

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

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**SENATE BILL 318  
Transportation Committee Substitute Adopted 4/26/23**

Short Title: Native Plants Act.

(Public)

Sponsors:

Referred to:

March 16, 2023

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE USE OF PLANTS AND SEEDS NATIVE TO THE  
2 SOUTHEASTERN UNITED STATES, WITH A STRONG PREFERENCE FOR PLANTS  
3 NATIVE TO NORTH CAROLINA, IN STATE PARKS AND ON STATE HIGHWAYS.

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, twenty-six of those species are extremely rare and considered federally  
12 threatened 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  
15 species; 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  
21 American ginseng exports; and

22       Whereas, planting, cultivation, and preservation of native plants provide a natural link  
23 to wild land areas present and past, while presenting beauty and benefit and instilling a greater  
24 appreciation for North Carolina's natural heritage; Now, therefore,  
25 The General Assembly of North Carolina enacts:

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27  
28 **DEPARTMENT OF NATURAL AND CULTURAL RESOURCES SHALL REQUIRE**  
29 **THE USE OF PLANTS NATIVE TO THE SOUTHEASTERN UNITED STATES IN**  
30 **STATE PARKS**

31 **SECTION 1.** Article 2 of Chapter 143B of the General Statutes is amended by adding  
32 a new section to read:

33 **"§ 143B-135.59. State Parks System native plant requirement and preference.**

34 In consultation with university system and community college horticulture programs and the  
35 North Carolina Forestry Association, the Department of Natural and Cultural Resources shall  
36 require the use of seeds and plants the U.S. Department of Agriculture has classified as native to



1 a state or county in the Southeastern United States, including cultivars and varieties thereof that  
2 were not bred to have reduced reproductive structures, with a strong preference for plants the  
3 U.S. Department of Agriculture has classified as native to North Carolina, on all lands that are  
4 part of the State Parks System as defined in G.S. 143B-135.44. Exempt from this requirement  
5 are (i) nonnative seeds and plants used in landscaping for locations where the primary purpose is  
6 crop cultivation, crop and horticulture research, science, botanical gardens, plantings for wildlife  
7 by the Wildlife Resources Commission, and zoos and (ii) nonnative turf grass. For purposes of  
8 this section, the Southeastern United States means the states of Alabama, Georgia, North  
9 Carolina, South Carolina, Tennessee, Virginia, and the following counties in Florida: Bay,  
10 Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington."

11  
12 **DEPARTMENT OF TRANSPORTATION SHALL USE PLANTS NATIVE TO THE**  
13 **SOUTHEASTERN UNITED STATES IN HIGHWAY RIGHT-OF-WAY**

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

15 "(9) ~~To employ appropriate means for properly selecting, planting, and protecting~~  
16 ~~acceptable trees, shrubs, vines, grasses, or legumes~~ In consultation with  
17 university system and community college horticulture programs and the North  
18 Carolina Forestry Association, the Department shall use seeds and plants the  
19 U.S. Department of Agriculture has classified as native to a state or county in  
20 the Southeastern United States, including cultivars and varieties thereof that  
21 were not bred to have reduced reproductive structures, with a strong  
22 preference for plants the U.S. Department of Agriculture has classified as  
23 native to North Carolina, in the highway right-of-way in the promotion of  
24 erosion control, landscaping, and general protection of the highways;  
25 highways, except that the Department may use (i) nonnative grasses, plants,  
26 and seeds for the purpose of soil and slope stabilization for erosion control  
27 and (ii) nonnative turf grasses. For purposes of this subdivision, the  
28 Southeastern United States means the states of Alabama, Georgia, North  
29 Carolina, South Carolina, Tennessee, Virginia, and the following counties in  
30 Florida: Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa  
31 Rosa, Walton, and Washington. The Department shall also have the power to  
32 acquire by gift or otherwise land for and to construct, operate, and maintain  
33 roadside parks, picnic areas, picnic tables, scenic overlooks, and other  
34 appropriate turnouts for the safety and convenience of highway users; and to  
35 cooperate with municipal or county authorities, federal agencies, civic bodies,  
36 and individuals in the furtherance of those objectives. ~~For purposes of this~~  
37 subdivision, the term "acceptable" means plants the Department of  
38 Transportation determines will maintain a stable and aesthetic roadside, with  
39 a strong preference for using plants the U.S. Department of Agriculture has  
40 classified as native to North Carolina. None of the roadside parks, picnic areas,  
41 picnic tables, scenic overlooks, or other turnouts, or any part of the highway  
42 right-of-way shall be used for commercial purposes except for any of the  
43 following:

- 44 a. Materials displayed in welcome centers in accordance with  
45 G.S. 136-89.56.
- 46 b. Vending machines permitted by the Department of Transportation and  
47 placed by the Division of Services for the Blind of the Department of  
48 Health and Human Services, as the State licensing agency designated  
49 pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C.  
50 107a(a)(5)). The Department of Transportation shall regulate the

1 placing of the vending machines in highway rest areas and shall  
2 regulate the articles to be dispensed.  
3 c. Activities permitted by a local government pursuant to an ordinance  
4 meeting the requirements of G.S. 136-27.4.  
5 Every other use or attempted use of any of these areas for commercial  
6 purposes constitutes a Class 1 misdemeanor, and each day's use constitutes a  
7 separate offense."  
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9 **EFFECTIVE DATE**

10 **SECTION 3.** This act becomes effective December 31, 2024, and applies to contracts  
11 entered into on or after that date.