

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Adams offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 255 through 282 and insert:

5 (3)

6 (e) The Department of Law Enforcement shall establish a  
7 waiver process to allow unescorted access to an individual who  
8 is found to be unqualified under paragraph (c) and denied  
9 employment by a seaport. The waiver consideration shall be based  
10 on the circumstances of any disqualifying act or offense,  
11 restitution made by the individual, and other factors from which  
12 it may be determined that the individual does not pose a risk of  
13 engaging in theft, drug trafficking, or terrorism within the  
14 public seaports regulated under this chapter or of harming any  
15 person. The waiver process shall begin when an individual who  
16 has been denied initial employment within or regular unescorted  
17 access to restricted areas of a public seaport as described in  
18 paragraph (c) submits an application for a waiver and notarized  
19 letter or affidavit from the individual's employer or union  
20 representative which states the mitigating reasons for  
21 initiating the waiver process. No later than 90 days after  
22 receipt of the application, the administrative staff of the  
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23 Parole Commission shall conduct a factual review of the waiver  
24 application. Findings of fact shall be transmitted to the  
25 Department of Law Enforcement for review. The department shall  
26 make a copy of those findings available to the applicant before  
27 final disposition of the waiver request. The department shall  
28 make a final disposition of the waiver request based on the  
29 factual findings of the investigation by the Parole Commission.  
30 The department shall notify the waiver applicant and the port  
31 authority that originally denied employment to the applicant of  
32 the final disposition of the waiver. The review process under  
33 this paragraph is exempt from chapter 120.

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35 ===== T I T L E   A M E N D M E N T =====

36       Remove lines 29 through 37 and insert:

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38       requiring the Department of Law Enforcement to establish a  
39       waiver process to grant certain individuals unescorted  
40       access to seaports or restricted access areas under  
41       certain circumstances; providing waiver process  
42       requirements; requiring the administrative staff of the  
43       Parole Commission to review the waiver application and  
44       transmit the findings to the department; requiring the  
45       department to make a final disposition of the application  
46       and notify the applicant and the seaport; providing that  
47       the waiver review process is exempt from the  
48       Administrative Procedure Act; providing