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**COAL MINE REGULATION BY LABOR**

**COMMISSION**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Gerry A. Adair**

**This act modifies provisions related to mining by addressing the Labor Commission's obligation to regulate mining activities and making technical changes.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**34A-1-407**, as renumbered and amended by Chapter 375, Laws of Utah 1997

REPEALS:

**40-2-1**, as last amended by Chapter 375, Laws of Utah 1997

**40-2-1.5**, as last amended by Chapter 375, Laws of Utah 1997

**40-2-2**, as last amended by Chapter 375, Laws of Utah 1997

**40-2-3**, as last amended by Chapter 375, Laws of Utah 1997

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **34A-1-407** is amended to read:

**34A-1-407. Investigation of places of employment -- Violations of rules or orders --  
Temporary injunction.**

(1) (a) Upon complaint by any person that any employment or place of employment, regardless of the number of persons employed, is not safe for any employee or is in violation of state law, the commission shall refer the complaint for investigation and administrative action under:

- (i) Chapter 2, Workers' Compensation Act;
- (ii) Chapter 3, Utah Occupational Disease Act;
- (iii) Chapter 5, Utah Antidiscrimination Act;
- (iv) Chapter 6, Utah Occupational Safety and Health Act;

- 28 (v) Chapter 7, Safety; or
- 29 (vi) any combination of Subsections (1)(a)(i) through (v).
- 30 (b) [~~For~~] Notwithstanding Subsection (1)(a) and Title 40, Chapter 2, Coal Mines, for any
- 31 Utah mine subject to the Federal Mine Safety and Health Act, the sole duty of the commission is
- 32 to notify the appropriate federal agency of the complaint.
- 33 (2) Notwithstanding any other penalty provided in this title, if any employer, after
- 34 receiving notice, fails or refuses to obey the rules or order of the commission relative to the
- 35 protection of the life, health, or safety of any employee, the district court of Utah is empowered,
- 36 upon petition of the commission to issue, ex parte and without bond, a temporary injunction
- 37 restraining the further operation of the employer's business.

38 Section 2. **Repealer.**

39 This act repeals:

40 Section **40-2-1, Inspection of mines.**

41 Section **40-2-1.5, Labor Commission to adopt federal safety and health standards for**

42 **coal mining.**

43 Section **40-2-2, Right of examination and inspection.**

44 Section **40-2-3, Coal mine operators to submit reports and emergency preparedness**

45 **plans.**

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**Legislative Review Note**  
**as of 12-29-00 10:46 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**