

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety

RULE CITATION: All rules submitted

DEADLINE FOR RECEIPT: Thursday, February 7, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On the Submission for Permanent Rule form:

In Box 1, you state the rulemaking authority is the Department, Governors Crime Control Commission. However, only the Secretary of DPS has any rulemaking authority. Update this box to reflect only DPS authority.

In Box 8, you published in the Register that these rules affected State and local funds; however, none of those boxes are checked on any of the forms. Please revise to reflect those rules that affect State or local funds.

In Box 9B, please provide a brief explanation for adopting these Rules.

In each Rule:

In the Introductory Statement, give the publication information. (See Rule 26 NCAC 02C .0404) It will look like this: Rule 14B NCAC 05B XXXX is adopted as published in 33:09 NCR 926-927 with changes as follows:

When you make changes to these Rules in response to these Requests, please be sure to refer to Rule 26 NCAC 02C .0405(b)(1). You will not use highlighting to show the changes.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 24, 2019

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 05B .0101

DEADLINE FOR RECEIPT: Thursday, February 7, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please provide a name for the Subchapter in 05B. From the Register publication, it appears you intend to name it "Grant Administration"

On line 8, what is "Section" and why is it capitalized? Is this a reference to the Grants Management Section in G.S. 143B-1103?

On line 9, is this the Division of Administration in G.S. 143B-1104?

On line 9, who are you referring to as the State administering agency of NC? I ask because from G.S. 143B-1103, it appears that the General Assembly has designated the Grants Management Section as the single State planning agency. Is that the same thing?

On line 10, capitalize "State" if you mean "NC"

In the History Note, consider refining the citation to G.S. 143B-1101 to 1101(8).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 24, 2019

1 14B NCAC 05B.0101 is adopted as follows:
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3 **SUBCHAPTER 05B**

4 **SECTION .0100 – GENERAL PROVISIONS**
5

6 **14B NCAC 05B .0101 - PURPOSE**

7 The rules of this Chapter, pursuant to the authority of the Secretary of the Department of Public Safety (Department),
8 implement the administration of duties of the Governor’s Crime Commission (Commission), as a Section of the
9 Division of Administration within the Department and as a State administering agency of North Carolina. Applications
10 for state and federal grants shall be submitted in accordance with the rules set forth in Section .0200 of this Chapter.
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12 *History Note: Authority G.S. 143B-602(5); 143B-1101; 143B-1103; 143B-1104;*
13 *Effective March 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 05B .0201

DEADLINE FOR RECEIPT: Thursday, February 7, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

So that I'm clear – in (a), line 6, the Commission has an Executive Director?

In Paragraphs (a), (b), and (c), is the idea that as grants are announced or become available, the Commission and Secretary will act to notify people that the grants are available?

If not:

On line 6, designate the requirements how? If not in a Rule, what is the authority to do this outside of rulemaking?

On line 8, what is the authority of the Commission to designate funding priorities outside of rulemaking?

In (b), what is your authority to set these dates outside of rulemaking?

In (c), line 14, what is the authority to set these dates via the website?

Also in (c), what is the GEMS system? Do you have other rules that address how to use this?

In (d)(2)(A), line 19, measurable by whom?

In (d)(2)(D), line 22, what is a "sustainability plan"? Does your regulated public know?

In (d)(5), line 25, delete the "and" at the end of the line.

In (d)(6), how and when will this request be communicated? And will it be specific to the type of grant sought?

In (e), does the language mean that all other grants are for one year?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: January 24, 2019

1 14B NCAC 05B.0201 is adopted as follows:

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3 **SECTION .0200 - PROGRAM GRANTS**
4

5 **14B NCAC 05B .0201 APPLICATIONS FOR GRANTS**

6 (a) The Executive Director of the Commission shall designate requirements for submission of grant applications. The
7 grant application period shall begin on November 1 of each year and end on January 31. Funding priorities, as
8 determined by the Commission, shall be listed on the Commission's website prior to the opening of an application
9 period.

10 (b) Grant application submission dates shall be announced on the Commission website, [https://www.ncdps.gov/about-](https://www.ncdps.gov/about-dps/boards-commissions/governors-crime-commission/grants-planning/grants)
11 dps/boards-commissions/governors-crime-commission/grants-planning/grants not less than 90 days before the
12 application is due.

13 (c) Grant applications shall be electronically submitted to the Commission through the Grants Enterprise Management
14 System (GEMS) on or before the date announced on the Commission website.

15 (d) To be considered for funding, applicants shall complete the grant application, which shall include the following
16 information:

17 (1) names, mailing addresses, telephone numbers, and signatures of the applicant;

18 (2) project information, including the following:

19 (A) a description of the project, its goals and objectives, and measurable outcomes;

20 (B) the issues or problems addressed by the project;

21 (C) project operation and activities; and

22 (D) a sustainability plan;

23 (3) a proposed budget;

24 (4) a project time line;

25 (5) an explanation of how the project's results will be monitored and evaluated; and

26 (6) any other information required by these Rules or requested by the Section in order to make a decision
27 on the grant proposal; and

28 (7) a description of how the objectives of the proposed project are consistent with the outcomes and
29 guidelines set forth in a State or federal grant program.

30 (e) Applicants seeking funding for a two-year project shall submit the information required by Paragraph (d) with the
31 requirements of (d)(2)(A), (d)(2)(C), and (d)(5) written to address the two-year grant period. Applicants shall also
32 submit two one-year budgets.

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34 *History Note: Authority G.S. 143B-1103; 143B-1104;*
35 *Effective March 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 05B .0202

DEADLINE FOR RECEIPT: Thursday, February 7, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 4, state "all of the information..."

Also on line 4, state "Rule .0201 of this Section" As you published this correctly in the Register, you do not need to show it as a change; simply do it.

On line 5, is this a reference to the adjunct committees established by that statute? Which one of those will it go to? Will it depend upon the nature of the grant?

In (b), line 6, delete the comma after "Commission"

On line 7, replace "that the application should be approved or denied" with "to approve or deny the application."

In (c)(2), line 10, will this be if known? Or is this a guess by the subcommittee?

In (c)(4), line 12, what is "geographical representation"? Does your regulated public know?

In (c)(5), line 13, past performance by whom? This specific applicant? Because it appears from the language that they will consider the performance of every grant ever dispensed to anyone, anywhere, any time.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: January 24, 2019

1 14B NCAC 05B.0202 is adopted as follows:

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3 **14B NCAC 05B .0202 REVIEW OF PROPOSALS**

4 (a) Applications that contain all information required in .0201 shall be forwarded to a Commission Subcommittee,
5 as designated in G.S. 143B-1102.

6 (b) The Subcommittee shall review and evaluate each application and make a recommendation to the full Commission,
7 that the application should be approved or denied.

8 (c) In making this evaluation, the Commission or Subcommittee shall consider:

9 (1) who will benefit from the grant;

10 (2) how many will benefit from the grant;

11 (3) the cost of administering the grant;

12 (4) geographical representation; and

13 (5) past performance of grants and publicly funded projects.

14 (d) The Commission shall determine which applications are eligible for funding.

15 (e) The Commission shall recommend eligible applications to the Secretary of the Department of Public Safety. The
16 Secretary shall select the applicants who will be awarded funding.

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18 *History Note: Authority G.S. 143B-1101(a)(8); 143B-1103; 143B-1104;*
19 *Effective March 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 05B .0203

DEADLINE FOR RECEIPT: Thursday, February 7, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 4, who will send this notification? Commission staff?

In (b), line 8, to whom is this request made and how?

In (b)(1), line 11, it appears you are missing a word between "that" and "agreed." Is it "were"?

In (b)(2), is the "certificate of non-supplanting" a term known to your regulated public?

In (b)(4), line 14, is the "cooperating government agencies" if there are any, or as a matter of course, will there always be a cooperating government agency?

In (b)(6), you provide for an annual audit, but aren't most of these grants for only one year? Is an annual audit necessary?

In (c), line 19, what is the authority of the Executive Director of the Commission to sign this contract, as it was awarded by the Secretary? Is the Secretary designating his or her authority to this individual by this Rule? I take it therefore that the Executive Director is employed by and reports to the Secretary?

In (d), who determines whether this is possible?

In (e), what will happen once the request is made? Who will make the decision to adjust the applications – the Commission or the Secretary? And based upon what standards?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel

Date submitted to agency: January 24, 2019

1 14B NCAC 05B.0203 is adopted as follows:
2

3 **14B NCAC 05B .0203 ADMINISTRATION OF GRANTS**

4 (a) The Commission staff shall administer grants as funds are available. All applicants shall be notified in writing or
5 electronic communication through the GEMS system upon completion of the selection process that the application
6 has been approved or denied.

7 (b) Within 30 days of receipt of award notification, the applicant shall submit the grant compliance and modification
8 information. An applicant may request an extension of no more than 60 days to submit the information. An applicant
9 who does not provide the required information shall be ineligible for grant funding. For the purposes of this Rule,
10 grant compliance and modification information includes the following:

11 (1) a list of grant conditions that agreed to by an authorizing official of the applicant;

12 (2) a certification of non-supplanting;

13 (3) a certification of filing of an equal employment opportunity program;

14 (4) a memorandum of agreement or contract with cooperating government agencies;

15 (5) an original signature of all authorizing officials, implementing project director, and the applicant's
16 chief financial officer; and

17 (6) a signed agreement to submit to an annual audit of the program.

18 (c) Funds shall be conveyed to grantees through Grant Award Contracts. The Grant Award Contract shall bear the
19 original signature of the grantee's authorizing official and the Executive Director of the Commission. The Grant
20 Award Contract shall be signed and returned to the Department within 30 days.

21 (d) The grant period for the project shall be for a period of up to two years. The grant period shall coincide with the
22 start and close of the federal fiscal year, if possible.

23 (e) Requests for adjustments to approved applications may be made at any time up to 90 days before the project's
24 scheduled termination date. These requests shall be made through the GEMS system, providing an explanation for
25 proposed amendments.

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28 *History Note: Authority G.S. 143B-602(8); 143B-1103; 143B-1104;*
29 *Effective March 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety

RULE CITATION: 14B NCAC 05B .0301

DEADLINE FOR RECEIPT: Thursday, February 7, 2019

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), line 6, and (b), line 12, the Executive Director of what?

In (a)(2), so that I am aware – there are conditions in the grant award contract?

In (a)(3), will every grant be from the federal criminal just block grant program?

Also in (a)(3), line 10, what is the “approved plan”?

On the end of line 10, insert an “or” after “plan;”

In (b), line 12-13, is it entirely up the Executive Director to assess a penalty versus giving time to correct the deficiencies? What guidance will be used in making this decision?

On line 14, is this sentence intended to say that the Director will take one of two actions, or is that the Director can choose to something other than suspend or terminate? If it's the latter, this sentence needs to give guidance for how the other decision will be made

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 24, 2019

1 14B NCAC 05B.0301 is adopted as follows:

2
3 **SECTION .0300 – PENALTIES**
4

5 **14B NCAC 05B .0301 GRANT TERMINATION OR SUSPENSION**

6 (a) A grant may be terminated or the funds may be suspended by the Executive Director when the applicant or
7 grantee is not in compliance with any of the following:

- 8 (1) the terms and conditions of the grant application;
9 (2) the terms and conditions of the grant award contract;
10 (3) the guidelines promulgated by the federal criminal justice block grant program or approved plan;
11 (4) the rules set forth in this Chapter.

12 (b) The Executive Director shall notify the grantee of its noncompliance in writing. The notification shall identify
13 the penalty to be taken or allow the grantee an additional period of not more than 30 days to correct the deficiencies.
14 If the deficiencies are not corrected, then the Executive Director may suspend the payment of funds to the grantee or
15 terminate the grant.

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17 *History Note: Authority G.S. 143B-602(8)(c); 143B-1103(b)(3); 143B-1104;*
18 *Effective March 1, 2019.*