

**REPORT OF THE JOINT GOVERNMENTAL OPERATIONS SUBCOMMITTEE ON  
JUSTICE AND PUBLIC SAFETY MEETING**

*Tuesday February 5, 2008*

**The Justice and Public Safety Subcommittee received the following reports:**

Administrative Office of the Courts (AOC)

- **Report on Court System Performance Measures:** As required by S.L. 2007-323, Section 14.18, AOC provided an interim status report on the development of a system to measure the impact of the funding provided to the court system for the 2007-09 biennium. To fulfill these requirements, AOC will enhance the existing web-based performance measurement system for caseload management and assessing court operations. In addition, AOC has contracted with the National Center for State Courts to provide technical assistance on workload formulas and the performance measurement system. The final report on AOC's planned implementation of the court performance measurement system is due May 1, 2008.
- **Request to Convert Contractual Positions:** S.L. 2007-393 authorizes the Director of the AOC to convert contractual positions to permanent, after consultation with the Joint Legislative Commission on Governmental Operations, when it is determined to be in the best interest of the Judicial Department. The Department is requesting to convert three (3) Guardian ad Litem (GAL) contract attorney positions into GAL staff attorney positions to serve Guilford, New Hanover, and Wake Counties.
- **State Matching Funds for Federal Grant:** S.L. 2007-323, Section 14.2, authorizes AOC to use up to \$1.5 million for state matching funds needed to receive federal grants. AOC reported on the allocation of \$60,517 as the state matching funds for federal grants awarded to AOC and to the District Attorneys' Conference.
- **Mediation Network of North Carolina:** The Mediation Network of North Carolina (MNNC) provided an overview of its annual legislative report for the FY 2006-07 fiscal year. As requested by the Subcommittee at the December 2007 meeting, the report included statistics and caseload data for the 24 dispute settlement centers that receive General Fund appropriations.

In addition, the Network presented its proposal to reallocate \$171,127 appropriated for dispute settlement centers that are no longer operating in four (4) counties: Johnston, McDowell, Polk, and Rutherford. The Mediation Network intends to reallocate \$67,319 to centers in Chatham, Watauga, and Henderson Counties, which will now provide services to clients in the counties

previously served by the centers that are no longer operating. The balance, \$103,808, would be distributed on a pro rata basis to the other 21 centers that are part of the Mediation Network.

Subcommittee members questioned 1) if AOC has the statutory authority to reallocate funds that the legislature appropriated for the centers that are no longer operating and 2) the rationale for reallocating the \$103,808 to centers which would not be assuming additional caseload. After some discussion, the Subcommittee recessed to allow the legislative and Governor's staff to consult on these issues. Mr. Lynn Muchmore, the Fiscal Research Division Director, advised the Subcommittee that the State Budget Act, Section 143C-6-4(b)(1), authorizes the Governor, as Director of the Budget, to reallocate appropriations within fund codes and that there is no consultation requirement with the Governmental Operations Commission to do so. *The Subcommittee referred the MNNC's reallocation proposal to the Governor's Budget Office for action.*

**The Subcommittee accepted and recommended for transmittal to full Governmental Operations the four (4) reports regarding the 1) court system performance measurement system; 2) state matching funds; 3) conversion of contractual positions; and, 4) the MNNC annual report.**

#### Department of Crime Control and Public Safety (CCPS)

- **ALE Request to Use Forfeiture Receipts:** The Subcommittee considered a request from the Alcohol Law Enforcement Division (ALE) to use Federal Forfeiture receipt funds (\$453,864.47) to purchase equipment (digital audio/video recorders, binoculars, GPS surveillance systems, etc.). After this expenditure, the Division's account balance will be \$1,765,481.22.
- **Highway Patrol Request to Use Forfeiture Receipts:** The Subcommittee considered a request from the State Highway Patrol to use Federal Forfeiture funds (\$329,484) to purchase 250 tasers, accessories and warranties. After this expenditure, the Division's account balance will be \$1,516,157.
- **Budget Deviation Request (G.S. 143C 6-4):** The Department reported on a deviation request that would allow the Department to adjust its certified budget by increasing expenditures by \$80,481,622. The adjustment is mostly associated with higher than expected federal grant receipts and a transfer of domestic violence grant funds from the NC Department of Administration.

**The Subcommittee accepted the CCPS reports and recommended transmittal to full Governmental Operations.**

Department of Justice (DOJ)

- **Report on Settlement Agreements (G.S. 114-2.5):** The Subcommittee received a report on a settlement agreement between the State and :
  - Medicis Pharmaceutical Corporation                      \$687,825.11The amount received by the State is only a portion of the total amount awarded (\$9.8 million) in a multi-state suit settlement.
  
- **Reports on the Use Forfeiture and Asset Receipts:** The Subcommittee received two reports from the Department on the use of seized and forfeited assets. The first report was a request from the SBI to use federal forfeiture receipt funds (\$664,806.32) to pay for equipment and other program expenses. After this expenditure, the Division's account balance will be \$186,262.64. The second report covered the SBI receiving a 2002 sport utility vehicle (SUV) from the US Department of Justice. The SUV will be used for undercover investigations.

**The Subcommittee accepted the DOJ reports and recommended transmittal to full Governmental Operations.**