

By: Dearing

To: Environment Prot,  
Cons and Water Res

## SENATE BILL NO. 2965

1 AN ACT TO AMEND SECTION 49-2-2, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF ENVIRONMENTAL SELF-EVALUATION REPORT; TO  
3 AMEND SECTION 49-2-71, MISSISSIPPI CODE OF 1972, TO CLARIFY THE  
4 EVIDENTIARY PRIVILEGE GRANTED TO ENVIRONMENTAL SELF-EVALUATION  
5 REPORTS; TO REQUIRE THE PERSON ASSERTING THE PRIVILEGE TO PROVE  
6 THE APPLICABILITY OF THE PRIVILEGE; TO EXPRESSLY STATE THAT THE  
7 ENVIRONMENTAL SELF-EVALUATION REPORT PRIVILEGE DOES NOT APPLY TO  
8 CRIMINAL PROCEEDINGS; TO AMEND SECTIONS 17-17-29, 49-17-43 AND  
9 49-17-427, MISSISSIPPI CODE OF 1972, TO REVISE THE CONDITIONS  
10 PLACED ON THE REDUCTION OF PENALTIES FOR NONCOMPLIANCE DISCOVERED  
11 AND REPORTED AS THE RESULT OF A VOLUNTARY SELF-EVALUATION; AND FOR  
12 RELATED PURPOSES.

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

14 SECTION 1. Section 49-2-2, Mississippi Code of 1972, is  
15 amended as follows:[MS1]

16 49-2-2. For purposes of this chapter, the following words  
17 and phrases shall have the meanings ascribed herein, unless the  
18 context otherwise requires:

19 (a) "Department" means the Mississippi Department of  
20 Environmental Quality.

21 (b) "Commission" means the Mississippi Commission on  
22 Environmental Quality.

23 (c) "Office" means an administrative subdivision of the  
24 department.

25 (d) "Executive director" means the chief officer of the  
26 department.

27 (e) "Environmental self-evaluation report" means any  
28 document or set of documents prepared as a result of a voluntary  
29 self-evaluation, and labeled "ENVIRONMENTAL SELF-EVALUATION REPORT  
30 PRIVILEGED DOCUMENT," that may include any audit, report, finding,  
31 communication, or opinion or any draft of an audit, report,

finding, communication or opinion, prepared solely as a part of or in connection with a voluntary self-assessment that is done in good faith, which report is kept and maintained solely within the confines of the evaluated party.

(f) "Voluntary self-evaluation" means a self-initiated internal assessment, audit, or review, not otherwise expressly required by environmental law, of a facility or an activity at a facility, or management systems related to a facility or an activity. A voluntary self-evaluation shall be designed to identify and prevent noncompliance with environmental laws, and improve compliance with environmental laws. In addition, a voluntary self-evaluation must be conducted by an owner or operator of a facility or an employee of the owner or operator or by a private contractor engaged by the owner or operator.

(g) "Environmental law" means any federal, state or local statute, rule or regulation, or any order, award, agreement, release, permit, license, standard or notice from or issued by a federal, state or local court, agency or governmental authority in pursuance thereof.

SECTION 2. Section 49-2-71, Mississippi Code of 1972, is amended as follows:[MS2]

49-2-71. (1) An environmental self-evaluation report, as defined in Section 49-2-2, is privileged and is not admissible or subject to compelled production through legal rules of discovery or by subpoena in any \* \* \* proceeding where a governmental or private entity is seeking the assessment of a civil or administrative penalty, unless:

(a) The person for whom the environmental self-evaluation report was prepared, irrespective of whether the self-evaluation report was conducted and/or prepared by a private contractor hired by the person, expressly waives the provisions of this section;

(b) The court of record, or hearing officer, who shall be neutral and independent, after in camera review, determines that:

(i) The environmental self-evaluation report shows evidence that the person for which the environmental

self-evaluation report was prepared is not or was not in compliance with an environmental law; and

(ii) The person did not initiate appropriate efforts to achieve compliance with the environmental law or complete any necessary permit application promptly after the noncompliance with the environmental law was discovered and, as a result, the person did not or will not achieve compliance with the environmental law or complete the necessary permit application within a reasonable amount of time.

(iii) For the purposes of paragraphs (b)(i) and (b)(ii) only, if the evidence shows noncompliance by a person with more than one (1) environmental law, the person may demonstrate that appropriate efforts to achieve compliance were or are being taken by instituting a comprehensive program that establishes a phased schedule of actions to be taken to bring the person into compliance with all of such environmental laws.

(c) The court of record or hearing officer, who shall be neutral and independent, after an in camera review, determines that the privilege is being asserted for a fraudulent purpose or that the environmental self-evaluation report was prepared to avoid disclosure of information in an investigative, administrative, or judicial proceeding that was underway, or for which the person had been provided written notification that an investigation into a specific violation had been initiated; or

(d) The court of record or hearing officer, who shall be neutral and independent, determines that even if subject to the privilege, it is found that a condition exists that demonstrates an actual or imminent, and substantial hazard or endangerment to the public health and safety or the environment.

(2) The self-evaluation privilege created by this section does not apply to:

(a) Documents \* \* \* required to be developed, maintained or reported pursuant to any environmental law or any

102 other law or regulation; or

103 (b) Documents \* \* \* required to be made available or  
104 furnished to a regulatory agency pursuant to any environmental law  
105 or any other law or regulation; or

106 (c) Documents reflecting information in the possession  
107 of a regulatory agency obtained through observation, sampling,  
108 monitoring or otherwise and which is subject to public disclosure  
109 pursuant to the Mississippi Public Records Act of 1983; or

110 (d) Documents reflecting information obtained through  
111 any source independent of the environmental self-evaluation  
112 report; or

113 (e) Documents existing prior to the commencement of and  
114 independent of the voluntary self-evaluation with the exception of  
115 evidence establishing a request for compliance assistance to the  
116 appropriate government agency or authority.

117 (3) (a) Upon a showing by any party, based upon independent  
118 knowledge, that probable cause exists to believe that an exception  
119 to the self-evaluation privilege under subsection (1) of this  
120 section is applicable to an environmental self-evaluation report  
121 or that the privilege does not apply to the environmental  
122 self-evaluation report pursuant to the provisions of subsection  
123 (2) of this section, then a court of record or hearing officer,  
124 who shall be neutral and independent, may allow such party limited  
125 access to the environmental self-evaluation report for the  
126 purposes of an in camera review only. The court of record or the  
127 hearing officer may grant limited access to all or part of the  
128 environmental self-evaluation report under \* \* \* this subsection  
129 (3) upon those conditions as may be necessary to protect the  
130 confidentiality of the environmental self-evaluation report, in  
131 case the court or hearing officer ultimately determines that the  
132 document is privileged. If the court or hearing officer  
133 ultimately determines that the document is privileged, a moving  
134 party who obtains access to an environmental self-evaluation

report under this subsection (3) may not divulge any information from the report except as specifically allowed by the court or hearing officer.

(b) If any party divulges all or any part of the information contained in an environmental self-evaluation report in violation of the provisions of paragraph (a) of this subsection (3) or if any other person knowingly divulges or disseminates all or any part of the information contained in an environmental self-evaluation report that was provided to such person in violation of the provisions of paragraph (a) of this subsection (3), such party or other person is liable for any damages caused by the divulgence or dissemination of the information that are incurred by the person for which the environmental self-evaluation report was prepared. The court or hearing officer also may issue such contempt orders and sanctions against the offending party or such party's legal counsel as may be necessary to ensure compliance.

(4) Nothing in this section limits, waives or abrogates the scope or nature of any statutory or common law privilege.

(5) A person asserting a voluntary self-evaluation privilege has the burden of proving the applicability of the privilege. A party seeking disclosure of an environmental self-evaluation report has the burden of proving that such privilege does not exist under this section.

(6) All environmental self-evaluation reports that are protected by the self-evaluation privilege created by this section shall be privileged and exempt from the provisions of the Mississippi Public Records Act in accordance with Section 25-61-11, Mississippi Code of 1972.

(7) The privilege created by this section does not apply to criminal investigations or proceedings. If an environmental self-evaluation report is obtained, reviewed or used in a criminal proceeding, the privilege created by this section applicable to

administrative or civil proceedings is not waived or eliminated.

SECTION 3. Section 17-17-29, Mississippi Code of 1972, is amended as follows:[MS3]

17-17-29. (1) Any person found by the commission violating any of the provisions of Sections 17-17-1 through 17-17-47, or any rule or regulation or written order of the commission in pursuance thereof, or any condition or limitation of a permit, shall be subject to a civil penalty of not more than Twenty-five Thousand Dollars (\$25,000.00) for each violation, such penalty to be assessed and levied by the commission after a hearing. Appeals from the imposition of the civil penalty may be taken to the chancery court in the same manner as appeals from orders of the commission. If the appellant desires to stay the execution of a civil penalty assessed by the commission, he shall give bond with sufficient resident sureties of one or more guaranty or surety companies authorized to do business in this state, payable to the State of Mississippi, in an amount equal to double the amount of any civil penalty assessed by the commission, as to which the stay of execution is desired, conditioned, if the judgment shall be affirmed, to pay all costs of the assessment entered against the appellant. Each day upon which such violation occurs shall be deemed a separate and additional violation.

(2) In lieu of, or in addition to, the penalty provided in subsection (1) of this section, the commission shall have the power to institute and maintain in the name of the state any and all proceedings necessary or appropriate to enforce the provisions of Sections 17-17-1 through 17-17-47, rules and regulations in force pursuant thereto, and orders and permits made and issued under those sections, in the appropriate circuit, chancery, county or justice court of the county in which venue may lie. The commission may obtain mandatory or prohibitory injunctive relief, either temporary or permanent, and in cases of imminent and substantial hazard as set forth in Section 17-17-27, subsection

201 (4), it shall not be necessary in such cases that the state plead  
202 or prove (a) that irreparable damage would result if the  
203 injunction did not issue; (b) that there is no adequate remedy at  
204 law; or (c) that a written complaint or commission order has first  
205 been issued for the alleged violation.

206 (3) Any person who violates any of the provisions of, or  
207 fails to perform any duty imposed by, Sections 17-17-1 through  
208 17-17-47, or any rule or regulation issued hereunder, or who  
209 violates any order or determination of the commission promulgated  
210 pursuant to such sections, and causes the death of wildlife shall  
211 be liable, in addition to the penalties provided in subsection (1)  
212 and/or (2) of this section, to pay to the state an additional  
213 amount equal to the sum of money reasonably necessary to replenish  
214 such wildlife as determined by the commission after consultation  
215 with the Mississippi Commission on Wildlife, Fisheries and Parks.  
216 Such amount may be recovered by the commission on behalf of the  
217 state in a civil action brought in the appropriate county or  
218 circuit court of the county in which venue may lie.

219 (4) Any person creating, or responsible for creating,  
220 through misadventure, happenstance, or otherwise, an immediate  
221 necessity for remedial or clean-up action involving solid waste  
222 shall be liable for the cost of such remedial or clean-up action  
223 and the commission may recover the cost of same by a civil action  
224 brought in the circuit court of the county in which venue may lie.  
225 This penalty may be recovered in lieu of or in addition to the  
226 penalties provided in subsection (1), (2) and/or (3) of this  
227 section.

228 In the event of the necessity for immediate remedial or  
229 clean-up action, the commission may contract for same and advance  
230 funds from the Pollution Emergency Fund to pay the costs thereof,  
231 such advancements to be repaid to the Pollution Emergency Fund  
232 upon recovery by the commission as provided herein.

233 (5) Any person who knowingly violates any provision of this

chapter or violates any order issued by the commission under the authority of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) for each day of violation or to imprisonment not to exceed one (1) year, or both. Each day's violation shall constitute a separate offense.

(6) All fines, penalties and other sums recovered or collected by the commission for and in behalf of the state under this section shall be deposited in the Pollution Emergency Fund established by Sections 49-17-61 through 49-17-70, and the commission is authorized to receive and accept, from any and all available sources whatsoever, additional funds to be deposited in such fund and expended for the purpose of remedial, clean-up or abatement actions involving the introduction of solid waste upon or into the land, air or waters of this state in violation of Sections 17-17-1 through 17-17-47, any rule or regulation or written order of the commission in pursuance thereof, or any condition or limitation of a permit.

(7) In determining the amount of any penalty under this chapter, the commission shall consider at a minimum:

- (a) The willfulness of the violation;
- (b) Any damage to air, water, land or other natural resources of the state or their uses;
- (c) Costs of restoration and abatement;
- (d) Economic benefit as a result of noncompliance;
- (e) The seriousness of the violation, including any harm to the environment and any hazard to the health, safety and welfare of the public;
- (f) Past performance history; and
- (g) Whether the noncompliance was discovered and reported as the result of a voluntary self-evaluation. If a person discovers as a result of a voluntary self-evaluation, information related to noncompliance with an environmental law and



voluntarily discloses that information to the department,  
commission or any employee thereof, the commission shall, to the  
greatest extent possible, reduce a penalty, if any, determined by  
the commission, except for economic benefit as a result of  
noncompliance, to a de minimis amount if all of the following are  
true:

(i) The disclosure is made promptly after  
knowledge of the information disclosed is obtained by the person;

(ii) The person making the disclosure initiates  
the appropriate corrective actions and pursues those corrective  
actions with due diligence completes the corrective actions, and  
takes all reasonable and prudent action necessary to prevent  
recurrence of the noncompliance;

(iii) The person making the disclosure cooperates  
with the commission and the department regarding investigation of  
the issues identified in the disclosure;

(iv) The person is not otherwise required by an  
environmental law to make the disclosure to the commission or the  
department;

(v) The information was not obtained through any  
source independent of the voluntary self-evaluation or by the  
department through observation, sampling or monitoring; \* \* \*

(vi) The noncompliance did not result in actual or  
imminent, and substantial hazard or endangerment threatening the  
public health, safety or welfare or the environment and did not  
result in the necessary expenditure of environmental abatement or  
restoration costs for abatement or restoration outside the  
confines of the noncomplying facility by any party;

(vii) The noncompliance (or closely related  
noncompliance) has not occurred previously within the past three  
(3) years at the same facility, or is not part of a pattern of  
federal, state or local violations by the facility's owner,  
operator or parent organization (if any), which have occurred

300 within the past five (5) years; and

301 (viii) Terms used in this paragraph (g) shall have  
302 the meanings ascribed in Section 49-2-2.

303 (8) Any provision of this section and chapter regarding  
304 liability for the costs of clean-up, removal, remediation or  
305 abatement of any pollution, hazardous waste or solid waste shall  
306 be limited as provided in Section 49-17-42 and rules adopted  
307 thereto.

308 SECTION 4. Section 49-17-43, Mississippi Code of 1972, is  
309 amended as follows:[MS4]

310 49-17-43. (a) Any person found by the commission violating  
311 any of the provisions of Sections 49-17-1 through 49-17-43, or any  
312 rule or regulation or written order of the commission in pursuance  
313 thereof or any condition or limitation of a permit, except a  
314 permit required under the Solid Wastes Disposal Law of 1974  
315 (Sections 17-17-1 through 17-17-47), shall be subject to a civil  
316 penalty of not more than Twenty-five Thousand Dollars  
317 (\$25,000.00), for each violation, such penalty to be assessed and  
318 levied by the commission after a hearing as provided hereinabove.

319 Appeals from the imposition of the civil penalty may be taken to  
320 the chancery court in the same manner as appeals from orders of  
321 the commission. If the appellant desires to stay the execution of  
322 a civil penalty assessed by the commission, he shall give bond  
323 with sufficient resident sureties of one or more guaranty or  
324 surety companies authorized to do business in this state, payable  
325 to the State of Mississippi, in an amount equal to double the  
326 amount of any civil penalty assessed by the commission, as to  
327 which the stay of execution is desired, conditioned, if the  
328 judgment shall be affirmed, to pay all costs of the assessment  
329 entered against the appellant. Each day upon which a violation  
330 occurs shall be deemed a separate and additional violation.

331 Any person violating any provision of the Solid Wastes  
332 Disposal Law of 1974 (Sections 17-17-1 through 17-17-47), any rule

or regulation made pursuant to that law, or any order issued by the commission under the authority of that law shall be subject to the penalties provided in Section 17-17-29.

(b) In lieu of, or in addition to, the penalty provided in subsection (a) of this section, the commission shall have power to institute and maintain in the name of the state any and all proceedings necessary or appropriate to enforce the provisions of Sections 49-17-1 through 49-17-43, rules and regulations in force pursuant thereto, and orders and permits made and issued under those sections, in the appropriate circuit, chancery, county or justice court of the county in which venue may lie. The commission may obtain mandatory or prohibitory injunctive relief, either temporary or permanent, and in cases of actual or imminent, and substantial hazard or endangerment as set forth in Section 49-17-27, it shall not be necessary in such cases that the state plead or prove: (i) that irreparable damage would result if the injunction did not issue; (ii) that there is no adequate remedy at law; or (iii) that a written complaint or commission order has first been issued for the alleged violation.

(c) Any person who violates any of the provisions of, or fails to perform any duty imposed by, Sections 49-17-1 through 49-17-43 or any rule or regulation issued hereunder, or who violates any order or determination of the commission promulgated pursuant to such sections, and causes the death of fish or other wildlife shall be liable, in addition to the penalties provided in subsection (a) and/or (b) of this section, to pay to the state an additional amount equal to the sum of money reasonably necessary to restock such waters or replenish such wildlife as determined by the commission after consultation with the Mississippi Commission on Wildlife, Fisheries and Parks. Such amount may be recovered by the commission on behalf of the state in a civil action brought in the appropriate county or circuit court of the county in which venue may lie.

(d) Any person who owns or operates facilities which, through misadventure, happenstance or otherwise, cause pollution necessitating immediate remedial or clean-up action shall be liable for the cost of such remedial or clean-up action and the commission may recover the cost of same by a civil action brought in the circuit court of the county in which venue may lie. This penalty may be recovered in lieu of or in addition to the penalties provided in subsection (a), (b) and/or (c) of this section.

In the event of the necessity for immediate remedial or clean-up action, the commission may contract for same and advance funds from the Pollution Emergency Fund to pay the costs thereof, such advancements to be repaid to the Pollution Emergency Fund upon recovery by the commission as provided above.

(e) It is unlawful for any person to: (1) discharge pollutants in violation of Section 49-17-29 or in violation of any condition or limitation included in a permit issued under Section 49-17-29 or (2) introduce pollutants into publicly owned treatment works in violation of pretreatment standards or in violation of toxic effluent standards; and, upon conviction thereof, such person shall be punished by a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Twenty-five Thousand Dollars (\$25,000.00) per day of violation.

(f) All fines, penalties and other sums recovered or collected by the commission for and in behalf of the state under this section shall be deposited in the Pollution Emergency Fund established under this chapter, and the commission is authorized to receive and accept, from any funds and all available sources whatsoever, additional funds to be deposited in such fund and expended for the purpose of remedial, clean-up or abatement actions involving pollution of the land, air or waters of the state in violation of Sections 49-17-1 through 49-17-43, any rule or regulation or written order of the commission in pursuance

thereof, or any condition or limitation of a permit.

(g) In determining the amount of any penalty under this chapter, the commission shall consider at a minimum:

- (i) The willfulness of the violation;
- (ii) Any damage to air, water, land or other natural resources of the state or their uses;
- (iii) Costs of restoration and abatement;
- (iv) Economic benefit as a result of noncompliance;
- (v) The seriousness of the violation, including any harm to the environment and any hazard to the health, safety and welfare of the public;
- (vi) Past performance history; and
- (vii) Whether the noncompliance was discovered and reported as the result of a voluntary self-evaluation. If a person discovers as a result of a voluntary self-evaluation, information related to noncompliance with an environmental law and voluntarily discloses that information to the department, commission or any employee thereof, the commission shall, to the greatest extent possible, reduce a penalty, if any, determined by the commission, except for economic benefit as a result of noncompliance, to a de minimis amount if all of the following are true:

1. The disclosure is made promptly after knowledge of the information disclosed is obtained by the person;

2. The person making the disclosure initiates the appropriate corrective actions and pursues those corrective actions with due diligence, completes the corrective actions, and takes all reasonable and prudent action necessary to prevent recurrence of the noncompliance;

3. The person making the disclosure cooperates with the commission and the department regarding investigation of the issues identified in the disclosure;

4. The person is not otherwise required by an

environmental law to make the disclosure to the commission or the department;

5. The information was not obtained through any source independent of the voluntary self-evaluation or by the department through observation, sampling or monitoring; \* \* \*

6. The noncompliance did not result in actual or imminent, and substantial hazard or endangerment threatening the public health, safety or welfare or the environment, and did not result in the necessary expenditure of environmental abatement or restoration costs for abatement or restoration outside the confines of the noncomplying facility by any party;

(7) The noncompliance (or closely related noncompliance) has not occurred previously within the past three (3) years at the same facility, or is not part of a pattern of federal, state or local violations by the facility's owner, operator or parent organization (if any), which have occurred within the past five (5) years; and

(8) Terms used in this subparagraph (vii) shall have the meanings ascribed in Section 49-2-2.

(h) Any provisions of this section and chapter regarding liability for the costs of clean-up, removal, remediation or abatement of any pollution, hazardous waste or solid waste shall be limited as provided in Section 49-17-42 and rules adopted thereto.

SECTION 5. Section 49-17-427, Mississippi Code of 1972, is amended as follows:[MS5]

49-17-427. (1) Whenever the commission or an employee thereof has reason to believe that a violation of any provision of this chapter, or of any order of the commission, or of any regulation promulgated pursuant to this chapter has occurred, the commission shall initiate proceedings in the same manner as provided in Sections 49-17-31 through 49-17-41, Mississippi Code of 1972.

(2) Any person found by the commission violating any of the provisions of Sections 49-17-401 through 49-17-433, or any rule or regulation or written order of the commission shall be subject to a civil penalty of not more than Twenty-five Thousand Dollars (\$25,000.00) for each violation per day, such penalty to be assessed and levied by the commission as provided in Sections 49-17-1 through 49-17-43, Mississippi Code of 1972.

(3) In determining the amount of any penalty under this chapter, the commission shall consider at a minimum:

- (a) The willfulness of the violation;
- (b) Any damage to air, water, land or other natural resources of the state or their uses;
- (c) Costs of restoration or abatement;
- (d) Economic benefit as a result of noncompliance;
- (e) The seriousness of the violation, including any harm to the environment and any hazard to the health, safety and welfare of the public;
- (f) Past performance history; and
- (g) Whether the noncompliance was discovered and reported as the result of a voluntary self-evaluation. If a person discovers as a result of a voluntary self-evaluation, information related to noncompliance with an environmental law and voluntarily discloses that information to the department, commission or any employee thereof, the commission shall, to the greatest extent possible, reduce a penalty, if any, determined by the commission, except for economic benefit as a result of noncompliance, to a de minimis amount if all of the following are true:
  - (i) The disclosure is made promptly after knowledge of the information disclosed is obtained by the person;
  - (ii) The person making the disclosure initiates the appropriate corrective actions and pursues those corrective actions with due diligence, completes the corrective actions, and

498 takes all reasonable and prudent action necessary to prevent  
499 recurrence of the noncompliance;

500 (iii) The person making the disclosure cooperates  
501 with the commission and the department regarding investigation of  
502 the issues identified in the disclosure;

503 (iv) The person is not otherwise required by an  
504 environmental law to make the disclosure to the commission or the  
505 department;

506 (v) The information was not obtained through any  
507 source independent of the voluntary self-evaluation or by the  
508 department through observation, sampling or monitoring; \* \* \*

509 (vi) The noncompliance did not result in actual or  
510 imminent, and substantial hazard or endangerment threatening the  
511 public health, safety or welfare or the environment and did not  
512 result in the necessary expenditure of environmental abatement or  
513 restoration costs for abatement or restoration outside the  
514 confines of the noncomplying facility by any party;

515 (vii) The noncompliance (or closely related  
516 noncompliance) has not occurred previously within the past three  
517 (3) years at the same facility, or is not part of a pattern of  
518 federal, state or local violation by the facility's owner,  
519 operator or parent organization (if any), which have occurred  
520 within the past five (5) years; and

521 (viii) Terms used in this paragraph (g) shall have  
522 the meanings ascribed in Section 49-2-2.

523 (4) Any provisions of this section and chapter regarding  
524 liability for the costs of clean-up, removal, remediation or  
525 abatement of any pollution, hazardous waste or solid waste shall  
526 be limited as provided in Section 49-17-42 and rules adopted  
527 thereto.

528 SECTION 6. This act shall take effect and be in force from  
529 and after its passage.