

By: Representative Busby

To: Local and Private  
Legislation

HOUSE BILL NO. 1735

1 AN ACT TO AMEND CHAPTER 871, LOCAL AND PRIVATE LAWS OF 1991,  
2 AS AMENDED BY CHAPTER 856, LOCAL AND PRIVATE LAWS OF 1992, WHICH  
3 AUTHORIZES THE BOARD OF SUPERVISORS OF JACKSON COUNTY,  
4 MISSISSIPPI, TO ESTABLISH LIGHTING DISTRICTS, TO PROVIDE FOR THE  
5 EXPANSION OR MERGER OF EXISTING LIGHTING DISTRICTS; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Chapter 871, Local and Private Laws of 1991, as  
9 amended by Chapter 856, Local and Private Laws of 1992, is amended  
10 as follows:

11 Section 1. Any contiguous area situated within Jackson  
12 County, and not being situated within the corporate boundaries of  
13 any existing municipality and having no adequate lighting, may  
14 become incorporated as a lighting district in the matter set forth  
15 in the following sections.

16 Section 2. A petition for the incorporation of such district  
17 may be submitted to the Board of Supervisors of Jackson County,  
18 signed by not less than twenty-five (25) owners of real property  
19 residing within the boundaries of the proposed district. Such  
20 petition shall include:



21 (a) A statement of the necessity for the lighting to be  
22 supplied by the proposed district;

23 (b) The proposed corporate name for the district;

24 (c) The proposed boundaries of the district; and

25 (d) An estimate of the cost of construction and  
26 operation of the lighting.

27 Such petition shall be signed in person by the petitioners,  
28 with their respective residence addresses, and shall be  
29 accompanied by a sworn statement of the person or persons  
30 circulating the petition, who shall state under oath that he or  
31 they witnessed the signature of each petitioner, that each  
32 signature is the signature of the person it purports to be, and  
33 that, to the best of his or their knowledge, each petitioner was  
34 at the time of signing an owner of real property within, and a  
35 resident of, the proposed district. No individual tract of land  
36 containing one hundred sixty (160) acres or more shall be included  
37 in any such district unless the owner or owners of such tract  
38 gives his or their written consent for the inclusion of his or  
39 their lands in such district.

40 Section 3. \* \* \* No such district may be created until after  
41 the board of supervisors holds a public hearing at which all the  
42 property owners of the proposed district have an opportunity to be  
43 heard concerning the proposed district. Notice of the public  
44 hearing shall be published in a newspaper having general



45 circulation in the county where the proposed district is located  
46 once at least ten (10) days before the public hearing.

47 Section 4. When any district is created, the board of  
48 supervisors may appoint a board of commissioners consisting of  
49 three (3) members who are \* \* \* owners of real property within,  
50 and residents of, the district whose terms shall run concurrently  
51 with the board of supervisors. In lieu of appointing a board of  
52 commissioners, the Board of Supervisors of Jackson County may  
53 serve as the board of commissioners of the district.

54 Section 5. Any area adjacent to any district created  
55 pursuant to this act and situated within Jackson County, and not  
56 being situated within the corporate boundaries of any existing  
57 municipality or other existing lighting district, may be annexed  
58 to and become part of such district by the same procedure as  
59 prescribed in Section 1 of this act for the original creation of  
60 such district, except that the signatures obtained must be from  
61 owners of real property within, and residents of, the area  
62 proposed for annexation. The written approval of the board of  
63 commissioners of the existing lighting district must be submitted  
64 to the board of supervisors with the petition. No such annexation  
65 may occur until after the board of supervisors holds a public  
66 hearing at which all the property owners of the district and  
67 proposed annexed area have an opportunity to be heard concerning  
68 the proposed annexation. Notice of such public hearing shall be  
69 published in a newspaper having general circulation in the county



70 where the proposed annexation is located once at least ten (10)  
71 days before the public hearing.

72 Section 6. Any two (2) or more lighting districts which are  
73 adjacent or share a common boundary may petition the board of  
74 supervisors to become one (1) single lighting district upon a  
75 majority vote of the boards of commissioners. A petition for the  
76 merger of such districts may be submitted to the board of  
77 supervisors and shall include the proposed corporate name for the  
78 merged district and the proposed boundaries of the merged  
79 district. No such merger may occur until after the board of  
80 supervisors holds a public hearing at which all the property  
81 owners of the lighting districts have an opportunity to be heard  
82 concerning the proposed merged district. Notice of such public  
83 hearing shall be published in a newspaper having general  
84 circulation in the county where the proposed merged district is  
85 located once at least ten (10) days before such public hearing.

86 The board of supervisors shall appoint a board of  
87 commissioners for the merged lighting district consisting of three  
88 (3) members who are owners of real property within, and residents  
89 of, the district whose terms shall run concurrently with the board  
90 of supervisors. In lieu of appointing a board of commissioners,  
91 the board of supervisors may serve as the board of commissioners  
92 of the district.

93 Section 7. The Board of Supervisors of Jackson County may,  
94 in its discretion, assess and levy adequate millage to cover



95 actual costs of construction and maintenance of lighting within  
96 the duly incorporated lighting districts. All tax revenues shall  
97 be deposited in a special fund of the county, and all expenditures  
98 of the district shall be approved by the board of supervisors  
99 prior to payment.

100 Section 8. The abolition, dissolution or termination of any  
101 lighting district shall be accomplished only by unanimous  
102 resolution of the board of commissioners.

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

