



**Kentucky Legislative Report  
March 8, 2017 - Regular Session Update**

**Prepared by  
Scott R. Smith and Kori Andrews**

[scottr.smith@smithmanage.com](mailto:scottr.smith@smithmanage.com) 859-231-8936 x116

**Scott's Thoughts**

There are a number of interesting Administrative Branch reorganization bills floating through the Legislature at this time. The Public Service Commission ([SB 183](#)), Environmental Protection ([SB 249](#)) and Department of Fish and Wildlife ([HB 376](#)) are those that could impact environmental and energy issues.

We are now in the anything goes part of the Legislative session. Sponsors of Bills are trying to get them moved in the opposite Chamber from where they started. This is also the "dirty tricks" part of the session when legislation can be changed and rewritten if you are not watching the legislative activities closely. Although the session is not over until it's over, the end is near. March 8 is day 26 of the 30-day session. Concurrence is March 14th and 15th. Veto days are March 16 thru the 27th, and the last two days of the Session are March 29 and 30.

We have discussed the Energy & Environmental Protection Bill ([SB 249](#)) before. Among other things, it does away with the Environmental Quality Commission (long overdue) and other organizations within the Cabinet. Overall, I think what they are doing makes sense. [SB 183](#) reorganizes the Public Service Commission. It establishes a Division of General Administration and a Division of Inspections. It abolishes the Division of Consumer Services and transfers those duties to a new Division of General Administration. It abolishes the Division of Filings and transfers those duties to the new Division of General Administration and the Division of Financial Analysis. The bill abolishes the Division of General Counsel and creates a new office of General Counsel. The Fish & Wildlife reorganization ([HB 376](#)) expands the Division of Engineering to include Engineering, Infrastructure and Technology. It also eliminates the Division of Public Affairs and creates a Division of Marketing. How all this stuff is going to work remains to be seen. Hopefully it will result in greater efficiency and improved customer service.

[HJR 56](#) is a good idea. I've often been frustrated with the performance of privately owned and operated small wastewater treatment plants. This resolution requires a study that identifies these plants, generates certain data and will devise emergency interventive methods to respond to plant failures. This Bill has passed the Senate and is currently residing in the State Government Committee.

[SB 248](#) that defines NORM and TNORM has passed the Senate and is in the House Natural

Resources and Energy Committee. The bill is necessary so that the regulated community and the regulators have consistent definitions so they can move forward with industry specific regulations. Oil and gas is where they are starting. Watch for the regulations as they come out probably from Health and Family Services and disposal related rules from the Energy and Environment Cabinet.

[HB 181](#) is interesting because it would create Municipal Electric Authorities. The Authorities would permit municipal utilities to join together to buy and sell electricity and natural gas.

[SB 11](#) is also on the move. This bill allows nuclear power facilities to have a plan for storage of nuclear waste rather than a means of permanent disposal. This bill has been around for several years. It's always found its way out of the Senate only be ignored by the House. Because the House is now controlled by Republicans, expect this Bill to make its way to the Governor's desk.

[HR 153](#) recognizes the importance of metal recyclers and points out that the group has a distinct place in the laws, regulations and policies of the Commonwealth.

The bill numbers found in this document are linked to the Kentucky Legislative Review Commission's web page so you can review the legislation.

This is by no means an all encompassing list of bills. Don't hesitate to contact me if you want me to add additional issues, need copies of the proposed legislation or have questions about these or other bills you've heard about.

**DO YOU KNOW SOMEONE WHO WANTS TO RECEIVE THESE UPDATES?**

Send this to a colleague and tell them to write us at [scottr.smith@smithmanage.com](mailto:scottr.smith@smithmanage.com) if they want to receive notice when these postings are updated.

**QUESTIONS, COMMENTS, ADDITIONAL INFORMATION**

Scott R. Smith, [scottr.smith@smithmanage.com](mailto:scottr.smith@smithmanage.com), 859-231-8936 x 116 or Kori Andrews, [koria@smithmanage.com](mailto:koria@smithmanage.com), 502-587-6482 x207.

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**Lexington**

1405 Mercer Road  
Lexington, KY 40511  
859-231-8936  
859-231-8997 fax

**Louisville**

1860 B Williamson Court  
Louisville, KY 40223  
502-587-6482  
502-587-6572 fax



**Energy/Utilities****HB 181 - J. Gooch Jr., DJ Johnson**

AN ACT relating to municipal electric authorities.  
 Create new sections of KRS Chapter 96 to permit municipal utilities to join together to buy and sell electricity and natural gas; specify elements of an agreement to create a municipal electric authority; determine what powers an authority will have, including the power to undertake projects, bonding, and other borrowing power; specify limits to financial transactions; amend KRS 45A.365 and 424.260 to conform; cite as Municipal Electric Authority Act.

Feb 07, 2017 - introduced in House  
 Feb 09, 2017 - to Natural Resources & Energy (H)  
 Feb 22, 2017 - posted in committee

**SB 157 - R. Jones II**

AN ACT relating to water districts.  
 Amend KRS 74.025 to authorize the Public Service Commission to remove all governing persons of a water district for specified causes; authorize the Public Service Commission and the Division of Water to manage the water district or have the commission redraw the geographical area of the water district.

Feb 10, 2017 - introduced in Senate  
 Feb 13, 2017 - to Natural Resources & Energy (S)  
 Feb 27, 2017 - taken from Natural Resources & Energy (S); 1st reading; returned to Natural Resources & Energy (S)  
 Feb 28, 2017 - taken from Natural Resources & Energy (S); 2nd reading; returned to Natural Resources & Energy (S)

**SB 183 - J. Carpenter**

AN ACT relating to reorganization.  
 Confirm Executive Order 2016-832, relating to the reorganization of the Public Service Commission, which is administratively attached to the Energy and Environment Cabinet.

Feb 14, 2017 - introduced in Senate  
 Feb 15, 2017 - to Natural Resources & Energy (S)  
 Feb 22, 2017 - reported favorably, 1st reading, to Consent Calendar  
 Feb 23, 2017 - 2nd reading, to Rules  
 Feb 27, 2017 - posted for passage in the Consent Orders of the Day for Tuesday, February 28, 2017  
 Feb 28, 2017 - 3rd reading, passed 37-0; received in House  
 Mar 01, 2017 - to State Government (H)  
 Mar 03, 2017 - posted in committee  
 Mar 07, 2017 - reported favorably, 1st reading, to Consent Calendar

**SB 214 - J. Carpenter**

AN ACT relating to net metering.  
 Amend the definitions in KRS 278.465 to require that net metering customers use a single meter on their premises, that the customers use the electricity generated for all or part of their electricity requirements, and to increase the allowable size of eligible electric generating facilities from 30 kilowatts to 1000 kilowatts; amend KRS 278.466 to only apply to eligible customer-generators taking net metering service on July 15, 2017, to allow retail electric suppliers to recover all costs necessary to serve all eligible customer-generators taking service after July 15, 2017, and to provide that excess electricity credits are not transferable between meters.

Feb 15, 2017 - introduced in Senate  
 Feb 16, 2017 - to Natural Resources & Energy (S)  
 Feb 24, 2017 - taken from Natural Resources & Energy (S); 1st reading; returned to Natural Resources & Energy (S)  
 Feb 27, 2017 - taken from Natural Resources & Energy (S); 2nd reading; returned to Natural Resources & Energy (S)

**Lexington**  
 1405 Mercer Road  
 Lexington, KY 40511  
 859-231-8936  
 859-231-8997 fax

**Louisville**  
 1860 B Williamson Court  
 Louisville, KY 40223  
 502-587-6482  
 502-587-6572 fax



**Waste****[SB 11 - D. Carroll](#)**

AN ACT relating to nuclear power.

Amend KRS 278.600 to require that nuclear power facilities have a plan for the storage of nuclear waste rather than a means of permanent disposal and to add definitions of "storage," "low-level nuclear waste," and "mixed nuclear waste"; amend KRS 278.610 to allow certification if the facility and its plans for waste storage are approved by the Nuclear Regulatory Commission; eliminate the requirement that the facility have a plan for disposal of high-level nuclear waste; eliminate the requirement that cost of waste disposal be known; eliminate the requirement that the facility have adequate capacity to contain waste; give the Public Service Commission authority to hire a consultant to perform duties relating to nuclear facility certification; prohibit construction of low-level nuclear waste disposal sites in Kentucky except as provided in KRS 211.852; direct the Energy and Environment Cabinet to review regulations required for permitting nuclear facilities and report to LRC; repeal KRS 278.605, relating to construction of nuclear power facilities.

**AMENDMENTS****[SB 11 \(As Introduced\)](#)**

**[SCS1](#)** - Amend KRS 278.600 to require that nuclear power facilities have a plan for the storage of nuclear waste rather than a means of permanent disposal and to add definitions of "storage," "low-level nuclear waste," and "mixed nuclear waste"; amend KRS 278.610 to allow certification if the facility and its plans for waste storage are approved by the Nuclear Regulatory Commission; eliminate the requirement that the facility have a plan for disposal of high-level nuclear waste; eliminate the requirement that cost of waste disposal be known; eliminate the requirement that the facility have adequate capacity to contain waste; give the Public

Service Commission authority to hire a consultant to perform duties relating to nuclear facility certification; prohibit construction of low-level nuclear waste disposal sites in Kentucky except as provided in KRS 211.852; direct the Energy and Environment Cabinet to review regulations required for permitting nuclear facilities and report to LRC; repeal KRS 278.605, relating to construction of nuclear power facilities; declare short title of the Act to be the Robert J. Leeper Act.

**AMENDMENTS****[SB 11 \(As Introduced\)](#)**

**[SCS1](#)** - Amend KRS 278.600 to require that nuclear power facilities have a plan for the storage of nuclear waste rather than a means of permanent disposal and to add definitions of "storage," "low-level nuclear waste," and "mixed nuclear waste"; amend KRS 278.610 to allow certification if the facility and its plans for waste storage are approved by the Nuclear Regulatory Commission; eliminate the requirement that the facility have a plan for disposal of high-level nuclear waste; eliminate the requirement that cost of waste disposal be known; eliminate the requirement that the facility have adequate capacity to contain waste; give the Public Service Commission authority to hire a consultant to perform duties relating to nuclear facility certification; prohibit construction of low-level nuclear waste disposal sites in Kentucky except as provided in KRS 211.852; direct the Energy and Environment Cabinet to review regulations required for permitting nuclear facilities and report to LRC; repeal KRS 278.605, relating to construction of nuclear power facilities; declare short title of the Act to be the Robert J. Leeper Act.

**[SFA1](#)**( D. Carroll ) - Add Public Service Commission to agencies making review of necessary regulations for implementation.

Sep 19, 2016 - Prefiled by the sponsor(s).

Jan 03, 2017 - introduced in Senate

Jan 07, 2017 - to Natural Resources & Energy (S)

Feb 15, 2017 - reported favorably, 1st reading, to

Calendar with Committee Substitute (1)

Feb 16, 2017 - 2nd reading, to Rules

**Lexington**

1405 Mercer Road  
Lexington, KY 40511  
859-231-8936  
859-231-8997 fax

**Louisville**

1860 B Williamson Court  
Louisville, KY 40223  
502-587-6482  
502-587-6572 fax



Feb 21, 2017 - floor amendment (1) filed to Committee Substitute

Mar 01, 2017 - posted for passage in the Regular Orders of the Day for Wednesday, March 1, 2017; 3rd reading, passed 27-8 with Committee Substitute and floor amendment (1)

Mar 02, 2017 - received in House

Mar 03, 2017 - to Economic Development & Workforce Investment (H)

Mar 06, 2017 - posted in committee

Mar 07, 2017 - reported favorably, 1st reading, to Calendar

#### [HB 119 - J. Gooch Jr., M. Castlen](#)

AN ACT relating to solid waste management.

Amend KRS 109.012 to define "franchise," "local government," and "service company" and include "solid waste management services" in the definition of "solid waste management"; create a new section of KRS Chapter 109 to prohibit a local government from displacing a current provider of solid waste management services without notification and public hearing; prescribe timetables for a local government to make a decision on an action to displace a current provider of solid waste management services; allow displacement if services pose a risk to health or safety of residents or a material breach of contract; amend KRS 224.43-315 to provide that an agreement with a county containing a non-designated city shall include both the county and city; amend KRS 224.43-345 to identify additional representatives for an advisory committee; amend KRS 224.50-760 to conform.

#### AMENDMENTS

##### [HB 119 \(As Introduced\)](#)

[HCS1/LM](#) - Retain original provisions of HB 119; exempt the restrictions on local governments commencing or awarding franchise for solid waste management services from renewals and expansion of services for single and two-family dwellings; delete satisfaction of requirements via public advertisement and compliance with time frames; require public hearing and written notice and time frames for notice; require that any agreement for

solid waste collection in a city that is not a designated city include both city and county; make conforming subsection reference changes.

Jan 03, 2017 - introduced in House

Jan 06, 2017 - to Natural Resources & Energy (H)

Feb 14, 2017 - posted in committee

Feb 16, 2017 - reported favorably, 1st reading, to Calendar with Committee Substitute

Feb 17, 2017 - 2nd reading, to Rules

Feb 21, 2017 - posted for passage in the Regular Orders of the Day for Wednesday, February 22, 2017

Feb 22, 2017 - 3rd reading, passed 96-0 with Committee Substitute (1)

Feb 23, 2017 - received in Senate

Feb 24, 2017 - to Natural Resources & Energy (S)

Mar 01, 2017 - reported favorably, 1st reading, to Calendar

Mar 02, 2017 - 2nd reading, to Rules

Mar 06, 2017 - posted for passage in the Regular Orders of the Day for Tuesday, March 7, 2017

Mar 07, 2017 - 3rd reading, passed 22-16; received in House; enrolled, signed by Speaker of the House

#### [SB 248 - J. Carpenter](#)

AN ACT relating to radiation.

Amend KRS 211.862 to amend the definition of Naturally-occurring radioactive material (NORM); add the definition of Technologically-enhanced naturally-occurring radioactive material (TENORM); amend KRS 211.863 to add provisions relating to TENORM; exempt certain drill cuttings from wells from regulation as TENORM; authorize the Cabinet for Health and Family Services to regulate TENORM.

Feb 16, 2017 - introduced in Senate

Feb 21, 2017 - to Natural Resources & Energy (S)

Feb 22, 2017 - reported favorably, 1st reading, to Consent Calendar

Feb 23, 2017 - 2nd reading, to Rules

Feb 27, 2017 - posted for passage in the Consent Orders of the Day for Tuesday, February 28, 2017

Feb 28, 2017 - 3rd reading, passed 37-0; received in House

Mar 01, 2017 - to Health and Family Services (H)

Mar 02, 2017 - reassigned to Natural Resources &

#### Lexington

1405 Mercer Road  
Lexington, KY 40511  
859-231-8936  
859-231-8997 fax

#### Louisville

1860 B Williamson Court  
Louisville, KY 40223  
502-587-6482  
502-587-6572 fax



## Energy (H)

Mar 03, 2017 - posted in committee  
 Mar 07, 2017 - reported favorably, 1st reading, to Calendar

[HR 153 - J. Gooch Jr., S. Miles](#)

Recognize the metals recycling industry as distinct in law and purpose, and well-recognized by Kentucky's statutes, administrative regulations, and policies.

Jan 06, 2017 - introduced in House  
 Feb 07, 2017 - to Banking & Insurance (H)  
 Feb 14, 2017 - posted in committee  
 Feb 15, 2017 - reported favorably, 1st reading, to Consent Calendar  
 Feb 16, 2017 - 2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Tuesday, February 21, 2017  
 Feb 21, 2017 - 3rd reading, passed 98-0  
 Feb 22, 2017 - received in Senate  
 Feb 23, 2017 - to Banking & Insurance (S)  
 Mar 03, 2017 - reported favorably, 1st reading, to Consent Calendar  
 Mar 06, 2017 - 2nd reading, to Rules

**Other**[HB 50 - K. Imes](#)

AN ACT relating to administrative regulations.  
 Amend KRS 13A.010 to amend the definition of "administrative regulation" and to define "last effective date"; amend KRS 13A.040 to require the regulations compiler to maintain a list of all administrative regulation numbers and their corresponding last effective dates; amend KRS 13A.220 and 13A.222 to make conforming changes to enable the renewal of an administrative regulation; amend KRS 13A.310 to provide that, beginning July 1, 2017, an ordinary administrative regulation shall expire 7 years after its last effective date; provide that an administrative regulation that has a last effective date prior to July 1, 2012, shall expire on July 1, 2019; establish duties of regulations compiler; and establish requirements for an

administrative body that does not want an administrative regulation to expire.

## AMENDMENTS

[HB 50 \(As Introduced\)](#)

[HCS1](#) - Amend KRS 13A.010 to redefine "last effective date"; delete new references to administrative regulation renewal from KRS 13A.220 and 13A.222; amend KRS 13A.310 to delete all new language except for modified cross-references; create a new section of KRS Chapter 13A to establish administrative regulation expiration dates; direct the regulations compiler to follow procedures for initial and subsequent administrative regulation expirations and effective dates; create a new section of KRS Chapter 13A to set up a certification letter process for any agency that does not want its administrative regulations to expire; designate certification letter format and filing requirements; instruct the regulations compiler to publish each certification letter in the Administrative Register of Kentucky.

Sep 28, 2016 - Prefiled by the sponsor(s).  
 Jan 03, 2017 - introduced in House; to Licensing, Occupations, & Admin Regs (H)  
 Feb 17, 2017 - posted in committee  
 Feb 21, 2017 - reported favorably, 1st reading, to Consent Calendar with Committee Substitute  
 Feb 22, 2017 - 2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Thursday, February 23, 2017  
 Feb 23, 2017 - taken from the Consent Orders of the Day, placed in the Regular Orders of the Day for February 24, 2017  
 Feb 27, 2017 - 3rd reading, passed 80-9 with Committee Substitute  
 Feb 28, 2017 - received in Senate; to Licensing, Occupations, & Administrative Regulations (S)  
 Mar 06, 2017 - taken from Licensing, Occupations, & Administrative Regulations (S); 1st reading; returned to Licensing, Occupations, & Administrative Regulations (S)  
 Mar 07, 2017 - reported favorably, 2nd reading, to Rules

**Lexington**  
 1405 Mercer Road  
 Lexington, KY 40511  
 859-231-8936  
 859-231-8997 fax

**Louisville**  
 1860 B Williamson Court  
 Louisville, KY 40223  
 502-587-6482  
 502-587-6572 fax



[SB 249 - J. Carpenter](#)

AN ACT relating to the Energy and Environment Cabinet.

Amend KRS 12.020 to remove Environmental Quality Commission, Kentucky Mining Board from under the Energy and Environment Cabinet and attach the Center for Renewable Energy Research and Environmental Stewardship to other departments; amend KRS 146.090, 146.100, 146.110, 146.210, 146.270, 146.280, 146.320, and 146.330 to correct references to the Energy and Environment Cabinet, make grammatical and technical corrections, and authorize the Secretary rather than the commission to promulgate administrative regulations; amend KRS 146.415 to add a definition for "Secretary" to mean the Secretary of the Energy and Environment Cabinet; amend KRS 146.485 to authorize the Secretary rather than the commission to promulgate administrative regulations; amend 147A.031 to delete references to the Environmental Quality Commission; amend KRS 151.293 to allow the owner of a dam to request review and final determination by the cabinet after a request for variance has been denied and to appeal the final decision; amend 152.713 to unattach the Center for Renewable Energy Research and Environmental Stewardship from the Energy and Environment Cabinet and to identify the center as a public agency; amend KRS 154.47-005 to delete definition of "Kentucky Forest Products Council" and renumber accordingly; amend KRS 224.10-022 and KRS 224A.1-010 to delete references to the Environmental Quality Commission and renumber accordingly; amend KRS 224.70-120 to delete reference to a 20% filing fee for KPDES permit and make fee equal to the cost of review with cost ceiling for different tiers; amend KRS 189.450, 224.40-31, 224.50-760, and 224.50-856 to make conforming subsection references changes; amend KRS 224.73-110 to add person operating a sewage system at residence where the person lives to those who may have primary responsibility for operation of a sewage system; amend KRS 224.80-100, 224A.011, and 349.010 to make conforming subsection references changes; amend 351.010 and 351.070 to delete references to Mining Board and renumber

subsections accordingly; amend KRS 351.090, 351.102 and 351.103 to change references to Board to department; amend KRS 351.1041 to change references from Board to commission; amend KRS 351.1045 to delete references to the Mining Board; amend KRS 351.106 to change Mining Board to department and delete reference to the commissioner making recommendations at the board's request; amend 351.110 and 351.120 to change references from board to department; amend 351.122 to change board to department and delete references to course of examination and instruction by the board; amend KRS 351.125 to make technical corrections; amend KRS 352.010 to delete the Mining Board from definitions and renumber subsections accordingly; amend KRS 352.310 to change board to Mine Safety Review Commission; amend KRS 224.10-100, 224.30-175, 224.48-815, 224.46-520, 350.240, and 350.054 to make conforming reference changes; repeal KRS 151.232; KRS 154.47-100, 154.47-105; KRS 154.47-110; KRS 154.47-120; KRS 224.1-100; KRS 224.1-105; KRS 224.1-110; KRS 224.1-115; KRS 224.1-200; KRS 224.1-205; KRS 224.1-210; KRS 224.1-215; KRS 224.1-220; KRS 224.10-660; KRS 224.30-050; KRS 224.30-100; KRS 224.30-105; KRS 224.30-110; KRS 224.30-115; KRS 224.30-120; KRS 224.30-125; KRS 224.30-130; KRS 224.30-135; KRS 224.30-140; KRS 224.30-145; KRS 224.30-150; KRS 224.30-155; KRS 224.30-160; KRS 224.30-165; KRS 224.30-170; KRS 224.30-180; KRS 224.30-185; KRS 224.30-190; KRS 224.30-195; KRS 224.43-070; KRS 224.43-080; KRS 224.43-710; KRS 224.43-720; KRS 224.43-730; KRS 224.46-810; KRS 224.46-820; KRS 224.46-825; KRS 224.46-830; KRS 224.46-840; KRS 224.46-850; KRS 224.46-860; KRS 224.46-870; KRS 224.50-020; KRS 350.035; KRS 350.052; KRS 350.053; KRS 350.260; KRS 350.470; KRS 350.715; KRS 351.105; KRS 351.1055; and 352.550.

AMENDMENTS  
[SB 249 \(As Introduced\)](#)

[SCS1](#) - Retain original provisions of SB 249; amend KRS 146.100 to change "approve" to "advise"; amend KRS 146.430 to change commission to Secretary of

**Lexington**

1405 Mercer Road  
Lexington, KY 40511  
859-231-8936  
859-231-8997 fax

**Louisville**

1860 B Williamson Court  
Louisville, KY 40223  
502-587-6482  
502-587-6572 fax



the Energy and Environment Cabinet and give authority to the Secretary to hire a director with the approval of the commission; repeal KRS 224.43-320; amend KRS 12.020 to delete the Center for Renewable Energy Research and Environmental Stewardship; amend KRS 152.713 to delete reference to the Center as a public entity.

Calendar

Feb 16, 2017 - introduced in Senate  
 Feb 21, 2017 - to Natural Resources & Energy (S)  
 Feb 22, 2017 - reported favorably, 1st reading, to Consent Calendar with Committee Substitute  
 Feb 23, 2017 - 2nd reading, to Rules  
 Feb 27, 2017 - posted for passage in the Consent Orders of the Day for Tuesday, February 28, 2017  
 Feb 28, 2017 - 3rd reading, passed 36-1 with Committee Substitute; received in House  
 Mar 01, 2017 - to Natural Resources & Energy (H)  
 Mar 03, 2017 - posted in committee  
 Mar 07, 2017 - reported favorably, 1st reading, to Calendar

[HB 376 - D. Hale](#)

AN ACT relating to reorganization.

Amend KRS 12.020 to reflect the reorganization of the Department of Fish and Wildlife Resources and to confirm Executive Order 2016-857.

Feb 15, 2017 - introduced in House  
 Feb 16, 2017 - to Tourism & Outdoor Recreation (H)  
 Feb 21, 2017 - posted in committee  
 Feb 23, 2017 - reported favorably, 1st reading, to Consent Calendar  
 Feb 24, 2017 - 2nd reading, to Rules; posted for passage in the Consent Orders of the Day for Monday, February 27, 2017  
 Feb 27, 2017 - taken from the Consent Orders of the Day, placed in the Regular Orders of the Day; 3rd reading, passed 76-10  
 Feb 28, 2017 - received in Senate; to Natural Resources & Energy (S)  
 Mar 01, 2017 - to Natural Resources & Energy (H)  
 Mar 03, 2017 - posted in committee  
 Mar 07, 2017 - reported favorably, 1st reading, to

**Lexington**

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 Lexington, KY 40511  
 859-231-8936  
 859-231-8997 fax

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 502-587-6572 fax

