

## HOUSE AMENDMENTS TO HOUSE BILL 3203

By COMMITTEE ON BUSINESS AND LABOR

April 21

1 On page 1 of the printed bill, line 4, delete “declaring an emergency” and insert “prescribing  
2 an effective date”.

3 Delete lines 6 through 24 and delete pages 2 through 9 and insert:

4 “**SECTION 1.** ORS 279C.305 is amended to read:

5 “279C.305. (1) *[It is]* The policy of the State of Oregon **is** that contracting agencies shall make  
6 every effort to construct public improvements at the least cost to the contracting agency.

7 “(2) Not less than 30 days *[prior to adoption of the contracting agency’s]* **before adopting a**  
8 budget for the subsequent budget period, each contracting agency shall prepare and file with the  
9 Commissioner of the Bureau of Labor and Industries a list of every public improvement *[known to*  
10 *the contracting agency]* that the contracting agency plans to fund in the budget period, identifying  
11 each improvement by name and estimating the total on-site construction costs. The list *[shall]* **must**  
12 also *[contain a statement as to]* **state** whether the contracting agency intends to perform the con-  
13 struction through a private contractor. If the contracting agency intends to perform construction  
14 work using the contracting agency’s own equipment and personnel on a project estimated to cost  
15 more than \$125,000, the contracting agency shall *[also show]* **include with the list an analysis that**  
16 **shows** that the contracting agency’s decision conforms to the policy stated in subsection (1) of this  
17 section. The list *[is a]* **and the analysis are** public *[record]* **records** and **the contracting agency**  
18 **may periodically revise the list or analysis** *[may be revised periodically by the agency]*.

19 “(3) **As part of the analysis described in subsection (2) of this section, a contracting**  
20 **agency shall:**

21 “(a) **Estimate the cost of constructing a public improvement by contracting with a pri-**  
22 **ivate contractor;**

23 “(b) **Include in the contracting agency’s estimate of the costs the contracting agency**  
24 **would incur in constructing the public improvement with the contracting agency’s own**  
25 **equipment and personnel:**

26 “(A) **The cost of labor, including all benefits, workers’ compensation insurance premiums**  
27 **and the cost of traveling to and from the site of the public improvement that the contracting**  
28 **agency pays to or on behalf of the contracting agency’s employees;**

29 “(B) **The cost of equipment, including any costs associated with acquiring, owning, in-**  
30 **sure, storing, operating, repairing and maintaining the equipment and transporting the**  
31 **equipment to and from the site of the public improvement;**

32 “(C) **The costs of administration and overhead the contracting agency will incur, includ-**  
33 **ing costs associated with maintaining a shop or office and the costs of insurance that the**  
34 **contracting agency allocates to the public improvement;**

35 “(D) **The cost of tools and materials;**

1       “(E) Costs associated with any contracts into which the contracting agency must enter;  
2       “(F) The reasonable value of warranties and quality control if the contracting agency  
3 would require warranties and quality control of a private contractor that constructed the  
4 public improvement; and  
5       “(G) Any other costs that the contracting agency would incur to construct the public  
6 improvement with the contracting agency’s own equipment and personnel; and  
7       “(c) Compare the cost the contracting agency estimates under paragraph (a) of this  
8 subsection with the cost the contracting agency would incur to construct the public im-  
9 provement with the contracting agency’s own equipment and personnel, taking into account  
10 all of the elements specified in paragraph (b) of this subsection.  
11       “[(3)] (4) Before a contracting agency constructs a public improvement with [its] the contract-  
12 ing agency’s own equipment or personnel, the contracting agency shall:  
13       “[(a) If the estimated cost exceeds \$125,000, the contracting agency shall prepare adequate plans  
14 and specifications and the estimated unit cost of each classification of work. The estimated cost of the  
15 work must include a reasonable allowance for the cost, including investment cost, of any equipment  
16 used. As used in this paragraph, ‘adequate’ means sufficient to control the performance of the work  
17 and to ensure satisfactory quality of construction by the contracting agency personnel.]  
18       “(a) Prepare plans, specifications and estimates of the unit cost of each classification of  
19 work that are sufficient to control the performance of the work and ensure satisfactory  
20 construction quality, if the estimated cost of the public improvement exceeds \$125,000.  
21       “(b) [The contracting agency shall cause to be kept and preserved] Prepare and preserve a full,  
22 true and accurate account of the actual costs of performing the work, including all [engineering and  
23 administrative expenses and the cost, including investment costs, of any equipment used] costs de-  
24 scribed in subsection (3)(b) of this section, and use the costs in future cost estimates for the  
25 public improvement. The final account of the costs is a public record.  
26       “[(4)] (5) Subsections (2) [and (3)] to (4) of this section do not apply to a contracting agency  
27 [when] if the public improvement is [to be used for the distribution or transmission of] for distrib-  
28 uting or transmitting electric power.  
29       “[(5)] (6)(a) Except as provided in paragraph (b) of this subsection, for purposes of this  
30 section, resurfacing [of] highways, roads or streets at a depth of two or more inches [and] or at an  
31 estimated cost that exceeds \$125,000 is a public improvement.  
32       “(b) For purposes of this section, a public improvement does not include:  
33       “(A) Maintaining a road with patching, chip seals or other seals as a maintenance treat-  
34 ment on highways, roads, streets or bridges; or  
35       “(B) Maintenance resurfacing for a single road, highway or street in different locations  
36 along the road, highway or street, even if the total cost of the resurfacing exceeds \$125,000,  
37 provided that the cost of resurfacing any one location on the road, highway or street does  
38 not exceed \$125,000 and provided that the contracting agency does not artificially separate  
39 the resurfacing project into smaller projects in order to avoid the application of this section.  
40       “SECTION 2. Section 3 of this 2017 Act is added to and made a part of ORS chapter 279C.  
41       “SECTION 3. (1)(a) A contractor that would be eligible to construct a public improvement  
42 under this chapter or a trade association of contractors acting on behalf of a member of the  
43 trade association may allege in a complaint to the Commissioner of the Bureau of Labor and  
44 Industries that a contracting agency has violated ORS 279C.305 or 279C.310.  
45       “(b) A complaint under paragraph (a) of this subsection must set forth the acts or

1 omissions that constitute the alleged violation. The contractor or trade association must file  
2 the complaint with the commissioner within one year after the alleged violation occurred.

3 “(c) A contractor or trade association may not file a complaint under this subsection if  
4 the contractor or trade association has brought an action in a court of this state that alleges  
5 an act or omission that is the same or substantially similar to an act or omission the con-  
6 tractor or trade association would allege in the complaint. The commissioner may not act  
7 on a complaint described in this paragraph.

8 “(2) The commissioner shall investigate an alleged violation of ORS 279C.305 or 279C.310.  
9 In the course of an investigation under this subsection, the commissioner may:

10 “(a) Compel attendance from witnesses, receive testimony and examine the witnesses  
11 under oath;

12 “(b) Require a contracting agency or an employee of a contracting agency to produce  
13 books, records, files and other documents; and

14 “(c) Take any other action the commissioner deems necessary to conduct the investi-  
15 gation.

16 “(3)(a) If after an investigation under this section the commissioner finds substantial  
17 evidence of a violation of ORS 279C.305 or 279C.310, the commissioner shall:

18 “(A) Notify the contracting agency in writing that the commissioner has found substan-  
19 tial evidence of a violation of ORS 279C.305 or 279C.310, describe the nature of the violation  
20 and, if the commissioner has not found a violation previously, state that for future vio-  
21 lations, including any future violations that occur during construction of the same public  
22 improvement, the commissioner will require the contracting agency to negotiate and enter  
23 into an agreement under paragraph (b) of this subsection.

24 “(B) Provide a copy of any notice the commissioner issued under subparagraph (A) of this  
25 paragraph to any contractor or trade association that filed a complaint concerning the vio-  
26 lation under subsection (1) of this section.

27 “(b) If the commissioner in the course of the investigation under paragraph (a) of this  
28 subsection finds that the same contracting agency previously violated ORS 279C.305 or  
29 279C.310, the commissioner shall require the contracting agency to negotiate and enter into  
30 an agreement with the contractor or trade association that submitted a complaint under  
31 subsection (1) of this section to remedy the violation and prevent future violations. The  
32 commissioner in an order may set forth, and direct the contracting agency to comply with,  
33 the terms of the agreement.

34 “(4)(a) If a contracting agency that is a party to an agreement set forth in accordance  
35 with an order of the commissioner under subsection (3)(b) of this section breaches the  
36 agreement, a contractor or trade association that is also a party to the agreement may bring  
37 an action against the contracting agency in a court of this state to:

38 “(A) Petition the court for an injunction to prevent the contracting agency from  
39 breaching or continuing to breach the terms of the agreement; or

40 “(B) Seek a writ of mandamus under ORS 34.105 to 34.240 to compel the contracting  
41 agency to perform an action required under the terms of the agreement.

42 “(b) A contractor or trade association must bring an action under this subsection within  
43 one year after the contracting agency’s alleged breach of the agreement.

44 “SECTION 4. ORS 279A.010 is amended to read:

45 “279A.010. (1) As used in the Public Contracting Code, unless the context or a specifically ap-

1 plicable definition requires otherwise:

2 “(a) ‘Bidder’ means a person that submits a bid in response to an invitation to bid.

3 “(b) ‘Contracting agency’ means a public body authorized by law to conduct a procurement.  
4 ‘Contracting agency’ includes, but is not limited to, the Director of the Oregon Department of Ad-  
5 ministrative Services and any person authorized by a contracting agency to conduct a procurement  
6 on the contracting agency’s behalf. ‘Contracting agency’ does not include the judicial department  
7 or the legislative department.

8 “(c) ‘Days’ means calendar days.

9 “(d) ‘Department’ means the Oregon Department of Administrative Services.

10 “(e) ‘Director’ means the Director of the Oregon Department of Administrative Services or a  
11 person designated by the director to carry out the authority of the director under the Public Con-  
12 tracting Code.

13 “(f) ‘Emergency’ means circumstances that:

14 “(A) Could not have been reasonably foreseen;

15 “(B) Create a substantial risk of loss, damage or interruption of services or a substantial threat  
16 to property, public health, welfare or safety; and

17 “(C) Require prompt execution of a contract to remedy the condition.

18 “(g) ‘Energy savings performance contract’ means a public contract between a contracting  
19 agency and a qualified energy service company for the identification, evaluation, recommendation,  
20 design and construction of energy conservation measures, including a design-build contract, that  
21 guarantee energy savings or performance.

22 “(h) ‘Executive department’ has the meaning given that term in ORS 174.112.

23 “(i) ‘Goods’ includes supplies, equipment, materials, personal property, including any tangible,  
24 intangible and intellectual property and rights and licenses in relation thereto, and combinations  
25 of any of the items identified in this paragraph.

26 “(j) ‘Goods and services’ or ‘goods or services’ includes combinations of any of the items iden-  
27 tified in the definitions of ‘goods’ and ‘services.’

28 “(k)(A) ‘Grant’ means:

29 “(i) An agreement under which a contracting agency receives moneys, property or other assist-  
30 ance, including but not limited to federal assistance that is characterized as a grant by federal law  
31 or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other  
32 assets, from a grantor for the purpose of supporting or stimulating a program or activity of the  
33 contracting agency and in which no substantial involvement by the grantor is anticipated in the  
34 program or activity other than involvement associated with monitoring compliance with the grant  
35 conditions; or

36 “(ii) An agreement under which a contracting agency provides moneys, property or other as-  
37 sistance, including but not limited to federal assistance that is characterized as a grant by federal  
38 law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or  
39 other assets, to a recipient for the purpose of supporting or stimulating a program or activity of the  
40 recipient and in which no substantial involvement by the contracting agency is anticipated in the  
41 program or activity other than involvement associated with monitoring compliance with the grant  
42 conditions.

43 “(B) ‘Grant’ does not include a public contract for a public improvement, for public works, as  
44 defined in ORS 279C.800, or for emergency work, minor alterations or ordinary repair or mainte-  
45 nance necessary to preserve a public improvement, when under the public contract a contracting

1 agency pays, in consideration for contract performance intended to realize or to support the real-  
2 ization of the purposes for which grant funds were provided to the contracting agency, moneys that  
3 the contracting agency has received under a grant.

4 “(L) ‘Industrial oil’ means any compressor, turbine or bearing oil, hydraulic oil, metal-working  
5 oil or refrigeration oil.

6 “(m) ‘Judicial department’ has the meaning given that term in ORS 174.113.

7 “(n) ‘Legislative department’ has the meaning given that term in ORS 174.114.

8 “(o) ‘Local contract review board’ means a local contract review board described in ORS  
9 279A.060.

10 “(p) ‘Local contracting agency’ means a local government or special government body authorized  
11 by law to conduct a procurement. ‘Local contracting agency’ includes any person authorized by a  
12 local contracting agency to conduct a procurement on behalf of the local contracting agency.

13 “(q) ‘Local government’ has the meaning given that term in ORS 174.116.

14 “(r) ‘Lowest responsible bidder’ means the lowest bidder who:

15 “(A) Has substantially complied with all prescribed public contracting procedures and require-  
16 ments;

17 “(B) Has met the standards of responsibility set forth in ORS 279B.110 or 279C.375;

18 “(C) Has not been debarred or disqualified by the contracting agency under ORS 279B.130 or  
19 279C.440; and

20 “(D) If the advertised contract is a public improvement contract, is not on the list created by  
21 the Construction Contractors Board under ORS 701.227.

22 “(s) ‘Lubricating oil’ means any oil intended for use in an internal combustion crankcase,  
23 transmission, gearbox or differential or an automobile, bus, truck, vessel, plane, train, heavy equip-  
24 ment or machinery powered by an internal combustion engine.

25 “(t) ‘Person’ means a natural person capable of being legally bound, a sole proprietorship, a  
26 corporation, a partnership, a limited liability company or partnership, a limited partnership, a for-  
27 profit or nonprofit unincorporated association, a business trust, two or more persons having a joint  
28 or common economic interest, any other person with legal capacity to contract or a public body.

29 “(u) ‘Post-consumer waste’ means a finished material that would normally be disposed of as solid  
30 waste, having completed its life cycle as a consumer item. ‘Post-consumer waste’ does not include  
31 manufacturing waste.

32 “(v) ‘Price agreement’ means a public contract for the procurement of goods or services at a set  
33 price with:

34 “(A) No guarantee of a minimum or maximum purchase; or

35 “(B) An initial order or minimum purchase combined with a continuing contractor obligation to  
36 provide goods or services in which the contracting agency does not guarantee a minimum or maxi-  
37 mum additional purchase.

38 “(w) ‘Procurement’ means the act of purchasing, leasing, renting or otherwise acquiring goods  
39 or services. ‘Procurement’ includes each function and procedure undertaken or required to be  
40 undertaken by a contracting agency to enter into a public contract, administer a public contract and  
41 obtain the performance of a public contract under the Public Contracting Code.

42 “(x) ‘Proposer’ means a person that submits a proposal in response to a request for proposals.

43 “(y) ‘Public body’ has the meaning given that term in ORS 174.109.

44 “(z) ‘Public contract’ means a sale or other disposal, or a purchase, lease, rental or other ac-  
45 quisition, by a contracting agency of personal property, services, including personal services, public

1 improvements, public works, minor alterations, or ordinary repair or maintenance necessary to pre-  
2 serve a public improvement. 'Public contract' does not include grants.

3 "(aa) 'Public contracting' means procurement activities described in the Public Contracting Code  
4 relating to obtaining, modifying or administering public contracts or price agreements.

5 "(bb) 'Public Contracting Code' or 'code' means ORS chapters 279A, 279B and 279C.

6 "(cc) 'Public improvement' means a project for construction, reconstruction or major renovation  
7 on real property by or for a contracting agency. 'Public improvement' does not include:

8 "(A) Projects for which no funds of a contracting agency are directly or indirectly used, except  
9 for participation that is incidental or related primarily to project design or inspection; or

10 "(B) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve  
11 a public improvement.

12 "(dd) 'Public improvement contract' means a public contract for a public improvement. 'Public  
13 improvement contract' does not include a public contract for emergency work, minor alterations, or  
14 ordinary repair or maintenance necessary to preserve a public improvement.

15 "(ee) 'Recycled material' means any material that would otherwise be a useless, unwanted or  
16 discarded material except for the fact that the material still has useful physical or chemical prop-  
17 erties after serving a specific purpose and can, therefore, be reused or recycled.

18 "(ff) 'Recycled oil' means used oil that has been prepared for reuse as a petroleum product by  
19 refining, rerefining, reclaiming, reprocessing or other means, provided that the preparation or use  
20 is operationally safe, environmentally sound and complies with all laws and regulations.

21 "(gg) 'Recycled paper' means a paper product with not less than:

22 "(A) Fifty percent of its fiber weight consisting of secondary waste materials; or

23 "(B) Twenty-five percent of its fiber weight consisting of post-consumer waste.

24 "(hh) 'Recycled PETE' means post-consumer polyethylene terephthalate material.

25 "(ii) 'Recycled product' means all materials, goods and supplies, not less than 50 percent of the  
26 total weight of which consists of secondary and post-consumer waste with not less than 10 percent  
27 of its total weight consisting of post-consumer waste. 'Recycled product' includes any product that  
28 could have been disposed of as solid waste, having completed its life cycle as a consumer item, but  
29 otherwise is refurbished for reuse without substantial alteration of the product's form.

30 "(jj) 'Secondary waste materials' means fragments of products or finished products of a manu-  
31 facturing process that has converted a virgin resource into a commodity of real economic value.  
32 'Secondary waste materials' includes post-consumer waste. 'Secondary waste materials' does not  
33 include excess virgin resources of the manufacturing process. For paper, 'secondary waste  
34 materials' does not include fibrous waste generated during the manufacturing process such as fibers  
35 recovered from waste water or trimmings of paper machine rolls, mill broke, wood slabs, chips,  
36 sawdust or other wood residue from a manufacturing process.

37 "(kk) 'Services' mean services other than personal services designated under ORS 279A.055, ex-  
38 cept that, for state contracting agencies with procurement authority under ORS 279A.050 or  
39 279A.140, 'services' includes personal services as designated by the state contracting agencies.

40 "(LL) 'Special government body' has the meaning given that term in ORS 174.117.

41 "(mm) 'State agency' means the executive department, except the Secretary of State and the  
42 State Treasurer in the performance of the duties of their constitutional offices.

43 "(nn) 'State contracting agency' means an executive department entity authorized by law to  
44 conduct a procurement.

45 "(oo) 'State government' has the meaning given that term in ORS 174.111.

1 “(pp) ‘Used oil’ has the meaning given that term in ORS 459A.555.

2 “(qq) ‘Virgin oil’ means oil that has been refined from crude oil and that has not been used or  
3 contaminated with impurities.

4 “(2) Other definitions appearing in the Public Contracting Code and the sections in which they  
5 appear are:

6		
7	[(a)]	“Adequate” .....ORS 279C.305]
8	[(b)] (a)	“Administering contracting
9		agency” .....ORS 279A.200
10	[(c)] (b)	“Affirmative action” .....ORS 279A.100
11	[(d)] (c)	“Architect” .....ORS 279C.100
12	[(e)] (d)	“Architectural,
13		engineering, photogram-
14		metric mapping,
15		transportation planning
16		or land surveying
17		services” .....ORS 279C.100
18	[(f)] (e)	“Bid documents” .....ORS 279C.400
19	[(g)] (f)	“Bidder” .....ORS 279B.415
20	[(h)] (g)	“Bids” .....ORS 279C.400
21	[(i)] (h)	“Brand name” .....ORS 279B.405
22	[(j)] (i)	“Brand name or equal
23		specification” .....ORS 279B.200
24	[(k)] (j)	“Brand name
25		specification” .....ORS 279B.200
26	[(L)] (k)	“Class special
27		procurement” .....ORS 279B.085
28	[(m)] (L)	“Consultant” .....ORS 279C.115
29	[(n)] (m)	“Contract-specific
30		special procurement” .....ORS 279B.085
31	[(o)] (n)	“Cooperative
32		procurement” .....ORS 279A.200
33	[(p)] (o)	“Cooperative procurement
34		group” .....ORS 279A.200
35	[(q)] (p)	“Donee” .....ORS 279A.250
36	[(r)] (q)	“Engineer” .....ORS 279C.100
37	[(s)] (r)	“Findings” .....ORS 279C.330
38	[(t)] (s)	“Fire protection
39		equipment” .....ORS 279A.190
40	[(u)] (t)	“Fringe benefits” .....ORS 279C.800
41	[(v)] (u)	“Funds of a public
42		agency” .....ORS 279C.810
43	[(w)] (v)	“Good cause” .....ORS 279C.585
44	[(x)] (w)	“Good faith dispute” .....ORS 279C.580
45	[(y)] (x)	“Goods” .....ORS 279B.115

1	[(z)] (y)	“Housing”.....	ORS 279C.800
2	[(aa)] (z)	“Interstate cooperative	
3		procurement” .....	ORS 279A.200
4	[(bb)] (aa)	“Invitation to bid” .....	ORS 279B.005
5		.....and	279C.400
6	[(cc)] (bb)	“Joint cooperative	
7		procurement” .....	ORS 279A.200
8	[(dd)] (cc)	“Labor dispute” .....	ORS 279C.650
9	[(ee)] (dd)	“Land surveyor” .....	ORS 279C.100
10	[(ff)] (ee)	“Legally flawed” .....	ORS 279B.405
11	[(gg)] (ff)	“Locality” .....	ORS 279C.800
12	[(hh)] (gg)	“Nonprofit	
13		organization” .....	ORS 279C.810
14	[(ii)] (hh)	“Nonresident bidder” .....	ORS 279A.120
15	[(jj)] (ii)	“Not-for-profit	
16		organization” .....	ORS 279A.250
17	[(kk)] (jj)	“Original contract” .....	ORS 279A.200
18	[(LL)] (kk)	“Permissive cooperative	
19		procurement” .....	ORS 279A.200
20	[(mm)] (LL)	“Person” .....	ORS 279C.500
21		.....and	279C.815
22	[(nn)] (mm)	“Personal services” .....	ORS 279C.100
23	[(oo)] (nn)	“Photogrammetric	
24		mapping” .....	ORS 279C.100
25	[(pp)] (oo)	“Photogrammetrist” .....	ORS 279C.100
26	[(qq)] (pp)	“Prevailing rate of	
27		wage” .....	ORS 279C.800
28	[(rr)] (qq)	“Procurement	
29		description” .....	ORS 279B.005
30	[(ss)] (rr)	“Property” .....	ORS 279A.250
31	[(tt)] (ss)	“Public agency” .....	ORS 279C.800
32	[(uu)] (tt)	“Public contract” .....	ORS 279A.190
33	[(vv)] (uu)	“Public works” .....	ORS 279C.800
34	[(ww)] (vv)	“Purchasing contracting	
35		agency” .....	ORS 279A.200
36	[(xx)] (ww)	“Regularly organized fire	
37		department” .....	ORS 279A.190
38	[(yy)] (xx)	“Related services” .....	ORS 279C.100
39	[(zz)] (yy)	“Request for	
40		proposals” .....	ORS 279B.005
41	[(aaa)] (zz)	“Resident bidder” .....	ORS 279A.120
42	[(bbb)] (aaa)	“Responsible bidder” .....	ORS 279A.105
43		.....and	279B.005
44	[(ccc)] (bbb)	“Responsible	
45		proposer” .....	ORS 279B.005



1 [(ddd)] (ccc) “Responsive bid” .....ORS 279B.005  
2 [(eee)] (ddd) “Responsive  
3 proposal” .....ORS 279B.005  
4 [(fff)] (eee) “Retainage” .....ORS 279C.550  
5 [(ggg)] (fff) “Special  
6 procurement” .....ORS 279B.085  
7 [(hhh)] (ggg) “Specification” .....ORS 279B.200  
8 [(iii)] (hhh) “State agency” .....ORS 279A.250  
9 [(jjj)] (iii) “Substantial  
10 completion” .....ORS 279C.465  
11 [(kkk)] (jjj) “Surplus property” .....ORS 279A.250  
12 [(LLL)] (kkk) “Transportation  
13 planning services” .....ORS 279C.100  
14 [(mmm)] (LLL) “Unnecessarily  
15 restrictive” .....ORS 279B.405

16 **“SECTION 5. Section 3 of this 2017 Act and the amendments to ORS 279A.010 and**  
17 **279C.305 by sections 1 and 4 of this 2017 Act apply to procurements that a contracting agency**  
18 **first advertises or otherwise solicits or, if the contracting agency does not advertise or so-**  
19 **licit the procurement, to a public contract that a contracting agency enters into on or after**  
20 **the operative date specified in section 6 of this 2017 Act.**

21 **“SECTION 6. (1) Section 3 of this 2017 Act and the amendments to ORS 279A.010 and**  
22 **279C.305 by sections 1 and 4 of this 2017 Act become operative on January 1, 2018.**

23 **“(2) The Commissioner of the Bureau of Labor and Industries, the Attorney General, the**  
24 **Director of the Oregon Department of Administrative Services, the Director of Transporta-**  
25 **tion or a contracting agency that adopts rules under ORS 279A.065 may adopt rules and take**  
26 **any other action before the operative date specified in subsection (1) of this section that is**  
27 **necessary to enable the commissioner, the Attorney General, the director or the contracting**  
28 **agency to exercise all of the duties, functions and powers conferred on the commissioner,**  
29 **the Attorney General, the director or the contracting agency by section 3 of this 2017 Act**  
30 **and the amendments to ORS 279A.010 and 279C.305 by section 1 and 4 of this 2017 Act.**

31 **“SECTION 7. This 2017 Act takes effect on the 91st day after the date on which the 2017**  
32 **regular session of the Seventy-ninth Legislative Assembly adjourns sine die.”.**

33