

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Department of Public Safety/Governor's Crime Commission intends to readopt with substantive changes the rules cited as 14B NCAC 05 .0201-.0208, .0301-.0307, .0310, .0311, .0401, .0402, and .0501.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/administrative-rules>

Proposed Effective Date: February 1, 2019

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Email Rulemaking Coordinator Margaret McDonald at Margaret.mcdonald@ncdps.gov to request a public hearing.*

Reason for Proposed Action: *The Agency designated the above referenced rules in Chapters 05 of Title 14B of the North Carolina Administrative Code as "Necessary with Substantive Public Interest" during the Periodic Rule Review. Upon further review of the Chapter, it has been determined that the rules should be repealed and replaced with new rules.*

Comments may be submitted to: Margaret McDonald, Department of Public Safety, 4201 Mail Service Center, Raleigh, NC 27699-4201

Comment period ends: October 15, 2018

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 05 - GOVERNOR'S CRIME COMMISSION

SECTION .0200 – GRANT REAPPLICATION PROCESS

14B NCAC 05 .0201 NOTICE OF AVAILABILITY OF FUNDS

~~Within 90 days of notice to the division of availability of grant funds, the executive director will contact eligible grantees announcing the availability of such funds, and outlining the preapplication process.~~

*History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0204 Eff. June 1, 2013.*

14B NCAC 05 .0202 CONSISTENCY WITH STATE OR FEDERAL GRANT PROGRAMS

~~To be considered for funding, a preapplication must be for a project whose objectives are consistent with the objectives and guidelines set forth in a state or federal grant program and relevant plan as may have been approved by the Governor's Crime Commission. Any such plans shall be available for public inspection at the offices of the Governor's Crime Commission Division, and will contain the types of programs anticipated with program and project goals and objectives.~~

*History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0205 Eff. June 1, 2013.*

14B NCAC 05 .0203 REQUEST FOR PREAPPLICATION FORMS

~~Interested applicants should request a "Preapplication Form" from the division.~~

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0206 Eff. June 1, 2013.

14B NCAC 05 .0204 GRANT PREAPPLICATION FORM

~~The preapplication form contains the following elements which must be completely addressed in accordance with the appropriate state or federal grant program guidelines, and/or relevant plan, and preapplication instructions:~~

- ~~(1) general administrative information,~~
- ~~(2) problems addressed by proposed project,~~
- ~~(3) project operation,~~
- ~~(4) detailed budget narrative and budget summary,~~
- ~~(5) original signature of authorizing official,~~
- ~~(6) additional supporting material as may be requested.~~

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0207 Eff. June 1, 2013.

14B NCAC 05 .0205 PREAPPLICATION SUBMISSION PROCEDURES

- ~~(a) All applicants must submit the original and two copies of the preapplication form.~~
- ~~(b) Preapplications must be submitted by hand delivery, or by certified or registered mail, postage prepaid, return receipt requested.~~
- ~~(c) Preapplications must be hand delivered or postmarked to the Governor's Crime Commission Division on or before February 15 of each year, or on such other date as may be announced in the Notice of Availability of Funds.~~

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0208 Eff. June 1, 2013.

14B NCAC 05 .0206 INCOMPLETE PREAPPLICATIONS

~~If a preapplication is found to be incomplete, the Executive Director of the Division or his designee may:~~

- ~~(1) reject the preapplication; or~~
- ~~(2) contact the applicant to obtain additional information or corrections.~~

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0209 Eff. June 1, 2013.

14B NCAC 05 .0207 REVIEW OF PREAPPLICATIONS

~~(a) Major factors in deciding which preapplicants shall be designated eligible grantees, as determined by the Executive Director of the Governor's Crime Commission Division, are:~~

- ~~(1) completion of all requirements set forth in these Rules;~~
- ~~(2) sufficiency of documentation of the problem and project operation;~~
- ~~(3) detailed budget narrative and budget summary; and~~
- ~~(4) other factors that may be contained in the relevant plan, if any.~~

~~(b) The Executive Director of the Governor's Crime Commission Division or his designee shall score each preapplication using an objective rating scale.~~

~~(c) The commission or the relevant committee shall then review the preapplications and a summary of the ratings, and shall recommend to the secretary which preapplicants should be determined to be eligible to submit complete applications for grant awards. The secretary shall then decide which preapplicants will be eligible to submit grant applications.~~

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0210 Eff. June 1, 2013.

14B NCAC 05 .0208 NOTIFICATION TO PREAPPLICANTS

~~The executive director or his designee shall notify the preapplicants, in writing, within 60 days of the date on which preapplications are due, as to whether their preapplications have been approved and they have been designated as eligible grantees, or rejected. However, final approval and funding is contingent upon successful completion of the application process and receipt by the Governor's Crime Commission Division of state or federal grant program funds.~~

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0211 Eff. June 1, 2013.

SECTION .0300 – GRANT APPLICATION AND ADMINISTRATION

14B NCAC 05 .0301 APPLICATION FORM AND REQUIREMENTS

Once preapplicants have been notified that their preapplications have been approved and they have been designated as eligible grantees, they must submit an application form. Applicants must use the application form entitled "Governor's Crime Commission Grant Application", which will be provided by the division.

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0308 Eff. June 1, 2013.

14B NCAC 05 .0302 APPLICATION SUBMISSION PROCEDURES

- ~~(a) All applicants must submit the original application and one copy to the Governor's Crime Commission Division.~~
- ~~(b) Non-governmental agencies must provide for a unit of local or state government to serve as the project grantee and submit the proper number of copies as outlined in (a) of this Rule.~~
- ~~(c) Applications must be submitted by hand delivery, or by certified or registered mail, postage prepaid, return receipt requested.~~

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0309 Eff. June 1, 2013.

14B NCAC 05 .0303 APPLICATION DUE DATE

- ~~(a) Applications must be hand delivered or postmarked to the Governor's Crime Commission Division on or before April 15 of each year, or on or before such other date as may be announced in the Notice of Availability of Funds.~~
- ~~(b) Upon written request of and approval by the executive director or his designee, the deadline for submitting an application may be extended for up to 60 days after the announced deadline date. If the application is not received within the approved extension period, the preapplicant forfeits eligible grantee status and loses funding for the program identified in the preapplication.~~

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0310 Eff. June 1, 2013.

14B NCAC 05 .0304 GRANT APPLICATION PROCESS

~~(a) Grant applications requesting a total of less than two thousand dollars (\$2,000) in federal funds will not be accepted, unless otherwise specified in the Notice of Availability of Funds.~~

~~(b) Applications are reviewed by the executive director or his designee. Applications must adhere to the guidelines for the appropriate state or federal grant program and include the following elements, as described in the application instructions:~~

- ~~(1) general administrative information;~~
- ~~(2) problems addressed by proposed project;~~
- ~~(3) a goal statement, measurable objectives of the project and project activities;~~
- ~~(4) project operation;~~
- ~~(5) monitoring and evaluation criteria for the project;~~
- ~~(6) detailed budget description including a budget narrative, budget summary, and matching funds information;~~
- ~~(7) a list of grant conditions which must be agreed to by an authorizing official of the applicant;~~
- ~~(8) a certification of non-supplanting;~~
- ~~(9) a plan for assumption of project costs on a continuing basis by the applicant;~~
- ~~(10) a statement of consent authorizing certain services or outlays made by other agencies to be charged against funds which could be used by local units of government if appropriate, (and if applicable);~~
- ~~(11) a certification of filing of an equal employment opportunity program;~~
- ~~(12) a certification that the grantee will comply with all drug free workplace requirements set forth in the federal Anti-Drug Abuse Act of 1988;~~
- ~~(13) a certification that neither the grantee nor its officers or consultants are presently debarred, proposed for debarment, suspended, declared ineligible, or voluntarily excluded from receiving federal funds. (If this certification cannot be provided, the applicant will not necessarily be denied participation in this program. The applicant must submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the determination by the Division and Crime Commission as to whether to approve the application. However, if neither the certification nor an explanation is provided, then the application will be rejected.)~~
- ~~(14) a certification of filing of an environmental evaluation (if applicable);~~
- ~~(15) a certification of submission of application to the state budget officer (state agencies only);~~
- ~~(16) memorandum of agreement or contract with local governmental unit (private, non-profit programs only);~~
- ~~(17) original signatures of authorizing official, implementing project director, and applicant's chief financial officer; and~~
- ~~(18) agreement to submit annual audit of program.~~

~~(c) Applications for first year funds of an approved two year project should be made according to the procedures set out in .0311(b) of these Rules for one year grants, except the measurable objectives and activities sections, the project operation section, and the monitoring~~

and evaluation section must be written to cover the entire approved grant period. These objectives and activities and operations sections will then serve to guide the projects throughout the duration of their grant periods. Applicants must also submit two one-year budgets. (d) If an application is found to be incomplete, the executive director or his designee will send written notice to the applicant specifically noting the deficiencies. Such notice will indicate the date the grant application was received and the date it was returned. When any applicant has been requested to correct a deficiency in any application, but has failed to do so within 30 days of such notification, that applicant's eligibility will be forfeited, and those funds will be reallocated. However, forfeiture will not occur if the applicant makes a written request for extension (of not more than 45 days), and the request is approved by the executive director.

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Amended Eff. July 1, 1989;
Transferred from 14A NCAC 07 .0311 Eff. June 1, 2013.

14B NCAC 05 .0305 GRANT PERIOD

Projects will be assigned a grant period of up to two years, and, whenever possible, the grant's ending date shall coincide with the close of the grantee's fiscal year.

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0312 Eff. June 1, 2013.

14B NCAC 05 .0306 TIME LIMITATION ON FEDERAL FUNDING

Grantees may receive up to two years of funding on a project, at such ratios of federal funds to matching state or local funds as may be specified by each particular federal grant program or relevant guidelines. Projects may be considered for one or more additional grant periods consistent with federal regulations and subject to availability of funds.

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Amended Eff. April 1, 1999; May 10, 1998;
Transferred from 14A NCAC 07 .0313 Eff. June 1, 2013.

14B NCAC 05 .0307 GRANT AWARD CONTRACTS

Grant award contracts, bearing the original signatures of the grantee's authorizing official and the executive director, must be returned by the grantee to the Governor's Crime Commission Division within 30 days of mailing. No alterations of any kind may be made on this contract.

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0314 Eff. June 1, 2013.

14B NCAC 05 .0310 CONTINUATION FUNDS

(a) In order to apply for second year continuation funds, grantees must submit a Cumulative Progress Report, and either a full Grant Application or a Subgrant Adjustment Request.

(b) The executive director or his designee will review the request for continuation funds based on the grantee's documentation of satisfactory grant performance. The applicant will be notified in writing of approval or rejection of the request for continuation funds.

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0317 Eff. June 1, 2013.

14B NCAC 05 .0311 ADJUSTMENTS TO GRANTS

Requests for adjustments (regarding budget, program, and personnel, for example) to approved applications may be made at any time up to 90 days before the project's scheduled termination date by using the Subgrant Adjustment Form and providing sufficient explanation for the proposed amendments.

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0318 Eff. June 1, 2013.

SECTION .0400 - PENALTIES

14B NCAC 05 .0401 GRANT TERMINATION OR SUSPENSION

(a) A grant may be terminated or fund payments suspended by the executive director, where he or she finds a failure to comply with the terms and conditions of the:

- (1) grant award contract;

- (2) ~~grant application;~~
- (3) ~~guidelines promulgated by the relevant federal criminal justice block grant program or approved plan; or~~
- (4) ~~a failure to submit the Notice of Implementation to the division.~~

(b) ~~Upon such finding, the executive director shall notify the grantee in writing and provide the grantee opportunity to correct any noted deficiencies found within 20 days. If said deficiencies are not corrected within this period the executive director may suspend payments or cancel the grant after furnishing written notice to the grantee.~~

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0406 Eff. June 1, 2013.

14B NCAC 05 .0402 LOSS OF GRANTEE ELIGIBILITY

~~Any grantee who refuses to honor or otherwise fails to meet in whole or in part any standard or special condition associated with an accepted grant award, whether written and appended to that grant by the executive director, or which is a part of any section or attachment to the grant application form completed and submitted by that agency, or which is contained in a federal criminal justice block grant program or guidelines or approved plan, will be declared ineligible to receive any grant award until the offending grantee has completely satisfied its obligations to the satisfaction of the secretary or his designee and the chairman of the appropriate committee.~~

History Note: Authority G.S. 143B-477; 143B-479;
Eff. April 1, 1988;
Transferred from 14A NCAC 07 .0407 Eff. June 1, 2013.

CHAPTER 05 - GOVERNOR'S CRIME COMMISSION

SECTION .0500 - APPEAL

14B NCAC 05 .0501 APPEAL

~~Any persons aggrieved by an adverse decision under Rules .0311, .0401 or .0402 of this Chapter may be entitled to appeal for a hearing in accordance with Chapter 150B of the General Statutes.~~

History Note: Authority G.S. 150B-2; 150B-23;
Eff. May 1, 1988;
Transferred from 14A NCAC 07 .0504 Eff. June 1, 2013.