

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 178*

Short Title: Domestic Violence/Funding Amendments. (Public)

Sponsors: Representatives McLawhorn, Ross, and Ingle (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee C, if favorable, Appropriations.

February 24, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA DOMESTIC VIOLENCE CENTER FUND
3 AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC
4 VIOLENCE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 50B-9 reads as rewritten:

7 "**§ 50B-9. Domestic Violence Center Fund.**

8 (a) The Domestic Violence Center Fund (Fund) is established as a nonreverting special
9 fund within the State Treasury. The ~~fund~~ Fund shall be administered by the Department of
10 Administration, North Carolina Council for Women, and shall be used to make quarterly grants
11 to centers for victims of domestic violence and to The North Carolina Coalition Against
12 Domestic Violence, Inc. Each grant recipient shall receive the same amount. This fund shall be
13 administered in accordance with the provisions of the Executive Budget Act.

14 (b) For the purposes of this section, the term "center for victims of domestic violence"
15 means an office location with a street address that is open to the public, that is operated by a
16 nonprofit or local government entity, and which provides, at a minimum, the following services
17 relating to domestic violence from that office location:

- 18 (1) A hotline.
- 19 (2) Transportation services.
- 20 (3) Community education programs.
- 21 (4) Daytime services.
- 22 (5) Call forwarding during the night.

23 A center shall be eligible for an equal share of the Fund only if it has been continuously
24 providing the services listed in subsection (b) of this section since the July 1st preceding the
25 grant application period.

26 (c) An office location that does not provide all of the services described in subsection
27 (b) of this section shall not be considered a center for victims of domestic violence and shall
28 not be eligible for grant funds under this section. If there is more than one center in a county
29 pursuant to subsection (f) of this section, then the centers in that county may share a hotline and
30 each center shall retain its eligibility for an equal share of the Fund, so long as each center
31 meets the other requirements of this section.

32 (d) A nonprofit or local government entity shall be eligible for only one equal share of
33 the Fund for each eligible center that it operates, and one equal share shall also be provided to
34 the North Carolina Coalition Against Domestic Violence, Inc. No additional or partial shares of
35 the Fund, above the amount of one equal share, shall be distributed to a center for any reason.



1 The Council may withhold any or all of a grant recipient's share if the grantee fails to comply
2 with all grant requirements. A nonprofit or local government entity that operates more than one
3 center may apply for and receive one equal share of the Fund for each center that is eligible
4 under this section.

5 (e) If a county does not have a center located within the county that meets the eligibility
6 requirements in this section, the Board of County Commissioners of that county may apply for
7 an equal share of the Fund. To be eligible for a grant, the Board's application must set forth
8 how the grant funds will be utilized to provide to the county residents, at a minimum, the
9 services described in subsection (b) of this section. Nothing in this subsection shall preclude a
10 county from indicating, on its application, that it intends to contract with a third-party provider,
11 located within or outside county boundaries, to provide the services to county residents.

12 (f) Based upon the 2010 census, the following limitations apply to the number of
13 centers that shall be eligible for a share of the Fund:

14 (1) In counties with less than 400,000 population, no more than one center shall
15 be eligible for an equal share of the Fund.

16 (2) In counties with 400,000 to 800,000 population, no more than two centers
17 shall be eligible, and each shall receive an equal share of the Fund.

18 (3) In counties with more than 800,000 population, no more than three centers
19 shall be eligible, and each shall receive an equal share of the Fund.

20 If the number of grant applications in a county exceeds the number of centers authorized
21 under this section, then the length of time that a center that has been in existence, while
22 providing the services required under this section, may be a factor in establishing its priority
23 over other applicants.

24 (g) If a county has one center receiving an equal share of the Fund, and (i) a second or
25 third center applies for an equal share of the Fund pursuant to subdivision (f)(2) or (f)(3) of this
26 section and (ii) the North Carolina Council for Women has determined that the applicant
27 otherwise meets the requirements under subsection (b) of this section, then the North Carolina
28 Domestic Violence Commission (Commission) shall determine whether there is a need for
29 additional domestic violence services in the community or county in which the center or centers
30 applying grant funding are located.

31 (1) Pursuant to its responsibilities under G.S. 143B-394.15(b), the Commission
32 shall adopt guidelines for determining whether there is a need for additional
33 domestic violence services in the community or county in which the
34 applicant center is located.

35 (2) The Commission shall consider only the applications of centers which have
36 not been designated by the Council for Women to receive an equal share of
37 the Fund as the primary center in the county, and which would be eligible
38 for an equal share of the Fund based upon population, pursuant to
39 subdivision (f)(2) or (f)(3) of this section.

40 (3) Based upon the guidelines established by the Commission, the Commission
41 shall determine which center or centers, if any, best meet the needs of the
42 community or county in which the center is located. The center or centers
43 designated by the Commission shall each receive an equal share of the Fund,
44 as provided in subsection (f) of this section.

45 (4) If the determination is made that there is insufficient need for additional
46 domestic violence services above those being provided by another center or
47 centers, then the Commission may determine that the applicant or applicants
48 should not receive an equal share of the Fund.

49 All determinations by the Commission under this subsection shall be made by majority vote.
50 However, on any matter under this subsection, the following members of the Commission are
51 disqualified and (i) shall not be included in determining whether a quorum is present and (ii)

1 shall be excluded from voting: any member of the House of Representatives or the Senate;
2 any member who is a representative of an organization that is either eligible for or receives
3 State or federal funding for domestic violence or sexual assault services; and any member who
4 is an appointed or elected official of the community or county in which the center or centers
5 applying for a grant is located.

6 ~~The Department of Administration shall make quarterly grants to each eligible domestic~~
7 ~~violence center and to The North Carolina Coalition Against Domestic Violence, Inc. Each~~
8 ~~grant recipient shall receive the same amount. To be eligible to receive funds under this section,~~
9 ~~a domestic violence center must meet the following requirements:~~

10 (1) ~~It shall have been in operation on the preceding July 1 and shall continue to~~
11 ~~be in operation.~~

12 (2) ~~It shall offer all of the following services: a hotline, transportation services,~~
13 ~~community education programs, daytime services, and call forwarding~~
14 ~~during the night and it shall fulfill other criteria established by the~~
15 ~~Department of Administration.~~

16 (3) ~~It shall be a nonprofit corporation or a local governmental entity."~~

17 **SECTION 2.** This act is effective when it becomes law and shall apply to
18 applications for grants from the Domestic Violence Center Fund for the 2012-2013 fiscal year.