



2019-2020 General Assembly

HOUSE BILL 612: Department of Social Services Review of Procedures/Criminal History/Office of Administrative Hearings.

Committee:		Date:	October 13, 2020
Introduced by:	Reps. Stevens, Riddell, White	Prepared by:	Jason Moran-Bates* Staff Attorney
Analysis of:	Ratified		

OVERVIEW: *House Bill 612 would have required the Department of Health and Human Services, Division of Social Services to identify any publications, policies, and procedures that might be considered rules under Chapter 150B of the General Statutes. Any publications, policies, and procedures identified as rules would have to have been adopted through the rule-making process, or they would have become void on July 1, 2022. Licensing Boards and state licensing agencies would not have been permitted to require certain criminal background information as a precondition of granting a license. Finally, the bill would have clarified the procedures for when rules that receive objections become effective. House Bill 612 was ratified on June 26, 2020, and vetoed on July 2, 2020.*

BILL ANALYSIS:

DSS Review of Publications, Policies, and Procedures

House Bill 612 would have required the Division of Social Services (DSS) to prepare a report of all its publications, policies, and procedures and to submit that report to the Office of Administrative Hearings (OAH). The report would have been required to identify any publication, policy, or procedure that meets the definition of a rule under G.S. 150B-2(8a) and provide an explanation for why any publication, policy, or procedure not identified is not a rule under G.S. 150B-2(8a). DSS would also have been required to coordinate with OAH to identify publications, policies, and procedures which are subject to the rule-making provisions of Chapter 150B. Any publications, policies, and procedures so identified would have been deemed interim rules but would have become null and void if not adopted as permanent rules by July 1, 2022. Any policy, guideline, or other interpretative statement issued by DSS after this bill became effective would have become void one year after being issued; the Secretary would have been able to reissue it for an additional period of one year prior to the expiration of the deadline.

Occupational Licensing and Criminal History Checks

House Bill 612 would have clarified that occupational licensing boards and state licensing agencies could not require applicants to submit criminal history records as a condition of receiving a license.

Effective Date of Rules Subject to General Assembly Review

House Bill 612 would have clarified that rules subject to General Assembly review which are approved by December 31 of a given calendar year become effective on the thirty-first legislative day of the following calendar year, unless a disapproval bill is filed in either house of the General Assembly. If a disapproval bill were filed, the rule would become effective the day an unfavorable final action is taken on the bill, or August 1 of the calendar year after the rule was initially approved, whichever is earlier. The Governor would have been able to issue an executive order making a permanent rule with a delayed effective date effective immediately if it were necessary to protect public health, safety, or order.

Jeffrey Hudson
Director

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EFFECTIVE DATE: This bill was ratified on June 26, 2020, and vetoed on July 2, 2020.

***Susan Sitze, Jennifer Hillman, and Amy Darden, Staff Attorneys, substantially contributed to this summary.*