

April 8, 2009

H 1269. AOC OMNIBUS COURTS ACT. Filed 4/8/09. *TO AUTHORIZE A COUNTY OR CITY TO USE EXCESS FACILITY FEES WITHOUT THE APPROVAL OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO AUTHORIZE THE ADMINISTRATIVE OFFICE OF THE COURTS TO SET THE WORTHLESS CHECK FEE AMOUNT, TO AUTHORIZE THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO ELECT A RETIREMENT SYSTEM, TO ADD TO THE DIRECTOR'S POWERS AND DUTIES THE ESTABLISHMENT AND STAFFING OF AN INTERNAL AUDITING DIVISION FOR THE JUDICIAL DEPARTMENT, TO MODIFY CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, AND TO CLARIFY THE EMERGENCY POWERS OF THE CHIEF JUSTICE.*

Makes numerous changes in statutes related to the Judicial Department, as follows:

(1) Amends GS 7A-304(a)(2), concerning the use of facilities fees collected in excess of that necessary to meet the statutory requirements for their expenditure, to provide that excess fees may be used by the county or municipality for specified other purposes without the approval of the director of the Administrative Office of the Courts (AOC). The statute now requires that approval

(2) GS 7A-308(c) now sets the fee for participation in the worthless check collection program at \$60. This bill amends the statute to authorize the director of AOC to set the fee.

(3) Amends GS 7A-341 and GS 135-53(9) to provide that the director of AOC may choose to participate in either the Teachers and State Employees Retirement System or the Judicial Retirement System.

(4) Amends GS 143-745 to remove the Judicial Branch from the general internal auditing provisions that apply to state agencies and adds new GS 7A-343(3a), GS 7A-343.4, and GS 7A-343.5, to authorize the director of the AOC to establish and staff an Internal Audit Division of the Judicial Department and the Administrative Office of the Courts. The new division is to evaluate and disclose weaknesses in the internal controls of the court system for safeguarding public funds; analyze effectiveness of administrative and procedural operations; ensure compliance with law; review effectiveness and efficiency of processes and proceedings conducted by judicial officers; and conduct routine audits of accounting systems and controls, administrative systems and controls, and electronic data processing systems and controls. Internal audits are to comply with Standards for the Professional Practice of Internal Auditing of the Institute of Internal Auditors and the General Accounting Standards of the Comptroller General of the US. Sets rules for access to auditing information.

(5) Amends GS 7A-271, GS 7A-272, and GS 15A-1344 to provide that the superior court has exclusive jurisdiction over all hearings to revoke a drug treatment court probation where the district court is supervising the probation, except that the chief superior court judge and the chief district court judge can agree to permit the proceedings in district court in the interest of justice. Provides for the district court to preside over the probation program. Specifies that proceedings to modify or revoke probation must be held in the county in which the drug treatment court or problem-solving court is located.

(6) Amends GS 7A-39 to add a provision that if the Chief Justice declares that catastrophic conditions exist, he or she may issue any emergency directives necessary to ensure the continuing operation of essential trial or appellate court functions, including the designation of assignment of judicial officials who may be authorized to act in matters stated in the emergency order and designation of locations where specific matters may be heard.

Matters related to drug court are effective December 1, 2009, and apply to probation judgments entered then and later. Remainder of act effective July 1, 2009.

Intro. by Blue.

GS 7A, 15A, 135

May 5, 2009

H 1269. AOC OMNIBUS COURTS ACT. Filed 4/8/09. House committee substitute makes the following changes to 1st edition. Deletes provision that would have amended GS 7A-308(c) to authorize the Director of the Administrative Office of the Courts to establish the fee for participation in a program for the collection of worthless checks (current fee is \$60). Deletes provision that would have amended GS 7A-341 to allow the Director of the Administrative Office

of the Courts to elect to participate in either the judicial retirement system or the retirement system for teachers and state employees. Deletes provision that would have amended GS 135-53(9) that would have made conforming changes to the definitions related to the judicial retirement system. Amends the title of GS 7A-108 to remove the word annual as a qualifier before the word audit; the substantive provisions of the section remain the same and do not require an audit on an annual basis. Makes a technical change.

June 30, 2009

H 1269. AOC OMNIBUS COURTS ACT. Filed 4/8/09. Senate committee substitute makes the following changes to 2nd edition. Clarifies in proposed GS 7A-343.4 that the statute applies to *internal* auditors. Provides in proposed GS 15A-1344(a1) that proceedings to modify or revoke probation in cases where an offender is required to participate in a drug treatment court must be held in the county in which the drug treatment court (was, or problem-solving court) is located. Changes the effective date for the act, except for Sections 7 through 10 which are effective December 1, 2009, to when the act becomes law (was, July 1, 2009).

August 5, 2009

H 1269. AOC OMNIBUS COURTS ACT. Filed 4/8/09. Senate amendment makes the following changes to 3rd edition. Clarifies in proposed GS 7A-343(3a) that the Director of the Administrative Office of the Courts (AOC) is required to maintain (was, establish) and staff an Internal Audit Division of the Judicial Department and the AOC. Provides that GS 7A-271(f), GS 7A-272(e), and GS 15A-1344(a1), as enacted by Senate Bill 851, are repealed if that act becomes law. Makes organizational changes. Also makes conforming changes to the act's effective date.

September 1, 2009

SL 2009-516 (H 1269). AOC OMNIBUS COURTS ACT. AN ACT TO AUTHORIZE A COUNTY OR CITY TO USE EXCESS FACILITY FEES WITHOUT THE APPROVAL OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO ADD TO THE DIRECTOR'S POWERS AND DUTIES THE ESTABLISHMENT AND STAFFING OF AN INTERNAL AUDITING DIVISION FOR THE JUDICIAL DEPARTMENT, TO MODIFY CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, AND TO CLARIFY THE EMERGENCY POWERS OF THE CHIEF JUSTICE. Summarized in *Daily Bulletin* 4/8/09, 5/5/09, 6/30/09, and 8/5/09. Enacted August 26, 2009. Sections 7(a), 8(a), 9, and 10(a) are effective December 1, 2009. The remainder is effective August 26, 2009.