

Amendments to Senate Bill No. 29
3rd Reading Copy

Requested by Senator Lynda Moss

For the House Business and Labor Committee

Prepared by Bartley Campbell
March 10, 2011 (2:51pm)

1. Title, page 1, line 6.

Following: "PENALTY;"

Insert: "REQUIRING CONSIDERATION OF MITIGATING CIRCUMSTANCES;"

2. Page 1, line 19.

Following: "."

Insert: "[Sections 1 through 9] do not apply to special permits issued under 16-4-301."

3. Page 3, line 8.

Following: "Penalty."

Insert: "(1)"

4. Page 3, line 10.

Strike: "\$200 fine"

Insert: "\$50 fine for a first offense, a \$200 fine for a second offense, and a \$350 fine for a third offense in a 3-year period"

5. Page 3, following line 12.

Insert: "(2) The department shall consider the following as mitigating circumstances before taking an action pursuant to 16-4-406 against a licensee who is not in compliance with the provisions of [sections 1 through 9]:

(a) the licensee's prior violation history;

(b) the licensee's good faith effort to prevent a violation;

(c) the existence of written policies governing employee conduct; and

(d) whether the evidence of a violation was based solely on the investigating authority creating an opportunity for the violation rather than on complaints received or observed misconduct."

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