

## HOUSE BILL NO. 527

INTRODUCED BY S. MENDENHALL

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A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING COMPETITION BETWEEN THE STATE AND PRIVATE SECTOR SAFETY TRAINING PROGRAMS REQUIRED UNDER THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977; PROVIDING EXCEPTIONS FOR PUBLIC SECTOR TRAINING; AMENDING SECTION 50-71-102, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Noncompetition -- exceptions.** (1) (a) Subject to subsections (2) through (4), the department may not compete with a private sector training program to provide to an employer of 20 or more employees a safety training program required under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq.

(b) An employer referred to in subsection (1)(a) must have 20 or more full-time or part-time employees on the combined payrolls of the employer and any subsidiary or affiliated company in which the employer has common controlling ownership.

(2) A public agency, including an agency of the state government and of any political subdivision, that is subject to the Mine Safety and Health Act of 1977, 30 U.S.C. 801, et seq., is exempt from the provision in subsection (1)(a).

(3) The department may provide safety training directly to an educational institution offering the training as part of a regular curriculum for which tuition is charged, including a unit of the Montana university system, a 2-year community college, or a tribal college.

(4) The department is not subject to the noncompetition provision in subsection (1)(a) if, after notifying all Montana private sector training programs on record at the department of an employer's training needs, no private sector training program expresses written intent to provide training to the employer.

(5) For the purposes of this section, "employer" means a corporation, a partnership, a limited liability partnership, a limited liability company, or a sole proprietorship.

**Section 2.** Section 50-71-102, MCA, is amended to read:

