

# HOUSE BILL 92

P2, M4

1lr1087

(PRE-FILED)

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By: **Delegate Luedtke**

Requested: October 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Procurement – Invasive and Nonnative Plant Species – Prohibition on Use of**  
3 **State Funds**

4 FOR the purpose of prohibiting, subject to ~~certain exceptions~~ a certain exception, the use  
5 of State funds to purchase or plant an invasive ~~or nonnative~~ plant species for an  
6 outdoor project on or after a certain date; ~~authorizing the Board of Public Works to~~  
7 ~~grant a certain waiver under certain circumstances; requiring the Board, in~~  
8 ~~consultation with the Department of Agriculture, to maintain a certain list of native~~  
9 ~~plant species and to make the list available to State agencies and contractors under~~  
10 ~~certain circumstances;~~ and generally relating to the use of State funds to purchase  
11 or plant invasive ~~and nonnative~~ plant species for an outdoor project.

12 BY adding to

13 Article – State Finance and Procurement

14 Section 14-417

15 Annotated Code of Maryland

16 (2015 Replacement Volume and 2020 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – State Finance and Procurement**

20 **14-417.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON OR  
2 AFTER JULY 1, 2022, STATE FUNDS MAY NOT BE USED TO PURCHASE OR PLANT AN  
3 INVASIVE ~~OR NONNATIVE~~ PLANT SPECIES FOR AN OUTDOOR PROJECT.

4 ~~(B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE~~  
5 ~~BOARD MAY GRANT A WAIVER TO ALLOW THE USE OF STATE FUNDS TO PURCHASE~~  
6 ~~OR PLANT AN INVASIVE OR NONNATIVE PLANT SPECIES IF THE BOARD DETERMINES~~  
7 ~~THAT:~~

8 ~~(I) WITH RESPECT TO A SITE THAT IS USED FOR A PUBLIC~~  
9 ~~INFRASTRUCTURE PROJECT, THERE IS SCIENTIFIC EVIDENCE THAT SHOWS~~  
10 ~~CONDITIONS AT THE SITE ON WHICH THE PLANT SPECIES WILL BE PLANTED ARE TOO~~  
11 ~~HARSH FOR A SIMILAR NATIVE PLANT SPECIES TO SURVIVE;~~

12 ~~(II) THE PLANT SPECIES IS A PART OF A HISTORICALLY~~  
13 ~~ACCURATE LANDSCAPING AROUND A STATE RECOGNIZED HISTORIC SITE;~~

14 ~~(III) (B) THE PROHIBITION UNDER SUBSECTION (A) OF THIS~~  
15 ~~SECTION DOES NOT APPLY IF THE PLANT SPECIES IS COMMONLY USED FOR~~  
16 ~~AGRICULTURAL OR HORTICULTURAL PURPOSES AND IS BEING MAINTAINED FOR~~  
17 ~~THE PURPOSES OF EDUCATION OR RESEARCH; OR~~

18 ~~(IV) THERE IS ANY OTHER GOOD CAUSE FOR WAIVING THE~~  
19 ~~PROHIBITION.~~

20 ~~(2) THE BOARD MAY GRANT A WAIVER UNDER THIS SUBSECTION FOR~~  
21 ~~A GENERAL CATEGORY OF PROJECTS THAT ARE THE SAME OR SUBSTANTIALLY~~  
22 ~~SIMILAR IN NATURE.~~

23 ~~(3) THE BOARD MAY NOT GRANT A WAIVER UNDER THIS SUBSECTION~~  
24 ~~TO PURCHASE OR PLANT A "TIER 1 INVASIVE PLANT" OR "TIER 2 INVASIVE PLANT",~~  
25 ~~AS CLASSIFIED IN REGULATIONS ADOPTED BY THE SECRETARY OF AGRICULTURE~~  
26 ~~IN ACCORDANCE WITH TITLE 9.5, SUBTITLE 3 OF THE AGRICULTURE ARTICLE.~~

27 ~~(C) THE BOARD, IN CONSULTATION WITH THE DEPARTMENT OF~~  
28 ~~AGRICULTURE, SHALL:~~

29 ~~(1) MAINTAIN A LIST OF NATIVE PLANT SPECIES THAT IS THE SAME OR~~  
30 ~~SUBSTANTIALLY SIMILAR TO THE MOST RECENT PUBLICATION OF THE U.S. FISH~~  
31 ~~AND WILDLIFE SERVICE'S NATIVE PLANTS FOR WILDLIFE HABITAT AND~~  
32 ~~CONSERVATION LANDSCAPING FOR THE CHESAPEAKE BAY WATERSHED; AND~~

1                   ~~(2) ON REQUEST, MAKE THE LIST OF NATIVE PLANT SPECIES~~  
2 ~~AVAILABLE TO STATE AGENCIES AND CONTRACTORS.~~

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4                   October 1, 2021.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.