion of the authority, such
365 pretreatment is necessary.

366 (w) To assume control and administer, within the
367 authority's jurisdiction, any natural gas, solid waste, storm
368 water, water or wastewater system or systems by agreement and/or
369 contract with any person providing that such services are
370 requested by such person to be relieved of that responsibility;
371 however, the person may maintain control over connections in their
372 service areas and may charge rates, fees and any other charges in
373 addition to the rates, fees and any charges of the authority.



374 (x) The authority, through the actions of Lafayette
375 County, shall have the power of eminent domain for the particular
376 purpose of the acquisition of property designated by plan to
377 sufficiently accommodate the location of natural gas, solid waste,
378 storm water, water or wastewater systems and such requirements
379 related directly thereto pursuant to the provisions of Chapter 27,
380 Title 11, Mississippi Code of 1972; however, the authority,
381 through the actions of Lafayette County, shall not have the power
382 to eminent domain any system currently being operated under a
383 certificate of public convenience issued by the Mississippi Public
384 Service Commission. No person owning the drilling rights or the
385 right to share in production shall be prevented from exploring,
386 developing or producing oil or gas with necessary rights-of-way
387 for ingress and egress, pipelines and other means of transporting
388 such interests on any lands or interest of the authority held or
389 used for the purposes of this act, but any such activities shall
390 be subject to reasonable regulations by the board of directors
391 that will adequately protect the systems or projects of the
392 authority.

393 (y) To use any legally available funds to acquire,
394 rebuild, operate and maintain any existing natural gas, solid
395 waste, storm water, water or wastewater systems owned or operated
396 by any person.

397 (z) To refuse to receive solid waste, storm water or
398 wastewater from any public agency or person.



399 (aa) To require that all solid waste, storm water,
400 water and wastewater within the boundaries of the authority be
401 disposed of through the appropriate treatment system to the extent
402 that the system may be available.

403 **SECTION 6.** (1) The authority shall have the power, duty and
404 responsibility to exercise general supervision over the design,
405 construction, operation and maintenance of natural gas, solid
406 waste, storm water, water, and wastewater systems.

407 (2) The authority shall adopt rules and regulations
408 regarding the design, construction or installation, operation and
409 maintenance of natural gas, solid waste, storm water, water and
410 wastewater systems.

411 (3) The authority shall adopt rules and regulations
412 regarding the use of decentralized wastewater treatment systems,
413 individual on-site wastewater treatment systems and centralized
414 wastewater treatment systems.

415 (4) The authority shall adopt rules establishing a standard
416 application form for the installation, operation and maintenance
417 of natural gas, storm water, water and wastewater system;
418 application review; approval or denial procedures for any proposed
419 system; inspection, monitoring and reporting guidelines; and
420 enforcement procedures.

421 (5) No county, municipality, public agency, or person shall
422 construct or place a residence, building, facility, system, or
423 development within the authority's service area which may require



424 the installation of natural gas, solid waste, storm water,
425 wastewater, or water system or systems without first obtaining
426 approval from the authority, or its designee.

427 (6) Any system of any municipality, public agency or other
428 persons which becomes connected with, or tied into, the systems of
429 the authority, shall be subject to the authority's jurisdiction
430 and the terms of this act as it relates to the connection or use
431 of the authority's systems.

432 (7) The authority shall approve all solid waste, storm
433 water, water and wastewater systems prior to approval or renewal
434 of any permit issued by the appropriate state agency or staff.

435 (8) Notwithstanding the provisions of Section 51-39-1 et
436 seq., the authority shall have the full power to adopt rules and
437 regulations and to construct, maintain and operate facilities for
438 the control of storm water quality and quantity. In addition, the
439 provisions of Section 51-33-1 et seq., relating to drainage
440 districts and flood control districts do not apply to the
441 authority.

442 (9) The authority may control and operate local retail
443 natural gas, solid waste, storm water, water and wastewater
444 services and may provide or be responsible for direct servicing of
445 those services to residences, businesses and individuals; however,
446 the authority shall not provide the same services in an area
447 provided by a public utility or person holding a certificate of
448 public convenience and necessity issued by the Mississippi Public



449 Service Commission for the provision of such services in the
450 certificated area, except for economic development purposes and
451 only after the public utility has first
452 determined that it cannot serve the economic development project.

453 **SECTION 7.** (1) Any public agency or person, pursuant to a
454 duly adopted resolution of the governing body of such public
455 agency or person, may enter into contracts with the authority
456 under the terms of which the authority will manage, operate and
457 contract for usage of its systems and facilities, or other
458 services, for such person or public agency.

459 (2) Any public agency or person may enter into contracts
460 with the authority for the authority to purchase or sell, by
461 installments over such terms as may be deemed desirable, or
462 otherwise, to any person or any systems. Any public agency may
463 sell, donate, convey, or otherwise dispose of natural gas, solid
464 waste, storm water, water, or wastewater facilities or systems; or
465 any equipment, personal property or any other things, deemed
466 necessary for the construction, operation, and maintenance to the
467 authority without the necessity of appraisal, advertising, or
468 bidding. This subsection creates an alternative method of
469 disposal of public property.

470 (3) Any public agency is authorized to enter into operating
471 agreements with the authority, for such terms and upon such
472 conditions as may be deemed desirable, for the operation of any of



473 its property or systems of any person by the authority or by any
474 person contracting with the authority to operate such systems.

475 (4) Any public agency may lease property or systems to or
476 from the authority for such term and upon such conditions as may
477 be deemed desirable.

478 (5) Any municipality or county may donate office space,
479 equipment, supplies, and materials to the authority.

480 (6) Any such contract may contain provisions requiring any
481 public agency or other person to regulate the quality and strength
482 of the material to be handled by the wastewater systems and may
483 also provide that the authority shall have the right to use any
484 streets, alleys, public ways and places within the jurisdiction of
485 a public agency or other person during the term of the contract.
486 Such contracts may obligate the public agency to make payments to
487 the authority or to a trustee in amounts which shall be sufficient
488 to enable the authority to defray the expenses of administering,
489 operating and maintaining its respective systems, to pay interest
490 and principal (whether at maturity upon redemption or otherwise)
491 on bonds of the authority, issued under this act and to fund
492 reserves for debt service, for operation and maintenance and for
493 renewals and replacements, to fulfill the requirements of any rate
494 covenant with respect to debt service coverage contained in any
495 resolution, trust indenture or other security agreement relating
496 to the bonds of the authority issued under this act or to fulfill



497 any other requirement relating to bonds issued pursuant to this
498 act.

499 (7) Any public agency shall have the power to enter into
500 such contracts with the authority as in the discretion of the
501 governing body of the public agency would be in the best interest
502 of the public agency. Such contracts may include a pledge of the
503 full faith and credit of such public agency and/or the avails of
504 any special assessments made by such public agency against
505 property receiving benefits, as now or hereafter are provided by
506 law. Any such contract may provide for the sale, or lease to, or
507 use of by the authority, of the systems or any part thereof, of
508 the public agency; and may provide that the authority shall
509 operate its systems or any part thereof of the public agency; and
510 may provide that any public agency shall have the right to
511 continued use and/or priority use of the systems or any part
512 thereof during the useful life thereof upon payment of reasonable
513 charges therefor; and may contain provisions to assure equitable
514 treatment of persons or public agencies who contract with the
515 authority under this act; and may contain such other provisions
516 and requirements as the parties thereto may determine to be
517 appropriate or necessary. Such contracts may extend over any
518 period of time, notwithstanding any provisions of law to the
519 contrary and may extend beyond the life of the respective systems
520 or any part thereof or the term of the bonds sold with respect to
521 such facilities or improvements thereto.



522 (8) The obligations of a public agency arising under the
523 terms of any contract referred to in this act, whether or not
524 payable solely from a pledge of revenues, shall not be included
525 within the indebtedness limitations of the public agency for
526 purposes of any constitutional or statutory limitation or
527 provision. To the extent provided in such contract and to the
528 extent such obligations of the public agency are payable wholly or
529 in part from the revenues and other monies derived by the public
530 agency from the operation of its systems or of its combined
531 systems, or any part thereof, such obligations shall be treated as
532 expenses of operating such systems.

533 (9) Contracts referred to in this section may also provide
534 for payments in the form of contributions to defray the cost of
535 any purpose set forth in the contracts and as advances for the
536 respective systems or any part thereof subject to repayment by the
537 authority. A public agency may make such contributions or
538 advances from its general fund or surplus fund or from special
539 assessments or from any monies legally available therefor.

540 (10) Payments made, or to be made, to the authority by a
541 public agency or other person under a contract for any of its
542 treatment systems, or any property thereof, shall not be subject
543 to approval or review by the Mississippi Public Service
544 Commission.

545 (11) Subject to the terms of a contract or contracts
546 referred to in this act, the authority is hereby authorized to do



547 and perform any and all acts or things necessary, convenient or
548 desirable to carry out the purposes of such contracts, including
549 the fixing, charging, collecting, maintaining and revising of
550 rates, fees, assessments and other charges for the services
551 rendered to any user of any of the properties or systems operated
552 or maintained by the authority, whether or not such systems are
553 owned by the authority.

554 (12) No provision of this act shall be construed to prohibit
555 any public agency, otherwise permitted by law to issue bonds, from
556 issuing bonds in the manner provided by law for the construction,
557 renovation, repair or development of any of the authority's
558 systems, or any part thereof, owned or operated by such public
559 agency.

560 **SECTION 8.** Whenever a public agency shall have executed a
561 contract under this act and the payments thereunder are to be made
562 either wholly or partly from the revenues of the public agency's
563 systems, or any part thereof, or a combination of such systems,
564 the duty is hereby imposed on the public agency to establish and
565 maintain and from time to time to adjust the rate or fees charged
566 by the public agency for the services of such systems, so that the
567 revenues therefrom, together with any taxes and special
568 assessments levied in support thereof, will be sufficient at all
569 times to pay (a) the expense of operating and maintaining such
570 properties or systems, including all of the public agency's
571 obligations to the authority, its successors or assigns under such



572 contract; and (b) all of the public agency's obligations tinder
573 and in connection with bonds theretofore issued, or which may be
574 issued thereafter and secured by the revenues of such systems.
575 Any such contract may require the use of consulting engineers and
576 financial experts to advise the public agency whether and when
577 such rates and fees are to be adjusted.

578 **SECTION 9.** (1) Notwithstanding the provisions of Sections
579 77-3-21 and 77-3-23, Mississippi Code of 1972, the certificate of
580 public convenience and necessity held by any municipality, public
581 agency, district, public utility or other person authorized by law
582 to provide natural gas, water, sewer and wastewater services may
583 be canceled and its powers, duties and responsibilities
584 transferred to the authority in the manner provided by this
585 section.

586 (2) Any entity described in subsection (1) of this section
587 desiring to have its certificate of public convenience and
588 necessity canceled and its powers, duties and responsibilities
589 transferred to the authority shall make a determination to that
590 effect on its official minutes if a public entity, or by affidavit
591 if not a public entity, and transmit such determination to the
592 authority.

593 (3) Upon receipt of the document evidencing such
594 determination from an entity to transfer its powers, duties and
595 responsibilities to the authority, the authority shall by



596 resolution declare whether it is willing and able to accept such
597 transfer from the entity.

598 (4) Upon completion of the requirements of subsections (2)
599 and (3) of this section and agreement by both parties to the
600 transfer, the holder of the certificate of public convenience and
601 necessity and the authority shall jointly petition the Public
602 Service Commission to cancel the certificate of public convenience
603 and necessity. The petition must be accompanied by copies of the
604 official minutes, affidavit or resolution, as the case may be,
605 reflecting the actions of the petitioners. After review of the
606 petition and any other evidence as the Public Service Commission
607 deems necessary, the commission may issue an order canceling the
608 certificate and transferring to the authority the powers, duties
609 and responsibilities granted by the certificate, including all
610 assets and debts of the transferor petitioner related to such
611 certificated services, real or personal, or both, if it finds
612 that:

613 (a) Subsections (2) and (3) of this section have been
614 complied with; and

615 (b) Such action is in the public interest.

616 (5) The authority and providers of natural gas, water,
617 sewer, or wastewater services that are not holders of a
618 certificate of public convenience and necessity from the Public
619 Service Commission may enter into agreements for the provision of
620 such services, including, but not limited to, the transfer to the



621 authority of such provider's powers, duties, responsibilities,
622 assets and debts.

623 **SECTION 10.** (1) If any system of a municipality, public
624 agency or person that becomes subject to the jurisdiction of an
625 authority, this act shall not impair, invalidate or abrogate any
626 liens, bonds or other certificates of indebtedness related to
627 natural gas, solid waste, water, storm water or wastewater
628 facilities and systems incurred prior to becoming subject to the
629 jurisdiction of the authority.

630 (2) The authority may do and perform any and all acts
631 necessary, convenient or desirable to ensure the payment,
632 redemption or satisfaction of such liens, bonds or other
633 certificates of indebtedness.

634 **SECTION 11.** (1) Sections 11 through 20 of this act apply to
635 all bonds to be issued after the effective date of this act and
636 such provisions shall not affect, limit or alter the rights and
637 powers of any person under this act or any law of Mississippi to
638 conduct the activities referred to herein in any way pertinent to
639 the interests of the bondholders, including, without limitation,
640 such person's right to charge and collect rates, fees and charges
641 and to fulfill the terms of any covenants made with the registered
642 owners of any existing bonds, or in any other way impair the
643 rights and remedies of the registered owners of any existing
644 bonds, unless provision for full payment of such bonds, by escrow
645 or otherwise, has been made pursuant to the terms of the bonds or



646 the resolution, trust indenture or security interest securing the
647 bonds.

648 (2) The authority shall have the power and is hereby
649 authorized, from time to time, to borrow money and to issue
650 revenue bonds and interim notes in such principal amounts as the
651 authority may determine to be necessary to provide sufficient
652 funds for achieving one or more of the purposes of this act,
653 including, without limiting the generality of the foregoing, to
654 defray all the costs of the project, the cost of the acquisition,
655 construction, improvement, repair or extension of a system, or any
656 part thereof whether or not such facilities are owned by the
657 authority, the payment of interest on bonds of the authority
658 issued pursuant to this act, establishment of reserves to secure
659 such bonds and payment of the interest thereon, expenses incident
660 to the issuance of such bonds and to the implementation of the
661 authority's system, and all other expenditures of the authority
662 incident to or necessary or convenient to carry out the purposes
663 of this act.

664 (3) Before issuing bonds, other than interim notes or
665 refunding bonds as provided in Section 12 of this act, the board
666 of directors of the authority shall adopt a resolution declaring
667 its intention to issue such bonds and stating the maximum
668 principal amount of bonds proposed to be issued, a general generic
669 description of the proposed improvements and the proposed location
670 thereof and the date, time and place at which the board of



671 directors proposes to take further action with respect to the
672 issuance of such bonds. The resolution of the authority shall be
673 published once a week for at least three (3) consecutive weeks in
674 at least one (1) newspaper having a general circulation within the
675 geographical limits of all of the public agencies which have
676 contracted with the authority pursuant to this act.

677 (4) Bonds of the authority issued pursuant to this act shall
678 be payable from and secured by a pledge of all or any part of the
679 revenues under one or more contracts entered into pursuant to this
680 act between the authority and one or more of its contracting
681 public agencies and from all or any part of the revenues derived
682 from the operation of any designated system or any part or parts
683 thereof and any other monies legally available and designated
684 therefor, as may be determined by such authority, subject only to
685 any agreement with the purchasers of the bonds. Such bonds may be
686 further secured by a trust indenture between such authority and a
687 corporate trustee, which may be any trust company or bank having
688 powers of a trust company without or within the state.

689 (5) Bonds of the authority issued pursuant to this act shall
690 be authorized by a resolution or resolutions adopted by a majority
691 affirmative vote of the total membership of the board of directors
692 of the authority. Such bonds may be issued in series, and each
693 series of such bonds shall bear such date or dates, mature at such
694 time or times, bear interest at such rate or rates (not exceeding
695 the maximum rate set out in Section 75-17-103, Mississippi Code of



696 1972), be in such denomination or denominations, be in such form,
697 carry such conversion privileges, have such rank or priority, be
698 executed in such manner and by such officers, be payable from such
699 sources in such medium of payment at such place or places within
700 or without the state, provided that one such place shall be within
701 the state, and be subject to such terms of redemption prior to
702 maturity, all as may be provided by resolution or resolutions of
703 the board of directors. The term of such bonds issued pursuant to
704 this act shall not exceed forty (40) years.

705 (6) Bonds of the authority issued pursuant to this act may
706 be sold at such price or prices, at public or private sale, in
707 such manner and at such times as may be determined by such
708 authority to be in the public interest, and such authority may pay
709 all expenses, premiums, fees and commissions which it may deem
710 necessarily and advantageous in connection with the issuance and
711 sale thereof.

712 (7) Any pledge of earnings, revenues or other monies made by
713 the authority shall be valid and binding from the time the pledge
714 is made. The earnings, revenues or other monies so pledged and
715 thereafter received by such authority shall immediately be subject
716 to the lien of such pledge without any physical delivery thereof
717 or further act, and the lien of any such pledge shall be valid and
718 binding as against all parties having claims of any kind in tort,
719 contract or otherwise against such authority irrespective of
720 whether such parties have notice thereof. Neither the resolution



721 nor any other instrument by which a pledge is created need be
722 recorded.

723 (8) Neither the members of the board of directors nor any
724 person executing the bonds shall be personally liable on the bonds
725 or be subject to any personal liability or accountability by
726 reason of the issuance thereof.

727 (9) Proceeds from the sale of bonds of the authority may be
728 invested, pending their use, in such securities as may be
729 specified in the resolution authorizing the issuance of the bonds
730 or the trust indenture securing them, and the earnings on such
731 investments applied as provided in such resolution or trust
732 indenture.

733 (10) Whenever any bonds shall have been signed by the
734 officer(s) designated by the resolution of the board of directors
735 to sign the bonds who were in office at the time of such signing
736 but who may have ceased to be such officer(s) prior to the sale
737 and delivery of such bonds, or who may not have been in office on
738 the date such bonds may bear, the manual or facsimile signatures
739 of such officer(s) upon such bonds shall nevertheless be valid and
740 sufficient for all purposes and have the same effect as if the
741 person so officially executing such bonds had remained in office
742 until the delivery of the same to the purchaser or had been in
743 office on the date such bonds may bear.

744 (11) The authority has the discretion to advance or borrow
745 funds needed to satisfy any short-term cash flow demands or



746 deficiencies or to cover start-up costs until such time as
747 sufficient bonds, assets and revenues have been secured to satisfy
748 the needs of the authority.

749 **SECTION 12. (1) Refunding bonds.** The authority may, by
750 resolution adopted by its board of directors, issue refunding
751 bonds for the purpose of paying any of its bonds at or prior to
752 maturity or upon acceleration or redemption. Refunding bonds may
753 be issued at such time prior to the maturity or redemption of the
754 refunded bonds as the board of directors deems to be in the public
755 interest, without an election on the question of the issuance
756 thereof. The refunding bonds may be issued in sufficient amounts
757 to pay or provide the principal of the bonds being refunded,
758 together with any redemption premium thereon, any interest accrued
759 or to accrue to the date of payment of such bonds, the expenses of
760 issue of the refunding bonds, the expenses of redeeming the bonds
761 being refunded, and such reserves for debt service or other
762 capital or current expenses from the proceeds of such refunding
763 bonds as may be required by the resolution, trust indenture or
764 other security instruments. The issue of refunding bonds, the
765 maturities and other details thereof, the security therefor, the
766 rights of the holders and the rights, duties and obligations of
767 the authority in respect of the same shall be governed by the
768 provisions of this act relating to the issue of bonds other than
769 refunding bonds insofar as the same may be applicable. Any such
770 refunding may be affected, whether the obligations to be refunded



771 shall have then matured or shall thereafter mature, either by the
772 exchange of the refunding bonds for the obligations to be refunded
773 thereby with the consent of the holders of the obligations so to
774 be refunded, or by sale of the refunding bonds and the application
775 of the proceeds thereof to the payment of the obligations proposed
776 to be refunded thereby, and regardless of whether the obligations
777 proposed to be refunded shall be payable on the same date or
778 different dates or shall be due serially or otherwise.

779 (2) **Interim notes.** Borrowing by the authority may be made
780 by the delivery of interim notes to any person or public agency or
781 financial institution by a simple majority vote of the board of
782 directors.

783 **SECTION 13.** All bonds (other than refunding bonds, interim
784 notes and certificates of indebtedness, which may be validated)
785 issued pursuant to this act shall be validated as now provided by
786 law in Sections 31-13-1 through 31-13-11, Mississippi Code of
787 1972; however, notice of such validation proceedings shall be
788 addressed to the citizens of the respective public agencies (a)
789 which have contracted with the authority pursuant to this act; and
790 (b) whose contracts and the payments to be made by the public
791 agencies thereunder constitute security for the bonds of such
792 authority proposed to be issued, and that such notice shall be
793 published at least once in a newspaper or newspapers having a
794 general circulation within the geographical boundaries of each of
795 the contracting public agencies to whose citizens the notice is



796 addressed. Such validation proceedings shall be instituted in any
797 chancery courts within the boundaries of the authority. The
798 validity of the bonds so validated and of the contracts and
799 payments to be made by the public agencies thereunder constituting
800 security for the bonds shall be forever conclusive against the
801 authority and the public agencies which are parties to said
802 contracts; and the validity of said bonds and said contracts and
803 the payments to be made thereunder shall never be called in
804 question in any court in this state.

805 **SECTION 14.** Bonds issued under the provisions of this act
806 shall not be deemed to constitute, within the meaning of any
807 constitutional or statutory limitation, an indebtedness of the
808 authority. Such bonds shall be payable solely from the revenues
809 or assets of the authority pledged therefor. Bonds issued under
810 this act shall contain on the face thereof a statement to the
811 effect that the authority shall not be obligated to pay the same
812 nor the interest thereon except from the revenues or assets
813 pledged therefor.

814 **SECTION 15.** In connection with the issuance of its bonds
815 pursuant to this act the authority shall have power to:

816 (a) Covenant as to the use of any or all of its
817 property, real or personal;

818 (b) Redeem the bonds, to covenant for their redemption
819 and to provide the terms and conditions thereof;



820 (c) Covenant to charge rates, fees and charges
821 sufficient to meet operating and maintenance expenses, renewals
822 and replacements, principal and debt service on bonds, creation
823 and maintenance of any reserves required by a bonds resolution,
824 trust indenture or other security instrument and to provide for
825 any margins or coverages over and above debt service on the bonds
826 deemed desirable for the marketability of the bonds;

827 (d) Covenant and prescribe as to events of default and
828 terms and conditions upon which any or all of its bonds shall
829 become or may be declared due before maturity, as to the terms and
830 conditions upon which such declaration and its consequences may be
831 waived and as to the consequences of default and the remedies of
832 the registered owners of the bonds;

833 (e) Covenant as to the mortgage or pledge of or the
834 grant of a security interest in any real or personal property and
835 all or any part of the revenues from any designated system or any
836 part thereof or any revenue-producing contract or contracts made
837 by such authority with any person to secure the payment of bonds,
838 subject to such agreements with the registered owners of bonds as
839 may then exist;

840 (f) Covenant as to the custody, collection, securing,
841 investment and payment of any revenues, assets, monies, funds or
842 property with respect to which such authority may have any rights
843 or interest;



844 (g) Covenant as to the purposes to which the proceeds
845 from the sale of any bonds then or thereafter to be issued may be
846 applied, and the pledge of such proceeds to secure the payment of
847 the bonds;

848 (h) Covenant as to the limitations on the issuance of
849 any additional bonds, the terms upon which additional bonds may be
850 issued and secured, and the refunding of outstanding bonds;

851 (i) Covenant as to the rank or priority of any bonds
852 with respect to any lien or security;

853 (j) Covenant as to the procedure by which the terms of
854 any contract with or for the benefit of the registered owners of
855 bonds may be amended or abrogated, the amount of bonds the
856 registered owners of which must consent thereto, and the manner in
857 which such consent may be given;

858 (k) Covenant as to the custody of any of its properties
859 or investments, the safekeeping thereof, the insurance to be
860 carried thereon, and the use and disposition of insurance
861 proceeds;

862 (l) Covenant as to the vesting in a trustee or
863 trustees, within or outside the state, of such properties, rights,
864 powers and duties in trust as the authority may determine;

865 (m) Covenant as to the appointing and providing for the
866 duties and obligations of a paying agent or paying agents or other
867 fiduciaries within or outside the state;



868 (n) Make all other covenants and to do any and all such
869 acts and things as may be necessary or convenient or desirable in
870 order to secure its bonds, or in the absolute discretion of the
871 authority tend to make the bonds more marketable, notwithstanding
872 that such covenants, acts or things may not be enumerated herein;
873 it being the intention hereof to give any authority power to do
874 all things in the issuance of bonds and in the provisions for
875 security thereof which are not inconsistent with the Constitution
876 of the state; and

877 (o) Execute all instruments necessary or convenient in
878 the exercise of the powers herein granted or in the performance of
879 covenants or duties, which may contain such covenants and
880 provisions, as any purchaser of the bonds of the authority may
881 reasonably require.

882 **SECTION 16.** The authority may, in any authorizing resolution
883 of the board of directors, trust indenture or other security
884 instrument relating to its bonds issued pursuant to this act,
885 provide for the appointment of a trustee who shall have such
886 powers as are provided therein to represent the registered owners
887 of any issue of bonds in the enforcement or protection of their
888 rights under any such resolution, trust indenture or security
889 instrument. The authority may also provide in such resolution,
890 trust indenture or other security instrument that the trustee, or
891 in the event that the trustee so appointed shall fail or decline
892 to so protect and enforce such registered owners' rights then such



893 percentage of registered owners as shall be set forth in, and
894 subject to the provisions of, such resolution, trust indenture or
895 other security interest, may petition the court of proper
896 jurisdiction for the appointment of a receiver of the authority's
897 systems, the revenues of which are pledged to the payment of the
898 principal of and interest on the bonds of such registered owners.
899 Such receiver may exercise any power as may be granted in any such
900 resolution, trust indenture or security instrument to enter upon
901 and take possession of, acquire, construct or reconstruct or
902 operate and maintain such system, fix charges for services of the
903 system and enforce collection thereof, and receive all revenues
904 derived from such system or facilities and perform the public
905 duties and carry out the contracts and obligations of such
906 authority in the same manner as such authority itself might do,
907 all under the direction of such court.

908 **SECTION 17.** (1) The exercise of the powers granted by this
909 act will be in all respects for the benefit of the people of the
910 state, for their well-being and prosperity and for the improvement
911 of their social and economic conditions, and the authority shall
912 not be required to pay any tax or assessment on any property owned
913 by the authority under the provisions of this act or upon the
914 income therefrom; nor shall the authority be required to pay any
915 recording fee or transfer tax of any kind on account of
916 instruments recorded by it or on its behalf.



917 (2) Any bonds issued by the authority under and pursuant to
918 the provisions of this act, their transfer and the income
919 therefrom shall at all times be free from taxation by the state or
920 any local unit or political subdivision or other instrumentality
921 of the state, excepting inheritance and gift taxes.

922 **SECTION 18.** All bonds issued under the provisions of this
923 act shall be legal investments for trustees, other fiduciaries,
924 savings banks, trust companies and insurance companies organized
925 under the laws of the State of Mississippi; and such bonds shall
926 be legal securities which may be deposited with and shall be
927 received by all public officers and bodies of the state and all
928 municipalities and other political subdivisions thereof for the
929 purpose of securing the deposit of public funds.

930 **SECTION 19.** The state hereby covenants with the registered
931 owners of any bonds of any authority that so long as the bonds are
932 outstanding and unpaid the state will not limit or alter the
933 rights and powers of any authority under this act to conduct the
934 activities referred to herein in any way pertinent to the
935 interests of the bondholders, including, without limitation, such
936 authority's right to charge and collect rates, fees, assessments
937 and charges and to fulfill the terms of any covenants made with
938 the registered owners of the bonds, or in any other way impair the
939 rights and remedies of the registered owners of the bonds, unless
940 provision for full payment of such bonds, by escrow or otherwise,
941 has been made pursuant to the terms of the bonds or the



942 resolution, trust indenture or security interest securing the
943 bonds.

944 **SECTION 20.** For the purposes of satisfying any temporary
945 cash flow demands and deficiencies, and to maintain a working
946 balance for the authority, the county, municipalities or public
947 agencies within the geographic boundaries of the authority, or
948 other persons, subject to their lawful authority to do so, are
949 authorized to advance, at any time, such funds which, in its
950 discretion, are necessary, or borrow such funds by issuance of
951 notes, for initial capital contribution and to cover start-up
952 costs until such times as sufficient bonds, assets and revenues
953 have been secured to satisfy the needs of the authority for its
954 management, operation and formation. To this end, the county,
955 municipality, public agency or person, subject to their lawful
956 authority to do so, shall advance such funds, or borrow such funds
957 by issuance of notes, under such terms and conditions as may be
958 provided by resolution of the governing body, or other persons as
959 defined in this act, subject to their lawful authority to do so,
960 except that each such resolution shall state:

961 (a) The need for the proceeds advanced or borrowed.

962 (b) The amount to be advanced or the amount to be
963 borrowed.

964 (c) The maximum principal amount of any note issued,
965 the interest rate or maximum interest rate to be incurred, and the
966 maturity date of said note.



967 (d) In addition, the governing body, or other persons
968 as defined in this act, subject to their lawful authority to do
969 so, may arrange for lines of credit with any bank, firm or person
970 for the purpose of providing an additional source of repayment for
971 notes issued pursuant to this section. Amounts drawn on a line of
972 credit may be evidenced by negotiable or nonnegotiable notes or
973 other evidences of indebtedness and contain such terms and
974 conditions as the governing body, or other persons as defined in
975 this act, subject to their lawful authority to do so, may
976 authorize in the resolution approving the same.

977 (e) The governing body of the county, municipalities or
978 other persons as defined in this act, subject to their lawful
979 authority to do so, may authorize the repayment of such advances,
980 notes, lines of credit and other debt incurred under this section,
981 along with all costs associated with the same, including, but not
982 limited to, rating agency fees, printing costs, legal fees, bank
983 or trust company fees, line of credit fees and other charges to be
984 reimbursed by the authority under such terms and conditions as are
985 reasonable and are to be provided for by resolution of the
986 governing body, or terms agreed upon with other persons as defined
987 in this act, subject to their lawful authority to do so.

988 (f) In addition, the governing body of the county,
989 municipality or public agency may lease or donate office space and
990 equipment to the authority under such terms and conditions as are



991 reasonable and are to be provided for by resolution of the
992 governing body, or terms agreed upon by the authority.

993 **SECTION 21.** If any clause, sentence, paragraph, section or
994 part of the provisions of this act shall be adjudged by any court
995 of competent jurisdiction to be invalid, such judgment shall not
996 affect, impair or invalidate the remainder thereof directly
997 involved in the controversy in which such judgment shall have been
998 rendered.

999 **SECTION 22.** This act shall take effect and be in force from
1000 and after its passage.

