

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2076
(Energy and Natural Resources Committee)
(At the request of the Department of Environmental Quality)

AN ACT to amend and reenact subdivision vv of subsection 2 of section 12-60-24 and section 23.1-01-11.1 of the North Dakota Century Code, relating to environmental compliance background reviews of applicants for a radioactive materials license or solid waste permit.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision vv of subsection 2 of section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

- vv. The department of environmental quality for a final applicant for a job opening or a current employee with the department; ~~an individual being investigated by the department;~~ or, when requested by the department, an applicant for a radioactive materials license under chapter 23.1-03 or a solid waste permit under chapter 23.1-08 as provided in section 23.1-01-11.1.

SECTION 2. AMENDMENT. Section 23.1-01-11.1 of the North Dakota Century Code is amended and reenacted as follows:

23.1-01-11.1. Criminal history background checks.

The

1. As part of an environmental compliance background review, the department may require an applicant for a radioactive materials license under chapter 23.1-03 or a solid waste permit under chapter 23.1-08 to complete a statestatewide and nationwide criminal history record check as provided in section 12-60-24. If the applicant is not an individual, the department may require an individual responsible for the applicant to complete a state and a nationwide criminal history record check as provided in section 12-60-24. The applicant or responsible individual shall submit personal information and fingerprints with the application necessary to complete the statestatewide and nationwide criminal history background record check in the manner provided in subsection 1 of section 12-60-24. All costs associated with the statestatewide and nationwide criminal history record check are the responsibility of the applicant.
2. For purposes of this section, an "applicant" means the person applying for the license or permit, and includes:
 - a. Each entity as defined in subsection 7 of section 10-01.1-02 that is, or is proposed to be:
 - (1) A partner in a partnership as defined in subsection 19 of section 45-13-01;
 - (2) An entity holding ten percent or more of the applicant's debt;
 - (3) An entity holding ten percent or more of the applicant's equity; or
 - (4) The parent of a corporation as defined in subsection 46 of section 10-19.1-01.
 - b. Each individual who has, or is proposed to have, any of the following relationships with the applicant:
 - (1) A board member as defined in subsection 8 of section 10-19.1-01;

- (2) A partner in a partnership as defined in subsection 19 of section 45-13-01;
 - (3) An officer as defined in section 10-15-29 or 10-19.1-52;
 - (4) A radiation safety officer as defined in North Dakota Administrative Code subsection 34 of section 33.1-10-01-04;
 - (5) A holder of ten percent or more of the applicant's debt; or
 - (6) A holder of ten percent or more of the applicant's equity.
3. The department may deny an application for the issuance, renewal, transfer, or major modification of a license or permit based on its environmental compliance background review.
- a. Reasons for denial include:
 - (1) The applicant has intentionally misrepresented or concealed any material fact in a statement required under this section;
 - (2) The applicant has been convicted of a felony or pleaded guilty or nolo contendere to a felony involving the laws of any state or the federal government within five years preceding the application;
 - (3) The applicant has been adjudicated in contempt of an order of any court enforcing the laws of this state or any other state or the federal government within five years preceding the application; or
 - (4) The applicant has repeatedly violated any state or federal environmental protection laws.
 - b. The department also shall consider the relevance of the offense to the business to which the license or permit is issued, the nature and seriousness of the offense, the circumstances under which the offense occurred, the date of the offense, and the ownership and management structure in place at the time of the offense.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2076.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 80 Nays 12 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State