

# Hall of the House of Representatives

## 85th General Assembly - Regular Session, 2005

### Amendment Form

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#### Subtitle of House Bill No. 1144

"AN ACT TO AMEND THE NOTICE PROCEDURES IN IRRIGATION, DRAINAGE, AND  
WATERSHED IMPROVEMENT DISTRICT STATUTES."

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#### Amendment No. 4 to House Bill No. 1144.

Amend House Bill No. 1144 as engrossed, H3/7/05 (version: 03-07-2005 08:47):

Page 2, line 27, delete "~~publication~~" and substitute "publication"

AND

Page 2, line 28, delete "notice"

AND

Page 3, delete lines 1 through 11, and substitute the following:

"(a) The ~~chancery~~ or circuit clerk shall give notice by publication for two (2) weeks in some newspaper published and having a general circulation in the county calling upon all persons owning property within the proposed district to appear before the court on some day to be fixed by the court to show cause in favor of or against the establishment of the district. The petitioners shall mail the notice by first-class mail to all entities responsible for payment of taxes on property within the proposed district. If the letter is returned, the petitioners shall make an effort to locate the addressee. If the court deems it to the best interest of the owners of real property within the proposed district that the district shall become a district under the terms of this chapter, it shall make an order upon its records establishing the property as a district subject to all the terms and provisions of this chapter."

AND

Page 3, delete lines 35 and 36, and substitute the following:

"(c) In the event district lands are in more than one (1) county, all notices shall be published in newspapers published and having a bona fide circulation in each such county in which the district will embrace land. The petitioners shall mail the notice by first-class mail to all entities responsible for payment of taxes on property within the proposed district. If the letter is returned, the petitioners shall make an effort to locate the



addressee."

AND

Page 4, delete lines 1 through 3

AND

Page 4, delete lines 20 through 28, and substitute the following:

"(c) The clerk shall give notice by publication for two (2) weeks in some newspaper published and having a general circulation in the county or counties within the district, and, in the case of a proposed inclusion of lands, all persons owning property within the area proposed to be included to appear before the court on some day to be fixed by the court to show cause in favor of or against the inclusion or exclusion of lands of petitioners. The petitioners shall mail the notice by first-class mail to all entities responsible for payment of taxes on property within the district and the proposed district. If a letter is returned, the petitioners shall make an effort to locate the addressee."

AND

Page 5, delete lines 32 through 36, and substitute the following:

"(b) It shall then be the duty of the court to give notice by publication for two (2) weeks in a newspaper or newspapers published in the county or counties where the lands lie, describing the additional lands which have been assessed. The owners of real property so assessed shall be allowed thirty (30) days after the last publication of the notice to file with the clerk their protest against being included within the district. The board shall mail the notice by first-class mail to all entities responsible for payment of taxes on property within the district. If a letter is returned, the board shall make an effort to locate the addressee."

AND

Page 6, delete lines 1 through 3

AND

Page 7, line 25, delete "~~published~~" and substitute "published"

AND

Page 9, delete lines 14 through 22, and substitute the following:

"(2) The ~~chancery or~~ circuit clerk shall thereupon give notice by publication for two (2) weeks in some newspaper published and having a general circulation in the county or counties within the district, to appear before the court upon some date not less than thirty (30) days nor more than ninety (90) days from the date of the last publication, to be fixed by the court, to show cause in favor of or against the issuance of bonds or other evidence of indebtedness. The board shall mail the notice by first-class mail to all entities responsible for payment of taxes on property within the

district. If a letter is returned, the board shall make an effort to locate the addressee."

AND

Page 10, delete lines 2 through 5, and substitute the following:

"(a) Upon the filing of the assessment, the clerk shall give notice of that fact by publication for two (2) weeks in some weekly newspaper issued in each of the counties in which the lands of the district may lie. The board shall mail the notice by first-class mail to all entities responsible for payment of taxes on property within the district. If a letter is returned, the board shall make an effort to locate the addressee."

AND

Page 10, delete lines 10 and 11, and substitute the following:

"(c) The day so named shall be more than ten (10) days after the last publication of the notice."

AND

Page 10, delete lines 27 through 33, and substitute the following:

"The board may at any time alter the plans for improvement, but before constructing the work according to the changed plans, the changed plans shall be filed with the circuit ~~or chancery~~ clerk and notice of the filing shall be given by publication for one (1) insertion in some newspaper issued and having a bona fide circulation in each of the counties in which there are lands within the district. The board shall mail the notice by first-class mail to all entities responsible for payment of taxes on property within the district. If a letter is returned, the board shall make an effort to locate the addressee."

AND

Page 11, delete lines 5 through 12, and substitute the following:

"(b) The clerk shall give notice by publication for two (2) weeks in some newspaper or newspapers published and having a general circulation in the county or counties within the district, calling upon all persons owning property within the district to appear before the court on some date not less than thirty (30) days nor more than ninety (90) days from the last publication, to be fixed by the court, to show cause in favor of or against the proposal. The board shall mail the notice by first-class mail to all entities responsible for payment of taxes on property within the district. If a letter is returned, the board shall make an effort to locate the addressee."

The Amendment was read \_\_\_\_\_  
By: Representative Ormond  
KLL/YTC - 03-25-2005 11:14  
KLL333 \_\_\_\_\_

Chief Clerk