

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS15142-MW-11

Short Title: Native Plants Act.

(Public)

Sponsors: Senator Rabon (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE USE OF NATIVE NORTH CAROLINA PLANTS AND SEEDS
3 ON STATE PROPERTY AND HIGHWAYS AND ON LOCAL PROJECTS THAT USE
4 STATE FUNDS FOR LANDSCAPING.

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

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

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

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

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

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

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

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

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

28 The General Assembly of North Carolina enacts:

29
30 **DEPARTMENT OF ADMINISTRATION SHALL REQUIRE THE USE OF NORTH**
31 **CAROLINA PLANTS ON STATE PROPERTY**

32 **SECTION 1.** G.S. 143-341 is amended by adding a new subdivision to read:

33 "(14) In consultation with university system and community college horticulture
34 programs and the North Carolina Forestry Association, the Department of
35 Administration shall require the use of seeds and plants the U.S. Department
36 of Agriculture has classified as native to North Carolina on all land owned or



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leased by the State or by any State agency. Exempt from this requirement are (i) nonnative seeds and plants used in landscaping for locations where the primary purpose is crop cultivation, crop and horticulture research, science, botanical gardens, plantings for wildlife by the Wildlife Resources Commission, and zoos and (ii) nonnative turf grass."

DEPARTMENT OF TRANSPORTATION SHALL USE NORTH CAROLINA PLANTS IN HIGHWAY RIGHT-OF-WAY

SECTION 2. G.S. 136-18(9) reads as rewritten:

"(9) ~~To employ appropriate means for properly selecting, planting, and protecting acceptable trees, shrubs, vines, grasses, or legumes~~ In consultation with university system and community college horticulture programs and the North Carolina Forestry Association, the Department shall use seeds and plants the U.S. Department of Agriculture has classified as native to North Carolina in the highway right-of-way in the promotion of erosion control, landscaping, and general protection of the ~~highways;~~ highways, except that the Department may use nonnative grasses and seeds for the purpose of soil and slope stabilization for erosion control. The Department shall also have the power to acquire by gift or otherwise land for and to construct, operate, and maintain roadside parks, picnic areas, picnic tables, scenic overlooks, and other appropriate turnouts for the safety and convenience of highway users; and to cooperate with municipal or county authorities, federal agencies, civic bodies, and individuals in the furtherance of those objectives. For purposes of this subdivision, the term "acceptable" means plants the Department of Transportation determines will maintain a stable and aesthetic roadside, with a strong preference for using plants the U.S. Department of Agriculture has classified as native to North Carolina. None of the roadside parks, picnic areas, picnic tables, scenic overlooks, or other turnouts, or any part of the highway right-of-way shall be used for commercial purposes except for any of the following:

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

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

CITIES AND TOWNS SHALL USE NORTH CAROLINA PLANTS WHEN POWELL BILL FUNDS ARE USED FOR LANDSCAPING

SECTION 3. G.S. 136-41.3(a) reads as rewritten:

"(a) Uses of Funds. – Except as otherwise provided in this subsection, the funds allocated to cities and towns under the provisions of G.S. 136-41.1 and G.S. 136-41.2 shall be expended by said cities and towns primarily for the resurfacing of streets within the corporate limits of the

1 municipality but may also be used for the purposes of maintaining, repairing, constructing,
 2 reconstructing or widening of any street or public thoroughfare including bridges, drainage, curb
 3 and gutter, and other necessary appurtenances within the corporate limits of the municipality or
 4 for meeting the municipality's proportionate share of assessments levied for such purposes, or for
 5 the planning, construction and maintenance of bikeways, greenways, or sidewalks. Cities and
 6 towns shall ~~strongly prefer the use of~~ use seeds and plants the U.S. Department of Agriculture
 7 has classified as native to North Carolina when the use of funds under this subsection includes
 8 landscaping. The funds allocated to cities and towns under the provisions of G.S. 136-41.1 and
 9 G.S. 136-41.2 shall not be expended for the construction of a sidewalk into which is built a
 10 mailbox, utility pole, fire hydrant, or other similar obstruction that would impede the clear
 11 passage of pedestrians on the sidewalk."
 12

13 **LOCAL PROJECTS FUNDED UNDER PARKS AND RECREATION TRUST FUND TO**
 14 **USE NORTH CAROLINA PLANTS**

15 **SECTION 4.** G.S. 143B-135.56(b)(2) reads as rewritten:

16 "(2) Thirty percent (30%) to provide matching funds to local governmental units
 17 or public authorities as defined in G.S. 159-7 on a dollar-for-dollar basis for
 18 local park and recreation purposes. The appraised value of land that is donated
 19 to a local government unit or public authority may be applied to the matching
 20 requirement of this subdivision. These funds shall be allocated by the North
 21 Carolina Parks and Recreation Authority based on criteria patterned after the
 22 Open Project Selection Process established for the Land and Water
 23 Conservation Fund administered by the National Park Service of the United
 24 States Department of the Interior. Except as provided below, the Authority
 25 shall require that projects funded under this subdivision use seeds and plants
 26 the U.S. Department of Agriculture has classified as native to North Carolina.
 27 Exempt from this requirement are (i) nonnative seeds and plants used in
 28 landscaping for locations where the primary purpose is crop cultivation, crop
 29 and horticulture research, science, botanical gardens, and zoos and (ii)
 30 nonnative turf grass."
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32 **EFFECTIVE DATE**

33 **SECTION 5.** This act is effective when it becomes law.