

SB 644-FN - VERSION ADOPTED BY BOTH BODIES

2026 SESSION

26-2095
08/09

SENATE BILL **644-FN**

AN ACT requiring background checks for solid waste and hazardous waste facility owners.

SPONSORS: Sen. Pearl, Dist 17; Sen. Ward, Dist 8; Sen. Lang, Dist 2; Sen. Watters, Dist 4;
Sen. Avar, Dist 12; Sen. Gannon, Dist 23; Sen. Perkins Kwoka, Dist 21; Rep. J.
Aron, Sull. 4; Rep. Bixby, Straf. 13; Rep. Moffett, Merr. 4

COMMITTEE: Energy and Natural Resources

ANALYSIS

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

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT requiring background checks for solid waste and hazardous waste facility owners.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Background Checks. RSA 147-A:4, II-c and II-d are repealed and reenacted to read as follows:

2 II-c.(a) Applications for permits shall be upon such forms and shall include such information
3 as the department requires by rules adopted under RSA 147-A:3. The application information shall
4 include, but not be limited to, a performance history of the applicant and of its owners, officers,
5 directors, partners, members, or managers relative to the operation, financial security, and
6 ownership of all facilities owned or operated by such persons.

7 (b)(1) The applicant and all persons and entities set forth in subparagraph (b)(2) seeking
8 a permit under this chapter shall be subject to a criminal records check consisting of a New
9 Hampshire criminal records check and a fingerprint-based criminal record check utilizing national
10 crime information databases, as set forth in subparagraphs (b)(3) through (b)(6). The department
11 may make rules under RSA 541-A exempting certain types of permit applications from the
12 performance history and criminal records check requirements of this section.

13 (2) In this paragraph:

14 (A) "Owner" means each owner or part owner of a privately held corporation.

15 (B) "Officer" means those persons described in a corporation's bylaws or articles
16 of incorporation or elected or appointed by the board of directors to manage the daily operations of a
17 corporation, such as a chief executive officer, chief financial officer, secretary, treasurer, president,
18 and vice president. "Officer" includes those persons described within RSA 293-A:8.40.

19 (C) "Director" means a person appointed or elected to sit on a governing board of
20 a corporation. "Director" includes trustees, managers, and governors and those persons described
21 within New Hampshire RSA 293-A:8.01-8.11.

22 (D) "Partner" means one of 2 or more persons carrying on as co-owners of a
23 business for profit. "Partner" includes, but is not limited to, a limited or general partner of a
24 partnership, professional association, or foreign partnership or such partners as set forth in title
25 XXVIII.

26 (E) "Member" means a person who has been admitted to a limited liability
27 company as a member in accordance with RSA 304-C or in accordance with the laws of the state or
28 foreign country or jurisdiction under which the limited liability company is organized. "Member"
29 includes each member of a limited liability company, foreign limited liability company, or
30 professional limited liability company as set forth in RSA 304-C and RSA 304-D.

1 (F) "Manager" means a person who is named or designated as a manager of a
2 limited liability company in an operating agreement. "Manager" includes each manager of a limited
3 liability company, foreign limited liability company, or professional limited liability company as set
4 forth in RSA 304-C and RSA 304-D.

5 (G) "Department" means the department of environmental services.

6 (3) Except for governmental entities and municipalities, the persons subject to the
7 criminal records checks pursuant to subparagraph (b)(1) above are as follows:

8 (A) The applicant;

9 (B) If the applicant is an individual(s), each individual;

10 (C) If the applicant is a publicly traded corporation, each officer and director;

11 (D) If the applicant is a privately held corporation, each owner, officer, and
12 director;

13 (E) If the applicant is a general or limited partnership, each partner;

14 (F) If the applicant is a limited liability company, foreign limited liability
15 company, or professional limited liability company, each manager and member;

16 (G) If the permit sought is for the transfer of a permit to a new person or a
17 change in ownership of the current permit holder at an existing facility, then the transferee
18 applicant and all persons related to the transferee applicant as set forth in subparagraph (b)(3).

19 (4) All persons set forth in subparagraph (b)(3) shall submit to the department a
20 New Hampshire department of safety, division of state police, criminal history records release
21 authorization form, as provided by the division of state police, which authorizes the division of state
22 police to conduct a criminal history records check through its state records and through the Federal
23 Bureau of Investigation and to release to the department, for the purposes of this section, a report of
24 the criminal history and record information, including confidential criminal history record
25 information, of the applicant and all persons set forth in subparagraph (b)(3). The release form shall
26 name the assistant director of the department of environmental services waste management division
27 and the administrator of the department of environmental services, hazardous waste management
28 bureau as authorized recipients and shall specify any payment required by the division of state
29 police.

30 (5) All persons set forth in subparagraph (b)(3) shall submit to the department,
31 along with their criminal record release authorization form required in subparagraph (b)(4), a
32 complete set of fingerprints taken by a qualified law enforcement agency or authorized employee of
33 the department of safety. If the national crime information database is unavailable for any reason,
34 the department may accept New Hampshire criminal records or police clearances from every city,
35 town, or county where the person has lived during the past 5 years.

36 (6) The department shall submit the criminal records release authorization forms
37 and fingerprint forms to the department of safety, division of state police, which shall conduct a

criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the assistant director of the department of environmental services waste management division and the administrator of the department of environmental services, hazardous waste management bureau. The department shall maintain the confidentiality of all criminal history records information received pursuant to this section.

(7) The department may bill the applicant for any costs or fees associated with the performance history review and the criminal records check, including, but not limited to, any fee charged by the department of safety or the Federal Bureau of Investigation for the criminal records checks set forth in this paragraph. The department shall destroy all criminal history record information within 60 days after the department's decision on the application or upon the conclusion of any appeal of the department's decision, whichever is later.

II-d. The department may deny a permit application under this section to a person if any of the following applies:

(a) The person fails to demonstrate sufficient reliability, expertise, integrity and competence to operate a hazardous waste facility.

(b) The person or any person set forth in RSA 147-A:4, II-c(b)(3) has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.

2 Permit Applicants; Criminal Records. Amend RSA 147-A:4, IV-a to read as follows:

IV-a. No permit issued by the department under this section shall be transferred by the permittee to any person without the prior written approval of the department. Applications for the transfer of permits shall be upon such forms and shall include such information as the department requires by rules adopted under RSA 147-A:3, IX. ***The applicant and all related persons as set forth in RSA 147-A:4, II-c(b) shall comply with the performance history review and criminal record provisions of RSA 147-A:4, II-c in all respects.*** ~~[The application information shall include, but not be limited to, a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the department, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, partners, and individuals or entities having managerial, supervisory, or substantial decision-making authority and responsibility for the management of operations or activities for which a permit is being sought, if any, and make a report to the department. The criminal background check shall consist of and follow the same procedures set forth in paragraph II-c. The applicant shall also submit a statement that the proposed facility is consistent with the provisions of a district plan. The cost of any investigation under this paragraph shall be borne by the applicant.]~~ The department shall hold a public hearing no later than 30 days

prior to making any final decision on an application to transfer a permit issued under this section. Notice of such public hearing shall be published in a newspaper of local circulation within the region of the public or private hazardous waste facility at least 2 weeks prior to such public hearing. The applicant shall notify abutters of the request for transfer of a permit under this section.

3 Disclosure of Ownership. Amend RSA 147-A:4-b, II to read as follows:

II. If the applicant is a corporation, the state of incorporation, the address of its principal place of business, and the names and addresses of its **owners**, directors, **and** officers~~[-and shareholders]~~; if the applicant is a partnership, the state of formation, the address of its principal place of business, and the names and addresses of its partners, whether general or limited; and if the applicant is any other kind of association, the state of formation, the address of its principal place of business, and the names and addresses of its **partners**, members, **managers**, or participants.

4 Background Checks. RSA 149-M:9, III is repealed and reenacted to read as follows:

III.(a) Applications for permits shall be upon such forms and shall include such information as the department requires by rules adopted under RSA 149-M:7. The application information shall include, but not be limited to, a performance history of the applicant and of its owners, officers, directors, partners, members, or managers relative to the operation, financial security, and ownership of all facilities owned or operated by such persons. The applicant shall also demonstrate that the proposed facility provides a substantial public benefit pursuant to RSA 149-M:11.

(b)(1) The applicant and all persons and entities set forth in subparagraph (b)(2) seeking a permit, permit modification, or permit transfer under this chapter shall be subject to a criminal records check consisting of a New Hampshire criminal records check and a fingerprint-based criminal record check utilizing national crime information databases, as set forth in subparagraphs (b)(3) through (b)(6). The department may make rules under RSA 541-A exempting certain types of permit applications from the performance history and criminal records check requirements of this section.

(2) In this paragraph:

(A) "Owner" means each owner or part owner of a privately held corporation.

(B) "Officer" means those persons described in a corporation's bylaws or articles of incorporation or elected or appointed by the board of directors to manage the daily operations of a corporation, such as a chief executive officer, chief financial officer, secretary, treasurer, president, and vice president. "Officer" includes those persons described within RSA 293-A:8.40.

(C) "Director" means a person appointed or elected to sit on a governing board of a corporation. "Director" includes trustees, managers, and governors and those persons described within RSA 293-A:8.01 through RSA 293-A:8.11.

(D) "Partner" means one of 2 or more persons carrying on as co-owners of a business for profit. "Partner" includes, but is not limited to, a limited or general partner of a

partnership, professional association, or foreign partnership or such partners as set forth in title XXVIII.

(E) "Member" means a person who has been admitted to a limited liability company as a member in accordance with RSA 304-C or in accordance with the laws of the state or foreign country or jurisdiction under which the limited liability company is organized. "Member" includes each member of a limited liability company, foreign limited liability company, or professional limited liability company as set forth in RSA 304-C and RSA 304-D.

(F) "Manager" means a person who is named or designated as a manager of a limited liability company in an operating agreement. "Manager" includes each manager of a limited liability company, foreign limited liability company, or professional limited liability company as set forth in RSA 304-C and RSA 304-D.

(G) "Department" means the department of environmental services.

(3) Except for governmental entities and municipalities, the persons subject to the criminal records checks pursuant to subparagraph (b)(1) above are as follows:

(A) The applicant.

(B) If the applicant is an individual(s), each individual.

(C) If the applicant is a publicly traded corporation, each officer and director.

(D) If the applicant is a privately held corporation, each owner, officer, and director.

(E) If the applicant is a general or limited partnership, each partner.

(F) If the applicant is a limited liability company, foreign limited liability company, or professional limited liability company, each manager and member.

(G) If the permit sought is for the transfer of a permit to a new person or a change in ownership of the current permit holder pursuant to RSA 149-M:9, XII and rules adopted by the department under RSA 541-A, then the transferee applicant and all persons related to the transferee applicant as set forth in subparagraph (b)(3).

(4) All persons set forth in subparagraph (b)(3) shall submit to the department a New Hampshire department of safety, division of state police, criminal history records release authorization form, as provided by the division of state police, which authorizes the division of state police to conduct a criminal history records check through its state records and through the Federal Bureau of Investigation and to release to the department, for the purposes of this section, a report of the criminal history and record information, including confidential criminal history record information, of the applicant and all persons set forth in subparagraph (b)(3). The release form shall name the assistant director of the department of environmental services waste management division and the administrator of the department of environmental services, solid waste management bureau as authorized recipients and shall specify any payment required by the division of state police.

(5) All persons set forth in subparagraph (b)(3) shall submit to the department, along with their criminal record release authorization form required in subparagraph (b)(4), a complete set of fingerprints taken by a qualified law enforcement agency or authorized employee of the department of safety. If the national crime information database is unavailable for any reason, the department may accept New Hampshire criminal records or police clearances from every city, town, or county where the person has lived during the past 5 years.

(6) The department shall submit the criminal records release authorization forms and fingerprint forms to the department of safety, division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the assistant director of the department of environmental services waste management division and the administrator of the department of environmental services, solid waste management bureau. The department shall maintain the confidentiality of all criminal history record information received pursuant to this section.

(7) The department may bill the applicant for any costs or fees associated with the performance history review and the criminal records check, including, but not limited to, any fee charged by the department of safety or the Federal Bureau of Investigation for the criminal records checks set forth in this paragraph. The department shall destroy all criminal history record information within 60 days after the department's decision on the application or upon the conclusion of any appeal of the department's decision, whichever is later.

5 Denial of Application. Amend RSA 149-M:9, IX(b) and (c) to read as follows:

(b) The person *or any person defined in RSA 149-M:9, III(b)* has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.

~~[(c) In the case of a corporation or business entity, if any of its officers, directors, partners, key employees or persons or business entities holding 10 percent or more of its equity or debt liability has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the 5 years before the date of the permit application.]~~

6 Applications; Transfer of Permits. Amend RSA 149-M:9, XII(a) to read as follows:

(a) Applications for the transfer of permits shall be filed by the person to whom such permit is to be transferred upon such forms and shall include such information as the department requires by rules adopted under RSA 149-M:7. ***The applicant and all related persons as set forth in RSA 149-M:9, III(b) shall comply with the performance history review and criminal record provisions of RSA 149-M:9, III in all respects.*** ~~[The application information shall include, but not be limited to, a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the department, the attorney general shall conduct a background~~

1 ~~investigation of the performance history and criminal record of the applicant and of its officers and~~
2 ~~directors, partners, and individuals or entities having managerial, supervisory, or substantial~~
3 ~~decision-making authority and responsibility for the management of operations or activities for~~
4 ~~which a permit is being sought, if any, and make a report to the department. The criminal~~
5 ~~background check shall consist of and follow the same procedures set forth in paragraph III.] The~~
6 applicant shall also submit a statement that the proposed facility is consistent with the provisions of
7 a district plan. ~~[The cost of any investigation under this paragraph shall be borne by the applicant.]~~

8 7 Disclosure of Ownership. Amend RSA 149-M:10, I to read as follows:

9 I. Any application for a permit under RSA 149-M:9 shall be signed under oath by a
10 representative of the applicant and shall contain the following information:

11 (a) Name and address of the applicant.

12 (b) If the applicant is a corporation, the state of incorporation, the address of its
13 principal place of business, and the names and addresses of its **owners**, directors, **and** officers~~[-and~~
14 ~~shareholders]~~; if the applicant is a partnership, the state of formation, the address of its principal
15 place of business, and the names and addresses of its partners, whether general or limited; and if the
16 applicant is any other kind of association, the state of formation, the address of its principal place of
17 business, and the names and addresses of its principals, **partners**, members, **managers**, **and** ~~[or]~~
18 participants.

19 (c) The exact location where the applicant intends to conduct the business for which it is
20 seeking the permit.

21 (d) Such financial information as the department may require under RSA 149-M:9 **or**
22 **rules adopted by the department.**

23 8 Effective Date. This act shall take effect 60 days after its passage.

LBA
26-2095
11/17/25

**SB 644-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring background checks for solid waste and hazardous waste facility owners.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2026 through 2029.

AGENCIES CONTACTED:

Department of Environmental Services