

Senate Energy and Natural Resources Committee

Matthew Schelzi 271-3266

SB 644-FN, requiring background checks for solid waste and hazardous waste facility owners.

Hearing Date: January 20, 2026

Time Opened: 9:25 a.m.

Time Closed: 9:34 a.m.

Members of the Committee Present: Senators Avar, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent: None

Bill Analysis: This bill requires background checks for solid waste and hazardous waste facility owners including partners and managers.

Sponsors:

Sen. Pearl

Sen. Ward

Sen. Lang

Sen. Watters

Sen. Avar

Sen. Gannon

Sen. Perkins Kwoka

Rep. J. Aron

Rep. Bixby

Rep. Moffett

Who supports the bill: Senator Ruth Ward (SD-8), Mike Wimsatt (NH DES), and Daniel Richardson.

Who opposes the bill: None.

Who is neutral on the bill: None.

Summary of testimony presented in support:

Senator Pearl said this is the fourth time this bill has been submitted. He said this bill is a request from the Department of Environmental Services and seeks to amend language in existing state law relating to the conduct of criminal background investigations for the applicants of solid waste or hazardous waste facility permits. He noted these background checks have been required in state law for many years. Prior to 2023, DES learned from the New Hampshire Department of Justice that the language in existing law needed corrections in order for multi-state criminal background checks to be conducted through the Federal Bureau of Investigations. He said very specific language is required by the FBI to access the federal databases. He said corrections were made in 2023 but those were not suitable to the FBI, so these corrections were crafted with DES and the DOJ to get the corrections right this time

around. The corrections make clear who is subject to the records checks and simplifies the process overall.

Senator Watters said the list of partners in the language could be quite extensive, he asked if the Department has a process to determine who is relevant.

Senator Pearl said he believed they did but deferred to Director Wimsatt.

Mike Wimsatt, Director of the Waste Management Division for DES, said this requirement has been in place for 40 years, but the language is being adjusted. This will ensure the FBI has the correct language which will allow DES to conduct federal database checks on criminal backgrounds. He said they have worked with the DOJ and the Department of Safety on this language. He is hopeful this will be the last bill in this multi-year saga.

Senator Avard asked if there were any significant changes from the bill they had previously seen regarding this issue.

Mr. Wimsatt said there were no substantive changes from a previous version of the bill. He noted this bill seeks to simplify and narrow the list of applicants who would be captured by the criminal background investigation requirement. He said it would just capture the leadership of various business entities.

Senator Watters asked about the language of owner or part owner and said that could be interpreted in different ways.

Mr. Wimsatt said with the previous requirement they did not encounter a problem with the language and he would not want to change anything right now as he would like to pass this bill with no amendments.

Senator Rosenwald asked if this would apply to new ownership or would it include current facility owners.

Mr. Wimsatt said this includes current facilities and it envisions the situation if an existing facility is purchased by an entirely different entity. If that were to happen there would be a permit modification requirement and those background checks would be required.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.