

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.

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. "Person" is defined to include cities, government corporations, and political subdivisions of the Commonwealth.

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.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 93 on local government is indeterminable but expected to be minimal.

HB 93 does not speak to endangered or threatened plant species on city or county property. However, there are some ways in which HB 93 could impact local governments. For example, cities and counties may maintain state highways on behalf of the state (e.g., mow rights-of-way). If any endangered or threatened plant species were in those areas, local government could inadvertently violate this act by cutting them along with the grass. This would be especially likely if the state did not mark these species. Any governmental agency that operates water utilities that draw from "waters of the Commonwealth" may violate this act if any endangered or threatened water-based plants happen to be caught in the water utility's intake system. While there would be no intent to take any of these species in the process, the utility may be forced to adapt its processes and/or face penalties. There are also possible delays to infrastructure projects that might result from enactment. Local law enforcement offices would incur minimal costs associated with enforcing the provisions of HB 93 and issuing citations.

Data Source(s): KY Association of Counties; KY Association of Chiefs of Police; KY League of Cities; KY County Attorney's Association; KY Sheriff's Association

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