

TESTIMONY OF

**David Glatt, Director of the Department of Environmental Quality**

Good morning Chairman Larson and members of the Senate Judiciary Committee. My name is David Glatt, Director of the North Dakota Department of Environmental Quality (DEQ). The DEQ is responsible for the implementation and enforcement of many of the federal and state environmental protection programs in North Dakota. I provide this testimony in support of HB 1073.

To help ensure facility operational integrity and safe handling of specific hazardous materials, the DEQ can require individuals or responsible parties to complete a criminal history background check prior to gaining employment or receiving a permit or license to operate in the state. Some background checks may go beyond the state boundaries and require access to the Federal Bureau of Investigation (FBI) Criminal History Record Information (CHRI).

As part of the transition from the NDDOH to the DEQ, the US Department of Justice – FBI Office of the General Council reviewed NDCC 12-60-24 (2) as it relates to the requirement for state or federal background checks. It was determined the law as written did not qualify the state for access to the FBI CHRI pursuant to Pub. L 92-544.

**HB 1073 is intended to address concerns of the FBI in the following sections:**

Section 1: Provides specificity as to the types of individuals or occupations that may require a criminal background check;

Section 2: Provides language that the DEQ may require individuals or an individual designated as responsible for an applicant to complete a criminal background check and identifies who is responsible for the costs to complete a background check.

This concludes my testimony and I stand for any questions.