AN ACT REGARDING THE TRANSPORTATION SYSTEMS OF THE COMMONWEALTH

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 161A of the General Laws, as amended by section 1 of chapter 25 of the acts of 2009, is hereby amended by striking out the words "commonwealth" in the first sentence and inserting in place thereof the following words:

SECTION 2. Section 2 of chapter 161A of the General Laws, as amended by section 2 of chapter 25 of the acts of 2009, is hereby amended by striking out the first paragraph and inserting in place thereof the following:

(a) There shall be established an economically efficient foreign improvement program coordination and oversight council. The council shall consist of a chair appointed by the governor, the secretary of transportation and public works, the commissioner of the department of transportation, the commissioner of the department of environmental protection, the commissioner of the department of fish and game, the commissioner of the department of conservation and recreation, the commissioner of the department of environmental management, the commissioner of the department of agricultural resources, the commissioner of the department of public utilities, the commissioner of the department of energy resources, the commissioner of the department of housing and community development, the commissioner of the department of public health, the commissioner of the department of transitional assistance, the commissioner of the department of mental health, the commissioner of the department of mental retardation, the commissioner of the department of youth services, the commissioner of the department of elementary and secondary education, the commissioner of the department of public safety, the commissioner of the department of correction, the commissioner of the department of revenue, the commissioner of the department of labor and workforce development, the commissioner of the department of veterans' services, the commissioner of the department of telecommunications and cable, the commissioner of the department of administration and finance, the commissioner of the department of information technology, the commissioner of the department of environmental protection

and Sporting Fees and Charges; financial transactions; loans; costs of credit; charges; production; the exercise of the prerogative of Mercy and their specifications for the collection of fees or credit or other charges; collection; recovery; and enforcement; and the exercise of the prerogative of Mercy; and the exercise of the prerogative of Mercy; and the exercise of the prerogative of Mercy

(c) Or all cases and things necessary, convenient or desirable to carry into the general powers granted in this chapter.

(d) Notwithstanding any other provision of this section, the division may have to obtain from the department, or any other state agency, a license, permit, or other authorization to conduct a business conducted by such other agency, or to perform an act or acquire an interest in property which is required by such other agency in connection with the business of the division, or which is required by such other agency in connection with the business of any person, firm, or corporation with which the division does business, and to comply with such rules and regulations of such other agency as may be required for such license, permit, or other authorization. The fees, if any, charged by such other agency for such license, permit, or other authorization shall be paid by the division or by such other agency, or shall be paid by such other agency and charged back to the division, as the case may be. The fees, if any, charged by such other agency for such license, permit, or other authorization shall be those customarily charged by such other agency for such license, permit, or other authorization, and shall be in such amounts as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 31. In addition to any other powers the division may have or exercise under this chapter, the division may, from or after the date of its initial license to operate a business under its DBA name, acquire and retain such stockholdings in the business as may be required by the laws of the state in which the business is located, or such other interest in the business as may be required by the laws of the state in which the business is located, provided, however, that any such interest shall be disposed of within such time as may be required by the laws of the state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency, and provided, however, that the division may not acquire or retain any such stockholdings or other interest if the laws of the state in which the business is located prohibit such acquisition or retention, or if such stockholdings or other interest would prevent or preclude the division from obtaining such license, permit, or other authorization, and provided, however, that the division may not acquire or retain any such stockholdings or other interest if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of the state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 32. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 33. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

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Section 101. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

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Section 103. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 104. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 105. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 106. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 107. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 108. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 109. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 110. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 111. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 112. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 113. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 114. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 115. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 116. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 117. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 118. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 119. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 120. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 121. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

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Section 123. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 124. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

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Section 126. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 127. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 128. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

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Section 131. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 132. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

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Section 135. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

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Section 138. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

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Section 141. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 142. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

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Section 144. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 145. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 146. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 147. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such stockholdings or other interest would prevent or preclude the division from obtaining any other license, permit, or other authorization which is required by the laws of any state in which the business is located, or such other time as may be agreed upon by the director of the department of public safety and the head of such other agency.

Section 148. Notwithstanding any other provision of this section, the division may not acquire or retain any such stockholdings or other interest in any business if such st

Section 2. Section 2 of the same chapter is hereby amended by inserting after the second paragraph thereof the following new paragraph:

"Notwithstanding any provision of the authority's enabling act to the contrary, if a fiscal year shall occur in which the authority shall have incurred a deficit in its operating revenues and expenses, the authority shall be required to pay the amount of such deficit from the Commonwealth's general fund, subject to appropriation, in the manner hereinafter provided, but the authority is not to be taxed or assessed by the Commonwealth or any of its agencies, boards, commissions, or authorities for the payment of such deficit, or any other obligation of the Commonwealth or any of its agencies, boards, commissions, or authorities, or any other obligation of the authority, or any other obligation of the authority to which the Commonwealth is obligated, or any other obligation of the Commonwealth or any of its agencies, boards, commissions, or authorities

(1) Notwithstanding any provisions to the contrary, the Massachusetts Transportation Authority shall be subject to and may take actions pursuant to section 53 of chapter 90 and section 4 of chapter 161A of the General Laws, but shall not be subject to any other provisions of chapter 161A or chapter 90 or any other general or special law to the contrary, including, but not limited to, any requirements for approval by the Massachusetts Bay Transportation Authority Board of Directors, the Massachusetts Bay Transportation Authority Advisory Board, the Massachusetts Bay Transportation Authority Capital Maintenance and Improvement Fund Board of Directors, the Massachusetts Bay Transportation Authority Capital Improvement Committee, the Massachusetts Bay Transportation Authority Capital Maintenance and Improvement Committee, the Massachusetts Bay Transportation Authority Fiscal and Management Control Board, the Massachusetts Bay Transportation Authority Pension Board of Trustees, the Massachusetts Bay Transportation Authority Board of Trustees, the Massachusetts Bay Transportation Authority Retiree Health Benefit Trust Board of Trustees, the Massachusetts Bay Transportation Authority Retiree Health Benefit Trust Committee, the Massachusetts Bay Transportation Authority Pension Committee, the Massachusetts Bay Transportation Authority Capital Asset Preservation and Improvement Board, the Massachusetts Bay Transportation Authority Capital Asset Preservation and Improvement Committee, the Massachusetts Bay Transportation Authority Board of Directors Committee on Finance, the Massachusetts Bay Transportation Authority Board of Directors Committee on Audit, the Massachusetts Bay Transportation Authority Board of Directors Committee on Operations, the Massachusetts Bay Transportation Authority Board of Directors Committee on Safety and Security, the Massachusetts Bay Transportation Authority Board of Directors Committee on Capital Asset Preservation and Improvement, the 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including funding for workforce retraining programs at existing institutions, community colleges, labor organizations, and administrative entities to implement the workforce retraining initiative. Where applicable, the director may utilize any funds received pursuant to the federal Workforce Investment Act of 1998, 112 Stat. 936, 29 U.S.C. § 2801, as amended, to provide additional funding for the workforce retraining initiative.

In the event an employee displaced by the operation of this act does not have severance or other termination benefits, the department of transportation shall pay, for a period not to exceed 2 months following the date of termination of employment, the then current salary for that employee.

This section shall expire 18 months after the effective date of this act.

SECTION 77A. Any order, rule, or regulation duly promulgated, or any license, permit, certificate or approval duly granted, by or on behalf of the Massachusetts Turnpike Authority shall continue in full force and effect to the extent consistent with this act and the laws of the commonwealth, and, from and after the date of dissolution of that authority, shall continue to be enforced, until superseded, revised, rescinded or cancelled by the chief operating officer of the Massachusetts Surface Transportation Authority, with the approval of the secretary of transportation.

SECTION 77B. All uncommitted and unexpended funds and authorizations, which have been appropriated from time to time to the executive office of transportation and public works, including any agency and authority within said executive office, including but not limited to, funds authorized in chapter 15 of the acts of 1988, chapter 33 of the acts of 1991, chapter 102 of the acts of 1994, chapter 273 of the acts of 1994, chapter 28 of the acts of 1996, chapter 113 of the acts of 1996, chapter 205 of the acts of 1996, chapter 11 of the acts of 1997, chapter 55 of the acts of 1999, chapter 87 of the acts of 2000, chapter 235 of the acts of 2000, chapter 246 of the acts of 2002, chapter 40 of the acts of 2003, chapter 291 of the acts of 2004, chapter 27 of the acts of 2007, chapter 86 of the acts of 2008, chapter 233 of the acts of 2008, and chapter 303 of the acts of 2008, shall be transferred to the Massachusetts Surface Transportation Authority for use by the authority or any of its divisions for purposes consistent with such authorizations.

SECTION 77C. The human resources division, in consultation with the secretary of transportation and the Massachusetts Surface Transportation Authority, shall develop and implement a revised salary structure for positions within the commonwealth requiring licensure as a professional engineer. That salary structure shall be competitive with salaries earned in the private industry for similar employment requiring licensure as a professional engineer and shall be collectively bargained once implemented.

SECTION 77D. The Massachusetts Surface Transportation Authority shall, in consultation with the Federal Highway Administration, inventory the requirements for, and assume the responsibilities of, rehabilitating and reconstructing the turnpike and metropolitan highway system in compliance with Title 23 of the United States Code. The inventory shall include operational and safety considerations associated with direct access to the mainline roadway from: (i) maintenance, administration, and state police facilities, (ii) emergency median crossovers, and (iii) adjacent local roadways and service plazas.

SECTION 77E. Notwithstanding any general or special law to the contrary, the division of roads and bridges of the Massachusetts Surface Transportation Authority shall enter into an agreement with the Massachusetts Bay Transportation Authority to assume all bridge inspection responsibilities for any bridges owned and operated by the Massachusetts Bay Transportation Authority over the roads of the commonwealth.

SECTION 77F. Section 77E of this act shall expire on July 1, 2011.

SECTION 77G. The healthy transportation compact established by subsection (g) of section 19 of chapter 6A of the General Laws shall complete, in consultation with the department of public health, not later than September 30, 2010, a comprehensive baseline study of the health effects of particulate air pollution from surface transportation in Massachusetts. The study shall focus on understanding the health impacts from fine and ultrafine particulate matter upon populations that are located within 500 feet of any roadway with 50,000 or more motor vehicle trips per day, or any rail line regularly used by diesel locomotives as reported between January 1, 2007 and January 1, 2008; provided, however, that the study may include, but shall not be limited to, examining respiratory and cardiovascular disease and cancer incidence that may be affected by exposure to traffic-related particles. The following departments and agencies shall provide information relevant to this study: the department of environmental protection, the department of public health, and the central transportation planning staff of the Boston metropolitan planning organization.

SECTION 77H. The Massachusetts Surface Transportation Authority shall develop and implement the integrated management system required under section 5 of chapter 81B of the General Laws not later than January 1, 2012.

SECTION 77I. The initial progress report required under subsection (d) of section 8 of chapter 81B of the General Laws shall be filed by the Massachusetts Surface Transportation Authority on December 15, 2009.

SECTION 77J. The Massachusetts Surface Transportation Authority shall file the initial report required by subsection (a) of section 29 of chapter 81B of the General Laws shall apply to the fiscal year of the said authority commencing July 1, 2009.

SECTION 77K. The parkway advisory board established by section 60 of chapter 81C of the General Laws shall convene its first meeting within 60 days after the transfer of parkways and bridges from the department of conservation and recreation to the division of roads and bridges of the Massachusetts surface

SECTION 77L. The members of the special public-private infrastructure oversight commission established in section 70 of chapter 7 of the General Laws, shall be appointed not later than August 30, 2009.

SECTION 78. Section 67 is hereby repealed.

SECTION 79. Section 68 is hereby repealed.

SECTION 80. Section 69 is hereby repealed.

SECTION 81. Section 70 is hereby repealed.

SECTION 82. Sections 1, 1A, 2, 2A, 4A, 5, 8, 10 through 12, inclusive, 14 through 18, inclusive, 20, 30 through 40, inclusive, 42A, 42B, 42C, 45, 46, 54, 55, 59, 62, 63, 63A,77, 77B, 77C, 77D, 77E, 77G, 77H, 77I, 77J, 77K and 77L shall take effect on July 1, 2009.

SECTION 83. Section 3, 9, 19, 21, 23, 25, 27, 43, 56, 57, 60, 64, 77A, 78 and 80 shall take effect on July 1, 2010.

SECTION 84. Sections 4, 6, 7, 13, 22, 24, 26, 28, 29, 42, 58, 61, 65, 79 and 81 shall take effect on July 1, 2011.

SECTION 85. Except as otherwise provided for in this act, this act shall take effect upon its passage.