

LAWS RELATING TO  
INDUSTRIAL AND AGRICULTURAL ACTIVITIES

Preliminary Draft

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## FOREWORD

This volume is one of eight representing a compilation of Mississippi laws which most significantly affect the use and development of the state's marine and coastal zone. The compilation has been prepared by the Mississippi Law Center at the University of Mississippi School of Law, under the auspices of the University of Mississippi and the Mississippi Universities Marine Center, Dr. Sidney E. Upham, Director.

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## INDUSTRIAL AND AGRICULTURAL ACTIVITIES

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## INDUSTRIAL AND AGRICULTURAL ACTIVITIES

### I. AGRICULTURE

#### A. GENERAL

Although agriculture is still of major importance to the State of Mississippi, the influx of numerous industries has brought about a change in policy. Various state, county, and local agencies, such as the Agricultural and Industrial Board, are now charged with implementing a policy of "balanced economic development" between agriculture and industry.<sup>1</sup> On the state level the Agricultural and Industrial Board has a duty to set up a publicity program to advertise industrial and agricultural advantages and opportunities in the state, and is further authorized to set up a research lab to find new uses for Mississippi products.<sup>2</sup> And to aid economic development, job training programs for various industrial and agricultural enterprises may be established.<sup>3</sup>

#### B. AGRICULTURAL COMMODITIES

The Mississippi Department of Agriculture is the state-wide agency with general supervision over all agriculture and agricultural products within this state. By state law agricultural products are broken down into numerous categories, and the Commissioner of Agriculture is charged with enforcing the laws that relate to the categories. Some of the categories are: agricultural seeds;<sup>4</sup> commercial feeds;<sup>5</sup> commercial fertilizers;<sup>6</sup> dairies and dairy products;<sup>7</sup> meat, meatfood, and poultry regulation and inspection;<sup>8</sup> animal and poultry by-products disposal or rendering plants;<sup>9</sup> meat inspection;<sup>10</sup> and aquatic products.<sup>11</sup>

## 1. SEED

Under the "Mississippi Seed Act",<sup>12</sup> seeds are divided into several groups; and the specifications for each group are given.<sup>13</sup> The main categories of seeds are agricultural seeds, vegetable seeds, flower seeds, tree and shrub seeds, hybrid seeds, weed seeds, noxious weed seeds, and treated seeds.<sup>14</sup> In this "act" a seedsman, who is defined as "a person, firm, or corporation engaged in the buying, selling or exchanging, offering or exposing for sale agricultural seeds or mixtures thereof, vegetable, flower, tree and shrub seeds",<sup>15</sup> is required to obtain a permit from the Commissioner of Agriculture on or before the first day of January each year.<sup>16</sup> The permit fee is set according to the volume of seeds sold by the seedsman and to whom the seeds are sold.<sup>16</sup> Generally, all agricultural, vegetable, flower, tree and shrub seeds sold, offered or exposed for sale or transported within the state for seeding purposes must be labeled.<sup>17</sup> On both agricultural and vegetable seeds, the label must contain the kind and variety of seeds, percentage of germination, percentage of hard seed, if present, net weight and lot number. Certain other information is also required to be present on the label.<sup>18</sup> Flower seed, tree and shrub seed, and treated seed are to be labeled according to regulations made by the Commissioner and under this "Act".<sup>19</sup>

Each person who handles seed covered by this act is required to keep records for a period of two (2) years of all agricultural, vegetable, flower, or tree and shrub seed handled.<sup>20</sup>

Under certain circumstances, certain people and types of seeds that would normally fall under this "act" are exempted from having to comply with

3.

its provisions. Those persons and things exempt include: (1) the farmer-grower of this state selling and delivering seed on his own premises (however, he is required to label seed sold and shipped away from his premises);<sup>21</sup> (2) seed sold or represented to be sold for purposes other than seeding (The vendor must make this unmistakably clear.);<sup>22</sup> (3) seed being transported, or consigned or stored in a processing or cleaning establishment,<sup>23</sup> and (4) persons who sell seed not identifiable by examination.<sup>24</sup>

To enforce this act the Commissioner personally, or through his agents, may enter public or private businesses, during normal business hours, to inspect the premises, and records, and take samples of the seeds stored there.<sup>25</sup> Where violations of the act are found, the Commissioner may issue a written or printed "stop sale" or "seizure" order to the owner or custodian of the seed. This order prohibits further sale or movement of the seed until the officer has evidence that the law has been complied with. A written release from an officer must be obtained by the owner or custodian before the seed may be sold or transported.<sup>26</sup>

Before there is any prosecution for violations under this "act", the Commissioner must give notice of a hearing to the person or firm accused of a violation. If the evidence at the hearing warrants prosecution, or if the accused fails to appear, the Commissioner may proceed in a court of competent jurisdiction.<sup>27</sup>

## 2. FEED

All commercial feeds within the state must meet the standards and requirements set forth in the "Mississippi Commercial Feed Law of 1972."<sup>28</sup>



Under the Act commercial feed is defined as "all materials distributed for use as feed for mixing in feed except unmixed seed when not adulterated" [defined in Miss. Code Ann. § 4449-17 (Supp. 1972)].<sup>29</sup> The Commissioner of Agriculture and the State Chemist may exempt certain items, as long as they are not adulterated, from the general definition of commercial feed.<sup>30</sup>

Before a commercial feed may be manufactured in this state, the manufacturer must file a registration form with the Commissioner and State Chemist,<sup>31</sup> which gives his name, place of business, and location of each manufacturing facility within the state. All commercial feeds distributed within the state must be registered except customer-formula feed,<sup>32</sup> which is feed consisting of a mixture of feeds and/or feed ingredients with each batch manufactured according to specifications of the final purchaser.<sup>33</sup> Registration of commercial feeds must be done on or by January 1 of each year.<sup>34</sup> As with agricultural seeds, all commercial feed labels must bear certain information, and that same information must accompany customer-formula feeds.<sup>35</sup>

Exhaustive definitions of what is considered misbranding and adulteration are listed along with the prohibited acts in the Mississippi Code.<sup>36</sup> To enforce the Act the Commissioner and/or his agents, with proper written notice to the owner, agent or operator, may enter in public or private premises, including vehicles used to transport or store feed, to inspect areas where commercial feeds are manufactured, stored or held for distribution.<sup>37</sup> The inspection may be conducted only during regular business hours, and if any samples are taken, the agent must give the owner, operator or agent in charge a receipt describing the samples obtained.<sup>48</sup> If an agent is not allowed to inspect the premises or

vehicle by the owner, operator, etc., the agent may obtain from any state court a warrant to search the premises.<sup>39</sup>

The Commissioner has two major means of enforcing the Act. The first is a "withdrawal from distribution" order. This order, which must be written or printed, warns the distributor not to dispose of the lot of feed until written permission is given by the Commissioner or the court. The Commissioner will release the lot of feed when the rules and regulations are complied with.<sup>41</sup> If compliance is not obtained within thirty (30) days, the Commissioner may begin condemnation proceedings. Application for seizure and condemnation must be made to a court of competent jurisdiction where the feed is located; however, the claimant must be given an opportunity to apply for release of the feed, to process or relabel it before condemnation is allowed by the Court.<sup>42</sup>

Another manner in which the Commissioner may proceed is to apply for an injunction to restrain a person from violating this act or its rules and regulations.<sup>43</sup>

Any person adversely affected by any act, ruling, or order may bring action in the Hinds County Circuit Court. This action must be commenced within forty-five (45) days of the order, ruling or act. The proceedings will be in the same fashion as review of administrative agency decisions, and when there is no inadequacy in this form of procedure, any applicable form of legal action may be used.<sup>44</sup>

There is imposed on commercial feeds an inspection fee of twenty-five cents (25 ¢) per ton. This fee is payable quarterly on the last day of January, April, July and October. If it is not paid within fifteen (15) days after the due

date, a penalty fee is added.<sup>45</sup>

One exemption to the inspection fee is provided for feed manufactured and used by a distributor and his contract feeders to feed his own livestock or poultry. This exemption includes ingredients as well as finished products. A permit obtained annually from the Commissioner is used to obtain the exemption on feed ingredients.<sup>46</sup>

The Commissioner may require certain records to be kept indicating feed tonnage and other information. Failure to keep the records or pay the fees will result in cancellation of all registrations on file for the offending distributor.<sup>47</sup>

### 3. FERTILIZER.

Commercial fertilizer is defined as "any substance containing one or more recognized plant nutrient(s) which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, meal, lime, limestone, wood ashes and gypsum, "and other products exempted by the Commissioner and State Chemist."<sup>48</sup>

Basically, the same provisions that apply to commercial feed apply to commercial fertilizer, except for different inspection fees, registration dates, and quarterly filing dates.<sup>49</sup> One exception to the inspection fees is that sales to manufacturers, or exchanges between them, are not subject to the inspection fee.<sup>50</sup>

One important part of the "Mississippi Fertilizer Law of 1970"<sup>51</sup> is the tonnage reports. Under the Act any person [a distributor is "any person who imports, consigns, manufactures, compounds, mixes, or blends commercial

fertilizer, or who offers for sale, sells, barter, or otherwise supplies commercial fertilizer in this state"]<sup>52</sup> transacting, distributing or selling commercial fertilizer to a nonregistrant must file a report with the Commission showing the following: (1) the county of the consignee, (2) the amounts (tons) of each grade of fertilizer, and (3) the form in which the fertilizer was distributed (bulk, bag, liquid, etc.). The information may be reported in one of two ways: (1) by filing a summary report by the twentieth of each month covering the preceeding month, or (2) by filing a copy of the invoice within six (6) business days after shipment.<sup>53</sup>

Plant food deficiency,<sup>55</sup> misbranding,<sup>56</sup> and adulteration<sup>57</sup> are violations of the Act<sup>54</sup> and the Commissioner may use any one of the following procedures when necessary: (1) a stop sale order,<sup>58</sup> (2) seizure and condemnation,<sup>59</sup> or (3) an injunction.<sup>60</sup>

### C. DAIRY PRODUCTS

The law pertaining to dairies and dairy products may be found in §§ 4536 through 4560-124 of the Mississippi Code. Included within the various sections are statutes that deal with the basic building requirements for dairy plants,<sup>61</sup> definitions and standards for milk and milk products,<sup>62</sup> tests,<sup>63</sup> and labeling.<sup>64</sup>

Because large amounts of dairy products are consumed within this state each year, there is a great need for inspection of the dairy facilities, not only for sanitation purposes, but also to see that the prescribed standards are met. To insure the sanitary conditions are maintained, and that only wholesome milk and milk-products are distributed to the public, the Commissioner and his agents may enter any premises where dairy cows are kept or milked

and any premises where milk or milk-products are kept, sold, manufactured or transported for the purpose of inspecting the premises, and animals, taking samples and examining records.<sup>65</sup>

## 1. MILK

Under the "Farm Milk Tank Law of 1958",<sup>66</sup> which requires milk tanks to meet certain specifications and standards,<sup>67</sup> the Commissioner and his agents may enter and inspect during daylight hours any dairy farm, barn or milk house.<sup>68</sup>

Licenses are not only required of dairies, creameries and similar activities, but also certain individuals who perform various functions within the dairy industry.

Before any person may operate any apparatus to determine the milk fat percentage in milk or cream, or to grade, sample, weigh or test milk or cream bought from dairy farmers or producers, he must first obtain a license from the Commissioner of Agriculture. To obtain the license, the applicant must show that he is qualified and competent to run the test(s) and furnish evidence of his good moral character.<sup>69</sup> Any licensed person may, for a valid reason, satisfactory to the Commissioner, appoint a substitute to run the test(s) for a period not exceeding fifteen (15) days.<sup>70</sup> Once a license is issued to the applicant, it is permanent, but not transferrable; it may be revoked by the Commissioner for violations under the law.<sup>71</sup>

Any station where milk or cream is bought, separated or collected must have certain structural features and must be equipped with certain accessories.<sup>72</sup> (These requirements must be met, and an inspection conducted by the Commissioner before issuance of a license to the operator.<sup>73</sup>)

## 2. ICE CREAM.

Any person, firm, or corporation which manufactures and/or distributes ice cream, imitation ice cream, or similar frozen products must obtain a license from the Commissioner. Also, a license must be obtained for every place of business where ice cream is manufactured or frozen. Hotels, restaurants, and other similar concerns who make or freeze their own ice cream or similar products must obtain a license; however, a license is not required of private homes, churches, schools or fraternal organizations that make ice cream for their own use, or of retailers who receive ice cream already in its frozen state.<sup>74</sup>

## D. WATER RESOURCES.

The proper management, use and preservation of water resources are required for both industrial and agricultural development. Management of water resources encompasses a wide area of activities and is under the control of several agencies.

### 1. DRAINAGE DISTRICTS.

Drainage districts may be organized in any county. Such districts will be managed and their powers exercised by a three-member county drainage commission.<sup>75</sup> The county drainage commissioners, each serving a six year term, are selected and appointed by the board of supervisors of that particular county.<sup>76</sup> Drainage districts are granted the general powers necessary for their operation, including the power to sue or be sued and the right to enter into contracts.<sup>77</sup> Specifically, the districts are authorized to enter into cooperative agreements with the United States Corps of Engineers for the construction or alteration of any stream or levee.<sup>78</sup> Cooperative agreements may also

be entered into for the purposes of complying with federal soil and water conservation requirements. Other state agencies are permitted to join with the drainage district in meeting these requirements.<sup>79</sup>

Drainage district land which lies in two or more counties is under the jurisdiction of the county drainage commission of whichever county contains the greatest number of acres and in which the district was originally organized.<sup>80</sup>

The commissioners of the drainage districts have the right to go on any lands within their particular district for the purposes of examination, removal of obstruction or repair of ditches. Landowners attempting to prevent or hinder the commission in the discharge of these duties will be subject to a twenty-five dollar fine for each day involved.<sup>81</sup> Persons obstructing or destroying any drain or ditch are guilty of a misdemeanor and subject to a fine of one hundred dollars. The drainage district may also bring suit to recover double the expenses incurred in correcting the damage.<sup>82</sup>

## 2. FLOOD CONTROL DISTRICTS.

Flood control districts may be organized to cooperate with agencies of the federal government in the construction of flood control projects designed to protect property, control water flow and establish reservoirs.<sup>83</sup> These districts, under the control of a board of commissioners, have the power to sue or be sued and to enter into contracts;<sup>84</sup> the power to inspect and control all flood control works within the district;<sup>85</sup> and the authority to cooperate with other flood control districts.<sup>86</sup>

County boards of supervisors have responsibilities in the area of water management. If a federal flood control project is to be located within a county,

the board of supervisors of that county must assure the federal government that all lands, easements and rights of way necessary for construction will be provided without cost to the United States. The board must also agree that the federal agencies involved will be free from all damages resulting from the construction.<sup>87</sup> After completion of such flood control projects the board of supervisors will assume responsibility for maintenance.<sup>88</sup>

### 3. ACQUISITION OF LAND.

The land and property necessary for proper management can be acquired in a variety of ways. The Land Commissioner, with the approval of the Governor, is empowered to grant or donate easements in public lands of the state to any drainage district, flood control district or any other state or federal agency for use in the construction of flood control projects, drainage canals or related structures.<sup>89</sup>

Drainage districts may acquire land in several ways. The commissioners of the district have condemnation powers for use in acquiring rights-of-way for levees and drainage ditches. This power may be exercised within or without the district, as required.<sup>90</sup> Any rights gained through purchase or condemnation for drainage improvements may be sold or leased.<sup>91</sup> Drainage districts entering into agreements with the United States, as provided for by law,<sup>92</sup> are authorized to accept conveyances of any lands and to use, rent, lease or convey such lands for the benefit of the district in maintaining flood control improvements.<sup>93</sup> In the event the boundaries of an existing drainage district are extended to embrace additional land, that district's powers in the additional land will be the same as for the original area.<sup>94</sup>

In similar fashion, the commissioners of flood control districts are



authorized to acquire lands, rights-of-way and easements either by purchase, grant, donation, agreement or condemnation, as is necessary for the location, operation or maintenance of flood control works.<sup>95</sup>

#### 4. SOIL AND WATER CONSERVATION.

Closely connected to the water management systems are those projects operating in the area of soil conservation. Drainage districts are empowered to enter into cooperative agreements for the purpose of carrying out federal laws pertaining to soil conservation. All state agencies are directed to cooperate with the drainage districts in accomplishing this.<sup>96</sup>

A soil and water conservation district, when established, has the authority to formulate regulations governing the use of lands within the district to conserve water and soil. However, any such regulations require the approval of two-thirds of the landowners who own at least two-thirds of the lands affected by the proposed regulations.<sup>97</sup> These regulations can properly involve requirements of necessary engineering projects, enforcement of particular methods of cultivation and provisions for other programs consistent with conservation of soil and water.<sup>98</sup>

The commissioners of a soil and water conservation district are empowered to conduct surveys and investigations relating to soil erosion and to carry out preventive measures. In addition, the commissioners may acquire real or personal property and construct and maintain such structures as are required for the performance of their duties.<sup>99</sup> Cooperation among soil and water districts is permitted.<sup>100</sup>

### E. CROP DUSTING.

The importance of aviation in the area of agriculture is reflected in the creation of the Board of Agriculture Aviation.<sup>101</sup> The purpose of the board is to supervise and regulate all commercial agricultural and aerial applications and to license all persons engaged in such applications of pesticides, poisons and chemicals.<sup>102</sup> To provide the requisite knowledge, four of the five board members must be licensed pilots.<sup>103</sup>

The board will collect a fee of up to fifty dollars for licensing an aircraft used in aerial applications. A similar fee will be charged for each annual renewal. Funds collected for such licenses will be deposited in the state treasury.<sup>104</sup> Proof of financial responsibility is required from each person who seeks an applicator's license.<sup>105</sup>

The board may adopt such regulations as are necessary to control the application of chemicals, poisons and pesticides. This includes restrictions against use of specific substances when such use would constitute an unusual health or safety hazard to the public. The board is empowered to go onto any property where it has reason to believe that aerial application of a substance is being accomplished contrary to board regulations.<sup>106</sup>

The board is authorized to file injunction proceedings against any persons violating the provisions of the Board of Agricultural Aviation Act. Violation of the act is a misdemeanor punishable by a fine of not less than \$100 and not more than \$500, or by imprisonment, or by both imprisonment and fine. Each day's violation constitutes a separate offense.<sup>107</sup>

Any person or corporation having a right of action against an aerial

applicator may bring suit for any damages caused by negligent application.<sup>108</sup>

Suspension, cancellation, or revocation of a license for aerial application may be made by the board if it finds that such license was acquired through misrepresentation or fraud, use of a false statement or violation of the act.<sup>109</sup>

## F. PROMOTION OF AGRICULTURE

### 1. FAIR ASSOCIATIONS.

Promotion and advertisement of Mississippi crops and livestock is important to the growth of agriculture. The Mississippi Agricultural and Industrial Board oversees a publicity program designed to advertise the agricultural advantages of the state.<sup>110</sup> Additionally, the use of exhibits, fairs and contests for promotional activities is provided for in the Mississippi Code. County boards of supervisors may assess an ad valorem tax (up to 1/4 mill) in order to maintain county fair associations.<sup>111</sup> Municipalities and county boards of supervisors may also appropriate as much as \$2500 annually to provide awards to be given by fair associations.<sup>112</sup>

Money may also be appropriated out of the county general fund for the purpose of offering prizes for excellence in the raising of crops and livestock within the county. Such appropriation is made by the board of supervisors.<sup>113</sup>

### 2. HOME EXTENSION DEPARTMENTS.

It is the policy of the state to develop and promote agriculture and to make available useful information on subjects relating to agriculture and home economics. In support of this policy county boards of supervisors may establish county home extension departments.<sup>114</sup> The purpose of a county home extension department will be to organize farm and home demonstration work and encourage

cooperative marketing techniques.<sup>115</sup>

### 3. ANIMAL HUSBANDRY.

County boards of supervisors are also authorized to establish departments of animal husbandry. These departments will disseminate useful information concerning animal husbandry and will develop livestock resources.<sup>116</sup>

### G. BUSINESS DEVELOPMENTS

The boards of supervisors of certain counties are authorized to borrow money for use in purchasing lands, buildings, and equipment necessary to construct and operate cold storage plants, meat curing plants, creameries and other establishments for handling, processing, selling or trading in farm, orchard or dairy products.<sup>117</sup> Title to all such property will be in the name of the county. The board of supervisors may lease such property necessary to accomplish those purposes stated above.<sup>118</sup>

## AGRICULTURE

## FOOTNOTES

1. Miss. Code Ann. § 8936-05 (Supp. 1972).
2. Miss. Code Ann. § 8936-03 (Supp. 1972).
3. Miss. Code Ann. § 8939-12 (Supp. 1972).
4. Miss. Code Ann. §§ 4397-01 et seq. (Supp. 1972).
5. Miss. Code Ann. §§ 4449-11 et seq. (Supp. 1972).
6. Miss. Code Ann. §§ 4450-01 et seq. (Supp. 1972).
7. Miss. Code Ann. §§ 4536 et seq. (1956).
8. Miss. Code Ann. §§ 4575-01 et seq. (Supp. 1972).
9. Miss. Code Ann. §§ 4575-101 et seq. (Supp. 1972).
10. Miss. Code Ann. §§ 4575-151 et seq. (Supp. 1972).
11. Miss. Code Ann. §§ 4535-01 et seq. (Supp. 1972).
12. Miss. Code Ann. §§ 4397-01 et seq. (Supp. 1972).
13. Miss. Code Ann. § 4397-01 (Supp. 1972).
14. Id.
15. Miss. Code Ann. § 4397-02 (Supp. 1972).
16. Id.
17. Miss. Code Ann. § 4397-03 (Supp. 1972).
18. Id.
19. Id.
20. Miss. Code Ann. § 4397-04 (Supp. 1972).
21. Miss. Code Ann. § 4397-06(1) (Supp. 1972).
22. Miss. Code Ann. § 4397-06(2) (Supp. 1972).

23. Miss. Code Ann. § 4397-06(3) (Supp. 1972).
24. Id., § 4397-06(5).
25. Miss. Code Ann. § 4397-10 (Supp. 1972).
26. Id.
27. Miss. Code Ann. § 4397-12 (Supp. 1972).
28. Miss. Code Ann. § 4449-11 (Supp. 1972).
29. Miss. Code Ann. § 4449-13 (Supp. 1972).
30. Id.
31. Miss. Code Ann. § 4449-14 (Supp. 1972).
32. Id.
33. Miss. Code Ann. § 4449-13 (Supp. 1972).
34. Miss. Code Ann. § 4449-14 (Supp. 1972).
35. Miss. Code Ann. § 4449-15 (Supp. 1972).
36. Miss. Code Ann. §§ 4449-16 through 4449-18 (Supp. 1972).
37. Miss. Code Ann. § 4449-21 (Supp. 1972).
38. Id.
39. Id.
40. Id.
41. Miss. Code Ann. § 4449-22 (Supp. 1972).
42. Id.
43. Miss. Code Ann. § 4449-23 (Supp. 1972).
44. Id.
45. Miss. Code Ann. § 4449-19 (Supp. 1972).
46. Id.
47. Id.

48. Miss. Code Ann. § 4450-03 (Supp. 1972)
49. Miss. Code Ann. §§ 4450-4 and 4450-06 (Supp. 1972).
50. Miss. Code Ann. § 4450-06 (Supp. 1972).
51. Miss. Code Ann. §§ 4450-01 et seq. (Supp. 1972).
52. Miss. Code Ann. § 4450-03 (Supp. 1972).
53. Miss. Code Ann. § 4450-07 (Supp. 1972).
54. Miss. Code Ann. § 4450-01 (Supp. 1972).
55. Miss. Code Ann. § 4450-09 (Supp. 1972).
56. Miss. Code Ann. § 4450-11 (Supp. 1972).
57. Miss. Code Ann. § 4450-12 (Supp. 1972).
58. Miss. Code Ann. § 4450-17 (Supp. 1972).
59. Miss. Code Ann. § 4450-18 (Supp. 1972).
60. Miss. Code Ann. § 4450-19 (Supp. 1972).
61. Miss. Code Ann. § 4536 (1956).
62. Miss. Code Ann. §§ 4537, 4544, 4545-01, 4445-02, 4549, 4551, 4561, 4572 (1956) and § 4560-11 (Supp. 1972).
63. Miss. Code Ann. §§ 4560-04 and 4562 (1956) and § 4541 (Supp. 1972).
64. Miss. Code Ann. §§ 4545-04, 4549, 4551 (1956) and § 4560-11 (Supp. 1972).
65. Miss. Code Ann. §§ 4539 and 4569 (1956).
66. Miss. Code Ann. §§ 4560-71 et seq. (Supp. 1972).
67. Miss. Code Ann. § 4560-74 (Supp. 1972).
68. Miss. Code Ann. § 4560-82 (Supp. 1972).
69. Miss. Code Ann. § 4540 (Supp. 1972).
70. Id.

71. Id.
72. Miss. Code Ann. § 4543 (1956).
73. Id.
74. Miss. Code Ann. § 4545-05 (Supp. 1972).
75. Miss. Code Ann. § 4576 (1956).
76. Miss. Code Ann. § 4577 (1956).
77. Miss. Code Ann. § 4606 (1956).
78. Miss. Code Ann. § 4606. 4 (Supp. 1972).
79. Miss. Code Ann. § 4606. 5 (Supp. 1972).
80. Miss. Code Ann. § 4612 (1956).
81. Miss. Code Ann. § 4615 (1956).
82. Miss. Code Ann. § 4625 (1956).
83. Miss. Code Ann. § 4769 (1956).
84. Miss. Code Ann. § 4776 (1956).
85. Miss. Code Ann. § 4816 (1956).
86. Miss. Code Ann. § 4800 (1956).
87. Miss. Code Ann. § 4767 (1956).
88. Id.
89. Miss. Code Ann. § 4114 (1956).
90. Miss. Code Ann. § 4766-02 (1956).
91. Miss. Code Ann. § 4741 (1956).
92. Miss. Code Ann. § 4763 (1956).
93. Miss. Code Ann. § 4765 (1956).



94. Miss. Code Ann. § 4748 (1956).
95. Miss. Code Ann. § 4792 (1956).
96. Miss. Code Ann. § 4606.5 (Supp. 1972).
97. Miss. Code Ann. § 4948 (Supp. 1972).
98. Id.
99. Miss. Code Ann. § 4947 (Supp. 1972).
100. Miss. Code Ann. § 4952 (1956).
101. Miss. Code Ann. §§ 5011 et seq. (Supp. 1972).
102. Miss. Code Ann. § 5011-02 (Supp. 1972).
103. Miss. Code Ann. § 5011-04 (Supp. 1972).
104. Miss. Code Ann. § 5011-10 (Supp. 1972).
105. Miss. Code Ann. § 5011-07 (Supp. 1972).
106. Miss. Code Ann. § 5011-05 (Supp. 1972).
107. Miss. Code Ann. § 5011-12 (Supp. 1972).
108. Miss. Code Ann. § 5011-13 (Supp. 1972).
109. Miss. Code Ann. § 5011-11 (Supp. 1972).
110. Miss. Code Ann. § 8936-03 (Supp. 1972).
111. Miss. Code Ann. § 2985.5 (Supp. 1972).
112. Miss. Code Ann. § 2985 (1956).
113. Miss. Code Ann. § 2959 (1956).
114. Miss. Code Ann. § 2964 (1956).
115. Id.
116. Miss. Code Ann. § 2965 (1956).
117. Miss. Code Ann. § 2975-01 (1956).
118. Miss. Code Ann. § 2975-02 (1956).

## II. INDUSTRY

### A. GENERAL.

The development of a balanced economy in Mississippi is essential to the state's growth. The primary instrument for securing this balanced growth is the Mississippi Agricultural and Industrial Board as established by law.<sup>1</sup> The board, composed of ex officio members from both the executive and legislative branches of the state government and twenty-five members selected and appointed by the governor from the state at large,<sup>2</sup> is authorized to cooperate with other agencies, state or federal, in encouraging economic development within Mississippi.<sup>3</sup> It is the duty of the board to set up publicity programs designed to advertise industrial and agricultural advantages and opportunities to be found within the state. In addition, the board is also authorized to set up a research laboratory to find new uses for Mississippi products.<sup>4</sup>

The public policy behind the creation of the Agricultural and Industrial Board is achievement of balanced economic development.<sup>5</sup> The board is designed to carry out this development by coordinating all efforts within the state. The primary methods employed by the board in carrying out its purpose include the issuance of certificates of convenience and necessity, the holding of public hearings and the conducting of any investigations deemed necessary by the board.<sup>6</sup>

### B. INDUSTRIAL DEVELOPMENT

The Agricultural and Industrial Board Act provides guidelines for carry-

ing out a program of economic development. All enterprises operated, acquired, constructed or owned by any municipality under the provisions of the act are declared tax exempt.<sup>7</sup> However, although such enterprises are considered to be the public property of the operating municipality, the enterprises and projects set up under this program must be self-liquidating.<sup>8</sup>

Port commissions and port authorities are empowered to cooperate with any county or municipality in making the Agricultural and Industrial program effective.<sup>9</sup> Further, any municipality located in two adjacent counties forming a part of a municipal school district may join with the boards of supervisors of said counties and file for a certificate of public convenience and necessity to set up an approved industrial project.<sup>10</sup> It is the purpose of the Agricultural and Industrial Board Act to authorize municipalities to acquire, own, or lease projects designed to promote industry. The board is charged with regulating and coordinating such projects through the issuance of certificates of public convenience and necessity.<sup>11</sup>

The Agricultural and Industrial Board is also authorized to finance market research and subsidize plant designs out of specially designated funds.<sup>12</sup> The resultant information and designs may be offered to interested parties for use in organizing or expanding industrial projects.<sup>13</sup> The development of job training programs is also a duty of the board.<sup>14</sup>

The board is directed to encourage the establishment of industrial parks to aid municipalities in encouraging industrial development.<sup>15</sup> The board is empowered to make rules and regulations to carry out the Act. These rules govern municipal elections, issuance of bonds, the joining together of various municipalities in operating industrial enterprises, and other regulations as

deemed necessary by the board.<sup>16</sup>

The board also has full jurisdiction and control over all lands in or near state-owned or operated ports, harbors, rivers, channels or natural lakes, unless said land is under the jurisdiction of some other public agency.<sup>17</sup> All inland ports leased, acquired or conveyed to the state will be operated by the board through Inland Port Authority.<sup>18</sup>

### 1. Promotion of Industry.

The promotion and encouragement of industrial development in Mississippi is carried out by several agencies of the state government. One of the primary agencies designed to promote industrial growth is the Mississippi Economic Development Council as set up under Chapter 439 of the General Laws of Mississippi of 1972. The Mississippi Economic Development Council is designed to improve the state's economy, particularly in the area of small business enterprises, by establishing a program to stimulate the flow of private equity capital and long-term loans.<sup>19</sup> The Mississippi Economic Development Council is administered by a board of directors consisting of the State Treasurer, the Director of the Agricultural and Industrial Board, the Chairman of the House of Representatives' Banking Committee, the Chairman of the Senate's Banks Committee, and nine members at large appointed by the Governor.<sup>20</sup>

Operating under its designated board of directors, the Mississippi Economic Development Council has all the powers, rights, privileges and capacities which public corporations are authorized under the laws of Mississippi.<sup>21</sup> The primary aim of the Mississippi Economic Development Council is to provide financial resources in the form of a pool of capital assets to be used in implementing economic development by assisting the growth of business and

industry.<sup>22</sup> The Mississippi Economic Development Council, in carrying out its aims, is authorized to do the following: make direct term loans to small businesses; make direct equity investments; purchase, receive, hold, lease or acquire by foreclosure, and sell, convey, transfer or lease real and personal property, together with such rights and privileges as may be incidental thereto; sell its own commercial paper and other evidences of indebtedness to obtain funds for the making of term loans to credit-worthy businesses; and receive funds from any private or federal source.<sup>23</sup>

In addition to the promotional activities of the Mississippi Economic Development Council, county boards of supervisors are also authorized by law to act to promote industry. The board of supervisors of any county may create economic development districts and do everything within its power to encourage and secure industrial development.<sup>24</sup> State law also makes provisions allowing any governmental subdivision having surplus airport land, or any other land not being used, to set such land and property aside for industrial purposes. Such land can be operated, sold, or leased as the subdivision prescribes. All necessary utilities, roads and rail connections may be provided; however, such improvements must be paid out of funds derived from the sale or lease of the lands.<sup>25</sup>

The primary government agency charged with the promotion of industry within the state is the Mississippi Agricultural and Industrial Board. The board is authorized to cooperate with any other agency, state or federal, in securing economic development within Mississippi.<sup>26</sup> Further, the board has a duty to set up and administer publicity programs designed to advertise the

advantages and opportunities available to industry in Mississippi. This program also includes the establishment of a research laboratory to find new uses for Mississippi products.<sup>27</sup> Also, in the interest of encouraging industrial growth, the board may select and designate certain roads to be built to link industrial sites with major highways. Certificates of convenience and necessity will be issued as required. However, designation of such road construction will be made only upon assurances that an industry will be established. The board is limited to a maximum of ten miles of road construction per industrial site and a combined maximum of 150 miles of roadway in any case.<sup>28</sup>

The Agricultural and Industrial Board is also actively engaged in encouraging the development of industrial parks by municipalities.<sup>29</sup> Encouraging the establishment of industrial parks where such parks are deemed feasible will promote industrial growth.<sup>30</sup> Any municipality or government subdivision of the state has the right to apply to the Agricultural and Industrial Board for a certificate of convenience and necessity in order to enter into an industrial park development program. The board will hold hearings, conduct investigations, and act as required to determine the feasibility of such a development.<sup>31</sup> Such enterprises operated under the Agricultural and Industrial Board Act and those enterprises acquired, constructed or owned by any municipality pursuant to said act are tax exempt.<sup>32</sup>

## 2. Feasibility Studies.

Feasibility Studies are designed to determine the practicality or reasonableness of a project. Such studies in the area of industry can be of great value in determining the likelihood of success and the suitability of various

enterprises. A properly conducted feasibility study can save time, money and manpower by providing plans and forecasts for development. Under current laws, primary responsibility for conducting such studies and coordinating the results for industrial growth lies with the Agricultural and Industrial Board.<sup>33</sup>

The board may employ firms to do market research, plant design studies, and other related research.<sup>34</sup> Such research is financed by funds designated by the legislature for such purposes. The amounts set aside include \$150,000 for market research and \$250,000, in a revolving fund, for research in plant design.<sup>35</sup> The information and designs resulting from such feasibility studies may be made available by the board to any groups interested in industrialization within the state. The board will inform these groups that such information was paid for from a revolving fund and make arrangements for repayment of expenses incurred in conducting the studies utilized. The board will insure that a legal, binding obligation for repayment into the revolving fund is entered into by any groups using the information provided.<sup>36</sup> A specially designated fund, the Industrial Revolving Fund, is available for use by the board in formulating and implementing plans for job training and recruitment.<sup>37</sup>

In the area of heavy industry chemicals, petro-chemicals, minerals, wood and pulp, and related fields - the board is specifically authorized to contract with any market research firm to conduct feasibility studies.<sup>38</sup> The board may contract for such studies in any amount that is on hand in a specially designated fund, the Selected Industrial Feasibility Fund. This fund consists of legislative appropriations and contributions from municipal development organizations.<sup>39</sup> Those firms under contract to make feasibility studies must submit periodic progress reports to the Agricultural and Industrial Board. The board may

terminate any study at the end of a reporting period if it determines that the studies are proving unsuitable.<sup>40</sup>

The Agricultural and Industrial Board is also empowered to cooperate with and join with any municipality upon request in a joint study of the cost and feasibility of establishing an industrial park in said municipality. The board may pay up to twenty-five percent of the cost of such a study; however, in no case may the board's share exceed \$2,000 per study.<sup>41</sup>

### 3. Certificates of Convenience and Necessity.

The legislative intent of the Agricultural and Industrial Board Act is to enable municipalities to acquire, own, or lease projects designed to promote economic growth in Mississippi. The Agricultural and Industrial Board regulates, controls and coordinates such projects through the issuance of certificates of public convenience and necessity.<sup>42</sup> In carrying out the public policy as set forth by the legislature, the board is authorized to make any investigations deemed necessary and hold public hearings, as required in the judgment of the board, prior to the issuance of such certificates.<sup>43</sup> The board, after investigating natural resources, labor supply and property conditions, can issue a certificate to the municipality making the request. In the event that a certificate is issued, it will clearly outline the establishment and operation of the approved project.<sup>44</sup> After a municipality has obtained the required certificate of convenience and necessity, it is authorized to acquire land and erect buildings consistent with the certificate.<sup>45</sup>

Various governmental subdivisions may join together in seeking a certificate of convenience and necessity from the Agricultural and Industrial Board. This includes municipalities joining boards of supervisors in adjoin-



ing counties,<sup>46</sup> municipalities joining the supervisor district in which they are located,<sup>47</sup> and supervisor districts joining with other supervisor districts.<sup>48</sup>

The establishment of industrial parks also requires the issuance of certificates of convenience and necessity by the Agricultural and Industrial Board. The board will determine whether a certificate should be issued to a requesting municipality, thereby authorizing the establishment and development of an industrial park.<sup>49</sup> Upon application from a municipality for a certificate to establish such a park, the board will conduct necessary investigations and public hearings. Factors considered in the board's decision include natural resources, labor supply, financial conditions and suitability of the proposed site.<sup>50</sup>

Each municipality has the right to apply for a certificate in order to enter into an industrial park development program.<sup>51</sup> If the certificate is issued, the board will also fix the limits of bond issuance and expenditures, designate what property is to be acquired and the terms of such acquisition, determine what expenditures are to be made, and outline the method of operation of the industrial park.<sup>52</sup> Municipalities may act singly or jointly in securing a certificate and in operating an industrial park.<sup>53</sup> Finally, in applying to the board for a certificate, the municipality will advise the board if eminent domain power will be required to secure the necessary property for the industrial park.<sup>54</sup> The board will then specify such power in the certificate issued.<sup>55</sup>

#### 4. Elections.

After a municipality has received the certificate of convenience and necessity required to establish an industrial enterprise, a public election is

required to secure the approval of two-thirds of the voters for the proposed enterprise. Once voter approval is secured, the rights, powers and authority involved in establishing an industrial enterprise are granted to the municipality.<sup>56</sup> The required election must follow procedures outlined by state law.<sup>57</sup> In the event that several municipalities or governmental subdivisions have joined in seeking a certificate, each must hold the required election. All subdivisions that joined in obtaining the certificate have an undivided joint interest in any property acquired and act jointly in operating the enterprise.<sup>58</sup> The Agricultural and Industrial Board is authorized to make any rules and regulations it deems necessary in carrying out public policy. This includes rules or regulations governing municipal elections for approval of proposed industrial projects.<sup>59</sup>

#### 5. Finance.

The promotion, development, operation and growth of industrial enterprises within the state require capital resources. In order to encourage economic development, such capital must be available. To attract and hold industry, state law provides procedures for securing the required capital.

The board of supervisors of any county is authorized to establish economic development districts and to act to secure industrial development of such districts. The board of supervisors may levy a tax (not to exceed one mill) against the assessed valuation of the property in said district for the purpose of supporting and maintaining the district. Funds raised from this assessment must be deposited in the county treasury.<sup>60</sup>

At the state level, the Mississippi Economic Development Council is

organized primarily to provide the financial resources necessary to secure the economic growth of the state.<sup>61</sup> The council makes direct term loans to small businesses from funds obtained through the sale of its own commercial paper and other evidences of indebtedness.<sup>62</sup>

The Agricultural and Industrial Board Act also deals with the financing of industrial development. The board has great power in the area of municipal bonds for industrial enterprises. Municipalities desiring to issue bonds under the Agricultural and Industrial Board Act or seeking to dispose of property acquired under that act must first seek approval of the board.<sup>63</sup> After securing this approval, municipalities may issue bonds and expend funds to acquire or operate an industrial enterprise.<sup>64</sup> Municipalities, with the approval of the board, may sell, lease or otherwise dispose of such enterprises. Two-thirds of the members of the governing board of the municipality must approve such action. All profits resulting from such transactions will be applied to a bond sinking fund.<sup>65</sup> Any enterprise operated under the Agricultural and Industrial Board Act and acquired, constructed, or owned by any municipality is tax exempt.<sup>66</sup>

Several funds have been set up by the legislature for use by the Agricultural and Industrial Board in encouraging and supporting economic development. A fund provides \$150,000 for market research and a special revolving fund of \$250,000 is available for studies of plant design.<sup>67</sup> Individuals or groups utilizing the information acquired by expenditures from these funds will be required to repay the costs of such studies into the special revolving fund.<sup>68</sup> An Industrial Revolving Fund is available to the board for use in formulating

and implementing plans for job training and recruitment.<sup>69</sup> The board is also authorized to make loans of up to \$2,000 to municipalities for use in job training and recruitment for new or expanded industries. Reasonable rules may be set up by the board in determining whether such loans should be made.<sup>70</sup> The board may contract for feasibility studies to the extent of available funds in the Selected Industrial Feasibility Fund. This fund is formed by legislative appropriations and contributions from municipal development organizations.<sup>71</sup> The board may also, upon request, join a municipality in a joint study of costs and feasibility of establishing an industrial park. The board can pay 25% of the cost up to a maximum of \$2,000.<sup>72</sup>

#### 6. Acquisition of Property.

As an incentive to industrial development, Mississippi law provides a number of provisions designed to make land available for industrial purposes. Governmental agencies and subdivisions are encouraged to utilize surplus land for industrial purposes. County port authorities, which have jurisdiction and control over land associated with bays, rivers and man-made lakes, may sell or lease such land for industrial operations if such land is not being used and no interference with other operations will result.<sup>73</sup> Other governmental subdivisions having surplus airport land or other land not in use may set aside such property for industrial uses. The land may be operated, sold or leased as deemed appropriate by the subdivision.<sup>74</sup>

In the area of property acquisition, the Mississippi Economic Development Council is also involved. In line with its purpose of providing financial resources for economic development, the Mississippi Economic Development

Council is authorized to purchase, receive, hold, lease, or acquire by foreclosure, and sell, convey, transfer or lease real and personal property, together with such rights and privileges as may be incidental thereto.<sup>75</sup>

The Agricultural and Industrial Board also possesses certain powers in the area of property acquisition. Before a municipality may issue bonds and expend funds for acquiring property for industrial projects, the board must give its approval.<sup>76</sup> Also, under the Agricultural and Industrial Board Act, municipalities, with the requisite approval of the Agricultural and Industrial Board, may acquire property and projects within fifteen miles of the municipal boundary. A municipality can lease or sell any or all of its projects determined by its governing body and approved by the Agricultural and Industrial Board.<sup>77</sup> In issuing a certificate of convenience and necessity to a municipality for establishment of an industrial park, the board will set the limits of bond issuance and expenditures, designate property to be acquired and the terms of acquisition, outline expenditures allowed and define the methods of operation of the park.<sup>78</sup>

Under the Agricultural and Industrial Board Act, municipalities may request the power of eminent domain for use in acquiring land for industrial parks. This power if granted, may be utilized to acquire up to twenty-five percent of the required land, provided the municipality has purchased or has an option on the remaining portion.<sup>79</sup>

### C. Electric Power.

#### 1. Public Policy.

An essential requirement for industrial growth and economic development

is an adequate source of power. Under the current code, several different agencies and organizations are authorized to encourage the increase of electric power.<sup>80</sup>

Counties are authorized to purchase, construct, acquire, maintain and operate electric light plants, transmission lines, electric distribution systems and other similar projects. The board of supervisors of each county is empowered to carry out such projects. In addition, the supervisors may enter into contracts with the Tennessee Valley Authority or similar federal agencies.<sup>81</sup> Counties and municipalities may join in the purchase, construction, leasing or other acquisition of electric power facilities.<sup>82</sup>

In all cases, electric power activities of counties must be self-sustaining. All bonds, loans, and other debts resulting from electric power activities engaged in by a county must be paid from the profits of the electric power operation.<sup>83</sup> However, county debt limitations are not applicable in the area of electric power activities. Any debt incurred in this area is not to be considered in computing the county debt.<sup>84</sup> Municipalities acting through their governing authorities have the same privileges, powers and duties as the counties in this area.<sup>85</sup>

Procedures also exist for establishing power districts.<sup>86</sup> These power districts will, upon establishment, be considered corporate bodies and will be governed by a five member board of directors.<sup>87</sup> This board may alter the boundaries of the power district.<sup>88</sup> The purpose of the power district is to organize and operate a utility to furnish heat, light and power service.<sup>89</sup> Similar in purpose to the power district is the electric power association. Any three or more natural persons may form a non-profit corporation to encourage the

fullest use of electric power by providing such power at low costs.<sup>90</sup>

The Rural Electrification Authority (REA) is a state agency and public corporation.<sup>91</sup> Its purpose is to encourage and promote the fullest use of energy by all inhabitants of the state. This is to be accomplished by providing service to those to whom energy is not available or is available only at an unreasonably high cost.<sup>92</sup> The Rural Electrification Authority is granted both general powers<sup>93</sup> and specific powers<sup>94</sup> to accomplish its corporate purpose.

## 2. Procedure for Establishment.

The exact procedures to be followed in establishing and operating the various authorized electric power associations are clearly outlined in the Mississippi Code.<sup>95</sup> Counties acting through their board of supervisors are authorized to purchase, construct, acquire, maintain and operate electric power facilities. This includes the authority to enter into contracts with the Tennessee Valley Authority or similar federal agencies.<sup>96</sup> Counties and municipalities may combine in these activities.<sup>97</sup>

Boards of supervisors desiring to establish electric power facilities must adopt an ordinance so stating and publish notice of such ordinance for three weeks. If twenty percent of the voters object by written protest, a special election is required. Otherwise said ordinance is considered approved.<sup>98</sup> Any activity so established by a board of supervisors must be self-sustaining with all indebtedness incurred in the establishment and operation of the electric power facility to be paid from operating profits.<sup>99</sup>

The procedure for establishing and organizing a power district is somewhat more involved. A resolution must be passed by each governmental subdivision included in the district and an election must be held to secure public approval.<sup>100</sup> If approved, the power district will be set up under a five-member board of directors.<sup>101</sup>

The Electric Power Association Act provides that three or more natural persons may form a non-profit corporation to encourage the fullest use of electric power by providing such power at low cost.<sup>102</sup> The certificate of incorporation will set forth the organizational make-up and other essential information about the association.<sup>103</sup> Power associations thus organized may enter into agreements to consolidate with other power associations.<sup>104</sup>

### 3. Jurisdiction and Authority.

Counties and municipalities may combine to operate electric power activities.<sup>105</sup> All activities, however, must be self-sustaining.<sup>106</sup> The use of eminent domain power by the county board of supervisors to acquire property for electric power enterprises is authorized, but property thus acquired must be paid for from earnings of the electric power enterprise.<sup>107</sup> Municipalities engaged in electric power activities are granted the same privileges and powers as counties engaged in similar projects.<sup>108</sup>

A power district may alter its territorial boundaries at the suggestion of its board of directors.<sup>109</sup> A power district is granted all the powers necessary to conduct its utility.<sup>110</sup> A power district may also operate outside the state where such operations are deemed necessary and appropriate by the board of directors.<sup>111</sup> The board is granted generally broad powers to carry out the



operation of the power district.<sup>112</sup>

The area to be served by a power association is designated in the certificate of incorporation.<sup>113</sup> Power associations have specific power to accomplish their purpose.<sup>114</sup> Operations outside the state are authorized,<sup>115</sup> as is consolidation with other power districts.<sup>116</sup>

#### 4. Acquisition of Property.

Counties and municipalities engaged in operating electric power enterprises are authorized to purchase and acquire such property as is necessary to the activity.<sup>117</sup> However, any activity so established must be self-sustaining.<sup>118</sup> Counties and municipalities may combine in operating or acquiring electric enterprises.<sup>119</sup> A county board of supervisors is authorized to use the power of eminent domain to acquire property for electric power activities, but such property must be purchased with the earnings from the activity.<sup>120</sup>

A power district may alter its territorial limitations at the determination of its board of directors.<sup>121</sup> Power districts have the power to condemn land for authorized purposes. In the event of a condemnation proceedings, a circuit court judge is authorized to grant the immediate reight of possession, with the exact compensation to be determined later.<sup>122</sup>

Electric power associations are also granted certain powers to acquire and hold property.<sup>123</sup> Power associations may operate outside the state to the extent necessary in the judgment of the corporate board of directors.<sup>124</sup> Condemnation power is also granted.<sup>125</sup>

The Mississippi Rural Electrification Authority (REA), a public cor-

poration designed to provide low cost electric power,<sup>126</sup> is authorized to acquire and hold property and to condemn land in accomplishing its purpose.<sup>127</sup> The Rural Electrification Authority may operate outside the state whenever necessary to carry out its corporate purpose.<sup>128</sup> The Rural Electrification Authority has the authority to issue bonds in anticipation of future revenues.<sup>129</sup> Rural Electrification Authority and subordinate corporations and associations have a right of way over state lands, without charge, for the construction of power lines.<sup>130</sup>

## FOOTNOTES

1. Miss. Code Ann. § 8936 (Supp. 1972) et seq.
2. Miss. Code Ann. § 8936 (Supp. 1972).
3. Miss. Code Ann. § 8936-02 (Supp. 1972).
4. Miss. Code Ann. § 8936-03 (1956).
5. Miss. Code Ann. § 8936-05 (Supp. 1972).
6. Miss. Code Ann. § 8936-07 (Supp. 1972).
7. Miss. Code Ann. § 8936-21 (1956).
8. Miss. Code Ann. § 8936-52 (Supp. 1972).
9. Miss. Code Ann. § 8936-22 (1956).
10. Miss. Code Ann. § 8936-31 (1956).
11. Miss. Code Ann. § 8936-52 (Supp. 1972).
12. Miss. Code Ann. § 8939-02 (Supp. 1972).
13. Miss. Code Ann. § 8939-03 (Supp. 1972).
14. Miss. Code Ann. § 8939-12 (Supp. 1972).
15. Miss. Code Ann. § 8940-02 (Supp. 1972).
16. Miss. Code Ann. § 8940-10 (Supp. 1972).
17. Miss. Code Ann. § 7564-04 (Supp. 1972).
18. Miss. Code Ann. § 7623-08 (Supp. 1972).
19. Laws of 1972, Chapter 439, § 1.
20. Id. § 2.
21. Id. § 3.
22. Id. § 5.

23. Id. § 9.
24. Miss. Code Ann. § 2911.3 (Supp. 1972). The law contains certain exceptions to this grant of power.
25. Miss Code Ann. § 7545.61 (Supp. 1972).
26. Miss. Code Ann. § 8936-02 (Supp. 1972).
27. Miss. Code Ann. § 8936-03 (Supp. 1972).
28. Miss. Code Ann. § 8021.8 (Supp. 1972).
29. Miss. Code Ann. § 8940-01 (Supp. 1972).
30. Miss. Code Ann. § 8940-02 (Supp. 1972).
31. Miss. Code Ann. § 8940-06 (Supp. 1972).
32. Miss. Code Ann. § 8936-21 (1956).
33. Miss. Code Ann. § 8939 (Supp. 1972).
34. Miss. Code Ann. § 8939-01 (Supp. 1972).
35. Miss. Code Ann. § 8939-02 (Supp. 1972).
36. Miss. Code Ann. § 8939-03 (Supp. 1972).
37. Miss. Code Ann. § 8939-13 (Supp. 1972).
38. Miss. Code Ann. § 8939-22 (Supp. 1972).
39. Miss. Code Ann. § 8939-23 (Supp. 1972).
40. Miss. Code Ann. § 8939-24 (Supp. 1972).
41. Miss. Code Ann. § 8940-04 (Supp. 1972).
42. Miss. Code Ann. § 8936-52 (Supp. 1972).
43. Miss. Code Ann. § 8936-07 (Supp. 1972).
44. Miss. Code Ann. § 8936-08 (1956).
45. Miss. Code Ann. § 8936-09 (Supp. 1972).

46. Miss. Code Ann. § 8936-31 (1956).
47. Miss. Code Ann. § 8936-41 (Supp. 1972).
48. Miss. Code Ann. § 8937 (Supp. 1972).
49. Miss. Code Ann. § 8940-05 (Supp. 1972).
50. Miss. Code Ann. § 8940-07 (Supp. 1972).
51. Miss. Code Ann. § 8940-06 (Supp. 1972).
52. Miss. Code Ann. § 8940-08 (Supp. 1972).
53. Miss. Code Ann. § 8940-09 (Supp. 1972).
54. Miss. Code Ann. § 8940-21 (Supp. 1972).
55. Miss. Code Ann. § 8940-22 (Supp. 1972).
56. Miss. Code Ann. § 8938-02 (1956).
57. Miss. Code Ann. § 8936-11 (Supp. 1972).
58. Miss. Code Ann. § 8936-41 (Supp. 1972).
59. Miss. Code Ann. § 8940-10 (Supp. 1972). For further information concerning issuance of bonds and elections in connection with bonds, see Miss. Code Ann. §§ 8936-55 through 8936-67 (Supp. 1972).
60. Miss. Code Ann. § 2911.3 (Supp. 1972).
61. Laws of 1972, Chapter 439, § 5.
62. Id. § 9.
63. Miss. Code Ann. § 8936-12 (Supp. 1972).
64. Miss. Code Ann. § 8936-13 (Supp. 1972). Details of bond issuance under the A & I Board Act are found at Miss. Code Ann. §§ 8936-15 through 8936-19 (1956) and § 8936-13.5 (Supp. 1972).

65. Miss. Code Ann. § 8936-20 (1956).
66. Miss. Code Ann. § 8936-21 (1956). For information regarding the procedures and requirements for issuing bonds and holding elections, see Miss. Code Ann. §§ 8936-55 through 8936-67 (Supp. 1972).
67. Miss. Code Ann. § 8939-02 (Supp. 1972).
68. Miss. Code Ann. § 8939-03 (Supp. 1972).
69. Miss. Code Ann. § 8939-13 (Supp. 1972).
70. Miss. Code Ann. § 8939-14 (Supp. 1972).
71. Miss. Code Ann. § 8939-23 (Supp. 1972).
72. Miss. Code Ann. § 8940-04 (Supp. 1972).
73. Miss. Code Ann. § 7605-10 (Supp. 1972).
74. Miss. Code Ann. § 7545-61 (Supp. 1972).
75. Laws of 1972, Chapter 439, § 9.
76. Miss. Code Ann. § 8936-13 (Supp. 1972).
77. Miss. Code Ann. § 8936-54 (Supp. 1972).
78. Miss. Code Ann. § 8940-08 (Supp. 1972).
79. Miss. Code Ann. §§ 8940-21 and 8940-22 (Supp. 1972).
80. See Miss. Code Ann. , vol. 4-A, Title 21, Chapter 6.
81. Miss. Code Ann. § 5429 (1956).
82. Miss. Code Ann. § 5430 (1956).
83. Miss. Code Ann. § 5432 (1956).
84. Miss. Code Ann. § 5434 (1956).
85. Miss. Code Ann. § 5435 (1956).
86. Miss. Code Ann. § 5441 (1956).

87. Miss. Code Ann. § 5443 (1956).
88. Miss. Code Ann. § 5444 (1956).
89. Miss. Code Ann. § 5447 (1956).
90. Miss. Code Ann. § 5464 (1956).
91. Miss. Code Ann. § 5502 (1956).
92. Miss. Code Ann. § 5509 (1956).
93. Miss. Code Ann. § 5510 (1956).
94. Miss. Code Ann. § 5511 (1956).
95. See footnote 80.
96. Miss. Code Ann. § 5429 (1956).
97. Miss. Code Ann. § 5430 (1956).
98. Miss. Code Ann. § 5431 (1956).
99. Miss. Code Ann. § 5432 (1956).
100. Miss. Code Ann. § 5441 (1956).
101. Miss. Code Ann. § 5443 (1956).
102. Miss. Code Ann. § 5464 (1956).
103. Miss. Code Ann. § 5466 (1956).
104. Miss. Code Ann. § 5480 (1956).
105. Miss. Code Ann. § 5430 (1956).
106. Miss. Code Ann. § 5432 (1956).
107. Miss. Code Ann. § 5433 (1956).
108. Miss. Code Ann. § 5435 (1956).
109. Miss. Code Ann. § 5444 (1956).
110. Miss. Code Ann. § 5447 (1956).

111. Miss. Code Ann. § 5448 (1956).
112. Miss. Code Ann. § 5432 (1956).
113. Miss. Code Ann. § 5468 (1956).
114. Miss. Code Ann. § 5474 (1956).
115. Miss. Code Ann. § 5475 (1956).
116. Miss. Code Ann. § 5480 (1956).
117. Miss. Code Ann. § 5429 (1956).
118. Miss. Code Ann. § 5432 (1956).
119. Miss. Code Ann. § 5430 (1956).
120. Miss. Code Ann. § 5433 (1956).
121. Miss. Code Ann. § 5444 (1956).
122. Miss. Code Ann. § 5461 (1956).
123. Miss. Code Ann. § 5474 (1956).
124. Miss. Code Ann. § 5475 (1956).
125. Miss. Code Ann. § 5474 (1956).
126. Miss. Code Ann. § 5509 (1956).
127. Miss. Code Ann. § 5511 (1956).
128. Miss. Code Ann. § 5512 (1956).
129. See Miss. Code Ann. §§ 5513 through 5518 (1956).
130. Miss. Code Ann. § 5525 (1956).



