

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 836

(Senator Brooks)

Education, Energy, and the Environment

Environment and Transportation

Maryland Native Plants Program

This bill establishes the Maryland Native Plants Program – administered by the Maryland Department of Agriculture (MDA) and the University of Maryland Extension (UME) – to, among other things, develop a Commercial Maryland Native Plant List and create (1) a voluntary certification program for growers and retailers; (2) a “Maryland Natives” marketing program; and (3) a “Maryland Native Plants” webpage. For fiscal 2025 and each fiscal year thereafter, the Governor must include in the annual budget bill specified appropriations of \$150,000 for UME and \$100,000 for MDA. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$285,100 in FY 2025. Future years reflect ongoing costs and inflation. Revenues are not affected. **This bill establishes mandated appropriations beginning in FY 2025.**

| (in dollars) | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 |
|----------------|-------------|-------------|-------------|-------------|-------------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 285,100 | 262,100 | 273,400 | 287,300 | 300,100 |
| Net Effect | (\$285,100) | (\$262,100) | (\$273,400) | (\$287,300) | (\$300,100) |

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary:

Maryland Native Plants Program

The purpose of the Maryland Native Plants Program is to (1) respond to the increasing demand for, use of, and sale of native plants by retail garden centers, retail nurseries, and wholesale nurseries and (2) educate the public, landscapers, and other plant users on the importance, benefit, and availability of native plants.

MDA must administer the program, and UME must administer the educational components of the program in coordination with MDA and other agencies.

UME must hire an extension agent with expertise in native plants to serve as a native plant specialist. The native plant specialist must (1) assist UME in fulfilling educational and professional training responsibilities related to the program; (2) coordinate with MDA to deliver educational components of the program; (3) provide input and expertise to MDA in the development of the Commercial Maryland Native Plant List (discussed below); (4) provide input and expertise to MDA on the development of a list of certified Maryland native plant growers and retailers; (5) teach growers and other stakeholders about techniques for growing native plants; and (6) coordinate education, applied research, and outreach to teach the public, landscapers, and other plant users about the importance, benefit, and availability of native plants.

“Native plant” means a plant that occurs naturally in the State and surrounding region, ecosystem, and habitat, without direct or indirect human actions. This includes plants that were present before colonial settlement or are listed as native to the State on the Maryland Plant Atlas website.

For fiscal 2025 and each fiscal year thereafter, the Governor must include in the annual budget bill an appropriation of \$150,000 for UME to hire one extension agent as a native plant specialist and \$100,000 for MDA to hire staff to administer the program.

Commercial Maryland Native Plant List

UME must provide input to MDA, who must receive input from the Department of Natural Resources (DNR) and the Maryland Native Plant Society to (1) develop a Commercial Maryland Native Plant List and (2) review and update the list at least once every three years.

When a cultivar or hybrid of a native plant fills an ecological niche that a native plant is no longer able to fill due to widespread attack by disease or insects, the native plant specialist must first receive input from DNR and the Maryland Native Plant Society and then inform and guide MDA in evaluating the cultivar or hybrid of a native plant for inclusion on the Commercial Maryland Native Plant List.

“Commercial Maryland Native Plant List” means a list of plants that are native to Maryland that are commercially available and appropriate for growing in residential or commercial landscapes.

Voluntary Certification Program

MDA, in consultation with UME, must create a voluntary certification program for growers and retailers that are selling native plants listed on the Commercial Maryland Native Plant List to be identified as a Maryland Native Plant Grower and/or a Maryland Native Plant Retailer. MDA must develop and maintain a list of certified Maryland Native Plant Growers and Maryland Native Plant Retailers.

Maryland Natives Marketing Program

MDA, in coordination with UME, must create a “Maryland Natives” marketing program to encourage and promote the use and sale of native plants that are listed on the Commercial Maryland Native Plant List. The marketing program must develop a “Maryland Natives” logo to identify listed plants and a QR code containing plant identification information that links to the webpages and websites described below. The “Maryland Natives” logo must be made available to growers and retailers who may (1) place the logo on labels, stickers, or pots of each plant listed on the Commercial Maryland Native Plant List and (2) use the logo in displays with listed plants.

Maryland Native Plants Webpage

UME must create a “Maryland Native Plants” webpage on its website. The webpage must include (1) the Commercial Maryland Native Plant List; (2) the lists of certified Maryland Native Plant Growers and Maryland Native Plant Retailers; and (3) general information on native plants. MDA must promote the Maryland Native Plants Program and include this information on the “Maryland’s Best” website.

A link to the “Maryland Native Plants” webpage must be posted on DNR’s native plants website.

Current Law: DNR must create, maintain, and publish on its website a list of plant species native to the State. The list must identify native plants that may be used and planted as an alternative to the use and planting of tier 2 invasive plants.

The Secretary of Agriculture is required to adopt regulations that establish a list of tier 1 invasive plants and tier 2 invasive plants, and MDA regulations contain those lists. “Tier 1 invasive plants” are defined to include invasive plant species that cause or are likely to cause severe harm within the State and “tier 2 invasive plants” are defined to include invasive plant species that cause or are likely to cause substantial negative impact within the State. A person generally may not propagate, import, transfer, sell, purchase, transport, or introduce any living part of a tier 1 invasive plant in the State. A tier 2 invasive plant may not be sold at a retail outlet, or through landscaping services, without providing specified notice to the customer that it is a tier 2 invasive plant.

State Expenditures: General fund expenditures increase by \$285,050 in fiscal 2025, which accounts for the bill’s July 1, 2024 effective date. This estimate reflects costs for (1) UME to hire the native plant specialist to undertake the responsibilities listed in the bill; (2) MDA to hire a marketing specialist to administer the program; and (3) MDA to develop a logo for the “Maryland Natives” marketing program as required by the bill. The estimated costs associated with the native plant specialist and the marketing specialist are higher than the respective mandated appropriations for UME and MDA in the bill. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

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|---|------------------|
| Positions | 2.0 |
| Salaries and Fringe Benefits | \$257,702 |
| Logo Development | 4,000 |
| Operating Expenses | <u>23,348</u> |
| Total FY 2025 State Expenditures | \$285,050 |

Future year expenditures reflect salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Small Business Effect: Small business growers and retailers of native plants may meaningfully benefit from the increased marketing and awareness of native plants under the program and the opportunity to be certified under the program. Growers and retailers of plants that do not qualify for the Commercial Maryland Native Plant List may be negatively affected.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 950 (Delegate Stein, *et al.*) - Environment and Transportation.

Information Source(s): University System of Maryland; Maryland Department of Agriculture; Department of Natural Resources; Department of Legislative Services

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