

**A-Engrossed**  
**House Bill 3102**

Ordered by the House March 15  
Including House Amendments dated March 15

Sponsored by COMMITTEE ON WATER (at the request of Representative Ken Helm)

**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.

Directs Department of Environmental Quality to purchase cyanotoxin autoanalyzer system instrument, **nutrient analyzer system instrument** and associated supplies and services. Directs department to create, fill and utilize [*seasonal position*] **two positions** to assist with cyanotoxin analysis.

Appropriates moneys from General Fund to department to purchase equipment and support increased staffing level.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to harmful algal blooms; and declaring an emergency.

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

4 **SECTION 1. (1) The Department of Environmental Quality shall purchase one cyanotoxin**  
5 **autoanalyzer system instrument to be used to analyze water samples for cyanotoxins. The**  
6 **department shall acquire any services and supplies necessary for the operation of the in-**  
7 **strument described in this subsection.**

8 **(2) The department shall purchase one nutrient analyzer system instrument. The de-**  
9 **partment shall acquire any services and supplies necessary for the operation of the instru-**  
10 **ment described in this subsection.**

11 **(3) The department shall create, fill and utilize two positions within the department to**  
12 **assist with the analysis of water samples for cyanotoxins and to collect water samples during**  
13 **peak periods.**

14 **SECTION 2. (1) As used in this section, "institution of higher education" has the meaning**  
15 **given that term in ORS 238.005.**

16 **(2) Subject to the conditions described in subsection (3) of this section, the Department**  
17 **of Environmental Quality shall make the cyanotoxin autoanalyzer system instrument pur-**  
18 **chased under section 1 of this 2021 Act available to institutions of higher education for pur-**  
19 **poses of education, training or research. The department may assist with or participate in**  
20 **the education, training or research activities conducted by institutions of higher education**  
21 **under this section.**

22 **(3) The department shall make the cyanotoxin autoanalyzer system instrument pur-**  
23 **chased under section 1 of this 2021 Act available to institutions of higher education if:**

24 **(a) The instrument is not needed by the department to analyze water samples for**  
25 **cyanotoxins at that time; and**

**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 (b) It is reasonably practicable for the department to make the instrument available.

2 **SECTION 3.** (1) As used in this section, “institution of higher education” has the meaning  
3 given that term in ORS 238.005.

4 (2) No later than November 30, 2021, the Department of Environmental Quality shall  
5 provide a report to an interim committee of the Legislative Assembly related to water, in the  
6 manner provided in ORS 192.245, describing:

7 (a) Preparations by the department to coordinate the use of the cyanotoxin autoanalyzer  
8 system instrument by institutions of higher education, as described in section 2 of this 2021  
9 Act; and

10 (b) Actions that may be taken by the department or the Legislative Assembly to coordi-  
11 nate state government agencies in their preparation for and response to harmful algal  
12 blooms.

13 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-  
14 ated to the Department of Environmental Quality, for the biennium beginning July 1, 2021,  
15 out of the General Fund, the following amounts:

16 (1) \$160,000 for the purpose of carrying out the provisions of section 1 (1) of this 2021 Act;

17 (2) \$65,000 for the purpose of carrying out the provisions of section 1 (2) of this 2021 Act;  
18 and

19 (3) \$363,005 for the purpose of carrying out the provisions of section 1 (3) of this 2021 Act.

20 **SECTION 5.** This 2021 Act being necessary for the immediate preservation of the public  
21 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect  
22 on its passage.