

House Bill 3016

Sponsored by Representative PHAM K, Senator DEMBROW, Representative GAMBA; Representatives DEXTER, EVANS, GRAYBER, HELM, HUDSON, NERON, REYNOLDS, Senators GELSER BLOUIN, JAMA (Presession filed.)

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**.

Establishes Community Green Infrastructure Grant Program.
Establishes Community Green Infrastructure Fund.
Establishes Community Green Infrastructure Task Force.
Directs State Forestry Department to acquire and maintain urban tree canopy assessment tool.
Directs department to develop emerald ash borer assistance program.

A BILL FOR AN ACT

1
2 Relating to green infrastructure.

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

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

5 (a) **“Community green infrastructure project” means a green infrastructure project that**
6 **provides social, environmental or economic benefits to a particular community and is devel-**
7 **oped through a collaborative process that helps define those benefits.**

8 (b) **“Environmental justice community” has the meaning given that term in ORS 182.535.**

9 (c) **“Green infrastructure” means a measure that uses plant or soil systems, permeable**
10 **pavement or other permeable surfaces or substrates, stormwater harvest and reuse, land-**
11 **scaping or regenerative food production to provide environmental, economic or social bene-**
12 **fits, including:**

13 (A) **Climate change mitigation, adaptation or resilience;**

14 (B) **Stormwater management;**

15 (C) **Air temperature regulation;**

16 (D) **Air quality benefits;**

17 (E) **Noise abatement;**

18 (F) **Energy savings;**

19 (G) **Economic development opportunities;**

20 (H) **Public or community health benefits; or**

21 (I) **Local food sovereignty.**

22 (d) **“Green infrastructure community workforce development project” means a commu-**
23 **nity green infrastructure project that employs members of a community that benefits from**
24 **the community green infrastructure project in the development, construction, planting or**
25 **maintenance of the project.**

26 (e) **“Oregon nursery” means a person that holds a license required by ORS 571.055 issued**
27 **by the State Department of Agriculture.**

28 (2) **The Community Green Infrastructure Grant Program is established as a program**

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 administered by the Department of Land Conservation and Development for the purpose of:

2 (a) Offsetting the cost of planning and developing community green infrastructure
3 projects or green infrastructure community development projects; and

4 (b) Providing direct social, environmental and economic benefits to communities across
5 this state through green infrastructure in the form of climate adaptation, mitigation and
6 resilience, local jobs, public or community health benefits and local food sovereignty.

7 (3) The Department of Land Conservation and Development shall coordinate with the
8 State Forestry Department and consult with the Department of Transportation, the Oregon
9 Health Authority, the Oregon Business Development Department, the Bureau of Labor and
10 Industries, the State Department of Agriculture, the Oregon Watershed Enhancement Board
11 and the Department of Environmental Quality in the design and implementation of the grant
12 program.

13 (4)(a) A public body, as defined in ORS 174.109, a local workforce development board, as
14 defined in ORS 660.300, a manufactured dwelling park nonprofit cooperative, as defined in
15 ORS 62.803, a tribal government, a nonprofit organization or a faith-based organization may
16 apply for a grant under this section for the purpose of planning or developing a community
17 green infrastructure project.

18 (b) An applicant may partner with a private business with a business site in this state
19 or owner of rental property in this state, but a grant for an approved application will be
20 awarded and released only to an applicant described in paragraph (a) of this subsection.

21 (c) An application must be drafted in consultation with the government of the city or
22 county in which the project will be located and the electric utility that serves customers in
23 that area.

24 (5) An application for a grant for planning or developing a community green
25 infrastructure project shall be in the form and manner prescribed by the Department of Land
26 Conservation and Development and must demonstrate that the project:

27 (a) Is located in this state;

28 (b) Provides social, environmental or economic benefits to an environmental justice
29 community; and

30 (c) Has been or will be developed in coordination with an environmental justice commu-
31 nity that will benefit from the completion of the project.

32 (6)(a) Upon receipt of an application submitted under this section, the department shall
33 review and determine whether the applicant is eligible to receive a grant from the Commu-
34 nity Green Infrastructure Grant Program. The department may award grants based on the
35 prioritizations established under subsection (7) of this section. If the department denies a
36 grant application, the department shall provide the reason for the denial in writing.

37 (b) Before making a determination under paragraph (a) of this subsection, the depart-
38 ment may request technical advice or other feedback from the Department of Transporta-
39 tion, the Oregon Health Authority, the Oregon Business Development Department, the
40 Bureau of Labor and Industries, the State Department of Agriculture, the Oregon Watershed
41 Enhancement Board and the Department of Environmental Quality.

42 (7) In awarding grants under the grant program, the Department of Land Conservation
43 and Development may give priority to projects:

44 (a) Involving large, low maintenance, storm and drought resistant tree plantings;

45 (b) Involving native plant and pollinator-friendly species plantings;

1 (c) Involving tree plantings at or near school campuses, affordable housing, senior
2 housing, manufactured dwelling parks, recreational vehicle parks or public rights of way;

3 (d) That strengthen communities and fight displacement;

4 (e) That utilize a social enterprise model to create jobs maintaining green infrastructure;

5 (f) That develop innovative solutions for using urban woody biomass; and

6 (g) That are carried out by a city that has adopted a plan to increase urban tree canopy
7 cover and has entered into a long-term agreement with an Oregon nursery to supply trees
8 needed to carry out the plan.

9 (8) The Land Conservation and Development Commission shall adopt rules, in consulta-
10 tion with the State Forestry Department, to carry out this section, including but not limited
11 to rules that:

12 (a) Define planning and project costs eligible for a grant under the program;

13 (b) Establish procedures for determining whether a project qualifies for prioritization
14 under subsection (7) of this section and for awarding grants;

15 (c) Establish terms and conditions for grants awarded under the grant program;

16 (d) Establish procedures for verifying that grant funds have been used for the purposes
17 for which they were awarded;

18 (e) Establish labor standards for green infrastructure community workforce development
19 projects;

20 (f) Subject to section 2 (2) of this 2023 Act, allocate available funds between planning
21 grants and development grants and between different types of community green
22 infrastructure projects; and

23 (g) Establish a schedule for announcing and awarding grants for different funding op-
24 portunities.

25 **SECTION 2.** (1) The Community Green Infrastructure Fund is established in the State
26 Treasury, separate and distinct from the General Fund. Interest earned by the Community
27 Green Infrastructure Fund shall be credited to the fund. Moneys in the fund are continuously
28 appropriated to the Department of Land Conservation and Development for the purpose of
29 carrying out section 1 of this 2023 Act, subject to the allocations described in subsection (2)
30 of this section.

31 (2) Of the moneys in the fund:

32 (a) At least 50 percent shall be allocated for grants to be awarded for planning or devel-
33 oping green infrastructure community workforce development projects; and

34 (b) At least 25 percent shall be allocated for community green infrastructure projects in
35 rural communities or remote communities, as defined in ORS 182.535.

36 **SECTION 3.** (1) The Community Green Infrastructure Task Force is established.

37 (2) The task force consists of:

38 (a) Ten members appointed by the Governor as follows:

39 (A) One representative of city governments;

40 (B) One representative of county governments;

41 (C) One representative of tribal governments;

42 (D) One representative of a special district, irrigation district, transportation district or
43 school district;

44 (E) One representative of an environmental justice organization;

45 (F) One representative of the Oregon nursery industry;

1 (G) One person with expertise in designing, constructing and maintaining green
2 infrastructure;

3 (H) One person with expertise in community-led green infrastructure projects, such as
4 tree plantings;

5 (I) One person with expertise in public or community health; and

6 (J) One person with expertise in green workforce development or social enterprise mod-
7 els.

8 (b) The Director of the Department of Land Conservation and Development or the
9 director's designee.

10 (c) The State Forester or the State Forester's designee.

11 (d) The Director of Transportation or the director's designee.

12 (e) The Director of the Oregon Health Authority or the director's designee.

13 (f) The Director of the Oregon Business Development Department or the director's
14 designee.

15 (g) The Commissioner of the Bureau of Labor and Industries or the commissioner's
16 designee.

17 (h) The Director of Agriculture or the director's designee.

18 (i) The executive director of the Oregon Watershed Enhancement Board or the executive
19 director's designee.

20 (j) The Director of the Department of Environmental Quality or the director's designee.

21 (3)(a) The task force shall:

22 (A) Develop procedures for coordinating state agency actions related to green
23 infrastructure.

24 (B) Develop tools to compile and collect comprehensive information on opportunities for
25 and barriers to community green infrastructure projects.

26 (C) Determine how best to leverage funds across programs and agencies to maximize
27 success and improve outcomes.

28 (b) The task force may advise the Department of Land Conservation and Development
29 on the development of the Community Green Infrastructure Grant Program established un-
30 der section 1 of this 2023 Act.

31 (4) A majority of the members of the task force constitutes a quorum for the transaction
32 of business.

33 (5) Official action by the task force requires the approval of a majority of the members
34 of the task force.

35 (6) The task force shall elect one of its members to serve as chairperson.

36 (7) The task force shall meet at times and places specified by the call of the chairperson
37 or of a majority of the members of the task force.

38 (8) The task force may adopt rules necessary for the operation of the task force.

39 (9) The task force shall submit a report in the manner provided in ORS 192.245, and may
40 include recommendations for legislation, to the appropriate interim committees of the Leg-
41 islative Assembly no later than September 15, 2024.

42 (10) The Department of Land Conservation and Development shall provide staff support
43 to the task force.

44 (11) All agencies of state government, as defined in ORS 174.111, are directed to assist
45 the task force in the performance of the duties of the task force and, to the extent permitted

1 by laws relating to confidentiality, to furnish information and advice the members of the task
2 force consider necessary to perform their duties.

3 **SECTION 4.** Section 3 of this 2023 Act is repealed on January 2, 2025.

4 **SECTION 5.** (1) The State Forestry Department shall acquire and maintain a statewide
5 urban tree canopy assessment tool.

6 (2) The assessment tool must provide geospatial mapping that includes:

7 (a) A visualization of urban tree canopies, viewable at the level of each tax lot;

8 (b) Community demographic, economic, social and health data;

9 (c) A comprehensive inventory of tree canopies on public lands;

10 (d) An urban green space assessment that includes an evaluation of vegetation health and
11 a comparison of pervious services to impervious services within the green space; and

12 (e) An assessment of tree canopy and green space in the urban-rural gradient.

13 (3) The department may integrate the urban tree canopy assessment tool with data from
14 other agency mapping tools, including the environmental justice mapping tool developed
15 pursuant to section 12, chapter 58, Oregon Laws 2022.

16 (4) The department shall make the urban tree canopy assessment tool available on a
17 website maintained by the department, along with guidance for using the tool to promote
18 environmental, social and economic well-being.

19 **SECTION 6.** (1) The State Forestry Department shall develop and implement a program
20 to provide technical and financial assistance to cities, counties and community-based organ-
21 izations for planning for, responding to and recovering from damage to habitats and urban
22 tree canopies due to emerald ash borer infestation.

23 (2) The program may include, but need not be limited to, assistance for:

24 (a) Vulnerability assessments;

25 (b) Ash tree inventories;

26 (c) Response and recovery plan development; and

27 (d) Tree removal and replanting.

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