

# **House Appropriations Committee on Justice and Public Safety Report**

<h2><b>Special Provisions</b></h2>
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## **FY 2019-21 Budget**

**April 26, 2019**



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-AOC-H1-P

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

Requested by

***COLLECTION OF WORTHLESS CHECKS***

**SECTION #.** Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2019, for the purchase or repair of office or information technology equipment during the 2019-2020 fiscal year and may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2020, for the purchase or repair of office or information technology equipment during the 2020-2021 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Office of State Budget and Management on the equipment to be purchased or repaired and the reasons for the purchases.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-AOC-H4-P

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

Requested by

***E-COURTS SYSTEM***

**SECTION #.(a)** Notwithstanding G.S. 143C-1-2(b), for the 2019-2020 fiscal year, the Judicial Department shall transfer any unexpended, unencumbered funds to Budget Code 22006-2006 to be used to implement an integrated information technology system (e-Courts) in accordance with G.S. 7A-343.2(b). The cumulative sum transferred shall not exceed three percent (3%) of the Judicial Department's certified budgets for Budget Code 12000, Administrative Office of the Courts, and Budget Code 12001, Office of Indigent Defense Services, for the 2018-2019 fiscal year.

**SECTION #.(b)** The Administrative Office of the Courts shall report to the Joint Legislative Oversight Committee on Justice and Public Safety by October 1 of each fiscal year of the biennium all of the following information:

- (1) The specific budgetary actions taken that resulted in unexpended or unencumbered funds that were transferred pursuant to subsection (a) of this section.
- (2) The specific fund codes impacted by the actions that resulted in unexpended or unencumbered funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-AOC-H5-P

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

Requested by

**MAGISTRATE/CLERK STAFFING PILOT PROJECT**

**SECTION #.(a)** Notwithstanding the minimum staffing number in G.S. 7A-133(c), the clerk of superior court in a county, with the written or e-mailed consent of the chief district court judge, may hire one deputy or assistant clerk in lieu of one of the magistrate positions allocated to that county. To provide accessibility for law enforcement and citizens, the clerk of superior court's office shall provide some of the services traditionally provided by the magistrates' office during some or all of the regular courthouse hours.

**SECTION #.(b)** The Administrative Office of the Courts shall report by March 1, 2021, to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety regarding all hires made pursuant to subsection (a) of this section.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-AOC-H6-P

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

Requested by

1 ***CONVERT POSITION FROM DRUG TREATMENT COURT TO GUARDIAN AD LITEM***

2 **SECTION #.** As it is the policy of the State that Drug Treatment Courts not be funded  
3 through State appropriations, the Administrative Office of the Courts is directed to convert  
4 position number 65029535, Drug Treatment Court Case Coordinator, to a Guardian ad Litem  
5 supervisor position. This position shall be located in one of the district court districts with the  
6 greatest need for Guardian ad Litem staff.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-AOC-H7-P

Administrative Office of the Courts  
House Appropriations, Justice and Public Safety

Requested by

***DISTRICT ATTORNEYS/NO TRANSFER OF FUNDS AND STUDY FEASIBILITY OF  
OFFICE OF PROSECUTORIAL SERVICES***

**SECTION #.(a)** No Transfer of Funds. – For the 2019-2020 fiscal year, no funds may be transferred from Fund Code 12000-1600 (Office – District Attorney).

**SECTION #.(b)** Study. – The School of Government at the University of North Carolina at Chapel Hill (School of Government), in consultation with the Conference of District Attorneys, the Administrative Office of the Courts, the Office of Indigent Defense Services, and any other stakeholders the School of Government deems relevant, shall study the feasibility and cost of creating an Office of Prosecutorial Services. The study shall compare North Carolina's judicial branch structure to that of other states in terms of organizational placement of prosecutorial services within the context of the unified court system and shall also determine the necessary resources and costs required to make an Office of Prosecutorial Services viable as an independent agency. The School of Government shall submit the report required under this subsection by April 1, 2020, to the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety.

# GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Drafting  
SPECIAL PROVISION



2019-AOC-H9

## Administrative Office of the Courts House Appropriations, Justice and Public Safety

Requested by

### **ALLOCATION OF ASSISTANT DISTRICT ATTORNEYS**

**SECTION #.(a)** G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19
6	New Hanover, Pender	<del>19</del> 20
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14
10	Wake	42
11	Franklin, Granville, Person, Vance, Warren	15
12	Harnett, Lee	<del>11</del> 13
13	Johnston	<del>10</del> 11
14	Cumberland	25
15	Bladen, Brunswick, Columbus	<del>14</del> 15
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
19	Scotland, Hoke	10
20	Robeson	12
21	Anson, Richmond	6
22	Caswell, Rockingham	8
23	Stokes, Surry	8
24	Guilford	<del>34</del> 36
25	Cabarrus	9
26	Mecklenburg	58



1	27	Rowan	9
2	28	Montgomery, Stanly	6
3	29	Moore	5
4	30	Union	11
5	31	Forsyth	27
6	32	Alexander, Iredell	<del>12</del> <u>13</u>
7	33	Davidson, Davie	12
8	34	Alleghany, Ashe, Wilkes,	9
9		Yadkin	
10	35	Avery, Madison, Mitchell,	8
11		Watauga, Yancey	
12	36	Burke, Caldwell, Catawba	<del>19</del> <u>20</u>
13	37	Randolph	10
14	38	Gaston	<del>15</del> <u>17</u>
15	39	Cleveland,	<del>12</del> <u>13</u>
16		Lincoln	
17	40	Buncombe	14
18	41	McDowell, Rutherford	8
19	42	Henderson, Polk, Transylvania	9
20	43	Cherokee, Clay, Graham,	<del>12</del> <u>13</u>
21		Haywood, Jackson, Macon,	
22		Swain."	

**SECTION #.(b)** G.S. 7A-60(a1), as amended by subsection (a) of this section, reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
...	...	...
36	Burke, Caldwell	<del>9</del> <u>10</u>
...	...	...."

**SECTION #.(c)** Subsection (b) of this section becomes effective January 1, 2023. The remainder of this section becomes effective July 1, 2019.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-IDS-H2-P

Indigent Defense Services  
House Appropriations, Justice and Public Safety

Requested by

***IDS MATCH FOR GRANTS***

**SECTION #.** Notwithstanding G.S. 143C-6-9, during the 2019-2021 fiscal biennium, the Office of Indigent Defense Services may use the sum of up to fifty thousand dollars (\$50,000) from funds available to provide the State matching funds needed to receive grant funds. Prior to using funds for this purpose, the Office of Indigent Defense Services shall report to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the grants to be matched using these funds.

# GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-IDS-H3-P

## Indigent Defense Services House Appropriations, Justice and Public Safety

### Requested by

### **MINIMUM ALLOCATIONS FOR ASSISTANT PUBLIC DEFENDERS/CREATE NEW PUBLIC DEFENDER DISTRICT IN CLEVELAND AND LINCOLN COUNTIES**

**SECTION #.(a)** G.S. 7A-498.7(a) reads as rewritten:

### **"§ 7A-498.7. Public Defender Offices.**

(a) The following counties of the State are organized into the defender districts listed below, and in each of those defender districts an office of public defender is ~~established~~ established with the number of full-time assistant public defenders set forth in the following table:

Defender District	Counties	<u>No. of Full-Time Asst. Public Defenders</u>
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	<u>15</u>
3A	Pitt	<u>13</u>
3B	Craven, Pamlico, Carteret	<u>7</u>
5	New Hanover	<u>14</u>
10	Wake	<u>31</u>
12	Cumberland	<u>15</u>
14	Durham	<u>22</u>
15B	Orange, Chatham	<u>9</u>
16A	Scotland, Hoke	<u>6</u>
16B	Robeson	<u>9</u>
18	Guilford	<u>28</u>
21	Forsyth	<u>18</u>
26	Mecklenburg	<u>55</u>
27A	Gaston	<u>15</u>
<u>27B</u>	<u>Cleveland, Lincoln</u>	<u>12</u>
28	Buncombe	<u>11</u>
29A	McDowell, Rutherford	<u>9</u>
29B	Henderson, Polk, Transylvania	<u>7</u>

After notice to, and consultation with, the affected district bar, senior resident superior court judge, and chief district court judge, the Commission on Indigent Defense Services may recommend to the General Assembly that a district or regional public defender office be established. A legislative act is required in order to establish a new office or to abolish an existing office."

**SECTION #.(b)** The Office of Indigent Defense Services may use up to the sum of two million one hundred thirty-nine thousand five hundred twenty-one dollars (\$2,139,521) in funds appropriated to create new positions for the Public Defender District 27B, as provided in subsection (a) of this section. These positions shall include the public defender, up to twelve assistant public defenders, and up to six and one quarter support positions.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-ATTY-H1-P

Attorney General's Office  
House Appropriations, Justice and Public Safety

Requested by

***NO HIRING OF SWORN STAFF POSITIONS FOR NC STATE CRIME LAB***

**SECTION #.** The Department of Justice shall not hire sworn personnel to fill vacant positions in the North Carolina State Crime Laboratory. Nothing in this section shall be construed to require the termination of sworn personnel or to affect North Carolina State Crime Laboratory personnel who are sworn and employed by the Laboratory as of the effective date of this section and who continue to meet the sworn status retention standards mandated by the North Carolina Criminal Justice Education and Standards Commission.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DPS-H3-P

Department of Public Safety  
House Appropriations, Justice and Public Safety

Requested by

**GRANT REPORTING AND MATCHING FUNDS**

**SECTION #.(a)** The Department of Public Safety, the Department of Justice, and the Judicial Department shall each report by May 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on grant funds received or preapproved for receipt by those departments. The report shall include information on the amount of grant funds received or preapproved for receipt by each department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If a department intends to continue the program beyond the end of the grant period, that department shall report on the proposed method for continuing the funding of the program at the end of the grant period. Each department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant.

**SECTION #.(b)** Notwithstanding the provisions of G.S. 143C-6-9, the Department of Public Safety may use up to the sum of one million two hundred thousand dollars (\$1,200,000) during the 2019-2020 fiscal year and up to the sum of one million two hundred thousand dollars (\$1,200,000) during the 2020-2021 fiscal year from funds available to the Department to provide the State match needed in order to receive grant funds. Prior to using funds for this purpose, the Department shall report to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the grants to be matched using these funds.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DPS-H8-P

Department of Public Safety  
House Appropriations, Justice and Public Safety

Requested by

***NO TRANSFER OF POSITIONS TO OTHER STATE AGENCIES***

**SECTION #.(a)** Notwithstanding any other provision of law, the Office of State Budget and Management shall not transfer any positions, personnel, or funds from the Department of Public Safety to any other State agency during the 2019-2021 fiscal biennium unless the transfer was included in the base budget for one or both fiscal years of the biennium. This subsection shall not apply to the annual transfer of two hundred thirty-four thousand eight hundred ninety-one dollars (\$234,891) to the Office of the Governor for administrative support.

**SECTION #.(b)** This section becomes effective July 1, 2019. If any transfers that violate this section were made in fiscal year 2018-2019, prior to this section becoming effective, those transfers shall be rescinded within 15 days of this section becoming effective.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DPS-H9-P

Department of Public Safety  
House Appropriations, Justice and Public Safety

Requested by

***CODIFY LAPSED SALARY REPORT***

**SECTION #.** Part 1 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

**"§ 143B-705. Lapsed salary reports.**

**(a) The Department shall report the following information to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety:**

**(1) The amount of lapsed salary generated by fund code for the previous six months.**

**(2) An itemized accounting of the use of lapsed salary funds including:**

**a. Fund code.**

**b. Current certified budget.**

**c. Annual projected expenditure.**

**d. Annual projected shortfall.**

**e. Amount of lapsed salary funds transferred to date.**

**(b) The reports shall be submitted by February 1 and August 1 of each year. The August report shall also include an annual accounting of this information for the previous fiscal year."**

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-DPS-H10-P

Department of Public Safety  
House Appropriations, Justice and Public Safety

Requested by

***CONTINUE PILOT PROJECT TO TREAT OPIATE OVERDOSE***

**SECTION #.(a)** Pilot Project. – The Department of Public Safety, in conjunction with the City of Wilmington, shall continue to develop and implement the pilot project known as "Quick Response Team" (QRT) to address the needs of opiate and heroin overdose victims who are not getting follow-up treatment.

**SECTION #.(b)** Report. – The Department of Public Safety and the City of Wilmington shall report on the results of the pilot project to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2021.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Drafting  
SPECIAL PROVISION



2019-DPS-H12

Department of Public Safety  
House Appropriations, Justice and Public Safety

Requested by

**MAKE BOXING COMMISSION INDEPENDENT FROM THE SECRETARY OF THE  
DEPARTMENT OF PUBLIC SAFETY**

**SECTION #.(a)** Article 68 of Chapter 143 of the General Statutes reads as rewritten:

"Article 68.

"Regulation of Boxing.

...

**"§ 143-651. Definitions.**

The following definitions apply in this Article:

...

(4a) Branch. – The Alcohol Law Enforcement Branch of the State Bureau of Investigation.

(4b) Commission. – The North Carolina Boxing Commission.

...

(23b) Sanctioned amateur match. – Any match regulated by an amateur sports organization that has been recognized and approved by the Branch-Commission.

....

**"§ 143-652.1. Regulation of boxing, kickboxing, mixed martial arts, and toughman events.**

(a) Regulation. – The Alcohol Law Enforcement Branch of the Department of Public Safety-Commission shall regulate live boxing, kickboxing, and mixed martial arts matches, whether professional, amateur, or sanctioned amateur, or toughman events, in which admission is charged for viewing, or the contestants compete for a purse or prize of value greater than twenty-five dollars (\$25.00). The BranchCommission shall have the exclusive authority to approve and issue rules for the regulation of the conduct, promotion, and performances of live boxing, kickboxing, and mixed martial arts matches and exhibitions, whether professional, amateur, or sanctioned amateur, and toughman events in this State. The rules shall be issued pursuant to the provisions of Chapter 150B of the General Statutes and may include, without limitation, the following subjects:

...

(b) Enforcement. – Except as otherwise authorized under G.S. 143-652.2(f), the Commission shall enforce this Article through the Branch.

**"§ 143-652.2. Boxing Advisory Commission.**

(a) Creation. – The Boxing Advisory Commission is created within the Department of Public Safety to advise the Alcohol Law Enforcement Branch of the Department of Public Safety concerning matters regulated by this Article. The Commission shall to regulate matters set forth in this Article. The Commission shall consist of six voting members and two nonvoting advisory members. The Commission shall be administratively located within the Department of Public Safety but shall exercise its powers independently of the Secretary of Public Safety. All the members shall be residents of North Carolina. The members shall be appointed as follows:

...

(2) One voting member shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate for an initial term of three years.

(3) One voting member shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives for an initial term of three years.

...

~~Notwithstanding the schedule above in subdivisions (1), (5), (7), and (8) of this subsection, if any former member of the North Carolina Boxing Commission is appointed to the initial membership, that person shall serve an initial term of three years. Appointments by the General Assembly pursuant to subdivisions (2) and (3) of this subsection shall be made in accordance with G.S. 120-121.~~ The member appointed pursuant to subdivision (6) of this subsection may serve on the Commission only if an agreement exists and remains in effect between the Tribal Council of the Eastern Band of the Cherokee and the Commission authorizing the Commission to regulate professional boxing matches within the Cherokee Indian Reservation as provided by the Professional Boxing Safety Act of 1996.

The two nonvoting advisory members appointed pursuant to subdivisions (7) and (8) of this subsection shall advise the Commission ~~and the Branch~~ on matters concerning the health and physical condition of boxers and health issues relating to the conduct of exhibitions and boxing matches. They may prepare and submit to the Commission for its consideration ~~and to the Branch for its approval~~ any rules that in their judgment will safeguard the physical welfare of all participants engaged in boxing.

Terms for all members of the Commission except for the initial appointments shall be for three years.

~~The Secretary of Public Safety~~ Commission shall ~~designate which member of the Commission~~ select one of its members to serve as chair. A member of the Commission may be removed from office ~~by the Secretary of Public Safety~~ for cause. Members of the Commission are subject to the conflicts of interest requirements of 15 U.S.C. § 6308 (contained in the Professional Boxing Safety Act of 1996, as amended). Each member, before entering upon the duties of a member, shall take and subscribe an oath to perform the duties of the office faithfully, impartially, and justly to the best of the member's ability. A record of these oaths shall be filed in the Department of Public Safety.

(b) Vacancies. – Members shall serve until their successors are appointed and have been qualified. ~~Any~~ Vacancies for members appointed by the General Assembly shall be filled in accordance with G.S. 120-122. Except as otherwise provided in this subsection, any vacancy in the membership of the Commission shall be filled in the same manner as the original appointment. A vacancy in the membership of the Commission other than by expiration of term shall be filled for the unexpired term only.

...

~~(d) Review Authority of the Commission. – The Commission shall review existing rules adopted under this Article and shall from time to time make recommendations to the Branch for changes or addition to such rules. Any proposals for change, amendment, addition, or deletion to those rules shall be submitted by the Branch to the Commission for its comments prior to approval.~~

...

~~(g) Initial appointments to the Commission under this section shall be for terms commencing July 1, 2007.~~

...

#### **"§ 143-654. Licensing and permitting.**

(a) License and Permit Required. – Except for sanctioned amateur matches, it is unlawful for any person to act in this State as an announcer, contestant, judge, manager, matchmaker,

promoter, referee, timekeeper, or second unless the person is licensed to do so under this Article. It is unlawful for a promoter to present a match in this State, other than a sanctioned amateur match, unless the promoter has a permit issued under this Article to do so. The BranchCommission has the exclusive authority to issue, deny, suspend, or revoke any license or permit provided for in this Article.

(b) License. – All licenses issued under this Article shall be valid only during the calendar year in which they are issued, except contestant licenses shall be valid for one year from the date of issuance. A license for an announcer, contestant, judge, matchmaker, referee, timekeeper, or second shall be issued only to a natural person. A natural person shall not transfer or assign a license or change it into another name. A license for a manager or promoter may be issued to a corporation or partnership; provided, however, that all officers or partners shall submit an application for individual licensure, and only those officers or partners who are licensed shall be entitled to negotiate or sign contracts. The addition of a new officer or partner during the license period shall necessitate the filing of an application for individual licensure by the new officer or partner.

An applicant for a license shall file with the BranchCommission the appropriate nonrefundable fee and any forms, documents, medical examinations, or exhibits the BranchCommission may require in order to properly administer this Article. The information requested shall include the date of birth and social security number of each applicant as well as any other personal data necessary to positively identify the applicant and may include the requirement of verification of any documents the BranchCommission deems appropriate. A person may not participate under a fictitious or assumed name in any match unless the person has first registered the name with the Branch-Commission.

(c) Surety Bond. – An applicant for a promoter's license must submit, in addition to any other forms, documents, or exhibits requested by the Branch-Commission, a surety bond payable to the Branch Commission for the benefit of any person injured or damaged by (i) the promoter's failure to comply with any provision of this Article or any rules adopted by the Branch Commission or (ii) the promoter's failure to fulfill the obligations of any contract related to the holding of a match. The surety bond shall be issued in an amount to be no less than ten thousand dollars (\$10,000). The amount of the surety bond shall be negotiable upon the sole discretion of the Branch-Commission. All surety bonds shall be upon forms approved and supplied by the Secretary of Public Safety and supplied by the Branch-Commission.

(d) Permit. – A permit issued to a promoter under this Article is valid for a single match. An applicant for a permit shall file with the Branch-Commission the appropriate nonrefundable fee and any forms or documents the BranchCommission may require.

**"§ 143-655. Fees; State Boxing Revenue Account.**

(a) License Fees. – The BranchCommission shall collect the following license fees:

Announcer	\$75.00
Contestant	\$50.00
Judge	\$75.00
Manager	\$150.00
Matchmaker	\$300.00
Promoter	\$450.00
Referee	\$75.00
Timekeeper	\$75.00
Second	\$50.00.

The annual license renewal fees shall not exceed the initial license fees.

(b) Permit Fees. – The BranchCommission may establish a fee schedule for permits issued under this Article. The fees may vary depending on the seating capacity of the facility to be used to present a match. The fee may not exceed the following amounts:

Seating Capacity	Fee Amount
------------------	------------

1	Less than 2,000	\$150.00
2	2,000 – 5,000	\$300.00
3	Over 5,000	\$450.00.

4 (b1) Admission Fees. – The ~~Branch~~Commission shall collect a fee in the amount of two  
5 dollars (\$2.00) per spectator to attend events regulated in this Article.

6 ....  
7 **"§ 143-656. Contracts and financial arrangements.**

8 Any contract between licensees and related to a match or exhibition held or to be held in this  
9 State must meet the requirements of administrative rules as set forth by the ~~Branch~~Commission  
10 Any contract which does not satisfy the requirements of the administrative rules shall be void  
11 and unenforceable. All contracts shall be in writing.

12 ...  
13 **"§ 143-658. Violations.**

14 (a) Civil Penalties. – The ~~Secretary of Public Safety~~Commission may issue an order  
15 against a licensee or other person who willfully violates any provision of this Article, imposing  
16 a civil penalty of up to five thousand dollars (\$5,000) for a single violation or of up to twenty-five  
17 thousand dollars (\$25,000) for multiple violations in a single proceeding or a series of related  
18 proceedings. No order under this subsection may be entered without giving the licensee or other  
19 person 15 days' prior notice and an opportunity for a contested case hearing conducted pursuant  
20 to Article 3 of Chapter 150B of the General Statutes.

21 The clear proceeds of civil penalties imposed pursuant to this subsection shall be remitted to  
22 the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

23 (b) Criminal Penalties. – A willful violation of any provision of this Article shall  
24 constitute a Class 2 misdemeanor. The ~~Secretary of Public Safety~~Commission may refer any  
25 available evidence concerning violations of this Article to the proper district attorney, who may,  
26 with or without such a reference, institute the appropriate criminal proceedings.

27 (c) Injunction. – Whenever it appears to the ~~Secretary of Public Safety~~Commission that  
28 a person has engaged or is about to engage in an act or practice constituting a violation of any  
29 provision of this Article or any rule or order hereunder, the ~~Secretary of Public~~  
30 ~~Safety~~Commission may bring an action in any court of competent jurisdiction to enjoin those  
31 acts or practices and to enforce compliance with this Article or any rule or order issued pursuant  
32 to this Article.

33 ...."

34 **SECTION #.(b)** The terms of initial appointees by the General Assembly under  
35 subdivisions (2) and (3) of subsection (a) of G.S. 143-652.2, as amended by subsection (a) of this  
36 section, shall begin on July 1, 2019, and expire on June 30, 2022.

37 **SECTION #.(c)** Rules adopted by the Alcohol Law Enforcement Branch of the  
38 Department of Public Safety under G.S. 143-652.1 shall remain in effect until amended or  
39 repealed in accordance with G.S. 143-652.1, as amended by subsection (a) of this section.  
40 Policies, procedures, and guidance shall remain in effect until similarly amended or repealed.

41 **SECTION #.(d)** The implementation of this section shall not affect any investigation  
42 pursuant to Article 68 of Chapter 143 of the General Statutes ongoing as of the effective date of  
43 this section. Any hearing or proceeding pursuant to Article 68 of Chapter 143 of the General  
44 Statutes ongoing as of the effective date of this section shall continue. Prosecutions for offenses  
45 or violations committed prior to the effective date of this section are not abated or affected by  
46 this section, and the statutes that would be applicable but for this section shall remain applicable  
47 to those prosecutions.

48 **SECTION #.(e)** This section becomes effective July 1, 2019, and applies to (i)  
49 applications for a license or permit submitted on or after that date, (ii) contracts entered into on  
50 or after that date, and (iii) offenses and violations committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-LAW-H1-P

Division of Law Enforcement - DPS  
House Appropriations, Justice and Public Safety

Requested by

**STATE CAPITOL POLICE/CREATION OF RECEIPT-SUPPORTED POSITIONS**

**SECTION #.(a)** Creation of Receipt-Supported Positions Authorized. – The State Capitol Police may contract with State agencies for the creation of receipt-supported positions to provide security services to the buildings occupied by those agencies.

**SECTION #.(b)** Annual Report Required. – No later than September 1 of each fiscal year, the State Capitol Police shall report to the Joint Legislative Oversight Committee on Justice and Public Safety the following information for the fiscal year in which the report is due:

- (1) A list of all positions in the State Capitol Police. For each position listed, the report shall include at least the following information:
  - a. The position type.
  - b. The agency to which the position is assigned.
  - c. The source of funding for the position.
- (2) For each receipt-supported position listed, the contract and any other terms of the contract.

**SECTION #.(c)** Additional Reporting Required Upon Creation of Receipt-Supported Positions. – In addition to the report required by subsection (b) of this section, the State Capitol Police shall report the creation of any position pursuant to subsection (a) of this section to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and to the Fiscal Research Division within 30 days of the position's creation. A report submitted pursuant to this section shall include at least all of the following information:

- (1) The position type.
- (2) The agency to which the position is being assigned.
- (3) The position salary.
- (4) The total amount of the contract.
- (5) The terms of the contract.

**SECTION #.(d)** Format of Reports. – Reports submitted pursuant to this section shall be submitted electronically and in accordance with any applicable General Assembly standards.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-LAW-H2-P

Division of Law Enforcement - DPS  
House Appropriations, Justice and Public Safety

Requested by

**USE OF SEIZED AND FORFEITED PROPERTY**

**SECTION #.(a)** Seized and forfeited assets transferred to the Department of Justice or to the Department of Public Safety during the 2019-2021 fiscal biennium pursuant to applicable federal law shall be credited to the budget of the recipient department and shall result in an increase of law enforcement resources for that department. The Department of Public Safety and the Department of Justice shall each make the following reports to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety:

- (1) A report upon receipt of any assets.
- (2) A report that shall be made prior to use of the assets on their intended use and the departmental priorities on which the assets may be expended.
- (3) A report on receipts, expenditures, encumbrances, and availability of these assets for the previous fiscal year, which shall be made no later than September 1 of each year.

**SECTION #.(b)** The General Assembly finds that the use of seized and forfeited assets transferred pursuant to federal law for new personnel positions, new projects, acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

**SECTION #.(c)** Nothing in this section prohibits State law enforcement agencies from receiving funds from the United States Department of Justice, the United States Department of the Treasury, and the United States Department of Health and Human Services.

**SECTION #.(d)** The Joint Legislative Oversight Committee on Justice and Public Safety shall study the impact on State and local law enforcement efforts of the receipt of seized and forfeited assets. The Committee shall report its findings and recommendations prior to the convening of the 2020 Regular Session of the 2019 General Assembly.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CORR-H1-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

Requested by

***CENTER FOR COMMUNITY TRANSITIONS/CONTRACT AND REPORT***

**SECTION #.** The Department of Public Safety may continue to contract with The Center for Community Transitions, Inc., a nonprofit corporation, for the purchase of prison beds for minimum security female inmates during the 2019-2021 fiscal biennium. The Center for Community Transitions, Inc., shall report by February 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the annual cost per inmate and the average daily inmate population compared to bed capacity using the same methodology as that used by the Department of Public Safety.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CORR-H2-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

Requested by

***INMATE CONSTRUCTION PROGRAM***

**SECTION #.** Notwithstanding any other provision of law, but subject to Article 3 of Chapter 148 of the General Statutes, during the 2019-2021 fiscal biennium, the State Construction Office may utilize inmates in the custody of the Division of Adult Correction of the Department of Public Safety through the Inmate Construction Program for repair and renovation projects on State-owned facilities, with priority given to Department of Public Safety construction projects. State agencies utilizing the Inmate Construction Program shall reimburse the Division of Adult Correction of the Department of Public Safety for the cost of transportation, custody, and wages for the inmate crews.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CORR-H3-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

Requested by

**STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM REPORT**

**SECTION #.** G.S. 148-32.1(b2) reads as rewritten:

"(b2) The Statewide Misdemeanant Confinement Program is established. The Program shall provide for the housing of misdemeanants from all counties serving sentences imposed for a period of more than 90 days and for all sentences imposed for impaired driving under G.S. 20-138.1, regardless of length. Those misdemeanants shall be confined in local confinement facilities except as provided in subsections (b3) and (b4) of this section. The Program shall address methods for the placement and transportation of inmates and reimbursement to counties for the housing of those inmates. Any county that voluntarily agrees to house misdemeanants from that county or from other counties pursuant to the Program may enter into a written agreement with the Division of Adult Correction and Juvenile Justice to do so.

The North Carolina Sheriffs' Association shall:

- (1) Report no later than the fifteenth day of each month to the Office of State Budget and Management and the Fiscal Research Division on the Statewide Misdemeanant Confinement Program. Each monthly report shall include all of the following:
  - a. The daily population delineated by misdemeanant or DWI monthly housing.
  - b. The cost of housing prisoners under the Program.
  - c. The cost of transporting prisoners under the Program.
  - d. Personnel costs.
  - e. Inmate medical care costs.
  - f. The number of counties that volunteer to house inmates under the Program.
  - g. The administrative costs paid to the Sheriffs' Association and to the Department of Public Safety.
- (2) Report no later than October 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the Statewide Misdemeanant Confinement Program. The report shall include the following with respect to the prior fiscal year:
  - a. The cost of housing prisoners by county under the Program.
  - b. The cost of transporting prisoners by county under the Program.
  - c. Personnel costs by county.
  - d. Inmate medical care costs by county.
  - e. The number of counties that volunteer to house inmates under the Program.
  - f. The administrative costs paid to the Sheriffs' Association and to the Department of Public Safety."



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CORR-H4-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

Requested by

***INTERSTATE COMPACT FEES TO SUPPORT TRAINING PROGRAMS AND  
EQUIPMENT PURCHASES SECTIONS***

**SECTION #.(a)** Notwithstanding the provisions of G.S. 148-65.7, fees collected for the Interstate Compact Fund during the 2019-2021 fiscal biennium may be used by the Division of Adult Correction of the Department of Public Safety during the 2019-2021 fiscal biennium to provide training programs and equipment purchases for the Section of Community Corrections, but only to the extent sufficient funds remain available in the Fund to support the mission of the Interstate Compact Program.

**SECTION #.(b)** No later than October 1 of each fiscal year, the Department of Public Safety shall report to the Joint Legislative Oversight Committee on Justice and Public Safety on the amount of funds used pursuant to this section and for what purposes the funds were used.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CORR-H5-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

Requested by

***NURSE STAFFING AT STATE PRISONS ANNUAL REPORT***

**SECTION #.(a)** The Department of Public Safety shall report the following information to the Joint Legislative Oversight Committee on Justice and Public Safety beginning February 1, 2020, and annually thereafter:

- (1) The total number of permanent nursing positions allocated to the Department, the number of filled positions, the number of positions that have been vacant for more than six months, and information regarding the location of both filled and vacant positions.
- (2) The extent to which temporary contract services are being used to staff vacant nursing positions, the method for funding the contract services, and any cost differences between the use of permanent employees versus contract employees.
- (3) A progress report on the implementation of its plan to (i) reduce the use of contract services to provide nursing in State prisons and (ii) attract and retain qualified nurses for employment in permanent positions in State prisons.

**SECTION #.(b)** Notwithstanding any other provision of law, the Department of Public Safety may, in its discretion and subject to the approval of the Office of State Budget and Management, convert funds appropriated for contractual nursing services to permanent nursing positions when it is determined to promote security, generate cost savings, or improve health care quality. The Department shall report on any such conversions to the Fiscal Research Division.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CORR-H6-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

Requested by

**DEPARTMENT REPORT ON PRISON PERSONNEL MATTERS**

**SECTION #.** No later than February 1, 2020, the Department of Public Safety, Division of Adult Correction, shall report to the Joint Legislative Oversight Committee on Justice and Public Safety the following information for the last five fiscal years regarding Division employees working in State prisons:

- (1) The number of Division employees charged with the commission of a criminal offense committed in a State prison and during the employee's work hours. The information shall be provided by State facility and shall specify the offense charged and the outcome of the charge.
- (2) The number of employees disciplined, demoted, or separated from service due to personal misconduct. To the extent it does not disclose confidential personnel records, the information shall be organized by type of misconduct, nature of corrective action taken, and outcome of the corrective action.
- (3) The hiring and screening process, including any required credentials or skills, criminal background checks, and personality assessments. The information shall also include the process the Division uses to verify the information provided by an applicant.
- (4) The methods used to prevent delivery of contraband items to prisoners, including illegal drugs and mobile phones, and an evaluation or summary of the effectiveness of the methods.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CORR-H9-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

Requested by

***STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM FUNDING TRANSFER***

**SECTION #.** Of the funds appropriated in this act for the Statewide Misdemeanant Confinement Program:

- (1) The sum of one million dollars (\$1,000,000) shall be transferred each fiscal year to the North Carolina Sheriffs' Association, Inc., a nonprofit corporation, to support the Program and for administrative and operating expenses of the Association and its staff.
- (2) The sum of two hundred twenty-five thousand dollars (\$225,000) shall be allocated each fiscal year to the Division of Adult Correction for its administrative and operating expenses for the Program.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CORR-H10-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

Requested by

**PRISON REFORM REPORT**

**SECTION #.** The Department of Public Safety (Department) shall report quarterly beginning November 1, 2019, and continuing quarterly until the end of the 2019-2021 fiscal biennium, to the Joint Legislative Oversight Committee on Justice and Public Safety on the Department's prison reform initiatives, including:

- (1) All modifications to Department rules, policies, and procedures related to disciplinary actions against correctional officers and other correctional staff.
- (2) All modifications to Department rules, policies, and procedures related to disciplinary actions against inmates.
- (3) The amount, content, quality, and frequency of staff training.
- (4) Modifications to inmate work assignments, including assessments of the appropriateness of particular work assignments based on inmate classification.
- (5) Facility infrastructure improvements made to emergency communication, location tracking capabilities, and installation of additional cameras.
- (6) Increased availability of staff personal safety equipment and institutional safety equipment.
- (7) Adequacy of staffing of prison facilities and actions taken to increase staffing levels.
- (8) Actions taken to increase retention efforts of staff.
- (9) Changes to the hiring and orientation processes and procedures for correctional officers.
- (10) Methods used to prevent delivery of contraband items to prisoners, including illegal drugs and mobile phones, and an evaluation or summary of the effectiveness of the methods.
- (11) Modifications to housing capacity to meet prison staffing requirements.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CORR-H11-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

Requested by

***PLAN TO ADDRESS STANDARD OPERATING CAPACITY OF THE DIVISION OF  
ADULT CORRECTION AND JUVENILE JUSTICE***

**SECTION #.(a)** The Department of Public Safety shall develop a long-term plan to meet Standard Operating Capacity requirements of the Division of Adult Correction and Juvenile Justice. The long-term plan shall, at a minimum, include the following:

- (1) An analysis of the required staffing to meet Standard Operating Capacity requirements.
- (2) Recommendations for reopening closed facilities.
- (3) Recommendations for constructing new facilities.
- (4) Recommendations to reduce the prison population.

**SECTION #.(b)** The Department of Public Safety shall submit its long-term plan required under subsection (a) of this section to the Joint Legislative Oversight Committee on Justice and Public Safety no later than December 1, 2019.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CORR-H13-P

Adult Correction Division of DPS  
House Appropriations, Justice and Public Safety

Requested by

***REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL  
EXPENSES***

**SECTION #.** Notwithstanding G.S. 143C-6-9, the Department of Public Safety may use funds available to the Department for the 2019-2021 fiscal biennium to reimburse counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The reimbursement may not exceed forty dollars (\$40.00) per day per prisoner awaiting transfer. Beginning October 1, 2019, the Department shall report quarterly to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-JUV-H1-P

Division of Juvenile Justice - DPS  
House Appropriations, Justice and Public Safety

Requested by

***LIMIT USE OF COMMUNITY PROGRAM FUNDS***

**SECTION #.(a)** Funds appropriated in this act to the Department of Public Safety for the 2019-2021 fiscal biennium for community program contracts, that are not required for or used for community program contracts, may be used only for the following:

- (1) Other statewide residential programs that provide Level 2 intermediate dispositional alternatives for juveniles.
- (2) Statewide community programs that provide Level 2 intermediate dispositional alternatives for juveniles.
- (3) Regional programs that are collaboratives of two or more Juvenile Crime Prevention Councils which provide Level 2 intermediate dispositional alternatives for juveniles.
- (4) The Juvenile Crime Prevention Council funds to be used for the Level 2 intermediate dispositional alternatives for juveniles listed in G.S. 7B-2506(13) through (23).

**SECTION #.(b)** Funds appropriated by this act to the Department of Public Safety for the 2019-2021 fiscal biennium for community programs may not be used for staffing, operations, maintenance, or any other expenses of youth development centers or detention facilities.

**SECTION #.(c)** The Department of Public Safety shall submit an electronic report by October 1 of each year of the 2019-2021 fiscal biennium on all expenditures made in the preceding fiscal year from the miscellaneous contract line in Fund Code 1230 to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and the Fiscal Research Division. The report shall include all of the following: an itemized list of the contracts that have been executed, the amount of each contract, the date the contract was executed, the purpose of the contract, the number of juveniles that will be served and the manner in which they will be served, the amount of money transferred to the Juvenile Crime Prevention Council fund, and an itemized list of grants allocated from the funds transferred to the Juvenile Crime Prevention Council fund.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-JUV-H2-P

Division of Juvenile Justice - DPS  
House Appropriations, Justice and Public Safety

Requested by

***STATE FUNDS MAY BE USED AS FEDERAL MATCHING FUNDS***

**SECTION #.** Funds appropriated in this act to the Department of Public Safety for each fiscal year of the 2019-2021 fiscal biennium may be used as matching funds for the Juvenile Accountability Incentive Block Grants. If North Carolina receives Juvenile Accountability Incentive Block Grants or a notice of funds to be awarded, the Office of State Budget and Management and the Governor's Crime Commission shall consult with the Department of Public Safety regarding the criteria for awarding federal funds. The Office of State Budget and Management, the Governor's Crime Commission, and the Department of Public Safety shall report to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety prior to allocation of the federal funds. The report shall identify the amount of funds to be received for the 2019-2020 fiscal year, the amount of funds anticipated for the 2020-2021 fiscal year, and the allocation of funds by program and purpose.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-EMNG-H1-P

Emergency Management National Guard  
House Appropriations, Justice and Public Safety

Requested by

**CREATE HAZARDOUS MATERIALS FACILITY FUND**

**SECTION #.(a)** G.S. 166A-29.1 reads as rewritten:

**"§ 166A-29.1. Hazardous materials facility ~~fee~~ fee and Fund.**

...

(b1) Hazardous Materials Facility Fund. – The Hazardous Materials Facility Fund is established as a special fund within the Department. All fees collected under this section shall be credited to the Fund and shall be used to support the hazardous materials response programs established pursuant to subsection (f) of this section.

...

(f) Use of Fee Proceeds. – The proceeds of fees assessed pursuant to this section shall be used for the following:

- (1) To offset costs associated with the establishment and maintenance of a hazardous materials database and a hazardous materials response application.
- (2) To offset costs associated with the operations of the regional response program for hazardous materials emergencies and terrorist incidents.
- (3) To provide grants to counties for hazardous materials emergency response planning, training, equipment, and related exercises.
- (4) To offset Division costs that directly support hazardous materials emergency preparedness and response."

**SECTION #.(b)** This section becomes effective July 1, 2019, and applies to fees collected on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-EMNG-H2-P

Emergency Management National Guard  
House Appropriations, Justice and Public Safety

Requested by

**RADIOLOGICAL EMERGENCY PLANNING**

**SECTION #.(a)** G.S. 166A-29 reads as rewritten:

**"§ 166A-29. Emergency planning; charge.**

(a) Every person, firm, corporation or municipality who is licensed to construct or who is operating a fixed nuclear facility for the production of electricity shall pay to the Department of Public Safety an annual fee of at least thirty thousand dollars (\$30,000) for each fixed nuclear facility which is located within this State or has a Plume Exposure Pathway Emergency Planning Zone of which any part is located within this State. This fee is to be applied to the costs of planning and implementing emergency response activities as are required by the Federal Emergency Management Agency for the operation of nuclear facilities. Said fee is to be paid ~~no later than July 31 of each year. on a schedule set by the Department of Public Safety.~~ This minimum fee may be increased from time to time as the costs of such planning and implementation increase. Such increases shall be by agreement between the State and the licensees or operators of the fixed nuclear facilities.

(b) Every person, firm, corporation or municipality who is licensed to construct or who is operating a fixed nuclear facility for the production of electricity shall pay to the Department of Public Safety, for the use of the Radiation Protection Section of the Division of ~~Public Health~~ Health Service Regulation of the Department of Health and Human Services, an annual fee of at least thirty-six thousand dollars (\$36,000) for each fixed nuclear facility that is located within this State or that has a Plume Exposure Pathway Emergency Planning Zone any part of which is located within this State. This fee shall be applied only to the costs of planning and implementing emergency response activities as required by the Federal Emergency Management Agency for the operation of nuclear facilities. This fee is to be paid ~~no later than July 31 of each year. on a~~ schedule set by the Department of Public Safety.

...."

**SECTION #.(b)** This section becomes effective July 1, 2019, and applies to fees assessed on or after that date.