

# House Bill 3118

Sponsored by COMMITTEE ON HIGHER EDUCATION AND WORKFORCE DEVELOPMENT

## 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**.

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 new provisions;  
3 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 of ORS 279C.800 to**  
6 **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 in ORS 660.010.

10 (c) "Apprenticeship agreement" has the meaning given that term in ORS 660.010.

11 (d) "Apprenticeship training program" means the total system of apprenticeship that a  
12 particular local joint committee, as defined in ORS 660.010, operates, including the local joint  
13 committee's registered standards and all other terms and conditions for qualifying, recruit-  
14 ing, selecting, employing 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 contract price of which  
17 exceeds \$5 million, that a contractor employ apprentices to perform at least 10 percent of  
18 the work hours that workers in apprenticeable occupations perform on the public works  
19 project; and

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

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

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

27 (3) A public agency shall provide in the public works contract that if the contractor

**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 meets or exceeds the requirement in subsection (2)(a)(A) of this section, the public agency  
 2 will pay a contractor at the rate specified in subsection (2)(a)(B) of this section for the total  
 3 number of work hours that apprentices perform on a public works project up to a maximum  
 4 amount that 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 apprenticeable occupations  
 6 perform on the public works project. A public agency may not pay a contractor any amount  
 7 for the contractor's imputed costs in having apprentices perform work on the public works  
 8 project if the contractor does not meet or exceed the requirement in subsection (2)(a)(A) of  
 9 this section.

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

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

19 (b) Apprentices performed work on the public works project. The contractor must  
 20 identify each apprentice that performed work on the public works project by name and by  
 21 the identification number that the Bureau of Labor and Industries issues for the apprentice.

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

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

33 (b) If the public agency determines under paragraph (a) of this subsection that the con-  
 34 tractor has complied with the requirement in subsection (2)(a)(A) of this section, the public  
 35 agency, in accordance with the limitations set forth in subsection (3) of this section, shall  
 36 make a final payment to the contractor that includes the contractor's imputed costs of  
 37 complying with the requirement. If the public agency determines that the contractor has not  
 38 complied with the requirement, the public agency shall deduct from the final payment due  
 39 the contractor under the terms of the public works contract either an amount that is  
 40 equivalent to the contractor's imputed costs of complying with the requirement over the  
 41 entire term of the public works contract or an amount that is equivalent to the entire  
 42 amount the public agency previously paid the contractor for the contractor's imputed costs,  
 43 as appropriate. The contractor forfeits and may not collect any amount the public agency  
 44 deducts under this paragraph.

45 (c) If the public agency pays the contractor for the contractor's imputed costs of com-

1 **plying with the requirement in subsection (2)(a)(A) of this section in regular installments or**  
 2 **at periodic intervals, the public agency shall make the determination required under para-**  
 3 **graph (a) of this subsection before each scheduled payment of the imputed costs. If the public**  
 4 **agency determines that the contractor complied with the requirement, the public agency**  
 5 **shall make the scheduled payment in accordance with the limitations set forth in subsection**  
 6 **(3) of this section. If the public agency determines that the contractor failed to comply with**  
 7 **the requirement during the interval that precedes a scheduled payment, the public agency**  
 8 **may withhold the scheduled payment.**

9 **(d) If a public agency previously paid a contractor an amount that exceeds the amount**  
 10 **due the contractor under paragraph (b) or (c) of this subsection, the public agency shall no-**  
 11 **tify the contractor immediately and require the contractor to repay the excess amount**  
 12 **within 30 days after receiving the notice.**

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

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

15 (a) "Apprentice" has the meaning given that term in ORS 660.010.

16 (b) "Apprenticeable occupation" has the meaning given that term in ORS 660.010.

17 (c) "Apprenticeship agreement" has the meaning given that term in ORS 660.010.

18 (d) "Apprenticeship training program" means the total system of apprenticeship that a particular  
 19 local joint committee, as defined in ORS 660.010, operates, including the local joint committee's  
 20 registered standards and all other terms and conditions for qualifying, recruiting, selecting, em-  
 21 ploying and training apprentices in an apprenticeable occupation.

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

23 (A) Require as a material term in each public works contract, the contract price of which ex-  
 24 ceeds \$5 million, that a contractor employ apprentices to perform at least [10] 12 percent of the  
 25 work hours that workers in apprenticeable occupations perform on the public works project; and

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

29 (b) A contractor or subcontractor shall pay an apprentice for work on the public works project  
 30 at the hourly rate to which the apprentice is entitled under an apprenticeship agreement or that the  
 31 apprenticeship training program specifies.

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

33 (3) A public agency shall provide in the public works contract that if the contractor meets or  
 34 exceeds the requirement in subsection (2)(a)(A) of this section, the public agency will pay a con-  
 35 tractor at the rate specified in subsection (2)(a)(B) of this section for the total number of work hours  
 36 that apprentices perform on a public works project up to a maximum amount that is equivalent to  
 37 the imputed costs the contractor would incur in having apprentices perform 15 percent of the work  
 38 hours that workers in apprenticeable occupations perform on the public works project. A public  
 39 agency may not pay a contractor any amount for the contractor's imputed costs in having appren-  
 40 tices perform work on the public works project if the contractor does not meet or exceed the re-  
 41 quirement in subsection (2)(a)(A) of this section.

42 (4) A contractor shall report the extent of the contractor's compliance with this section to the  
 43 public agency on forms, with contents the public agency specifies by rule, and at regular intervals  
 44 that the public agency specifies in the public works contract. The forms and the contents that the  
 45 public agency specifies must include, at a minimum, a report in which the contractor provides a

1 detailed accounting of the total number of work hours each month and the cumulative total number  
2 of work hours since the public works contract term began in which:

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

4 (b) Apprentices performed work on the public works project. The contractor must identify each  
5 apprentice that performed work on the public works project by name and by the identification  
6 number that the Bureau of Labor and Industries issues for the apprentice.

7 (5) Subject to subsection (6) of this section, a public agency may pay a contractor for the  
8 contractor's imputed costs in complying with the requirement in subsection (2)(a)(A) of this section  
9 in regular installments or periodically during the term of the public works contract if the contractor  
10 requests regular installment payments or periodic payments.

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

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

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

37 (d) If a public agency previously paid a contractor an amount that exceeds the amount due the  
38 contractor under paragraph (b) or (c) of this subsection, the public agency shall notify the contrac-  
39 tor immediately and require the contractor to repay the excess amount within 30 days after receiv-  
40 ing the notice.

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

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

44 (a) "Apprentice" has the meaning given that term in ORS 660.010.

45 (b) "Apprenticeable occupation" has the meaning given that term in ORS 660.010.

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

2 (d) “Apprenticeship training program” means the total system of apprenticeship that a particular  
 3 local joint committee, as defined in ORS 660.010, operates, including the local joint committee’s  
 4 registered standards and all other terms and conditions for qualifying, recruiting, selecting, em-  
 5 ploying and training apprentices in an apprenticeable occupation.

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

7 (A) Require as a material term in each public works contract, the contract price of which ex-  
 8 ceeds [~~\$5 million~~] **\$2.5 million**, that a contractor employ apprentices to perform at least [~~12~~] **15**  
 9 percent of the work hours that workers in apprenticeable occupations perform on the public works  
 10 project; and

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

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

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

18 (3) A public agency shall provide in the public works contract that if the contractor meets or  
 19 exceeds the requirement in subsection (2)(a)(A) of this section, the public agency will pay a con-  
 20 tractor at the rate specified in subsection (2)(a)(B) of this section for the total number of work hours  
 21 that apprentices perform on a public works project up to a maximum amount that is equivalent to  
 22 the imputed costs the contractor would incur in having apprentices perform [~~15~~] **20** percent of the  
 23 work hours that workers in apprenticeable occupations perform on the public works project. A  
 24 public agency may not pay a contractor any amount for the contractor’s imputed costs in having  
 25 apprentices perform work on the public works project if the contractor does not meet or exceed the  
 26 requirement in subsection (2)(a)(A) of this section.

27 (4) A contractor shall report the extent of the contractor’s compliance with this section to the  
 28 public agency on forms and with contents the public agency specifies by rule and at regular inter-  
 29 vals that the public agency specifies in the public works contract. The forms and the contents that  
 30 the public agency specifies must include, at a minimum, a report in which the contractor provides  
 31 a detailed accounting of the total number of work hours each month and the cumulative total num-  
 32 ber of work hours since the public works contract term began in which:

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

34 (b) Apprentices performed work on the public works project. The contractor must identify each  
 35 apprentice that performed work on the public works project by name and by the identification  
 36 number that the Bureau of Labor and Industries issues for the apprentice.

37 (5) Subject to subsection (6) of this section, a public agency may pay a contractor for the  
 38 contractor’s imputed costs in complying with the requirement in subsection (2)(a)(A) of this section  
 39 in regular installments or periodically during the term of the public works contract if the contractor  
 40 requests regular installment payments or periodic payments.

41 (6)(a) At least 30 days before making any final payment to a contractor under a public works  
 42 contract, a public agency shall determine the extent of the contractor’s compliance with the re-  
 43 quirement in subsection (2)(a)(A) of this section. The public agency shall base the determination on  
 44 the ratio between the actual number of work hours that workers in apprenticeable occupations  
 45 performed on the public works project and the actual number of work hours that apprentices per-

1 formed on the public works project, as shown in reports the public agency receives under subsection  
 2 (4) of this section.

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

14 (c) If the public agency pays the contractor for the contractor's imputed costs of complying with  
 15 the requirement in subsection (2)(a)(A) of this section in regular installments or at periodic intervals,  
 16 the public agency shall make the determination required under paragraph (a) of this subsection be-  
 17 fore each scheduled payment of the imputed costs. If the public agency determines that the con-  
 18 tractor complied with the requirement, the public agency shall make the scheduled payment in  
 19 accordance with the limitations set forth in subsection (3) of this section. If the public agency de-  
 20 termines that the contractor failed to comply with the requirement during the interval that precedes  
 21 a scheduled payment, the public agency may withhold the scheduled payment.

22 (d) If a public agency previously paid a contractor an amount that exceeds the amount due the  
 23 contractor under paragraph (b) or (c) of this subsection, the public agency shall notify the contrac-  
 24 tor immediately and require the contractor to repay the excess amount within 30 days after receiv-  
 25 ing the notice.

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

28 351.086. (1) Except as otherwise provided in this chapter and ORS chapter 352, the provisions  
 29 of ORS chapters 182, 240, 270, 273, 276, 278, 279A, 279B, 279C, 282, 283, 291 and 292 and ORS  
 30 180.060, 180.160, 180.210, 180.220, 180.225 and 180.230 do not apply to the Oregon University System.

31 (2) Notwithstanding subsection (1) of this section, the provisions of ORS 182.100, 182.109,  
 32 240.167, 276.073 to 276.090, 279A.065 (2), 279B.055 (3), 279C.380 (1)(a) and (3), 279C.600 to 279C.625,  
 33 279C.800, 279C.810, 279C.825, 279C.830, 279C.835, 279C.840, 279C.845, 279C.850, 279C.855, 279C.860,  
 34 279C.865, 279C.870, 283.085 to 283.092, 291.200, 291.201 to 291.222, 291.223, 291.224 (2) and (6),  
 35 291.226, 291.272 to 291.278, 291.322 to 291.334, 291.405, 291.407, 291.445, 292.043 and 292.044 **and**  
 36 **section 2 of this 2013 Act** apply to the Oregon University System.

37 (3) Notwithstanding subsection (1) of this section, ORS 273.413 to 273.456 apply to any structure,  
 38 equipment or asset [owned by] **that** the Oregon University System **owns and** that is encumbered by  
 39 a certificate of participation.

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

41 (a) The provisions of ORS chapters 35, 190, 192, 244 and 297 and ORS 30.260 to 30.460, 184.480,  
 42 184.483, 184.486, 184.488, 200.005 to 200.025, 200.045 to 200.090, 200.100 to 200.120, 200.160 to 200.200,  
 43 236.605 to 236.640, 243.650 to 243.782, 243.800, 243.820, 243.830, 243.850, 243.910 to 243.945, 307.090  
 44 and 307.112 apply to the Oregon University System under the same terms as [they] **the provisions**  
 45 apply to [other] public bodies other than the State of Oregon.

1 (b) The provisions of ORS chapter 286A and ORS 293.115, 293.117, 293.130, 293.169, 293.171,  
 2 293.205 to 293.225, 293.250, 293.265 to 293.280, 293.285, 293.295, 293.321, 293.353, 293.375, 293.406,  
 3 293.465 to 293.485, 293.490, 293.495, 293.525, 293.701 to 293.820, 293.875, 293.880 and 293.990 **and**  
 4 **section 7 of this 2013 Act** apply to the Oregon University System under the same terms as *[they]*  
 5 **the provisions** apply to state agencies with moneys *[held by]* the State Treasurer **holds**, to the  
 6 Oregon University System Fund established in ORS 351.506 and to any other moneys deposited with  
 7 or held by the State Treasurer for the Oregon University System.

8 (5) Notwithstanding subsections (1) and (6) of this section, the Oregon University System and  
 9 *[its]* **the** agents and employees **of the Oregon University System** remain subject to all statutes and  
 10 administrative rules of this state that create rights, benefits or protections in favor of military vet-  
 11 erans, service members and families of service members to the same extent as an agency of this  
 12 state would be subject to such statutes and administrative rules.

13 (6)(a) Except as provided by paragraph (b) of this subsection, the Oregon University System, as  
 14 a distinct governmental entity, is not subject to any provision of law enacted after January 1, 2011,  
 15 with respect to any governmental entity, that is unique to governmental entities, unless the pro-  
 16 vision specifically provides that *[it]* **the provision** applies to the Oregon University System.

17 (b) To the same extent as state agencies that borrow through the State Treasurer or that have  
 18 moneys held in the State Treasury, the Oregon University System is subject to any provision of law  
 19 enacted after January 1, 2011, that relates to or affects the borrowings of the Oregon University  
 20 System through the State Treasurer or the deposit, payment or investment of moneys held in the  
 21 Oregon University System Fund or any other moneys held for the Oregon University System in the  
 22 State Treasury.

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

27 **SECTION 6.** Section 7 of this 2013 Act is added to and made a part of ORS 660.002 to  
 28 **660.210.**

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

34 (2) A public agency may enter into a contract described in subsection (1) of this section  
 35 even if an employer is not an approved training agent if the employer is not an approved  
 36 training agent because a local joint committee or a program for the apprenticeable occupa-  
 37 tions the employer uses does not exist in this state.

38 (3) If a local joint committee for an apprenticeable occupation that an employer uses does  
 39 not exist in the county in which the employer is located, the State Director of Apprenticeship  
 40 and Training may extend the jurisdiction of a local joint committee in an adjoining county  
 41 to the county in which the employer is located. The director's action is subject to the State  
 42 Apprenticeship and Training Council's ratification.

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

44 **Sec. 7.** (1) Except as provided in subsection (2) of this section, a public agency may not enter  
 45 into a contract for public works, as defined in ORS 279C.800, that uses state funds and for which

1 the contract price exceeds [*\$5 million*] **\$2.5 million** unless the public agency has verified that every  
 2 employer under the contract, including the contractor and any subcontractor, is a training agent  
 3 that is approved by a local joint committee under ORS 660.137.

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

8 (3) If a local joint committee for an apprenticeable occupation that an employer uses does not  
 9 exist in the county in which the employer is located, the State Director of Apprenticeship and  
 10 Training may extend the jurisdiction of a local joint committee in an adjoining county to the county  
 11 in which the employer is located. The director's action is subject to the State Apprenticeship and  
 12 Training Council's ratification.

13 **SECTION 9. Sections 2 and 7 of this 2013 Act and the amendments to ORS 351.086 by**  
 14 **section 5 of this 2013 Act apply to contracts for public works that a public agency first ad-**  
 15 **vertises or otherwise solicits or, if the public agency does not advertise or solicit the con-**  
 16 **tract for public works, to contracts for public works that the public agency enters into on**  
 17 **or after the operative date specified in section 10 (1)(a) of this 2013 Act.**

18 **SECTION 10. (1)(a) Sections 2 and 7 of this 2013 Act and the amendments to ORS 351.086**  
 19 **by section 5 of this 2013 Act become operative January 1, 2014.**

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

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

24 (2) The Attorney General, the Director of the Oregon Department of Administrative  
 25 Services, the Director of Transportation or a public agency that adopts rules under ORS  
 26 279A.065 may take any action before the operative date specified in subsection (1)(a) of this  
 27 section that is necessary to enable the Attorney General, the director or the public agency  
 28 to exercise, on and after the operative date specified in subsection (1)(a) of this section, all  
 29 of the duties, functions and powers conferred on the Attorney General, the director or the  
 30 public agency by sections 2 and 7 of this 2013 Act and the amendments to ORS 351.086 by  
 31 section 5 of this 2013 Act.

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