

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2015 REGULAR SESSION**

MEASURE

2015 BR NUMBER **0312**

HOUSE BILL NUMBER **93**

RESOLUTION NUMBER _____

AMENDMENT NUMBER _____

SUBJECT/TITLE **An ACT relating to rare plant protection.**

SPONSOR **Representative Kay**

NOTE SUMMARY

FISCAL ANALYSIS: IMPACT NO IMPACT INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT: STATE LOCAL FEDERAL

BUDGET UNIT(S) IMPACT: _____

FUND(S) IMPACT: GENERAL ROAD FEDERAL RESTRICTED AGENCY _____ OTHER

FISCAL SUMMARY

FISCAL ESTIMATES	2014-2015	2015-2016	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES			
EXPENDITURES			
NET EFFECT			

() indicates a decrease/negative

MEASURE'S PURPOSE: The purpose of this measure is to protect the endangered and threatened plant species in Kentucky.

PROVISIONS/MECHANICS: Section 1 adds a new section to KRS Chapter 146 that defines terms and grants the Kentucky Nature Preserves Commission (KNPC) the ability to promulgate administrative regulations to regulate the protection, take, and sale of endangered and threatened plant species, and may take into account the necessity of botanical, educational, and scientific purposes.

Section 2 creates a new section of KRS Chapter 146 to make it illegal for any person to sell an endangered or threatened plant species without being registered with the KNPC, but shall not apply to the purchase or sale of real property which the species may be located. It allows the KNPC to promulgate regulations for the registration to sell endangered or threatened plant species. These registrations to sell will expire biennially on December 31 and they may be

revoked at any time for good cause. Anyone engaged in the selling of endangered or threatened plant species must maintain records of all purchases for two years and make them available to the KNPC and to state nursery inspectors.

Section 3 creates a new section of KRS Chapter 146 to allow the KNPC to certify that a person is propagating an endangered or threatened plant species, and that certification is conditional on inspections of facilities and it may expire annually.

Section 4 creates a new section of KRS Chapter 146 that requires all state agencies to avoid to the extent reasonably possible any action that may jeopardize the continued existence in Kentucky of any endangered or threatened plant species. The KNPC will promulgate regulations for prompt consultations to avoid delay of activity. Consultation shall only be required if state agency action would jeopardize known populations contained in a database maintained by the KNPC, which the KNPC will make available to all state agencies.

Section 5 creates a new section of KRS Chapter 146 to allow the KNPC to withhold information from any person about the location and population of endangered or threatened plant species if it determines the disclosure may endanger the species.

Section 6 amends KRS 146.605 to define terms.

Section 7 amends KRS 146.990 to make any violation of this act or any rule or regulation created by this act a civil penalty of not more than \$500 for each violation and the violators may be enjoined from continuing violations. Each day a violation occurs is a separate offense.

FISCAL EXPLANATION: The Cabinet has said that they can absorb any work associated with this bill with existing staff, so there is no fiscal impact.

DATA SOURCE(S): Energy and Environment Cabinet

PREPARER: Justin Perry **NOTE NUMBER:** 8 **REVIEW:** GMR **DATE:** 2/3/2015