

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-148
SENATE BILL 606**

**AN ACT TO PRIORITIZE THE USE OF NATIVE NORTH CAROLINA TREES, SHRUBS,
VINES, GRASSES, AND LEGUMES ON HIGHWAY RIGHTS-OF-WAY.**

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

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

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

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

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

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

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

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

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

The General Assembly of North Carolina enacts:

SECTION 1. 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 the highway right-of-way in the promotion of erosion control, landscaping and general protection of said highways; 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, Department of Health and Human Services, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 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 shall constitute a Class 1 misdemeanor, and each day's use shall constitute a separate offense."

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

In the General Assembly read three times and ratified this the 11th day of July, 2019.

s/ Carl Ford
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:17 a.m. this 22nd day of July, 2019