

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Public Safety intends to adopt the rules cited as 14B NCAC 05B .0101, .0201 - .0203 and .0301.

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

Proposed Effective Date: *March 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: *Rules in Chapter 05 of Title 14B of the North Carolina Administrative Code are pending repeal. The agency is adopting new rules to replace the rules being repealed.*

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

Comment period ends: *December 31, 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

CHAPTER 05 - GOVERNOR'S CRIME COMMISSION

SUBCHAPTER 05B – GRANT ADMINISTRATION

SECTION .0100 – GENERAL PROVISIONS

14B NCAC 05B .0101 PURPOSE

The rules of this Chapter, pursuant to the authority of the Secretary of the Department of Public Safety (Department), implement the administration of duties of the Governor's Crime Commission (Commission), as a Section of the Division of Administration within the Department and as a State administering agency of North Carolina. Applications for state and federal grants shall be submitted in accordance with the rules set forth in Section .0200 of this Chapter.

History Note: Authority G.S. 143B-602(5); 143B-1101; 143B-1103; 143B-1104;

SECTION .0200 - PROGRAM GRANTS

14B NCAC 05B .0201 APPLICATIONS FOR GRANTS

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

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

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

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

- (1) names, mailing addresses, telephone numbers, and signatures of the applicant;
- (2) project information, including the following:

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

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

(C) project operation and activities; and

(D) a sustainability plan.

(3) a proposed budget;

(4) a project time line;

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

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

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

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

History Note: Authority G.S. 143B-1103; 143B-1104;

14B NCAC 05B .0202 REVIEW OF PROPOSALS

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

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

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

(1) who will benefit from the grant;

(2) how many will benefit from the grant;

(3) the cost of administering the grant;

(4) geographical representation; and

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

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

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

History Note: Authority G.S. 143B-1101(a)(8); 143B-1103; 143B-1104;

14B NCAC 05B .0203 ADMINISTRATION OF GRANTS

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

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

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

(2) a certification of non-supplanting;

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

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

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

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

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

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

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

History Note: Authority G.S. 143B-602(8); 143B-1103; 143B-1104;

SECTION .0300 – PENALTIES

14B NCAC 05B .0301 GRANT TERMINATION OR SUSPENSION

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

(1) the terms and conditions of the grant application;

(2) the terms and conditions of the grant award contract;

(3) the guidelines promulgated by the federal criminal justice block grant program or approved plan;

(4) the rules set forth in this Chapter.

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

History Note: Authority G.S. 143B-602(8)(c); 143B-1103(b)(3); 143B-1104;