

# House Bill 2145

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon Department of Administrative Services)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes procedures for management of state agency information resources and information technology services and assets.

Removes authority for Oregon Department of Administrative Services to operate central repair and maintenance services and clerical pool services for state agencies. Deletes obsolete provisions relating to department functions.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to state agency administrative services; amending ORS 171.855, 177.200, 178.100, 181.725,  
3 184.473, 184.475, 184.477, 283.130, 291.038, 291.042, 291.990 and 576.307; repealing ORS 283.150  
4 and 283.160; and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 171.855 is amended to read:

7 171.855. The Joint Legislative Committee on Information Management and Technology shall:

8 (1) Establish statewide goals and policy regarding information systems and technology, including  
9 telecommunications.

10 (2) Conduct studies of information management and technology efficiency and security.

11 [(3) *Review the activities of the Oregon Department of Administrative Services, Information Re-*  
12 *sources Management Council.*]

13 [(4)] (3) Make recommendations regarding established or proposed information resource man-  
14 agement programs and information technology acquisitions.

15 **SECTION 2.** ORS 177.200 is amended to read:

16 177.200. (1) The Secretary of State shall implement portfolio-based management of information  
17 technology resources, as described in this section, to:

18 (a) Ensure that the Office of the Secretary of State links [*its*] **the office's** information technol-  
19 ogy investments with business plans;

20 (b) Facilitate risk assessment of information technology projects and investments;

21 (c) Ensure that the office justifies information technology investments on the basis of sound  
22 business cases;

23 (d) Ensure that the office facilitates development and review of information technology per-  
24 formance related to business operations;

25 (e) Identify projects that can cross agency and program lines to leverage resources; and

26 (f) Assist in [*state government-wide*] planning **with state agencies** for common, shared informa-  
27 tion technology infrastructure.

28 (2) The Secretary of State shall integrate strategic and business planning, technology planning

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 and budgeting and project expenditure processes into the Secretary of State’s information technol-  
 2 ogy portfolio-based management.

3 (3) The Secretary of State shall conduct and maintain a continuous inventory of current and  
 4 planned investments in information technology, a compilation of information about those assets and  
 5 the total life cycle cost of those assets.

6 (4) The Secretary of State shall develop and implement [*standards,*] processes and procedures for  
 7 the required inventory and for the management of the information technology portfolio.

8 (5) As used in this section, “information technology” [*has the meaning given that term*] **and**  
 9 **“state agency” have the meanings given those terms** in ORS 184.473.

10 **SECTION 3.** ORS 178.100 is amended to read:

11 178.100. (1) The State Treasurer shall implement portfolio-based management of information  
 12 technology resources, as described in this section, to:

13 (a) Ensure that the office of the State Treasurer links [*its*] **the office’s** information technology  
 14 investments with business plans;

15 (b) Facilitate risk assessment of information technology projects and investments;

16 (c) Ensure that the office justifies information technology investments on the basis of sound  
 17 business cases;

18 (d) Ensure that the office facilitates development and review of information technology per-  
 19 formance related to business operations;

20 (e) Identify projects that can cross agency and program lines to leverage resources; and

21 (f) Assist in [*state government-wide*] planning **with state agencies** for common, shared informa-  
 22 tion technology infrastructure.

23 (2) The State Treasurer shall integrate strategic and business planning, technology planning and  
 24 budgeting and project expenditure processes into the State Treasurer’s information technology  
 25 portfolio-based management.

26 (3) The State Treasurer shall conduct and maintain a continuous inventory of current and  
 27 planned investments in information technology, a compilation of information about those assets and  
 28 the total life cycle cost of those assets.

29 (4) The State Treasurer shall develop and implement [*standards,*] processes and procedures for  
 30 the required inventory and for the management of the information technology portfolio.

31 (5) As used in this section, “information technology” [*has the meaning given that term*] **and**  
 32 **“state agency” have the meanings given those terms** in ORS 184.473.

33 **SECTION 4.** ORS 181.725 is amended to read:

34 181.725. (1) There is established a Criminal Justice Information Standards Advisory Board to  
 35 advise the Department of State Police or the criminal justice agency designated by the Director of  
 36 the Oregon Department of Administrative Services under ORS 181.715 (1) about the department’s  
 37 or the agency’s duties under ORS 181.715. The board consists of the following members:

38 (a) The State Court Administrator or the administrator’s designee;

39 (b) The Director of the Department of Corrections or the director’s designee;

40 (c) The Superintendent of State Police or the superintendent’s designee;

41 (d) The executive director of the Oregon Criminal Justice Commission or the executive direc-  
 42 tor’s designee;

43 (e) The Director of Transportation or the director’s designee;

44 (f) The chairperson of the State Board of Parole and Post-Prison Supervision or the chair-  
 45 person’s designee;

1 (g) The Director of the Department of Public Safety Standards and Training or the director's  
2 designee;

3 (h) A chief of police designated by the Oregon Association Chiefs of Police;

4 (i) A sheriff designated by the Oregon Sheriffs' Association;

5 (j) A jail manager designated by the Oregon Jail Managers' Association;

6 (k) A county juvenile department director designated by the Oregon Juvenile Department Di-  
7 rectors' Association;

8 (L) A community corrections agency director designated by the Oregon Association of Commu-  
9 nity Corrections Directors;

10 (m) A district attorney designated by the Oregon District Attorneys Association;

11 (n) The administrator of the [*information resource management*] **Enterprise Information**  
12 **Strategy and Policy** Division of the Oregon Department of Administrative Services or the admin-  
13 istrator's designee;

14 (o) The Director of the Oregon Youth Authority or the director's designee;

15 (p) The State Fish and Wildlife Director or the director's designee;

16 (q) The administrator of the Oregon Liquor Control Commission or the administrator's designee;  
17 and

18 (r) The staff director of the State Commission on Children and Families or the staff director's  
19 designee.

20 (2) The board shall meet at such times and places as the board deems necessary.

21 (3) The members of the board are not entitled to compensation but are entitled to expenses as  
22 provided in ORS 292.495.

23 **SECTION 5.** ORS 184.473 is amended to read:

24 184.473. As used in ORS 184.475 and 184.477:

25 (1) "Information technology" includes, but is not limited to, all present and future forms of  
26 hardware, software and services for data processing, office automation and telecommunications.

27 (2) "State agency" includes every state officer, board, commission, department, institution,  
28 branch or agency of the state government whose costs are paid wholly or in part from funds held  
29 in the State Treasury, except:

30 [*(a) The Secretary of State, the State Treasurer, the Legislative Assembly, the courts and their of-*  
31 *ficers and committees; and]*

32 **(a) The Legislative Assembly and the officers, members, committees and staff of the**  
33 **Legislative Assembly;**

34 **(b) The courts and the officers, members and staff of the judiciary;**

35 **(c) The Secretary of State and the State Treasurer in the performance of the constitu-**  
36 **tional duties of those offices;**

37 **(d) The State Board of Higher Education, the Oregon University System, the Oregon**  
38 **Health and Science University and any state institution of higher education or community**  
39 **college;**

40 **(e) The Oregon State Lottery; and**

41 [*(b)*] **(f) The Public Defense Services Commission.**

42 **SECTION 6.** ORS 184.475 is amended to read:

43 184.475. (1) The purposes of information technology portfolio-based management are to:

44 (a) Ensure that state agencies link [*their*] **the state agencies'** information technology invest-  
45 ments with business plans;

1 (b) Facilitate risk assessment of information technology projects and investments;

2 (c) Ensure that state agencies justify information technology investments on the basis of sound  
3 business cases;

4 (d) Ensure that state agencies facilitate development and review of information technology per-  
5 formance related to business operations;

6 (e) Identify projects that can cross agency and program lines to leverage resources; and

7 (f) Assist in [*state government-wide*] planning for common, shared information technology  
8 infrastructure **among state agencies and programs**.

9 (2) The Oregon Department of Administrative Services shall integrate state agency strategic and  
10 business planning, technology planning and budgeting and project expenditure processes into the  
11 department's information technology portfolio-based management.

12 (3) In cooperation with state agencies, the department shall conduct and maintain [*a*  
13 *continuous*] **an** inventory of each state agency's current and planned investments in information  
14 technology[, *a compilation of information about those assets and the total life cycle cost of those*  
15 *assets*]. The department shall develop and implement [*state government-wide standards, processes and*  
16 *procedures*] **policies and standards** for the required inventory and for the management of the [*state*  
17 *government-wide*] information technology portfolio **for state agencies**. State agencies shall partic-  
18 ipate **with the department** in the **inventory and management of these** information technology  
19 **investments** [*portfolio-based management*] and shall comply with the **policies and** standards[, *pro-*  
20 *cesses and procedures*] established by the department under this subsection. The provisions of this  
21 subsection do not relieve any state agency from accountability for equipment, materials, supplies  
22 and tangible and intangible personal property under [*its*] **the state agency's** control.

23 [(4) *The department shall ensure that state agencies implement portfolio-based management of in-*  
24 *formation technology resources in accordance with this section and with rules adopted by the Director*  
25 *of the Oregon Department of Administrative Services.*]

26 [(5) *This section does not apply to competitive research grants and contracts at institutions of*  
27 *higher education listed in ORS 352.002.*]

28 [(6) *In implementing the provisions of this section, the department shall submit state government-*  
29 *wide policies for review to the Joint Legislative Committee on Information Management and Technol-*  
30 *ogy.*]

31 **SECTION 7.** ORS 184.477 is amended to read:

32 184.477. (1) The purpose of enterprise management is to create a [*plan*] **strategy** and implement  
33 [*a state government-wide approach*] **plans** for managing distributed information technology assets to  
34 minimize total ownership costs from acquisition through retirement, while realizing maximum bene-  
35 fits for transacting the state's business and delivering services to [*its*] citizens.

36 (2) With input and recommendations from state agencies, the Oregon Department of Adminis-  
37 trative Services shall develop [*a plan*] **an information resource management strategy** for the  
38 [*state government-wide*] management of distributed **information resources and** information tech-  
39 nology assets. The **information resource management strategy** [*plan*] shall [*prescribe the state*  
40 *government-wide*] **describe the** infrastructure and services for managing these assets. The [*plan shall*  
41 *be submitted to the Joint Legislative Committee on Information Management and Technology*] **depart-**  
42 **ment shall submit the document describing the information resource management strategy**  
43 **to the appropriate committee of the Legislative Assembly** for review.

44 (3) Following review by the [*Joint Legislative Committee on Information Management and Tech-*  
45 *nology*] **appropriate committee of the Legislative Assembly**, the department shall [*ensure state*

1 *agency implementation of the plan, including the development of] develop appropriate policies and*  
 2 *standards[, processes and procedures].*

3 (4) State agencies shall participate in the enterprise management of **information resources and**  
 4 **information technology assets** and shall comply with the **policies and standards[, processes and**  
 5 **procedures]** of the department.

6 *[(5) This section does not apply to competitive research grants and contracts at institutions of*  
 7 *higher education listed in ORS 352.002.]*

8 **SECTION 8.** ORS 283.130 is amended to read:

9 283.130. As used in ORS 283.140 *[to 283.160]* **and 283.143**, “state agency” or “agency” includes  
 10 the Legislative Assembly, at its option, or any of its statutory, standing, special or interim commit-  
 11 tees, at the option of such committee.

12 **SECTION 9.** ORS 291.038 is amended to read:

13 291.038. (1) The planning, acquisition, installation and use of all information and telecommuni-  
 14 cations technology by state *[government and its]* agencies shall be coordinated so that *[statewide]*  
 15 **agency** plans and activities, *as well as those of individual agencies,* are addressed in the most in-  
 16 tegrated, economic and efficient manner. *[To provide policy direction for and coordination of infor-*  
 17 *mation technology for state government, the Director of the Oregon Department of Administrative*  
 18 *Services shall chair and appoint not fewer than five agency executives to an Information Resources*  
 19 *Management Council. The council membership shall include at least two members representing the*  
 20 *private sector and political subdivisions of the state.]*

21 (2) To facilitate accomplishment of the purpose set forth in subsection (1) of this section, the  
 22 Oregon Department of Administrative Services shall adopt *[by rule]* **rules, policies[,] and standards**  
 23 *[procedures, standards and guidelines]* to plan for, acquire, implement and manage *[the state’s]* infor-  
 24 mation resources **for state agencies**. In developing *[rules]* **policies and standards**, the department  
 25 shall consult with state agencies having needs that may be satisfied by use of information resources.  
 26 State agencies shall cooperate with the department in preparing and complying with *[rules]* **the**  
 27 **policies and standards**. The *[rules]* **policies and standards** must be formulated to promote elec-  
 28 tronic communication and information sharing among state agencies and programs, *[and]* between  
 29 state and local governments[,] and with the public where appropriate.

30 (3) *[Rules, plans and specifications shall be formulated to ensure that information resources fit to-*  
 31 *gether in a statewide system capable of providing]* **To the extent practicable, the department shall**  
 32 **adopt policies and standards that fit information resources together in an enterprise archi-**  
 33 **itecture designed to support the business needs of state agencies and provide** ready access to  
 34 information, computing or telecommunication resources. *[Rules, plans and specifications]* **Standards**  
 35 **adopted by the department** shall be based on industry standards for open systems to the greatest  
 36 extent possible. *[Prior to adoption of rules referred to in subsection (2) of this section, the Oregon*  
 37 *Department of Administrative Services shall present the proposed rules to the appropriate legislative*  
 38 *committee.]* The *[Oregon Department of Administrative Services]* **department** shall have the review  
 39 and oversight responsibility for *[insuring]* **ensuring** that **state agencies’** planning, acquisition and  
 40 implementation activities **align with and** support the *[statewide information resources management*  
 41 *plan]* **enterprise architecture and the information resource management strategy described**  
 42 **in ORS 184.477**. The department shall be responsible for the fair and competitive procurement of  
 43 information technology consistent with the rules of the department.

44 (4)(a) It is the policy of the State of Oregon that state government telecommunications networks  
 45 should be designed to provide state-of-the-art services where economically and technically feasible,

1 using shared, rather than dedicated, lines and facilities.

2 (b) The [*Oregon Department of Administrative Services*] **department** shall, when procuring tele-  
3 communications network services, consider the achievement of the economic development and qual-  
4 ity of life outcomes contained in the Oregon benchmarks.

5 (5)(a) The [*Oregon Department of Administrative Services*] **department**, upon request, may fur-  
6 nish and deliver statewide integrated videoconferencing and statewide online access service to any  
7 public or private entity that primarily conducts its activities for the direct good or benefit of the  
8 public or community-at-large in providing educational, economic development, health care, human  
9 services, public safety, library or other public services. [*The department shall adopt rules with respect*  
10 *to furnishing the service.*]

11 (b) The department shall [*establish the statewide integrated videoconferencing and statewide online*  
12 *access*] **adopt rules with respect to furnishing the services referred to in paragraph (a) of this**  
13 **subsection. The rules may establish** user fees, services, delivery, rates and [*long range*] **long-**  
14 **range plans for the statewide integrated videoconferencing and statewide online access ser-**  
15 **vice described in this subsection** [*in consultation with the Stakeholders Advisory Committee created*  
16 *pursuant to this section*]. The rates shall reflect the department's cost in providing the service.

17 (c) The department by rule shall restrict [*its*] **the department's** furnishing or delivery of  
18 Internet access service to private entities when the service would directly compete with two or  
19 more local established providers of such services within the local exchange telecommunications  
20 service area.

21 (d) The rates and services established and provided under this section [*shall not be*] **are not**  
22 subject to the regulation or authority of the Public Utility Commission.

23 (6)(a) [*There is created*] The **department may establish a** Stakeholders Advisory Committee,  
24 consisting of a minimum of nine members appointed by the Director of the Oregon Department of  
25 Administrative Services. In making appointments, the director shall give consideration to geographic  
26 balance and adequate representation of the department's users and providers and the general public.

27 (b) The [*Stakeholders Advisory*] committee shall consist of members who represent elementary  
28 or secondary education, higher education, community colleges, economic development, health care,  
29 human services and public safety. At least four members shall reside in areas east of the Cascade  
30 Mountains.

31 (c) The term of office of each member is three years, but a member serves at the sole discretion  
32 of the director. The director shall appoint a successor to a member before the expiration of the term  
33 of the member. A member is eligible for reappointment. If a position on the [*Stakeholders Advisory*]  
34 committee is vacant for any cause, the director shall make an appointment to the position, imme-  
35 diately effective for the unexpired term.

36 (d) A member of the [*Stakeholders Advisory*] committee is entitled to travel expenses pursuant  
37 to ORS 292.495. Members of the [*Stakeholders Advisory*] committee are not entitled to compensation.

38 (e) The [*director*] **department** may establish additional advisory and technical committees as the  
39 [*director*] **department** considers necessary to aid and advise the [*Stakeholders Advisory*] committee  
40 in the performance of its functions.

41 (f) The director may delegate [*to the State Chief Information Officer*] any of the duties, functions  
42 or powers imposed upon the director by this subsection.

43 (7) Any organization or organizations recognized as tax exempt under section 501(c)(3) of the  
44 Internal Revenue Code [*of 1986*] that primarily conduct activities for the direct good or benefit of  
45 the public or community at large in providing educational, economic development, health care, hu-

1 man services, public safety, library or other public services and have formed an affiliation with one  
 2 or more federal, state or local governmental units within this state may make application to the  
 3 department for designation as a community of interest. The application shall be in such form and  
 4 shall contain such information regarding the governmental affiliation relationship, the tax exempt  
 5 status of each organization and the public benefit services to be provided as the department may  
 6 prescribe. The department shall establish an application review and appeal process to ensure that  
 7 designation of those organizations as a community of interest for the purposes of including the or-  
 8 ganization in telecommunications contracts under ORS 283.520 will result in providing educational,  
 9 medical, library or other services for public benefit.

10 *[(8) This section does not apply to the State Board of Higher Education or any state institution of*  
 11 *higher education within the Oregon University System.]*

12 *[(9)] (8) As used in this section:*

13 *[(a) "Advanced digital communications" means equipment, facilities and capability to distribute*  
 14 *digital communications signals for the transmission of voice, data, image and video over distance.]*

15 *[(b)] (a) "Information resources" means media, instruments and methods for planning, collecting,*  
 16 *processing, transmitting and storing data and information, including telecommunications.*

17 *[(c) "Information resources management" means the state's program for managing data and infor-*  
 18 *mation in its various forms in furtherance of program and agency objectives, and in such a way that*  
 19 *agency employees are able to obtain and use information easily, efficiently, effectively and*  
 20 *economically.]*

21 *[(d)] (b) "Information technology" includes, but is not limited to, all present and future forms*  
 22 *of hardware, software and services for data processing, office automation and telecommunications.*

23 *[(e) "Data" and "information" represent facts and representations about the state's human, natural*  
 24 *and commercial resources.]*

25 *[(f)] (c) "Internet access service" means electronic connectivity to the Internet and [its] the*  
 26 *services of the Internet.*

27 *[(g)] (d) "Open systems" means systems that allow state agencies freedom of choice by providing*  
 28 *a vendor-neutral operating environment where different computers, applications, system software*  
 29 *and networks operate together easily and reliably.*

30 *[(h) "State-of-the-art services" includes advanced digital communications.]*

31 *[(i)] (e) "Telecommunications" means the hardware, software and services for transmitting voice,*  
 32 *data, video and images over a distance.*

33 **(f) "State agency" has the meaning given that term in ORS 184.473.**

34 *[(j)] (g) "Statewide integrated [video-conferencing] videoconferencing" means a statewide elec-*  
 35 *tronic system capable of transmitting video, voice and data communications.*

36 *[(k)] (h) "Statewide online access" means electronic connectivity to information resources such*  
 37 *as computer conferencing, electronic mail, databases and Internet access.*

38 **SECTION 10.** ORS 291.042 is amended to read:

39 291.042. (1) Subject to the approval of [*the Joint Legislative Committee on Information Manage-*  
 40 *ment and Technology*] **an appropriate committee of the Legislative Assembly**, the Oregon De-  
 41 partment of Administrative Services:

42 (a) May obtain copyrights and patents on copyrightable or patentable data processing programs,  
 43 information or materials developed, published or produced by state agency staff.

44 (b) May cause to have sold, leased[,] or otherwise made available such data processing programs,  
 45 information or materials [*to any agency or legislative body of any state or the federal government*

1 *under such terms and conditions as may be agreed to by the committee and the agencies].*

2 (2) Moneys collected under this section [*shall be*] **are** credited to the General Fund and, less  
 3 agency expenses accrued in developing, producing and distributing software and in training software  
 4 users, [*shall be*] **are** available for general governmental purposes. However, if resources expended  
 5 for such development, production, distribution and training activities were from fees or assessments  
 6 charged and collected by the agency, the net proceeds of moneys collected under this section [*shall*  
 7 *be*] **are** credited to the same accounts to which the fees or assessments are credited and shall be  
 8 used to reduce the fees or assessments charged by the agency to the extent permitted by law.

9 **SECTION 11.** ORS 291.990 is amended to read:

10 291.990. (1) Any person who makes or orders or votes to make any expenditure in violation of  
 11 any of the provisions of the statutes listed in subsection (5) of this section, or who makes or au-  
 12 thORIZES or causes to be made any disbursement of funds from the State Treasury in violation of any  
 13 of the provisions of the statutes listed in subsection (5) of this section, commits a violation and shall,  
 14 upon conviction, be punished by a fine of not less than \$500 nor more than \$3,000.

15 (2) If any person incurs or orders or votes to incur an obligation in violation of any of the  
 16 provisions of the statutes listed in subsection (5) of this section, the person and the sureties on the  
 17 bond of the person shall be jointly and severally liable therefor to the person in whose favor the  
 18 obligation was incurred.

19 (3) Upon certification by the Oregon Department of Administrative Services that any state offi-  
 20 cer or employee of a state agency has failed or refused to comply with any order, rule or regulation  
 21 made by the department in accordance with any of the provisions of the statutes listed in subsection  
 22 (5) of this section, the salary of the officer or employee may not be paid until the order, rule or  
 23 regulation is complied with.

24 (4) Any violation of a provision of a statute listed in subsection (5) of this section for which no  
 25 other penalty is provided in this section is a Class A violation.

26 (5) Subsections (1) to (4) of this section apply to ORS 279A.140, 279A.280, 279B.270, 283.020,  
 27 283.110, 283.140, **283.143** [*to 283.160*], 283.305 to 283.390, 291.001 to 291.034, 291.201 to 291.222,  
 28 291.232 to 291.260, 291.307, 292.220 and 292.230.

29 **SECTION 12.** ORS 576.307 is amended to read:

30 576.307. (1) Upon request by a commodity commission, the Oregon Department of Administrative  
 31 Services may:

32 (a) Purchase or otherwise provide for the acquisition or furnishing of supplies, materials,  
 33 equipment and services other than personal services required by the commission and for the fur-  
 34 nishing of professional services rendered by independent contractors with the state to the commis-  
 35 sion.

36 (b) Provide for the furnishing of printing and multiple duplication work to the commission under  
 37 ORS 282.010 to 282.050, except that printing and binding that advertises or promotes products, ag-  
 38 ricultural or manufactured, may not be considered state printing.

39 (c) Provide for the furnishing of services relating to the disposition of surplus, obsolete or un-  
 40 used supplies, materials and equipment to the commission under ORS 279A.280.

41 (d) Provide for the furnishing of central telephone service and central mail or messenger ser-  
 42 vices to the commission under ORS 283.140.

43 [*e*] Provide for the furnishing of central repair and maintenance services to the commission under  
 44 ORS 283.150.]

45 [*f*] Provide for the furnishing of clerical and stenographic pool services to the commission under



1 *ORS 283.160.*]

2 [(g)] (e) Provide for the furnishing of motor vehicles for use by members, officers and employees  
3 of the commission under ORS 283.305 to 283.350.

4 (2) A commission shall pay to the Oregon Department of Administrative Services such amount  
5 for services performed by the department under subsection (1) of this section as the department de-  
6 termines is adequate to reimburse it for the costs necessary to perform such services.

7 (3) Upon request by a commission, the Oregon Department of Administrative Services may de-  
8 sign and supervise the installation of an accounting system for the commission. The commission  
9 shall pay to the Oregon Department of Administrative Services such amount for services performed  
10 by the department under this subsection as the department determines is adequate to reimburse it  
11 for the costs necessary to perform such services.

12 **SECTION 13. ORS 283.150 and 283.160 are repealed.**

13 **SECTION 14. This 2009 Act being necessary for the immediate preservation of the public  
14 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
15 on its passage.**

16