

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS85128-LL-58 (02/15)

Short Title: Office of Prosecution Services.

(Public)

Sponsors: Senator Bingham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH AN OFFICE OF PROSECUTION SERVICES TO PROVIDE
3 OVERSIGHT OF THE VARIOUS DISTRICT ATTORNEY OFFICES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Subchapter III of Chapter 7A of the General Statutes is amended by
6 adding a new Article to read:

7 "Article 10.

8 "Prosecution Services Act.

9 **"§ 7A-80. Title.**

10 This Article shall be known and may be cited as the "Prosecution Services Act of 2011."

11 **"§ 7A-81. Purpose.**

12 The purpose of this Article is to do the following:

- 13 (1) Enhance oversight of the criminal prosecution and related services provided
14 at State expense.
15 (2) Improve the quality of prosecution and ensure that justice is being sought on
16 behalf of the people of the State of North Carolina.
17 (3) Establish uniform policies and procedures for the delivery of prosecution
18 services.
19 (4) Generate reliable statistical information in order to evaluate the prosecution
20 services provided and funds expended.
21 (5) Deliver prosecution services in the most efficient and cost-effective manner
22 without sacrificing the quality of justice.

23 Nothing in this Article shall be construed to provide for interference with the exercise of
24 independent professional judgment and sound discretion, as necessary and appropriate for the
25 proper administration of justice, by the duly constituted district attorney in that district
26 attorney's prosecutorial district.

27 **"§ 7A-82. Establishment of Office of Prosecution Services.**

28 (a) The Office of Prosecution Services, which is administered by the Director of
29 Prosecution Services and includes the Commission on Prosecution Services, is created within
30 the Judicial Department. As used in this Article, "Office" means the Office of Prosecution
31 Services, "Director" means the Director of Prosecution Services, and "Commission" means the
32 Commission on Prosecution Services.

33 (b) The Office of Prosecution Services shall exercise its prescribed powers
34 independently of the head of the Administrative Office of the Courts. The Office may enter into



1 contracts, own property, and accept funds, grants, and gifts from any public or private source to
2 pay expenses incident to implementing its purposes.

3 (c) The Director of the Administrative Office of the Courts shall provide general
4 administrative support to the Office of Prosecution Services. The term "general administrative
5 support" includes purchasing, payroll, and similar administrative services.

6 (d) The budget of the Office of Prosecution Services shall be a part of the Judicial
7 Department's budget. The Commission on Prosecution Services shall consult with the Director
8 of the Administrative Office of the Courts, who shall assist the Commission in preparing and
9 presenting to the General Assembly the Office's budget, but the Commission shall have the
10 final authority with respect to preparation of the Office's budget and with respect to
11 representation of matters pertaining to the Office before the General Assembly.

12 (e) The Director of the Administrative Office of the Courts shall not reduce or modify
13 the budget of the Office of Prosecution Services or use funds appropriated to the Office without
14 the approval of the Commission.

15 **"§ 7A-83. Responsibilities of the Office of Prosecution Services.**

16 The Office shall be responsible for the following:

- 17 (1) Establishing management and oversight of the budget for the district
18 attorneys and any disbursement of funds.
- 19 (2) Identifying programs and policies that create greater efficiencies and
20 effectiveness in the prosecution function and that provide information on the
21 fiscal and practical impact created by changes in the criminal law and
22 procedure.
- 23 (3) Supporting the offices of district attorneys and their staffs through training,
24 technical assistance, publications, and related services.
- 25 (4) Providing district attorneys with the information and technology they need to
26 effectively process their caseloads and comply with statutory requirements.
- 27 (5) Providing, in extraordinary circumstances, assignment of special prosecutors
28 and determining compensation if necessary.

29 **"§ 7A-84. Establishment of the Commission on Prosecution Services.**

30 (a) The Commission on Prosecution Services is created within the Office of
31 Prosecution Services and shall consist of 11 members. To create an effective working group,
32 assure continuity, and achieve staggered terms, the Commission shall be appointed as provided
33 in this section.

34 (b) The members of the Commission shall be appointed as follows:

- 35 (1) The Chief Justice of the North Carolina Supreme Court shall appoint two
36 members, one of whom shall be an active district attorney and one of whom
37 shall be a chief of police.
- 38 (2) The Governor shall appoint two members, one of whom shall be an active
39 district attorney and one of whom shall be a sheriff.
- 40 (3) The General Assembly shall appoint two members, one of whom shall be an
41 active district attorney and one of whom shall be an attorney, upon the
42 recommendation of the President Pro Tempore of the Senate.
- 43 (4) The General Assembly shall appoint two members, one of whom shall be an
44 active district attorney and one of whom shall be an attorney, upon the
45 recommendation of the Speaker of the House of Representatives.
- 46 (5) The North Carolina State Bar shall appoint one member, who shall be an
47 attorney.
- 48 (6) Two members who shall be appointed through election by the district
49 attorneys of the State as a whole.

50 (c) The terms of members appointed pursuant to subsection (b) of this section shall be
51 as follows:

- 1 (1) The initial appointments by the Chief Justice shall be for four years.
2 (2) The initial appointments by the Governor shall be for three years.
3 (3) The initial appointments by the General Assembly shall be for two years.
4 (4) The initial appointments of active district attorneys elected by the district
5 attorneys of the State as a whole and the initial appointment by the North
6 Carolina State Bar shall be for one year.

7 At the expiration of these initial terms, appointments shall be for four years and shall be
8 made by the appointing authorities designated in subsection (b) of this section. No person shall
9 serve more than two consecutive four-year terms plus any initial term of less than four years.

10 (d) Persons appointed to the Commission shall have significant experience in the
11 prosecution of criminal or other cases subject to this Article or shall have demonstrated a strong
12 commitment to the quality of prosecution and ensuring that justice is being sought on behalf of
13 the people of North Carolina. No persons active in providing criminal defense services,
14 including lawyers, public defenders, or sentencing services, or active employees of such
15 persons, may be appointed to, or serve on, the Commission. No active judicial officials, or
16 active employees of such persons, may be appointed to, or serve on, the Commission.

17 (e) All members of the Commission are entitled to vote on any matters coming before
18 the Commission unless otherwise provided by rules adopted by the Commission concerning
19 voting on matters in which a member has, or appears to have, a financial or other personal
20 interest.

21 (f) Each member of the Commission shall serve until a successor in office has been
22 appointed. Vacancies shall be filled by appointment by the appointing authority for the
23 unexpired term. Removal of Commission members shall be in accordance with policies and
24 procedures adopted by the Commission.

25 (g) A quorum for purposes of conducting Commission business shall be a majority of
26 the members of the Commission.

27 (h) The Commission shall elect a Commission chair, who shall be an active district
28 attorney, from the members of the Commission for a term of two years.

29 (i) The Director of Prosecution Services shall attend all Commission meetings except
30 those relating to removal or reappointment of the Director or allegations of misconduct by the
31 Director. The Director shall not vote on any matter decided by the Commission.

32 (j) Commission members shall not receive compensation but are entitled to be paid
33 necessary subsistence and travel expenses in accordance with G.S. 138-5 and G.S. 138-6 as
34 applicable.

35 (k) The Commission shall hold its first meeting no later than September 15, 2011. All
36 appointments to the Commission shall be made by the appointing authorities by August 1,
37 2011. An appointee of the Chief Justice, to be designated at the time of appointment, shall
38 convene the first meeting. At that first meeting, the Commission shall elect its chair.

39 **"§ 7A-85. Responsibilities of the Commission on Prosecution Services.**

40 (a) The Commission shall have as its principal purpose the development and
41 improvement of programs by which the Office of Prosecution Services provides oversight of
42 criminal prosecution and related service.

43 (b) The Commission shall appoint the Director of Prosecution Services, who shall be
44 chosen on the basis of training, experience, and other qualifications. The Commission shall
45 consult with the Chief Justice and the district attorneys in selecting a Director, but shall have
46 final authority in making the appointment.

47 (c) The Commission shall provide support and assistance to each elected district
48 attorney in the development of guidelines governing the provision of prosecution services for
49 that district attorney's prosecutorial district under this Article. The guidelines shall include the
50 following:

- 1 (1) Guidelines for maintaining and operating district attorney offices, including
2 requirements regarding qualifications, training, and size of the legal and
3 supporting staff.
4 (2) Guidelines prescribing minimum experience, training, and other
5 qualifications for assistant district attorneys.
6 (3) Guidelines for assistant district attorney caseloads.
7 (4) Guidelines for the performance of assistant district attorneys.
8 (5) Guidelines for providing and compensating experts and others who provide
9 services related to prosecution.

10 (d) The Commission shall determine the methods for delivering prosecution services
11 under this Article in the most efficient and cost-effective manner without sacrificing the quality
12 of justice.

13 (e) The Commission shall establish policies and procedures with respect to the
14 distribution of funds appropriated under this Article, including rates of compensation for
15 assistant district attorneys, schedules of allowable expenses, and the appointment and
16 compensation of expert witnesses.

17 (f) The Commission shall approve and recommend to the General Assembly a budget
18 for the Office of Prosecution Services.

19 (g) The Commission shall adopt such other rules and procedures as it deems necessary
20 for the conduct of business by the Commission and the Office of Prosecution Services.

21 **"§ 7A-86. Director of Prosecution Services.**

22 (a) The Director of Prosecution Services shall be appointed by the Commission for a
23 term of four years. The salary of the Director shall be set by the General Assembly in the
24 Current Operations Appropriations Act, after consultation with the Commission. The Director
25 may be removed during this term in the discretion of the Commission by a vote of two-thirds of
26 all of the Commission members.

27 (b) The Director shall do the following:

- 28 (1) Prepare and submit to the Commission a proposed budget for the Office of
29 Prosecution Services, an annual report containing pertinent data on the
30 operations, costs, and needs of the Office, and such other information as the
31 Commission may require.
32 (2) Assist the Commission in developing rules and standards for the delivery of
33 services under this Article.
34 (3) Administer and coordinate the operations of the Office and supervise
35 compliance with standards adopted by the Commission.
36 (4) Subject to policies and procedures established by the Commission, hire such
37 professional, technical, and support personnel as deemed reasonably
38 necessary for the efficient operation of the Office of Prosecution Services.
39 (5) Keep and maintain proper financial records for use in calculating the costs of
40 the operations of the Office of Prosecution Services.
41 (6) Apply for and accept on behalf of the Office of Prosecution Services any
42 funds that may become available from government grants, private gifts,
43 donations, or bequests from any source.
44 (7) Perform other duties as the Commission may assign.

45 (c) In lieu of merit and other increment raises paid to regular State employees, the
46 Director of Prosecution Services shall receive as longevity pay an amount equal to four and
47 eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations
48 Appropriations Act payable monthly after five years of service, nine and six-tenths percent
49 (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of
50 service, nineteen and two-tenths percent (19.2%) after 20 years of service, and twenty-four
51 percent (24%) after 25 years of service. "Service" means service as Director of Prosecution

1 Services, Director of the Conference of District Attorneys, a public defender, appellate
2 defender, assistant public or appellate defender, district attorney, assistant district attorney,
3 resource prosecutor, justice or judge of the General Court of Justice, or clerk of superior court."

4 **SECTION 2.** Article 32 of Chapter 7A of the General Statutes is repealed.

5 **SECTION 3.** G.S. 7A-60(a2) reads as rewritten:

6 "(a2) Upon the convening of each regular session of the General Assembly and its
7 reconvening in the even-numbered year, the ~~Administrative Office of the Courts~~ Office of
8 Prosecution Services shall report its recommendations regarding the allocation of assistant
9 district attorneys for the upcoming fiscal biennium and fiscal year to the General Assembly,
10 including any request for additional assistant district attorneys. The report shall include the
11 number of assistant district attorneys that the ~~Administrative Office of the Courts~~ Office of
12 Prosecution Services recommends to be allocated to each prosecutorial district and the caseload
13 and criteria on which each recommended allocation is based. Any reports required under this
14 subsection shall be made to the Joint Legislative Commission of Governmental Operations, the
15 House of Representatives and Senate Appropriations Subcommittees on Justice and Public, and
16 the Fiscal Research Division."

17 **SECTION 4.(a)** G.S. 7A-64 reads as rewritten:

18 "**§ 7A-64. Temporary assistance for district attorneys.**

19 (a) A district attorney may apply to the ~~Director of the Administrative Office of the~~
20 Courts Director of Prosecution Services to:

- 21 (1) Temporarily assign an assistant district attorney from another district, after
22 consultation with the district attorney thereof, to assist in the prosecution of
23 cases in the requesting district;
- 24 (2) Authorize the temporary appointment, by the requesting district attorney, of
25 a qualified attorney to assist the requesting district attorney; or
- 26 (3) Enter into contracts with local governments for the provision of services by
27 the State pursuant to G.S. 153A-212.1 or G.S. 160A-289.1.

28 (a1) If there is an allegation of or evidence of prosecutorial misconduct in a case that is
29 scheduled for a hearing of a claim of factual innocence under G.S. 15A-1469, the Chair of the
30 North Carolina Innocence Inquiry Commission or the district attorney of the district of the
31 conviction may apply to the Administrative Office of the Courts to authorize the temporary
32 appointment of a district attorney, assistant district attorney, or other qualified attorney as a
33 special prosecutor to represent the State in that hearing.

34 (b) The ~~Director of the Administrative Office of the Courts~~ Director of Prosecution
35 Services may provide this assistance only upon a showing by the requesting district attorney or
36 the Chair of the North Carolina Innocence Inquiry Commission, as appropriate, supported by
37 facts, that:

- 38 (1) Criminal cases have accumulated on the dockets of the superior or district
39 courts of the district beyond the capacity of the district attorney and the
40 district attorney's full-time assistants to keep the dockets reasonably current;
- 41 (2) The overwhelming public interest warrants the use of additional resources
42 for the speedy disposition of cases involving drug offenses, domestic
43 violence, or other offenses involving a threat to public safety; or
- 44 (3) There is an allegation of or evidence of prosecutorial misconduct in the case
45 that is the subject of the hearing under G.S. 15A-1469.

46 (c) The length of service and compensation of any temporary appointee or the terms of
47 any contract entered into with local governments shall be fixed by ~~Director of the~~
48 Administrative Office of the Courts Director of Prosecution Services in each case. Nothing in
49 this section shall be construed to obligate the General Assembly to make any appropriation to
50 implement the provisions of this section or to obligate the ~~Administrative Office of the Courts~~
51 Office of Prosecution Services to provide the administrative costs of establishing or

1 maintaining the positions or services provided for under this section. Further, nothing in this
2 section shall be construed to obligate the ~~Administrative Office of the Courts~~ Office of
3 Prosecution Services to maintain positions or services initially provided for under this section."

4 **SECTION 4.(b)** G.S. 153A-212.1 reads as rewritten:

5 **"§ 153A-212.1. Resources to protect the public.**

6 Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and
7 7A-498.7, a county may appropriate funds under contract with the State for the provision of
8 services for the speedy disposition of cases involving drug offenses, domestic violence, or other
9 offenses involving threats to public safety. Nothing in this section shall be construed to obligate
10 the General Assembly to make any appropriation to implement the provisions of this section.
11 Further, nothing in this section shall be construed to obligate the Administrative Office of the
12 ~~Courts or Courts~~, the Office of Indigent Defense ~~Services~~ Services, or the Office of Prosecution
13 Services to maintain positions or services initially provided for under this section."

14 **SECTION 4.(c)** G.S. 160A-289.1 reads as rewritten:

15 **"§ 160A-289.1. Resources to protect the public.**

16 Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and
17 7A-498.7, a city may appropriate funds under contract with the State for the provision of
18 services for the speedy disposition of cases involving drug offenses, domestic violence, or other
19 offenses involving threats to public safety. Nothing in this section shall be construed to obligate
20 the General Assembly to make any appropriation to implement the provisions of this section.
21 Further, nothing in this section shall be construed to obligate the Administrative Office of the
22 ~~Courts or Courts~~, the Office of Indigent Defense ~~Services~~ Services, or the Office of Prosecution
23 Services to maintain positions or services initially provided for under this section."

24 **SECTION 5.** G.S. 7A-65(d) reads as rewritten:

25 "(d) In lieu of merit and other increment raises paid to regular State employees, an
26 assistant district attorney shall receive as longevity pay an amount equal to four and
27 eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations
28 Appropriations Act payable monthly after five years of service, nine and six-tenths percent
29 (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of
30 service, nineteen and two-tenths percent (19.2%) after 20 years of service, and twenty-four
31 percent (24%) after 25 years of service. "Service" means service as an assistant district
32 attorney, district attorney, resource prosecutor, public defender, appellate defender, assistant
33 public or appellate defender, justice or judge of the General Court of Justice, or clerk of
34 superior court. For purposes of this subsection, "resource prosecutor" means a former assistant
35 district attorney who has left the employment of the district attorney's office to serve in a
36 specific, time-limited position with the ~~Conference of District Attorneys~~. Commission on
37 Prosecution Services."

38 **SECTION 6.** G.S. 7A-343(2) reads as rewritten:

39 **"§ 7A-343. Duties of Director.**

40 The Director is the Administrative Officer of the Courts, and the Director's duties include
41 all of the following:

42 ...

43 (2) Determine the state of the dockets and evaluate the practices and procedures
44 of the courts, and make recommendations concerning the number of ~~judges,~~
45 ~~district attorneys,~~ judges and magistrates required for the efficient
46 administration of justice.

47"

48 **SECTION 7.** G.S. 7A-347 reads as rewritten:

49 **"§ 7A-347. Assistants for administrative and victim and witness services.**

50 Assistant for administrative and victim and witness services positions are established under
51 the district attorneys' offices. Each prosecutorial district is allocated at least one assistant for

1 administrative and victim and witness services to be employed by the district attorney. The
2 ~~Administrative Office of the Courts~~ Office of Prosecution Services shall allocate additional
3 assistants to prosecutorial districts on the basis of need and within available appropriations.
4 Each district attorney may also use any volunteer or other personnel to assist the assistant. The
5 assistant is responsible for coordinating efforts of the law-enforcement and judicial systems to
6 assure that each victim and witness is provided fair treatment under Article 45 of Chapter 15A,
7 Fair Treatment for Victims and Witnesses and shall also provide administrative and legal
8 support to the district attorney's office."

9 **SECTION 8.** G.S. 7A-348 reads as rewritten:

10 **"§ 7A-348. Training and supervision of assistants for administrative and victim and**
11 **witness services.**

12 Pursuant to the provisions of G.S. 7A-413, the ~~Conference of District Attorneys~~
13 Commission on Prosecution Services shall:

- 14 (1) Assist in establishing uniform statewide training for assistants for
15 administrative and victim and witness services; and
16 (2) Assist in the implementation and supervision of this program."

17 **SECTION 9.** G.S. 7B-1402(b)(21) reads as rewritten:

18 "(21) A district attorney, appointed by the President Pro Tempore of the Senate
19 upon recommendation of the ~~President of the North Carolina Conference of~~
20 District Attorneys; Commission on Prosecution Services."

21 **SECTION 10.** G.S. 14-107.2(b) reads as rewritten:

22 "(b) Upon authorization by the ~~Administrative Office of the Courts,~~ Office of
23 Prosecution Services, a district attorney may establish a program for the collection of worthless
24 checks in cases that may be prosecuted under G.S. 14-107. The district attorney may establish a
25 program for the collection of worthless checks in cases that would be punishable as
26 misdemeanors, in cases that would be punishable as felonies, or both. The district attorney shall
27 establish criteria for the types of worthless check cases that will be eligible under the program."

28 **SECTION 11.** G.S. 15A-622(h) reads as rewritten:

29 "(h) A written petition for convening of grand jury under this section may be filed by the
30 district attorney, the district attorney's designated assistant, or a special prosecutor requested
31 pursuant to G.S. 114-11.6, with the approval of a ~~committee of at least three members of the~~
32 North Carolina Conference of District Attorneys, the Commission on Prosecution Services, and
33 with the concurrence of the Attorney General, with the Clerk of the North Carolina Supreme
34 Court. The Chief Justice shall appoint a panel of three judges to determine whether to order the
35 grand jury convened. A grand jury under this section may be convened if the three-judge panel
36 determines that:

- 37 (1) The petition alleges the commission of or a conspiracy to commit a violation
38 of G.S. 90-95(h) or G.S. 90-95.1, any part of which violation or conspiracy
39 occurred in the county where the grand jury sits, and that persons named in
40 the petition have knowledge related to the identity of the perpetrators of
41 those crimes but will not divulge that knowledge voluntarily or that such
42 persons request that they be allowed to testify before the grand jury; and
43 (2) The affidavit sets forth facts that establish probable cause to believe that the
44 crimes specified in the petition have been committed and reasonable grounds
45 to suspect that the persons named in the petition have knowledge related to
46 the identity of the perpetrators of those crimes.

47 The affidavit shall be based upon personal knowledge or, if the source of the information
48 and basis for the belief are stated, upon information and belief. The panel's order convening the
49 grand jury as an investigative grand jury shall direct the grand jury to investigate the crimes and
50 persons named in the petition, and shall be filed with the Clerk of the North Carolina Supreme
51 Court. A grand jury so convened retains all powers, duties, and responsibilities of a grand jury

1 under this Article. The contents of the petition and the affidavit shall not be disclosed. Upon
2 receiving a petition under this subsection, the Chief Justice shall appoint a panel to determine
3 whether the grand jury should be convened as an investigative grand jury.

4 A grand jury authorized by this subsection may be convened from an existing grand jury or
5 grand juries authorized by subsection (b) of this section or may be convened as an additional
6 grand jury to an existing grand jury or grand juries. Notwithstanding subsection (b) of this
7 section, grand jurors impaneled pursuant to this subsection shall serve for a period of 12
8 months, and, if an additional grand jury is convened, 18 persons shall be selected to constitute
9 that grand jury. At any time for cause shown, the presiding superior court judge may excuse a
10 juror temporarily or permanently, and in the latter event the court may impanel another person
11 in place of the juror excused."

12 **SECTION 12.** G.S. 15A-1475 reads as rewritten:

13 **"§ 15A-1475. Reports.**

14 Beginning January 1, 2008, and annually thereafter, the North Carolina Innocence Inquiry
15 Commission shall report on its activities to the Joint Legislative Corrections, Crime Control,
16 and Juvenile Justice Oversight Committee and the State Judicial Council. The report may
17 contain recommendations of any needed legislative changes related to the activities of the
18 Commission. The report shall recommend the funding needed by the Commission, the district
19 attorneys, and the State Bureau of Investigation in order to meet their responsibilities under
20 S.L. 2006-184. Recommendations concerning the district attorneys or the State Bureau of
21 Investigation shall only be made after consultations with the ~~North Carolina Conference of~~
22 ~~District Attorneys~~ Commission on Prosecution Services and the Attorney General."

23 **SECTION 13.** G.S. 120-226(c)(8) reads as rewritten:

24 "(8) One representative from the ~~Conference of District Attorneys of North~~
25 ~~Carolina,~~ Commission on Prosecution Services, as appointed by the Speaker
26 of the House of Representatives."

27 **SECTION 14.** G.S. 143-661(b)(4)b. reads as rewritten:

28 "b. One member who is a district attorney or an assistant district attorney
29 upon the recommendation of the Conference of District Attorneys of
30 North Carolina, for a term beginning July 1, 1998, and expiring June
31 30, 1999. For the term beginning July 1, 2013, this appointment shall
32 be made upon the recommendation of the Commission on
33 Prosecution Services."

34 **SECTION 15.** G.S. 164-37(17) reads as rewritten:

35 "(17) The ~~President of the Conference of District Attorneys~~ Chair of the
36 Commission on Prosecution Services or his designee."

37 **SECTION 16.** The Commission on Prosecution Services shall report on or before
38 May 1, 2012, to the Chairs of the Senate and House Appropriations Committees and the Chairs
39 of the Senate and House Appropriations Subcommittees on Justice and Public Safety regarding
40 (i) a plan for the orderly transfer of budget and related authority from the Administrative Office
41 of the Courts to the Commission on Prosecution Services, effective July 1, 2012; (ii) the rules,
42 standards, and other regulations developed by the Commission for the delivery of prosecution
43 services; and (iii) other matters for implementation of the provisions of this act.

44 **SECTION 17.** This act becomes effective July 1, 2011.