

OCT 29 2009

October 28, 2009

VIA EMAIL

Senator Marc Basnight
2007 Legislative Building
Raleigh, NC 27601-2808

Representative Joe Hackney
2304 Legislative Building
Raleigh, NC 27601-3451

Re: Request for Consultation with the Joint Legislative Commission on
Governmental Operations ("Commission") Regarding Fee Change
Proposed by the North Carolina Private Protective Services Board

Dear Senator Basnight and Representative Hackney:

As counsel for the North Carolina Private Protective Services Board ("Board"), I am writing on behalf of the Board to make a request for consultation, pursuant to G.S. §12-3.1, regarding a proposed change to Board rule 12 NCAC 7D.0702. A copy of the proposed rule change is attached.

The Board is charged with carrying out and administering Chapter 74C, Article 1, of the North Carolina General Statutes, cited as the Private Protective Services Act ("Act"). The purpose of the Act is to increase the level of integrity, competency, and performance of the private protective service profession in order to safeguard the public health, safety, and welfare. The Board is a fee funded entity and has experienced a substantial reduction in applications over the past year. Because of the substantial reduction in applications, the Board has suffered a significant reduction in its operating budget and has had to lay off eight employees. To comply with its mandate to protect the public, the Board has a need to increase revenue. The establishment of a late renewal fee will allow the Board to increase its revenues.

12 NCAC 7D.0702

The proposed rule change establishes a late renewal fee of \$25.00 for renewal of an unarmed security guard registration to be paid within 30 days from the date the registration expires and to be paid in addition to the renewal fee. The statutory authority for this rule change is G.S. §74C-9. This fee will allow the Board to increase its revenues and to comply with its mandate to protect the public.

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The Board intends to adopt this rule change as a temporary and permanent rule. This letter is to request that this matter be placed on the November agenda so that the consultation requirements for the temporary and permanent rule will be satisfied. Please notify me once this item has been placed on the agenda.

Sincerely,

BAILEY & DIXON, L.L.P.


M. Denise Stanford

Attachment

cc: Kathy Davis, Commission Assistant (via hand-delivery)
Fiscal Research Division (via hand-delivery)
Terry Wright (via first class mail)

228348

12 NCAC 7D.0702 is proposed for amendment as a temporary rule as follows:

12 NCAC 07D .0702 FEES FOR UNARMED SECURITY GUARD REGISTRATION

(a) Fees for unarmed security guards are as follows:

- (1) twenty five dollars (\$25.00) non-refundable initial registration fee;
- (2) twenty five dollars (\$25.00) annual renewal, or reissue fee; ~~and~~
- (3) ten dollars (\$10.00) transfer ~~fee-fee~~; and
- (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 30 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid in the form of a check or money order made payable to the Private Protective Services Board.

History Note: Authority G.S. 74C-9;

Eff. June 1, 1984;

Amended Eff. December 1, 1985;

Temporary Amendment Eff. January 1, 1990 for a Period of 180 Days to Expire on July 1, 1990;

ARRC Objection Lodged January 18, 1990;

Amended Eff. December 1, 2003; July 1, 1990.