

D R A F T

SUMMARY

Requires public agency that awards contract with contract price in excess of \$5 million to require contractor to have apprentices perform at least 10 percent of work hours on public works project that workers in apprenticeable occupations perform. Provides that public agency shall pay contractor for imputed costs contractor incurs in complying with requirement and deduct from payment to contractor amount equivalent to imputed costs if contractor fails to comply with requirement.

Specifies reporting requirements for contractor and requires contractor to repay amounts that public agency pays in excess of amount due contractor.

Requires public agency to verify that contractor is approved training agent.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to apprenticeship in connection with public works projects; creating
3 new provisions; amending ORS 351.086; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part**
6 **of ORS 279C.800 to 279C.870.**

7 **SECTION 2. (1) As used in this section:**

8 (a) **“Apprentice” has the meaning given that term in ORS 660.010.**

9 (b) **“Apprenticeable occupation” has the meaning given that term**
10 **in ORS 660.010.**

11 (c) **“Apprenticeship agreement” has the meaning given that term**
12 **in ORS 660.010.**

13 (d) **“Apprenticeship training program” means the total system of**

1 **apprenticeship that a particular local joint committee, as defined in**
2 **ORS 660.010, operates, including the local joint committee's registered**
3 **standards and all other terms and conditions for qualifying, recruiting,**
4 **selecting, employing and training apprentices in an apprenticeable**
5 **occupation.**

6 **(2)(a) A public agency shall:**

7 **(A) Require as a material term in each public works contract, the**
8 **contract price of which exceeds \$5 million, that a contractor employ**
9 **apprentices to perform at least 10 percent of the work hours that**
10 **workers in apprenticeable occupations perform on the public works**
11 **project; and**

12 **(B) Provide in the public works contract that, subject to subsection**
13 **(3) of this section, the public agency will pay the contractor at a rate**
14 **of \$20 per hour for imputed costs the contractor incurs in having ap-**
15 **prentices perform the work.**

16 **(b) A contractor or subcontractor shall pay an apprentice for work**
17 **on the public works project at the hourly rate to which the apprentice**
18 **is entitled under an apprenticeship agreement or that the apprentice-**
19 **ship training program specifies.**

20 **(c) This subsection does not apply to a public works project that**
21 **does not use state funds.**

22 **(3) A public agency shall provide in the public works contract that**
23 **if the contractor meets or exceeds the requirement in subsection**
24 **(2)(a)(A) of this section, the public agency will pay a contractor at the**
25 **rate specified in subsection (2)(a)(B) of this section for the total num-**
26 **ber of work hours that apprentices perform on a public works project**
27 **up to a maximum amount that is equivalent to the imputed costs the**
28 **contractor would incur in having apprentices perform 15 percent of the**
29 **work hours that workers in apprenticeable occupations perform on the**
30 **public works project. A public agency may not pay a contractor any**
31 **amount for the contractor's imputed costs in having apprentices per-**

1 **form work on the public works project if the contractor does not meet**
2 **or exceed the requirement in subsection (2)(a)(A) of this section.**

3 **(4) A contractor shall report the extent of the contractor's compli-**
4 **ance with this section to the public agency on forms, with contents**
5 **the public agency specifies by rule, and at regular intervals that the**
6 **public agency specifies in the public works contract. The forms and**
7 **the contents that the public agency specifies must include, at a mini-**
8 **imum, a report in which the contractor provides a detailed accounting**
9 **of the total number of work hours each month and the cumulative**
10 **total number of work hours since the public works contract term be-**
11 **gan in which:**

12 **(a) Workers in apprenticeable occupations performed work on the**
13 **public works project; and**

14 **(b) Apprentices performed work on the public works project. The**
15 **contractor must identify each apprentice that performed work on the**
16 **public works project by name and by the identification number that**
17 **the Bureau of Labor and Industries issues for the apprentice.**

18 **(5) Subject to subsection (6) of this section, a public agency may**
19 **pay a contractor for the contractor's imputed costs in complying with**
20 **the requirement in subsection (2)(a)(A) of this section in regular in-**
21 **stallments or periodically during the term of the public works contract**
22 **if the contractor requests regular installment payments or periodic**
23 **payments.**

24 **(6)(a) At least 30 days before making any final payment to a con-**
25 **tractor under a public works contract, a public agency shall determine**
26 **the extent of the contractor's compliance with the requirement in**
27 **subsection (2)(a)(A) of this section. The public agency shall base the**
28 **determination on the ratio between the actual number of work hours**
29 **that workers in apprenticeable occupations performed on the public**
30 **works project and the actual number of work hours that apprentices**
31 **performed on the public works project, as shown in reports the public**

1 agency receives under subsection (4) of this section.

2 (b) If the public agency determines under paragraph (a) of this
3 subsection that the contractor has complied with the requirement in
4 subsection (2)(a)(A) of this section, the public agency, in accordance
5 with the limitations set forth in subsection (3) of this section, shall
6 make a final payment to the contractor that includes the contractor's
7 imputed costs of complying with the requirement. If the public agency
8 determines that the contractor has not complied with the require-
9 ment, the public agency shall deduct from the final payment due the
10 contractor under the terms of the public works contract either an
11 amount that is equivalent to the contractor's imputed costs of com-
12 plying with the requirement over the entire term of the public works
13 contract or an amount that is equivalent to the entire amount the
14 public agency previously paid the contractor for the contractor's
15 imputed costs, as appropriate. The contractor forfeits and may not
16 collect any amount the public agency deducts under this paragraph.

17 (c) If the public agency pays the contractor for the contractor's
18 imputed costs of complying with the requirement in subsection
19 (2)(a)(A) of this section in regular installments or at periodic intervals,
20 the public agency shall make the determination required under para-
21 graph (a) of this subsection before each scheduled payment of the
22 imputed costs. If the public agency determines that the contractor
23 complied with the requirement, the public agency shall make the
24 scheduled payment in accordance with the limitations set forth in
25 subsection (3) of this section. If the public agency determines that the
26 contractor failed to comply with the requirement during the interval
27 that precedes a scheduled payment, the public agency may withhold
28 the scheduled payment.

29 (d) If a public agency previously paid a contractor an amount that
30 exceeds the amount due the contractor under paragraph (b) or (c) of
31 this subsection, the public agency shall notify the contractor imme-

1 **diately and require the contractor to repay the excess amount within**
2 **30 days after receiving the notice.**

3 **SECTION 3.** Section 2 of this 2013 Act is amended to read:

4 **Sec. 2.** (1) As used in this section:

5 (a) “Apprentice” has the meaning given that term in ORS 660.010.

6 (b) “Apprenticeable occupation” has the meaning given that term in ORS
7 660.010.

8 (c) “Apprenticeship agreement” has the meaning given that term in ORS
9 660.010.

10 (d) “Apprenticeship training program” means the total system of appren-
11 ticeship that a particular local joint committee, as defined in ORS 660.010,
12 operates, including the local joint committee’s registered standards and all
13 other terms and conditions for qualifying, recruiting, selecting, employing
14 and training apprentices in an apprenticeable occupation.

15 (2)(a) A public agency shall:

16 (A) Require as a material term in each public works contract, the con-
17 tract price of which exceeds \$5 million, that a contractor employ apprentices
18 to perform at least [10] **12** percent of the work hours that workers in
19 apprenticeable occupations perform on the public works project; and

20 (B) Provide in the public works contract that, subject to subsection (3)
21 of this section, the public agency will pay the contractor at a rate of \$20 per
22 hour for imputed costs the contractor incurs in having apprentices perform
23 the work.

24 (b) A contractor or subcontractor shall pay an apprentice for work on the
25 public works project at the hourly rate to which the apprentice is entitled
26 under an apprenticeship agreement or that the apprenticeship training pro-
27 gram specifies.

28 (c) This subsection does not apply to a public works project that does not
29 use state funds.

30 (3) A public agency shall provide in the public works contract that if the
31 contractor meets or exceeds the requirement in subsection (2)(a)(A) of this

1 section, the public agency will pay a contractor at the rate specified in
2 subsection (2)(a)(B) of this section for the total number of work hours that
3 apprentices perform on a public works project up to a maximum amount that
4 is equivalent to the imputed costs the contractor would incur in having ap-
5 prentices perform 15 percent of the work hours that workers in
6 apprenticeable occupations perform on the public works project. A public
7 agency may not pay a contractor any amount for the contractor's imputed
8 costs in having apprentices perform work on the public works project if the
9 contractor does not meet or exceed the requirement in subsection (2)(a)(A)
10 of this section.

11 (4) A contractor shall report the extent of the contractor's compliance
12 with this section to the public agency on forms, with contents the public
13 agency specifies by rule, and at regular intervals that the public agency
14 specifies in the public works contract. The forms and the contents that the
15 public agency specifies must include, at a minimum, a report in which the
16 contractor provides a detailed accounting of the total number of work hours
17 each month and the cumulative total number of work hours since the public
18 works contract term began in which:

19 (a) Workers in apprenticeable occupations performed work on the public
20 works project; and

21 (b) Apprentices performed work on the public works project. The con-
22 tractor must identify each apprentice that performed work on the public
23 works project by name and by the identification number that the Bureau of
24 Labor and Industries issues for the apprentice.

25 (5) Subject to subsection (6) of this section, a public agency may pay a
26 contractor for the contractor's imputed costs in complying with the require-
27 ment in subsection (2)(a)(A) of this section in regular installments or peri-
28 odically during the term of the public works contract if the contractor
29 requests regular installment payments or periodic payments.

30 (6)(a) At least 30 days before making any final payment to a contractor
31 under a public works contract, a public agency shall determine the extent

1 of the contractor's compliance with the requirement in subsection (2)(a)(A)
2 of this section. The public agency shall base the determination on the ratio
3 between the actual number of work hours that workers in apprenticeable
4 occupations performed on the public works project and the actual number
5 of work hours that apprentices performed on the public works project, as
6 shown in reports the public agency receives under subsection (4) of this
7 section.

8 (b) If the public agency determines under paragraph (a) of this subsection
9 that the contractor has complied with the requirement in subsection (2)(a)(A)
10 of this section, the public agency, in accordance with the limitations set
11 forth in subsection (3) of this section, shall make a final payment to the
12 contractor that includes the contractor's imputed costs of complying with the
13 requirement. If the public agency determines that the contractor has not
14 complied with the requirement, the public agency shall deduct from the final
15 payment due the contractor under the terms of the public works contract
16 either an amount that is equivalent to the contractor's imputed costs of
17 complying with the requirement over the entire term of the public works
18 contract or an amount that is equivalent to the entire amount the public
19 agency previously paid the contractor for the contractor's imputed costs, as
20 appropriate. The contractor forfeits and may not collect any amount the
21 public agency deducts under this paragraph.

22 (c) If the public agency pays the contractor for the contractor's imputed
23 costs of complying with the requirement in subsection (2)(a)(A) of this sec-
24 tion in regular installments or at periodic intervals, the public agency shall
25 make the determination required under paragraph (a) of this subsection be-
26 fore each scheduled payment of the imputed costs. If the public agency de-
27 termines that the contractor complied with the requirement, the public
28 agency shall make the scheduled payment in accordance with the limitations
29 set forth in subsection (3) of this section. If the public agency determines
30 that the contractor failed to comply with the requirement during the interval
31 that precedes a scheduled payment, the public agency may withhold the

1 scheduled payment.

2 (d) If a public agency previously paid a contractor an amount that exceeds
3 the amount due the contractor under paragraph (b) or (c) of this subsection,
4 the public agency shall notify the contractor immediately and require the
5 contractor to repay the excess amount within 30 days after receiving the
6 notice.

7 **SECTION 4.** Section 2 of this 2013 Act, as amended by section 3 of this
8 2013 Act, is amended to read:

9 **Sec. 3.** (1) As used in this section:

10 (a) “Apprentice” has the meaning given that term in ORS 660.010.

11 (b) “Apprenticeable occupation” has the meaning given that term in ORS
12 660.010.

13 (c) “Apprenticeship agreement” has the meaning given that term in ORS
14 660.010.

15 (d) “Apprenticeship training program” means the total system of appren-
16 ticeship that a particular local joint committee, as defined in ORS 660.010,
17 operates, including the local joint committee’s registered standards and all
18 other terms and conditions for qualifying, recruiting, selecting, employing
19 and training apprentices in an apprenticeable occupation.

20 (2)(a) A public agency shall:

21 (A) Require as a material term in each public works contract, the con-
22 tract price of which exceeds [*\$5 million*] **\$2.5 million**, that a contractor em-
23 ploy apprentices to perform at least [*12*] **15** percent of the work hours that
24 workers in apprenticeable occupations perform on the public works project;
25 and

26 (B) Provide in the public works contract that, subject to subsection (3)
27 of this section, the public agency will pay the contractor at a rate of \$20 per
28 hour for imputed costs the contractor incurs in having apprentices perform
29 the work.

30 (b) A contractor or subcontractor shall pay an apprentice for work on the
31 public works project at the hourly rate to which the apprentice is entitled

1 under an apprenticeship agreement or that the apprenticeship training pro-
2 gram specifies.

3 (c) This subsection does not apply to a public works project that does not
4 use state funds.

5 (3) A public agency shall provide in the public works contract that if the
6 contractor meets or exceeds the requirement in subsection (2)(a)(A) of this
7 section, the public agency will pay a contractor at the rate specified in
8 subsection (2)(a)(B) of this section for the total number of work hours that
9 apprentices perform on a public works project up to a maximum amount that
10 is equivalent to the imputed costs the contractor would incur in having ap-
11 prentices perform [15] **20** percent of the work hours that workers in
12 apprenticeable occupations perform on the public works project. A public
13 agency may not pay a contractor any amount for the contractor's imputed
14 costs in having apprentices perform work on the public works project if the
15 contractor does not meet or exceed the requirement in subsection (2)(a)(A)
16 of this section.

17 (4) A contractor shall report the extent of the contractor's compliance
18 with this section to the public agency on forms and with contents the public
19 agency specifies by rule and at regular intervals that the public agency
20 specifies in the public works contract. The forms and the contents that the
21 public agency specifies must include, at a minimum, a report in which the
22 contractor provides a detailed accounting of the total number of work hours
23 each month and the cumulative total number of work hours since the public
24 works contract term began in which:

25 (a) Workers in apprenticeable occupations performed work on the public
26 works project; and

27 (b) Apprentices performed work on the public works project. The con-
28 tractor must identify each apprentice that performed work on the public
29 works project by name and by the identification number that the Bureau of
30 Labor and Industries issues for the apprentice.

31 (5) Subject to subsection (6) of this section, a public agency may pay a

1 contractor for the contractor's imputed costs in complying with the require-
2 ment in subsection (2)(a)(A) of this section in regular installments or peri-
3 odically during the term of the public works contract if the contractor
4 requests regular installment payments or periodic payments.

5 (6)(a) At least 30 days before making any final payment to a contractor
6 under a public works contract, a public agency shall determine the extent
7 of the contractor's compliance with the requirement in subsection (2)(a)(A)
8 of this section. The public agency shall base the determination on the ratio
9 between the actual number of work hours that workers in apprenticeable
10 occupations performed on the public works project and the actual number
11 of work hours that apprentices performed on the public works project, as
12 shown in reports the public agency receives under subsection (4) of this
13 section.

14 (b) If the public agency determines under paragraph (a) of this subsection
15 that the contractor has complied with the requirement in subsection (2)(a)(A)
16 of this section, the public agency, in accordance with the limitations set
17 forth in subsection (3) of this section, shall make a final payment to the
18 contractor that includes the contractor's imputed costs of complying with the
19 requirement. If the public agency determines that the contractor has not
20 complied with the requirement, the public agency shall deduct from the final
21 payment due the contractor under the terms of the public works contract
22 either an amount that is equivalent to the contractor's imputed costs of
23 complying with the requirement over the entire term of the public works
24 contract or an amount that is equivalent to the entire amount the public
25 agency previously paid the contractor for the contractor's imputed costs, as
26 appropriate. The contractor forfeits and may not collect any amount the
27 public agency deducts under this paragraph.

28 (c) If the public agency pays the contractor for the contractor's imputed
29 costs of complying with the requirement in subsection (2)(a)(A) of this sec-
30 tion in regular installments or at periodic intervals, the public agency shall
31 make the determination required under paragraph (a) of this subsection be-

1 fore each scheduled payment of the imputed costs. If the public agency de-
2 termines that the contractor complied with the requirement, the public
3 agency shall make the scheduled payment in accordance with the limitations
4 set forth in subsection (3) of this section. If the public agency determines
5 that the contractor failed to comply with the requirement during the interval
6 that precedes a scheduled payment, the public agency may withhold the
7 scheduled payment.

8 (d) If a public agency previously paid a contractor an amount that exceeds
9 the amount due the contractor under paragraph (b) or (c) of this subsection,
10 the public agency shall notify the contractor immediately and require the
11 contractor to repay the excess amount within 30 days after receiving the
12 notice.

13 **SECTION 5.** ORS 351.086, as amended by section 48, chapter 104, Oregon
14 Laws 2012, is amended to read:

15 351.086. (1) Except as otherwise provided in this chapter and ORS chapter
16 352, the provisions of ORS chapters 182, 240, 270, 273, 276, 278, 279A, 279B,
17 279C, 282, 283, 291 and 292 and ORS 180.060, 180.160, 180.210, 180.220, 180.225
18 and 180.230 do not apply to the Oregon University System.

19 (2) Notwithstanding subsection (1) of this section, the provisions of ORS
20 182.100, 182.109, 240.167, 276.073 to 276.090, 279A.065 (2), 279B.055 (3), 279C.380
21 (1)(a) and (3), 279C.600 to 279C.625, 279C.800, 279C.810, 279C.825, 279C.830,
22 279C.835, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860, 279C.865, 279C.870,
23 283.085 to 283.092, 291.200, 291.201 to 291.222, 291.223, 291.224 (2) and (6),
24 291.226, 291.272 to 291.278, 291.322 to 291.334, 291.405, 291.407, 291.445, 292.043
25 and 292.044 **and section 2 of this 2013 Act** apply to the Oregon University
26 System.

27 (3) Notwithstanding subsection (1) of this section, ORS 273.413 to 273.456
28 apply to any structure, equipment or asset [*owned by*] **that** the Oregon Uni-
29 versity System **owns and** that is encumbered by a certificate of partic-
30 ipation.

31 (4) Notwithstanding subsection (6) of this section:

1 (a) The provisions of ORS chapters 35, 190, 192, 244 and 297 and ORS
2 30.260 to 30.460, 184.480, 184.483, 184.486, 184.488, 200.005 to 200.025, 200.045
3 to 200.090, 200.100 to 200.120, 200.160 to 200.200, 236.605 to 236.640, 243.650 to
4 243.782, 243.800, 243.820, 243.830, 243.850, 243.910 to 243.945, 307.090 and
5 307.112 apply to the Oregon University System under the same terms as
6 *[they]* **the provisions** apply to *[other]* public bodies other than the State of
7 Oregon.

8 (b) The provisions of ORS chapter 286A and ORS 293.115, 293.117, 293.130,
9 293.169, 293.171, 293.205 to 293.225, 293.250, 293.265 to 293.280, 293.285, 293.295,
10 293.321, 293.353, 293.375, 293.406, 293.465 to 293.485, 293.490, 293.495, 293.525,
11 293.701 to 293.820, 293.875, 293.880 and 293.990 **and section 7 of this 2013**
12 **Act** apply to the Oregon University System under the same terms as *[they]*
13 **the provisions** apply to state agencies with moneys *[held by]* the State
14 Treasurer **holds**, to the Oregon University System Fund established in ORS
15 351.506 and to any other moneys deposited with or held by the State Treas-
16 urer for the Oregon University System.

17 (5) Notwithstanding subsections (1) and (6) of this section, the Oregon
18 University System and *[its]* **the agents and employees of the Oregon Uni-**
19 **versity System** remain subject to all statutes and administrative rules of
20 this state that create rights, benefits or protections in favor of military vet-
21 erans, service members and families of service members to the same extent
22 as an agency of this state would be subject to such statutes and adminis-
23 trative rules.

24 (6)(a) Except as provided by paragraph (b) of this subsection, the Oregon
25 University System, as a distinct governmental entity, is not subject to any
26 provision of law enacted after January 1, 2011, with respect to any govern-
27 mental entity, that is unique to governmental entities, unless the provision
28 specifically provides that *[it]* **the provision** applies to the Oregon University
29 System.

30 (b) To the same extent as state agencies that borrow through the State
31 Treasurer or that have moneys held in the State Treasury, the Oregon Uni-

1 versity System is subject to any provision of law enacted after January 1,
2 2011, that relates to or affects the borrowings of the Oregon University
3 System through the State Treasurer or the deposit, payment or investment
4 of moneys held in the Oregon University System Fund or any other moneys
5 held for the Oregon University System in the State Treasury.

6 (7) In carrying out the duties, functions and powers imposed by law upon
7 the Oregon University System, the State Board of Higher Education or the
8 Chancellor of the Oregon University System may contract with any public
9 agency [*for the performance of such*] **to perform** duties, functions and powers
10 [*as*] **that** the board or chancellor considers appropriate.

11 **SECTION 6. Section 7 of this 2013 Act is added to and made a part**
12 **of ORS 660.002 to 660.210.**

13 **SECTION 7. (1) Except as provided in subsection (2) of this section,**
14 **a public agency may not enter into a contract for public works, as**
15 **defined in ORS 279C.800, that uses state funds and for which the con-**
16 **tract price exceeds \$5 million unless the public agency has verified that**
17 **every employer under the contract, including the contractor and any**
18 **subcontractor, is a training agent that is approved by a local joint**
19 **committee under ORS 660.137.**

20 **(2) A public agency may enter into a contract described in sub-**
21 **section (1) of this section even if an employer is not an approved**
22 **training agent if the employer is not an approved training agent be-**
23 **cause a local joint committee or a program for the apprenticeable oc-**
24 **cupations the employer uses does not exist in this state.**

25 **(3) If a local joint committee for an apprenticeable occupation that**
26 **an employer uses does not exist in the county in which the employer**
27 **is located, the State Director of Apprenticeship and Training may ex-**
28 **tend the jurisdiction of a local joint committee in an adjoining county**
29 **to the county in which the employer is located. The director's action**
30 **is subject to the State Apprenticeship and Training Council's ratifica-**
31 **tion.**

1 **SECTION 8.** Section 7 of this 2013 Act is amended to read:

2 **Sec. 7.** (1) Except as provided in subsection (2) of this section, a public
3 agency may not enter into a contract for public works, as defined in ORS
4 279C.800, that uses state funds and for which the contract price exceeds [*\$5*
5 *million*] **\$2.5 million** unless the public agency has verified that every em-
6 ployer under the contract, including the contractor and any subcontractor,
7 is a training agent that is approved by a local joint committee under ORS
8 660.137.

9 (2) A public agency may enter into a contract described in subsection (1)
10 of this section even if an employer is not an approved training agent if the
11 employer is not an approved training agent because a local joint committee
12 or a program for the apprenticeable occupations the employer uses does not
13 exist in this state.

14 (3) If a local joint committee for an apprenticeable occupation that an
15 employer uses does not exist in the county in which the employer is located,
16 the State Director of Apprenticeship and Training may extend the jurisdic-
17 tion of a local joint committee in an adjoining county to the county in which
18 the employer is located. The director's action is subject to the State Ap-
19 prenticeship and Training Council's ratification.

20 **SECTION 9.** Sections 2 and 7 of this 2013 Act and the amendments
21 to ORS 351.086 by section 5 of this 2013 Act apply to contracts for
22 public works that a public agency first advertises or otherwise solicits
23 or, if the public agency does not advertise or solicit the contract for
24 public works, to contracts for public works that the public agency
25 enters into on or after the operative date specified in section 10 (1)(a)
26 of this 2013 Act.

27 **SECTION 10.** (1)(a) Sections 2 and 7 of this 2013 Act and the
28 amendments to ORS 351.086 by section 5 of this 2013 Act become op-
29 erative January 1, 2014.

30 (b) Section 2 of this 2013 Act, as amended by section 3 of this 2013
31 Act, becomes operative January 1, 2016.

1 (c) Section 2 of this 2013 Act, as amended by section 4 of this 2013
2 Act, and section 7 of this 2013 Act, as amended by section 8 of this 2013
3 Act, become operative January 1, 2018.

4 (2) The Attorney General, the Director of the Oregon Department
5 of Administrative Services, the Director of Transportation or a public
6 agency that adopts rules under ORS 279A.065 may take any action be-
7 fore the operative date specified in subsection (1)(a) of this section
8 that is necessary to enable the Attorney General, the director or the
9 public agency to exercise, on and after the operative date specified in
10 subsection (1)(a) of this section, all of the duties, functions and powers
11 conferred on the Attorney General, the director or the public agency
12 by sections 2 and 7 of this 2013 Act and the amendments to ORS 351.086
13 by section 5 of this 2013 Act.

14 SECTION 11. This 2013 Act being necessary for the immediate
15 preservation of the public peace, health and safety, an emergency is
16 declared to exist, and this 2013 Act takes effect on its passage.

17
