

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 487 be amended to read as follows:

- 1 Page 14, line 39, after "capacity," insert "**and subject to**
2 **subsections (i) and (j),**".
3 Page 15, line 10, after "(i)" insert "**The advisory board may**
4 **consider the following when making a recommendation under**
5 **subsection (h):**
6 **(1) Whether the person found to be in violation of this chapter**
7 **is a first time or repeat violator.**
8 **(2) Whether the person found to be in violation of this chapter**
9 **is:**
10 **(A) a homeowner or tenant performing excavation or**
11 **demolition:**
12 **(i) on the homeowner's or tenant's residential property;**
13 **and**
14 **(ii) outside an operator's easement or right of way; or**
15 **(B) a business entity.**
16 **(3) The severity of the violation.**
17 **(j) If the advisory committee determines that:**
18 **(1) the person found to be in violation of this chapter is a first**
19 **time violator described in subsection (i)(2)(A); and**
20 **(2) the violation did not result in physical harm to a person;**
21 **the advisory committee may not recommend a penalty described**
22 **in subsection (h)(1) or (h)(4).**
23 **(k)".**
 (Reference is to ESB 487 as printed March 31, 2009.)

Representative Austin