

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WITHDRAWN	Noes _____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