Short Title: Native Plants Act. (Public)
Sponsors: Senator Rabon (Primary Sponsor).
Referred to:

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

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:

DEPARTMENT OF ADMINISTRATION SHALL REQUIRE THE USE OF NORTH CAROLINA PLANTS ON STATE PROPERTY

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

"(14) In consultation with university system and community college horticulture programs and the North Carolina Forestry Association, the Department of Administration shall require the use of seeds and plants the U.S. Department of Agriculture has classified as native to North Carolina on all land owned or
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."
municipality but may also be used for the purposes of maintaining, repairing, constructing, reconstructing or widening of any street or public thoroughfare including bridges, drainage, curb and gutter, and other necessary appurtenances within the corporate limits of the municipality or for meeting the municipality's proportionate share of assessments levied for such purposes, or for the planning, construction and maintenance of bikeways, greenways, or sidewalks. Cities and towns shall strongly prefer the use of seeds and plants the U.S. Department of Agriculture has classified as native to North Carolina when the use of funds under this subsection includes landscaping. The funds allocated to cities and towns under the provisions of G.S. 136-41.1 and G.S. 136-41.2 shall not be expended for the construction of a sidewalk into which is built a mailbox, utility pole, fire hydrant, or other similar obstruction that would impede the clear passage of pedestrians on the sidewalk."

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

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

"(2) Thirty percent (30%) to provide matching funds to local governmental units or public authorities as defined in G.S. 159-7 on a dollar-for-dollar basis for local park and recreation purposes. The appraised value of land that is donated to a local government unit or public authority may be applied to the matching requirement of this subdivision. These funds shall be allocated by the North Carolina Parks and Recreation Authority based on criteria patterned after the Open Project Selection Process established for the Land and Water Conservation Fund administered by the National Park Service of the United States Department of the Interior. Except as provided below, the Authority shall require that projects funded under this subdivision use seeds and plants the U.S. Department of Agriculture has classified as native to North Carolina. 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, and zoos and (ii) nonnative turf grass."

EFFECTIVE DATE

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