



House Bill 92

Procurement - Invasive and Nonnative Plant Species - Prohibition on Use of State Funds

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Health and Government Operations

Date: January 28, 2020

From: Alex Butler

The Maryland Association of Counties (MACo) **SUPPORTS HB 92 WITH AMENDMENTS**. The bill prohibits the use of state funds for use to plant nonnative plants based on a list from Fish and Wildlife Service for the Chesapeake Bay Watershed.

Under the bill as introduced, a waiver may be obtained from the Board of Public Works to permit a nonnative planting. **MACo supports amendments to clarify that the waivers be by class/circumstance, rather than by project – to avoid long term uncertainty regarding a given project.**

Counties use state funds such as Program Open Space for projects like grass sports fields. Nonnative grasses like Bermuda are widely used due to their durability. Bermuda in particular has a higher wear tolerance, and a lower irrigation requirement, making it a useful and cost-effective nonnative plant. However, nonnative fields may not qualify under the existing waiver provision that allows for nonnative plants if “conditions at the site on which the plant species will be planted are too harsh for a similar native plant species to survive.”

HB 92 should be amended to allow common parks and recreation practices like natural grass fields that may not be native to continue, under reasonable circumstances. Accordingly, MACo urges the Committee to give HB 92 a report of **FAVORABLE WITH AMENDMENTS**.