

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL DRS35248-MW-38

Short Title: Prioritize Native NC Plants on Highway ROW. (Public)

Sponsors: Senators Rabon, J. Davis, and McInnis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PRIORITIZE THE USE OF NATIVE NORTH CAROLINA TREES, SHRUBS,  
3 VINES, GRASSES, AND LEGUMES ON HIGHWAY RIGHTS-OF-WAY.

4 Whereas, native plants are an important part of North Carolina's natural heritage,  
5 history, and identity; and

6 Whereas, North Carolina's native plants are indigenous plants that have adapted over  
7 many years to our region and evolved to flourish in the unique geography, hydrology, and  
8 microclimates of our State; and

9 Whereas, North Carolina contains over 3,900 native plant species, making North  
10 Carolina one of the most diverse states for flora in the Southeast; and

11 Whereas, 26 of those species are extremely rare and considered federally threatened  
12 or endangered; and

13 Whereas, native plants provide high-quality food and shelter for North Carolina's  
14 native wildlife, including butterflies, bees and other pollinators, both game and nongame species;  
15 and

16 Whereas, native plants support over 350 resident and migratory bird species in North  
17 Carolina, many of which are species of concern and face growing threats from climate change;  
18 and

19 Whereas, North Carolina's native plants and their derivatives have provided foods,  
20 medicines, and other products from the origin of North Carolina's blueberry industry to American  
21 ginseng exports; and

22 Whereas, gardens and landscapes composed of North Carolina's native plants require  
23 little or no fertilizers, soil amendments, or pesticides and use less water; and

24 Whereas, planting, cultivation, and preservation of the State's native plants provide a  
25 natural link to wild land areas present and past, while presenting beauty and benefit and instilling  
26 a greater appreciation for North Carolina's natural heritage; Now, therefore,

27 The General Assembly of North Carolina enacts:

28 **SECTION 1.** G.S. 136-18(9) reads as rewritten:

29 "(9) To employ appropriate means for properly selecting, planting and protecting  
30 acceptable trees, shrubs, vines, grasses or legumes in the highway  
31 right-of-way in the promotion of erosion control, landscaping and general  
32 protection of said highways; to acquire by gift or otherwise land for and to  
33 construct, operate and maintain roadside parks, picnic areas, picnic tables,  
34 scenic overlooks and other appropriate turnouts for the safety and convenience  
35 of highway users; and to cooperate with municipal or county authorities,  
36 federal agencies, civic bodies and individuals in the furtherance of those



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1 objectives. For purposes of this subdivision, the term "acceptable" means  
2 plants the Department of Transportation determines will maintain a stable and  
3 aesthetic roadside, with a strong preference for using plants the U.S.  
4 Department of Agriculture has classified as native to North Carolina. None of  
5 the roadside parks, picnic areas, picnic tables, scenic overlooks or other  
6 turnouts, or any part of the highway right-of-way shall be used for commercial  
7 purposes except for any of the following:

- 8 a. Materials displayed in welcome centers in accordance with  
9 G.S. 136-89.56.
- 10 b. Vending machines permitted by the Department of Transportation and  
11 placed by the Division of Services for the Blind, Department of Health  
12 and Human Services, as the State licensing agency designated  
13 pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC  
14 107a(a)(5)). The Department of Transportation shall regulate the  
15 placing of the vending machines in highway rest areas and shall  
16 regulate the articles to be dispensed.
- 17 c. Activities permitted by a local government pursuant to an ordinance  
18 meeting the requirements of G.S. 136-27.4.

19 Every other use or attempted use of any of these areas for commercial  
20 purposes shall constitute a Class 1 misdemeanor, and each day's use shall  
21 constitute a separate offense."

22 **SECTION 2.** This act is effective when it becomes law.