

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

January 14, 1987

The fourth meeting of the Business and Industry Committee met on Wednesday, January 14, 1987, in Room 410 of the Capitol at 10 a.m. The meeting was called to order by Chairman Allen Kolstad.

ROLL CALL: All committee members were present with the exception of Sen. Delwyn Gage, who was excused.

CONSIDERATION OF SENATE BILL NO. 78: Sen. Jack Haffey, Senate District 33, was the chief sponsor of the bill which proposed to transfer the regulation of tramways, ski lifts, tows, etc., from the Department of Administration, Division of Architecture and Engineering to the Department of Commerce. Sen. Haffey explained that these regulatory procedures are being transferred to the Department of Commerce because almost all other state regulatory procedures ensuring safety in various areas are handled through that Department, Business Regulation Division. The work is contracted out and everything should proceed as efficiently as in the past, or even more so. Sen. Haffey stated that the Montana Ski Operators Association, represented by Mr. Melby, has no problem with this bill and Mr. Melby asked Sen. Haffey to present that view, as long as the Tramway Advisory Council that is in existence now, remains in existence. Mr. Melby has a commitment from the administration, in writing, that that would be the case. Sen. Haffey feels that it is a very simple bill.

PROPOSERS:

Tom O'Connell, Administrator of the Architecture and Engineering Division, offered more background on the tramway program. He stated that it was created in 1972 during reorganization and was for one year administered by the Department of Fish, Wildlife and Parks. In 1973 the Architecture and Engineering Division took that over and have had it ever since. The sole purpose of the program is to protect the public's use of the passenger tramways, basically at ski areas, whether it's a chair lift, aerial tram, rope tow or tee bars, etc. He further explained that the program works through a certification process where each year ski areas apply for certification of their lifts. The department has a contract with a licensed tramway engineer who inspects those lifts and certifies that all the deficiencies have been corrected before the department will certify to the area that they can operate that lift for the year. The design and construction of new lifts are also certified by that department and inspected by the tramway engineer. Mr. O'Connell feels that this regulatory program would be more appropriately placed with the Department

of Commerce whom they have worked with and who have expressed they have no problem in taking it over. Mr. O'Connell pointed out that they have requested an effective date of July 1 because the areas, by statute, must request certification of their lifts by October 1 of each year and if the bill did not become effective until October 1, there would be an inconvenience for the public and the administration trying to shift the program over at the same time the areas were requesting certification.

Chairman Kolstad asked Mr. O'Connell why they had not asked for an effective date upon passage and approval of the bill. Mr. O'Connell explained that they felt there could be some confusion with the budget appropriated to his department until the end of Fiscal 1987.

OPPONENTS: There were no opponents.

DISCUSSION OF SENATE BILL NO. 78:

Questions were then called for from the committee members. Sen. Williams wanted to know if there is a charge for inspection and if the charge is enough to pay for the inspection. Mr. O'Connell answered that the charge for the inspection is prorated as per the type of lift - aerial tramways are \$100 per lift, chairlifts are \$50 per lift and rope tows and platterpulls are \$25 per lift. It is not enough to cover the inspections but added to this fee is a one quarter of one percent tax on the gross receipts of all ski areas which, together with the certification fees, are enough to cover the program. Between the two fees about \$18,000 are raised each year. Sen. Neuman asked if both departments budgeted for this. Mr. O'Connell replied that in a way they had both budgeted for it and went on to explain that the office of Budget and Program Planning listed the budget under Administration. The Legislative Fiscal Analyst listed the budget under the Department of Commerce. They were not listed in both places. In either case, it is a question between the Budget Office and the Fiscal Analyst's Office as to who is carrying that budget. Mr. O'Connell stated that his department saw the Department of Commerce as carrying it and felt that Mr. Kimble from the Department of Commerce would be at this meeting to explain that but he had to be at a meeting where he expected that to come up in his budget and said "no", it isn't really included in both budgets.

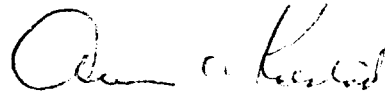
Sen. Haffey closed the presentation of SB 78.

EXECUTIVE ACTION:

Sen. Williams moved that SB 78 DO PASS, seconded by Sen. McLane. The motion carried unanimously.

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Chairman Kolstad announced that the committee would next meet on Friday, January 16 with two bills to hear. Following a unanimous motion to adjourn, the meeting adjourned at 10:10 a.m.



ALLEN C. KOLSTAD, CHAIRMAN

cl/ls

ROLL CALL

BUSINESS AND INDUSTRY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/14/87

NAME	PRESENT	ABSENT	EXCUSED
Allen C. Kolstad, Chairman	✓		
Ted Neuman, Vice Chairman	✓		
Paul Boylan	✓		
Delwyn Gage			✓
Harry H. "Doc" McLane	✓		
Darryl Meyer	✓		
Mike Walker	✓		
Cecil Weeding	✓		
Bob Williams	✓		
Gene Thayer	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

JANUARY 14

19 87

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration SENATE BILL

No. 78

FIRST reading copy (WHITE)
color

Respectfully report as follows: That SENATE BILL

No. 78

DO PASS

~~DO PASS~~

ALLEN C. KOLSTAD

Chairman.