

Amendment to SB 211-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Operator Permit; Hazardous Waste Management; Criminal Background Check. Amend RSA
4 147-A:4, II-c to read as follows:

5 II-c.(a) Applications for permits shall be upon such forms and shall include such
6 information as the department requires by rules adopted under RSA 147-A:3. The application
7 information shall include, but not be limited to, a performance history of the applicant and of its
8 officers and directors relative to the operation, financial security, and ownership of all facilities
9 owned or operated by the applicant. Whenever requested by the department, the attorney general
10 shall conduct a background investigation of the performance history and criminal record of the
11 applicant and of its officers and directors, **partners and individuals or entities having**
12 **managerial, supervisory, or substantial decision-making authority and responsibility for**
13 **the management of operations or activities for which a permit is being sought**, if any, and
14 make a report to the department. The cost of any investigation under this paragraph shall be borne
15 by the applicant.

16 (b)(1) **The criminal background check shall consist of a fingerprint-based**
17 **criminal record check of national crime information databases. The persons described in**
18 **subparagraph (a) shall submit to the attorney general a criminal history records release**
19 **form, as provided by the New Hampshire division of state police, which authorizes the**
20 **release of the person's criminal records, if any. The person shall submit with the release**
21 **form a complete set of fingerprints taken by a qualified law enforcement agency and**
22 **payment required by division of state police regulations.**

23 (2) **For the criminal records check required under this paragraph, the**
24 **attorney general shall submit the person's fingerprints to the department of safety, division**
25 **of state police, which shall conduct a criminal history records check through its records**
26 **and through the Federal Bureau of Investigation. Upon completion of the criminal record**
27 **check, the division of state police shall release copies of the criminal history records to the**
28 **attorney general.**

29 2 Hazardous Waste Management; Operator Permits. Amend RSA 147-A:4, IV-a to read as
30 follows:

31 IV-a. No permit issued by the department under this section shall be transferred by the
32 permittee to any person without the prior written approval of the department. Applications for the

Amendment to SB 211-FN

- Page 2 -

1 transfer of permits shall be upon such forms and shall include such information as the department
2 requires by rules adopted under RSA 147-A:3, IX. The application information shall include, but not
3 be limited to, a performance history of the applicant and of its officers and directors relative to the
4 operation, financial security, and ownership of all facilities owned or operated by the applicant.
5 Whenever requested by the department, the attorney general shall conduct a background
6 investigation of the performance history and criminal record of the applicant and of its officers and
7 directors, ***partners, and individuals or entities having managerial, supervisory, or***
8 ***substantial decision-making authority and responsibility for the management of***
9 ***operations or activities for which a permit is being sought***, if any, and make a report to the
10 department. ***The criminal background check shall consist of and follow the same***
11 ***procedures set forth in paragraph II-c.*** The applicant shall also submit a statement that the
12 proposed facility is consistent with the provisions of a district plan. The cost of any investigation
13 under this paragraph shall be borne by the applicant. The department shall hold a public hearing no
14 later than 30 days prior to making any final decision on an application to transfer a permit issued
15 under this section. Notice of such public hearing shall be published in a newspaper of local
16 circulation within the region of the public or private hazardous waste facility at least 2 weeks prior
17 to such public hearing. The applicant shall notify abutters of the request for transfer of a permit
18 under this section.

19 3 Permit Required; Solid Waste Management; Criminal Background Check. Amend RSA 149-
20 M:9, III to read as follows:

21 III.(a) Applications for permits shall be upon such forms and shall include such information
22 as the department requires by rules adopted under RSA 149-M:7. The application information shall
23 include, but not be limited to, a performance history of the applicant and of its officers and directors,
24 ***partners, and individuals or entities having managerial, supervisory, or substantial***
25 ***decision-making authority and responsibility for the management of operations or***
26 ***activities for which a permit is being sought***, relative to the operation, financial security, and
27 ownership of all facilities owned or operated by the applicant. Whenever requested by the
28 department, the attorney general shall conduct a background investigation of the performance
29 history and criminal record of the applicant and of its officers and directors, if any, and make a
30 report to the department. The cost of any investigation under this paragraph shall be borne by the
31 applicant. The applicant shall also demonstrate that the proposed facility provides a substantial
32 public benefit pursuant to RSA 149-M:11.

33 (b)(1) ***The criminal background check shall consist of a fingerprint-based***
34 ***criminal record check of national crime information databases. The persons described in***
35 ***subparagraph (a) shall submit to the attorney general a criminal history records release***
36 ***form, as provided by the New Hampshire division of state police, which authorizes the***
37 ***release of the person's criminal records, if any. The person shall submit with the release***

1 *form a complete set of fingerprints taken by a qualified law enforcement agency and*
2 *payment required by division of state police regulations.*

3 *(2) For the criminal record check required under this paragraph, the*
4 *attorney general shall submit the person's fingerprints to the department of safety, division*
5 *of state police, which shall conduct a criminal history records check through its records*
6 *and through the Federal Bureau of Investigation. Upon completion of the criminal record*
7 *check, the division of state police shall release copies of the criminal history records to the*
8 *attorney general.*

9 4 Solid Waste Permit; Transfer. Amend RSA 149-M:9, XII(a) to read as follows:

10 (a) Applications for the transfer of permits shall be filed by the person to whom such
11 permit is to be transferred upon such forms and shall include such information as the department
12 requires by rules adopted under RSA 149-M:7. The application information shall include, but not be
13 limited to, a performance history of the applicant and of its officers and directors relative to the
14 operation, financial security, and ownership of all facilities owned or operated by the applicant.
15 Whenever requested by the department, the attorney general shall conduct a background
16 investigation of the performance history and criminal record of the applicant and of its officers and
17 directors, *partners, and individuals or entities having managerial, supervisory, or*
18 *substantial decision-making authority and responsibility for the management of*
19 *operations or activities for which a permit is being sought*, if any, and make a report to the
20 department. *The criminal background check shall consist of and follow the same*
21 *procedures set forth in paragraph III.* The applicant shall also submit a statement that the
22 proposed facility is consistent with the provisions of a district plan. The cost of any investigation
23 under this paragraph shall be borne by the applicant.

24 5 Effective Date. This act shall take effect upon its passage.