

351.030 Hearings before department -- Petition for intervention.

- (1) All administrative hearings conducted by the department shall be conducted in accordance with KRS Chapter 13B and this section. Following the hearing, the department shall decide each matter in controversy. No person shall be discharged or otherwise discriminated against by his or her employer for testifying, or for his failure to testify, at these hearings.
- (2) The executor or administrator of a deceased miner's estate, or his or her designee, in the case of a fatality, miners that are injured as a result of an accident, and miners that are significantly affected by the conduct that gave rise to a disciplinary proceeding shall be granted the right of intervention in the penalty phase of that proceeding. The petition for intervention shall be made in accordance with KRS 13B.060(3). All hearings before the Mine Safety Review Commission shall be open proceedings. Any party with pertinent information regarding a mine accident may submit that information directly to the Office of Mine Safety and Licensing's chief accident investigator.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 94, sec. 2, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 104, sec. 3, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 308, sec. 2, effective April 9, 1996; and ch. 318, sec. 330, effective July 15, 1996. -- Amended 1972 Ky. Acts ch. 298, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3766b-16.

Legislative Research Commission Note (4/9/96). The action taken with respect to this statute by 1996 Ky. Acts ch. 308 was to have become effective April 8, 1996, under Section 51 of that Act. The Act, however, did not become effective until April 9, 1996, when the Governor's signed copy of the Act was filed with the Secretary of State.