

Requested by Representative PHAM K

**PROPOSED AMENDMENTS TO
HOUSE BILL 3016**

1 On page 1 of the printed bill, line 2, before the period insert “; and de-
2 claring an emergency”.

3 Delete lines 4 through 28 and delete pages 2 through 5 and insert:

4 **“SECTION 1. The Legislative Assembly finds and declares that:**

5 **“(1) The purpose of community green infrastructure projects and**
6 **green infrastructure economic development projects is to provide di-**
7 **rect social, environmental and economic benefits to communities**
8 **across this state through green infrastructure.**

9 **“(2) The social, environmental and economic benefits of green**
10 **infrastructure to communities include, but are not limited to:**

11 **“(a) Climate change mitigation, adaptation and resilience;**

12 **“(b) Stormwater management;**

13 **“(c) Air temperature regulation;**

14 **“(d) Air quality benefits;**

15 **“(e) Noise abatement;**

16 **“(f) Energy savings;**

17 **“(g) Economic development opportunities;**

18 **“(h) Public or community health benefits;**

19 **“(i) Support for community food pathways through regenerative**
20 **agriculture;**

21 **“(j) Water quality improvements, including temperature regulation;**

- 1 **“(k) Water conservation;**
2 **“(L) Erosion control;**
3 **“(m) Park and open space benefits;**
4 **“(n) Urban forest benefits;**
5 **“(o) Restoration of floodplain functions;**
6 **“(p) Restored or expanded wetlands and riparian areas;**
7 **“(q) Habitat improvements;**
8 **“(r) Aquifer recharge that does not include an extractive or**
9 **consumptive use of the aquifer;**
10 **“(s) Stream flow augmentation.**
11 **“(t) Carbon sequestration;**
12 **“(u) Community livability;**
13 **“(v) Local jobs; and**
14 **“(w) The use of plants and food in maintaining social and environ-**
15 **mental identity and lifeways.**

16 **“SECTION 2. As used in sections 1 to 5 of this 2023 Act:**

17 **“(1) ‘Community green infrastructure project’ means a green**
18 **infrastructure project that provides social, environmental or economic**
19 **benefits to a particular community and is developed through a**
20 **collaborative process that helps to define those benefits.**

21 **“(2) ‘Environmental justice community’ has the meaning given that**
22 **term in ORS 182.535.**

23 **“(3) ‘Green communities nursery’ means an Oregon nursery certi-**
24 **fied by the State Department of Agriculture under section 6 of this**
25 **2023 Act.**

26 **“(4) ‘Green infrastructure’ means:**

27 **“(a) Green infrastructure as defined in ORS 550.160; or**

28 **“(b) Infrastructure that:**

29 **“(A) Mimics natural systems, or enables natural systems to be less**
30 **stressed through water conservation, water protection or ecosystem**

1 restoration, at the neighborhood or site scale as part of an integrated
2 approach in residential, municipal or industrial developments or water
3 infrastructure; and

4 “(B) Implements community-based concepts, principles and prac-
5 tices to conserve and manage resources for future generations,
6 sequester carbon and provide environmental and social benefits.

7 “(5) ‘Green infrastructure economic development project’ means a
8 community green infrastructure project that employs members of a
9 community that benefits from the community green infrastructure
10 project in the development, construction, planting or maintenance of
11 the project.

12 “(6) ‘Green infrastructure improvement zone’ means an area desig-
13 nated by the State Forestry Department under section 7 of this 2023
14 Act.

15 “(7) ‘Green infrastructure master plan’ means a long-term plan de-
16 veloped by a public body or tribal government that involves the cre-
17 ation, protection or enhancement of green infrastructure, including
18 but not limited to:

19 “(a) An urban forestry plan;

20 “(b) A storm water management plan; and

21 “(c) A plan to establish parks or other public green spaces.

22 “(8) ‘Indian tribe’ means a federally recognized Indian tribe in
23 Oregon.

24 “(9) ‘Native plant nursery’ means an Oregon nursery that special-
25 izes in plants native to Oregon.

26 “(10) ‘Native seed bank’ means a store of seeds from native plants
27 that helps to:

28 “(a) Preserve genetic diversity in those plant species to increase
29 plant yield and health, including disease resistance and drought toler-
30 ance;

1 **“(b) Hold seeds and plants for the restorative health of a commu-**
2 **nity; or**

3 **“(c) Support the replanting of post-fire successional plants.**

4 **“(11) ‘Oregon nursery’ means:**

5 **“(a) A person that holds a license required by ORS 571.055 issued**
6 **by the State Department of Agriculture; or**

7 **“(b) A nursery operated by an Indian tribe, an entity wholly owned**
8 **by an Indian tribe or an enrolled member of an Indian tribe and op-**
9 **erated on the tribe’s reservation or trust land.**

10 **“(12) ‘Public body’ has the meaning given that term in ORS 174.109.**

11 **“SECTION 3. (1) The Community Green Infrastructure Grant Pro-**
12 **gram is established as a program administered by the Department of**
13 **Land Conservation and Development for the purpose of awarding**
14 **grants for:**

15 **“(a) Offsetting the cost of planning and developing community**
16 **green infrastructure projects or green infrastructure economic devel-**
17 **opment projects;**

18 **“(b) Developing or supporting native seed banks or native plant**
19 **nurseries; or**

20 **“(c) Supporting and implementing green infrastructure master**
21 **plans.**

22 **“(2) The Department of Land Conservation and Development may**
23 **enter into intergovernmental agreements under ORS chapter 190 with**
24 **the Oregon Health Authority, the Oregon Business Development De-**
25 **partment, the Bureau of Labor and Industries, the State Department**
26 **of Agriculture, the Oregon Watershed Enhancement Board, the De-**
27 **partment of Environmental Quality, the State Parks and Recreation**
28 **Department or an Indian tribe for the purposes of assistance with:**

29 **“(a) The design and implementation of the Community Green**
30 **Infrastructure Grant Program;**

1 **“(b) Readiness to acquire and administer federal funding related to**
2 **green infrastructure projects; or**

3 **“(c) Technical advice or feedback on the grant review process es-**
4 **tablished under this section.**

5 **“(3) The Department of Land Conservation and Development shall**
6 **enter into an intergovernmental agreement under ORS chapter 190**
7 **with the State Forestry Department for the purposes of assistance**
8 **with:**

9 **“(a) The design and implementation of the Community Green**
10 **Infrastructure Grant Program;**

11 **“(b) Readiness to acquire and administer federal funding related to**
12 **green infrastructure projects; and**

13 **“(c) Technical advice or feedback on the grant review process es-**
14 **tablished under this section.**

15 **“(4) The Department of Land Conservation and Development shall**
16 **enter into an intergovernmental agreement under ORS chapter 190**
17 **with the Department of Transportation for the purposes of assistance**
18 **with:**

19 **“(a) Technical advice regarding state transportation facilities and**
20 **rights of way as they relate to the design and implementation of the**
21 **Community Green Infrastructure Grant Program;**

22 **“(b) Readiness to acquire and administer federal funding related to**
23 **green infrastructure projects; and**

24 **“(c) Technical advice or feedback on the grant review process es-**
25 **tablished under this section.**

26 **“(5)(a) A public body, a local workforce development board as de-**
27 **defined in ORS 660.300, a manufactured dwelling park nonprofit cooper-**
28 **ative as defined in ORS 62.803, an Indian tribe, a watershed council as**
29 **defined in ORS 541.890, a nonprofit organization or a faith-based or-**
30 **ganization may apply for a grant under this section for the purpose**

1 of planning or developing a community green infrastructure project
2 or a green infrastructure economic development project.

3 “(b) An applicant for a grant for a community green infrastructure
4 project or a green infrastructure economic development project may
5 partner with a state agency, a private business with a business site in
6 this state or an owner of rental property in this state.

7 “(c) A grant for an approved application for a community green
8 infrastructure project or a green infrastructure economic development
9 project will be awarded and released only to an applicant described in
10 paragraph (a) of this subsection.

11 “(d)(A) An application for a community green infrastructure project
12 or a green infrastructure economic development project must be
13 drafted in consultation with the government of the city or county in
14 which the project will be located and with the electric and water util-
15 ities in whose service territory the project will be located.

16 “(B) An application must include documentation of the consulta-
17 tions described in this paragraph and demonstrate that feedback re-
18 ceived as a result of consultation was incorporated into the application
19 materials. If the application does not incorporate feedback from a
20 consulted party into the application, the applicant must provide an
21 explanation of why the feedback was not incorporated or provide a
22 statement that no feedback was received from that party.

23 “(6)(a) An application for a grant under this section shall be in the
24 form and manner prescribed by the Department of Land Conservation
25 and Development.

26 “(b) An application for a grant to plan or develop a community
27 green infrastructure project or a green infrastructure economic de-
28 velopment project must demonstrate that the project:

29 “(A) Is located in this state;

30 “(B) Provides social, environmental or economic benefits to an en-

1 **vironmental justice community;**

2 **“(C) Except for projects developed by an Indian tribe, has been or**
3 **will be developed in coordination with an environmental justice com-**
4 **munity that will benefit from the completion of the project; and**

5 **“(D) Has a plan for the maintenance of the project for at least three**
6 **years or has requested technical assistance for maintenance planning.**

7 **“(c) An application for a grant for a native seed bank or native**
8 **plant nursery must demonstrate that the applicant qualifies as a na-**
9 **tive seed bank or a native plan nursery.**

10 **“(d) An application for a grant for a green infrastructure master**
11 **plan must demonstrate how the long-term plan of the public body or**
12 **tribal government involves the creation, protection or enhancement**
13 **of green infrastructure.**

14 **“(7) Upon receipt of an application submitted under this section, the**
15 **Department of Land Conservation and Development shall review the**
16 **application and determine whether the applicant is eligible to receive**
17 **a grant from the Community Green Infrastructure Grant Program.**
18 **The department may award grants based on the prioritizations estab-**
19 **lished under subsection (8) of this section. If the department denies a**
20 **grant application, the department shall provide the reason for the de-**
21 **nial in writing.**

22 **“(8) In awarding grants under the Community Green Infrastructure**
23 **Grant Program, the Department of Land Conservation and Develop-**
24 **ment may give priority to projects:**

25 **“(a) Involving large, low-maintenance, storm- and drought-resistant**
26 **tree plantings;**

27 **“(b) Involving plantings that include native plants or pollinator-**
28 **friendly species;**

29 **“(c) Involving tree plantings at or near school campuses, affordable**
30 **housing, senior housing, manufactured dwelling parks, recreational**

1 **vehicle parks or public rights of way;**

2 **“(d) That strengthen communities and fight displacement;**

3 **“(e) That develop innovative solutions for using urban woody**
4 **biomass;**

5 **“(f) That are carried out by a city that has adopted a plan to in-**
6 **crease urban tree canopy cover and has entered into a long-term**
7 **agreement with an Oregon nursery to supply trees needed to carry out**
8 **the plan; or**

9 **“(g) That utilize a community’s cultural practices to educate, and**
10 **conserve and manage resources for, future generations.**

11 **“(9) To the maximum extent possible, community green**
12 **infrastructure projects and green infrastructure economic develop-**
13 **ment projects shall:**

14 **“(a) Minimize the vehicle miles traveled associated with all plant**
15 **and tree stocks utilized in the project;**

16 **“(b) Include partnerships with green communities nurseries or**
17 **nurseries defined in section 2 (11)(b) of this 2023 Act;**

18 **“(c) Utilize native plant stock that is grown from native seed banks**
19 **or native seed recovery and planting efforts; and**

20 **“(d) Utilize climate-adaptive plant stock that is regionally native,**
21 **drought and disease tolerant and noninvasive.**

22 **“(10) To the maximum extent possible, community green**
23 **infrastructure projects and green infrastructure economic develop-**
24 **ment projects that occur on school campuses shall incorporate a cur-**
25 **riculum or demonstration component to connect students to the**
26 **project and provide education about:**

27 **(a) Green infrastructure;**

28 **(b) Careers in green infrastructure; and**

29 **(c) Cultural practices to educate, and conserve and manage re-**
30 **sources for, future generations.**

1 **“SECTION 4. (1) The Community Green Infrastructure Fund is es-**
2 **tablished in the State Treasury, separate and distinct from the General**
3 **Fund. Interest earned by the Community Green Infrastructure Fund**
4 **shall be credited to the fund. Moneys in the fund are continuously**
5 **appropriated to the Department of Land Conservation and Develop-**
6 **ment for the purpose of carrying out section 3 of this 2023 Act, subject**
7 **to the allocations described in subsection (2) of this section.**

8 **“(2) Of the moneys in the fund:**

9 **“(a) 30 percent shall be allocated for grants to be awarded for**
10 **planning or developing green infrastructure economic development**
11 **projects;**

12 **“(b) 40 percent shall be allocated for grants to be awarded for enti-**
13 **ties or projects located in green infrastructure improvement zones;**
14 **and**

15 **“(c) 30 percent shall be allocated for grants to be awarded to entities**
16 **or projects in tribal, rural, remote or coastal communities.**

17 **“SECTION 5. (1) The Department of Land Conservation and Devel-**
18 **opment may appoint an Advisory Committee on Community Green**
19 **Infrastructure Investment to provide consultation on the implemen-**
20 **tation of section 3 of this 2023 Act. A committee appointed under this**
21 **section shall consist of at least one representative of each of the fol-**
22 **lowing interests:**

23 **“(a) City governments;**

24 **“(b) County governments;**

25 **“(c) Special districts, irrigation districts or transportation districts;**

26 **“(d) School districts;**

27 **“(e) Environmental justice communities;**

28 **“(f) The Oregon nursery industry;**

29 **“(g) Educational institutes that train professionals in horticulture,**
30 **urban forestry or other green infrastructure professions;**

1 “(h) State or local parks and recreation agencies;

2 “(i) Individuals with expertise in designing, constructing and
3 maintaining green infrastructure;

4 “(j) Individuals with expertise in the public or community health
5 benefits of green infrastructure;

6 “(k) Individuals with expertise in green workforce development or
7 social enterprise models; and

8 “(L) Individuals with expertise in green infrastructure projects in
9 tribal, rural, remote or coastal communities.

10 “(2)(a) The department shall invite each of the federally recognized
11 Indian tribes in Oregon to participate in the advisory committee.

12 “(b) Invitation to participate in the advisory committee is not in
13 lieu of other forms of tribal consultation, outreach or engagement that
14 the department may engage in as necessary to fulfill the purposes of
15 sections 1 to 5 of this 2023 Act.

16 “(3) No later than September 15 of each even-numbered year, the
17 advisory committee shall submit a report on the implementation of
18 the Community Green Infrastructure Grant Program to the appropri-
19 ate interim committees of the Legislative Assembly, in the manner
20 provided by ORS 192.245.

21 “SECTION 6. (1) As used in this section, ‘Oregon nursery’ has the
22 meaning given that term in section 2 of this 2023 Act.

23 “(2) The State Department of Agriculture shall certify an Oregon
24 nursery as a green communities nursery if the nursery:

25 “(a) Has practices in pest and disease management that satisfy
26 standards established by the department;

27 “(b) Materially demonstrates a history of compliance with the rules
28 and other requirements of state and local agencies with oversight re-
29 garding workers’ compensation, building codes and occupational safety
30 and health over a period of seven years or the life of the nursery,

1 **whichever is shorter;**

2 **“(c) Materially demonstrates a history of compliance with federal**
3 **and state wage and hour laws over a period of seven years or the life**
4 **of the nursery, whichever is shorter; and**

5 **“(d) Grows and maintains noninvasive nursery stock for the pur-**
6 **poses of partnering with communities or public bodies on green**
7 **infrastructure projects.**

8 **“(3) An Oregon nursery may apply for certification under this sec-**
9 **tion in the form and manner prescribed by the department.**

10 **“SECTION 7. (1) The State Forestry Department shall acquire and**
11 **maintain a statewide urban tree canopy assessment tool.**

12 **“(2) The assessment tool must provide geospatial mapping that in-**
13 **cludes:**

14 **“(a) A visualization of urban tree canopies, viewable at the census**
15 **tract level;**

16 **“(b) Community demographic, economic, social and health data;**

17 **“(c) A comprehensive inventory of tree canopies on public lands;**

18 **“(d) Rights of way and their associated jurisdictions;**

19 **“(e) An urban green space assessment that includes an evaluation**
20 **of vegetation health and a comparison of pervious surfaces to**
21 **impervious surfaces within the green space; and**

22 **“(f) An assessment of tree canopy and green space in the urban-**
23 **rural gradient.**

24 **“(3) The department may integrate the urban tree canopy assess-**
25 **ment tool with data from other agency mapping tools, including the**
26 **environmental justice mapping tool developed pursuant to section 12,**
27 **chapter 58, Oregon Laws 2022.**

28 **“(4) The department shall make the urban tree canopy assessment**
29 **tool available on a website maintained by the department, along with**
30 **guidance for using the tool to promote environmental, social and**

1 economic well-being.

2 “(5) Using the urban tree canopy assessment tool, the department
3 shall designate as green infrastructure improvement zones areas of
4 this state that have a high level of poverty density and any of the
5 following:

6 “(a) Low levels of tree canopy cover;

7 “(b) Poor vegetation health;

8 “(c) High risk of pests, disease or other threats to plant life; or

9 “(d) Other needs for revegetation or holistic native plant restora-
10 tion.

11 **“SECTION 8. (1) The State Forestry Department shall develop and**
12 **implement a program to provide technical and financial assistance to**
13 **public bodies as defined in ORS 174.109, tribal governments, watershed**
14 **councils as defined in ORS 541.890 and community-based organizations**
15 **for planning for, responding to and recovering from damage to**
16 **habitats and urban tree canopies due to pests, diseases or other na-**
17 **tural or human-created conditions that lead to loss of tree canopy,**
18 **including but not limited to:**

19 “(a) Emerald ash borer infestation;

20 “(b) Japanese beetle infestation;

21 “(c) Sudden Oak Death;

22 “(d) Pine bark beetle infestation;

23 “(e) Climate change;

24 “(f) Drought; or

25 “(g) Wildfire.

26 “(2) The program may include, but need not be limited to, assist-
27 **ance for:**

28 “(a) Vulnerability assessments;

29 “(b) Tree inventories;

30 “(c) Response and recovery plan development;

1 “(d) Community engagement and community-led strategies; and
2 “(e) Tree removal and replanting with species that are resistant to
3 disease, pest and drought.

4 “(3) The department shall coordinate with the State Department of
5 Agriculture to support program activities related to any pests or dis-
6 eases subject to quarantine under the laws of this state or of the
7 United States.

8 “SECTION 9. This 2023 Act being necessary for the immediate
9 preservation of the public peace, health and safety, an emergency is
10 declared to exist, and this 2023 Act takes effect on its passage.”.

11 _____