# SENATE BILL NO. 78

## INTRODUCED BY HAFFEY

# BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE SENATE

- JANUARY 9, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
- JANUARY 14, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- JANUARY 15, 1987 PRINTING REPORT.
- JANUARY 17, 1987 SECOND READING, DO PASS.
- JANUARY 19, 1987 ENGROSSING REPORT.
- JANUARY 20, 1987 THIRD READING, PASSED.

TRANSMITTED TO HOUSE.

ON BUSINESS & LABOR.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

INTRODUCED AND REFERRED TO COMMITTEE

IN THE HOUSE

- FEBRUARY 4, 1987
- MARCH 3, 1987
- MARCH 4, 1987
- MARCH 5, 1987 THIRD READING, CONCURRED IN. AYES, 96; NOES, 1.

RETURNED TO SENATE.

### IN THE SENATE

MARCH 6	5,	1987	RECEIVED	FROM	HOUSE.

SENT TO ENROLLING.

.

•

LC 0781/01

Alacte BILL NO. 18 1 INTRODUCED BY Haller 2 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER REGULATION 5 OF PASSENGER TRAMWAYS FROM THE DEPARTMENT OF ADMINISTRATION б TO THE DEPARTMENT OF COMMERCE; AMENDING SECTIONS 23-2-702, 7 23-2-715, AND 23-2-734, MCA; AND PROVIDING AN EFFECTIVE 8 9 DATE." 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 23-2-702, MCA, is amended to read: 12 "23-2-702. Definitions. As used in this part, the 13 following definitions apply: 14 (1) "Area" means the area, terrain, or ski slopes 15 served by a passenger tramway. 16 department of (2) "Department" means the 17 administration commerce provided for in Title-27-chapter-157 18 part-10 2-15-1801. 19 (3) "Industry" means the passenger tramway business 20 activities of all those persons in the state who own, 21 manage, or direct the operation of passenger tramways. 22

(4) "Operator" means a person, including any political 23 subdivision or instrumentality thereof, who owns, manages, 24 or directs the operation of a passenger tramway. 25



1 (5) "Passenger tramway" means a device used to 2 transport passengers by means of any of the following:

3 (a) two-car aerial passenger tramway, a device used to 4 transport passengers in two open or enclosed cars attached 5 to and suspended from a moving wire rope or attached to a moving wire rope and supported on a standing wire rope or 6 7 similar devices;

(b) multicar aerial passenger tramway, a device used 8 9 to transport passengers in several open or enclosed cars or 10 carrying device attached to and suspended from a moving wire 11 rope or attached to a moving wire rope and supported on a 12 standing wire rope or similar devices;

13 (c) skimobile, a device in which a passenger car 14 running on steel or wooden tracks is attached to and pulled by a steel cable or similar devices; 15

16 (d) chair lift, a type of transportation on which 17 passengers are carried on chairs suspended in the air and 18 attached to a moving cable, chain, or link belt supported by trestles or towers with one or more spans or similar 19 devices; 20

(e) a J-bar, T-bar, or platterpull, so-called, and 21 similar types of devices or means of transportation which 22 pull skiers riding on skis by means of an attachment to a 23 main overhead cable supported by trestles or towers with one 24 25 or more spans;

-2-

INTRODUCED BILL SA- 78

#### LC 0781/01

(f) rope tow, a type of transportation which pulls the
 skier, riding on skis as the skier grasps the rope or wire
 rope manually, or similar devices."

4 Section 2. Section 23-2-715, MCA, is amended to read: 5 "23-2-715. Assessment on passenger tramway receipts. 6 (1) The department of-administration is hereby authorized to 7 impose an assessment of 1/4 of 1% on the gross receipts of 8 all passenger tramways operated in the state of Montana. A 9 minimum of \$100 shall be collected annually from the owner 10 of a passenger tramway facility. The assessment shall be 11 calculated upon gross receipts received during the period 12 July 1 of any year to July 1 of the following year. The 13 assessments shall be collected by the department of revenue 14 and remitted to the state special revenue fund by December 15 31 of each year.

16 (2) All proceeds of the gross receipts assessment and
17 the fees collected under 23-2-714 shall be used only to
18 support the duties of the department set forth in this
19 part."

20 Section 3. Section 23-2-734, MCA, is amended to read: 21 "23-2-734. Duties of operator with respect to 22 passenger tramways. A ski area operator shall construct, 23 operate, maintain, and repair any passenger tramway in 24 accordance with the rules of the department of 25 administration. However, nothing in this section relieves an operator from the duty of taking whatever other actions
 are necessary to properly construct, operate, maintain, and
 repair a passenger tramway."

4 <u>NEW SECTION.</u> Section 4. Extension of authority. Any 5 existing authority of the department of commerce to make 6 rules on the subject of the provisions of this act is 7 extended to the provisions of this act.

8 <u>NEW SECTION.</u> Section 5. Effective date. This act is
9 effective July 1, 1987.

-End-

-4-

-3-

50th Legislature

LC 0781/01

APPROVED BY COMM. ON BUSINESS & INDUSTRY

Almate BILL NO. 78
INTRODUCED BY High
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER REGULATION
OF PASSENGER TRAMWAYS FROM THE DEPARTMENT OF ADMINISTRATION
TO THE DEPARTMENT OF COMMERCE; AMENDING SECTIONS 23-2-702,
23-2-715, AND 23-2-734, MCA; AND PROVIDING AN EFFECTIVE
DATE."
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 23-2-702, MCA, is amended to read:
"23-2-702. Definitions. As used in this part, the
following definitions apply:
(1) "Area" means the area, terrain, or ski slopes
served by a passenger tramway.
(2) "Department" means the department of
administration commerce provided for in Title-27-chapter-157
part-10 <u>2-15-1801</u> .
(3) "Industry" means the passenger tramway business
activities of all those persons in the state who own,
manage, or direct the operation of passenger tramways.
(1) However a manon (adjudice any molitical
(4) "Operator" means a person, including any political
(4) "Operator" means a person, including any political subdivision or instrumentality thereof, who owns, manages,

LC 0781/01

SECOND READING

SB-78

τ.

1	(5) "Passenger tramway" means a device used to
2	transport passengers by means of any of the following:
3	(a) two-car aerial passenger tramway, a device used to
4	transport passengers in two open or enclosed cars attached
5	to and suspended from a moving wire rope or attached to a
6	moving wire rope and supported on a standing wire rope or
7	similar devices;
8	(b) multicar aerial passenger tramway, a device used
9	to transport passengers in several open or enclosed cars or
10	carrying device attached to and suspended from a moving wire
11	rope or attached to a moving wire rope and supported on a
12	standing wire rope or similar devices;
13	(c) skimobile, a device in which a passenger car
14	running on steel or wooden tracks is attached to and pulled
15	by a steel cable or similar devices;
16	(d) chair lift, a type of transportation on which
17	passengers are carried on chairs suspended in the air and
18	attached to a moving cable, chain, or link belt supported by
19	trestles or towers with one or more spans or similar
20	devices;
21	(e) a J-bar, T-bar, or platterpull, so-called, and
22	similar types of devices or means of transportation which
23	pull skiers riding on skis by means of an attachment to a
24	main overhead cable supported by trestles or towers with one

-2-

25 or more spans;

1

Monzana Legislative Council

(f) rope tow, a type of transportation which pulls the
 skier, riding on skis as the skier grasps the rope or wire
 rope manually, or similar devices."

Section 2. Section 23-2-715, MCA, is amended to read: ۵ 5 "23-2-715. Assessment on passenger tramway receipts. 6 (1) The department of-administration is hereby authorized to impose an assessment of 1/4 of 1% on the gross receipts of 7 all passenger tramways operated in the state of Montana. A 8 minimum of \$100 shall be collected annually from the owner 9 10 of a passenger tramway facility. The assessment shall be 11 calculated upon gross receipts received during the period 12 July 1 of any year to July 1 of the following year. The 13 assessments shall be collected by the department of revenue 14 and remitted to the state special revenue fund by December 15 31 of each year.

16 (2) All proceeds of the gross receipts assessment and
17 the fees collected under 23-2-714 shall be used only to
18 support the duties of the department set forth in this
19 part."

Section 3. Section 23-2-734, MCA, is amended to read:
"23-2-734. Duties of operator with respect to
passenger tramways. A ski area operator shall construct,
operate, maintain, and repair any passenger tramway in
accordance with the rules of the department of
administration. However, nothing in this section relieves

an operator from the duty of taking whatever other actions
 are necessary to properly construct, operate, maintain, and
 repair a passenger tramway."

<u>NEW SECTION.</u> Section 4. Extension of authority. Any
existing authority of the department of commerce to make
rules on the subject of the provisions of this act is
extended to the provisions of this act.

8 <u>NEW SECTION.</u> Section 5. Effective date. This act is
9 effective July 1, 1987.

-End-

-4-

-3-

50th Legislature

LC 0781/01

Alaste BILL NO. 18 1 INTRODUCED BY Halles 2 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION ٦ 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER REGULATION OF PASSENGER TRAMWAYS FROM THE DEPARTMENT OF ADMINISTRATION 6 7 TO THE DEPARTMENT OF COMMERCE; AMENDING SECTIONS 23-2-702, 8 23-2-715, AND 23-2-734, MCA: AND PROVIDING AN EFFECTIVE 9 DATE." 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 Section 1. Section 23-2-702, MCA, is amended to read: "23-2-702. Definitions. As used in this part, the 13 14 following definitions apply: .... 15 (1) "Area" means the area, terrain, or ski slopes 16 served by a passenger tramway. 17 (2) "Department" means the department of administration commerce provided for in Title-27-chapter-157 18 part-10 2-15-1801. 19 (3) "Industry" means the passenger tramway business 20 activities of all those persons in the state who own, 21 22 manage, or direct the operation of passenger tramways. 23 (4) "Operator" means a person, including any political 24 subdivision or instrumentality thereof, who owns, manages, 25 or directs the operation of a passenger tramway.



(5) "Passenger tramway" means a device used to
 transport passengers by means of any of the following:

3 (a) two-car aerial passenger tramway, a device used to 4 transport passengers in two open or enclosed cars attached 5 to and suspended from a moving wire rope or attached to a 6 moving wire rope and supported on a standing wire rope or 7 similar devices;

8 (b) multicar aerial passenger tramway, a device used 9 to transport passengers in several open or enclosed cars or 10 carrying device attached to and suspended from a moving wire 11 rope or attached to a moving wire rope and supported on a 12 standing wire rope or similar devices;

13 (c) skimobile, a device in which a passenger car
14 running on steel or wooden tracks is attached to and pulled
15 by a steel cable or similar devices;

(d) chair lift, a type of transportation on which
passengers are carried on chairs suspended in the air and
attached to a moving cable, chain, or link belt supported by
trestles or towers with one or more spans or similar
devices:

(e) a J-bar, T-bar, or platterpull, so-called, and
similar types of devices or means of transportation which
pull skiers riding on skis by means of an attachment to a
main overhead cable supported by trestles or towers with one
or more spans;

-2- THIRD READING

#### LC 0781/01

(f) rope tow, a type of transportation which pulls the
 skier, riding on skis as the skier grasps the rope or wire
 rope manually, or similar devices."

Section 2. Section 23-2-715, MCA, is amended to read: 4 5 "23-2-715. Assessment on passenger tramway receipts. (1) The department of-administration is hereby authorized to 6 7 impose an assessment of 1/4 of 1% on the gross receipts of 8 all passenger tramways operated in the state of Montana. A 9 minimum of \$100 shall be collected annually from the owner of a passenger tramway facility. The assessment shall be 10 11 calculated upon gross receipts received during the period July 1 of any year to July 1 of the following year. The 12 13 assessments shall be collected by the department of revenue and remitted to the state special revenue fund by December 14 31 of each year. 15

16 (2) All proceeds of the gross receipts assessment and
17 the fees collected under 23-2-714 shall be used only to
18 support the duties of the department set forth in this
19 part."

20 Section 3. Section 23-2-734, MCA, is amended to read: 21 "23-2-734. Duties of operator with respect to 22 passenger tranways. A ski area operator shall construct, 23 operate, maintain, and repair any passenger tranway in 24 accordance with the rules of the department of 25 administration. However, nothing in this section relieves LC 0781/01

an operator from the duty of taking whatever other actions
 are necessary to properly construct, operate, maintain, and
 repair a passenger tramway."

4 <u>NEW SECTION.</u> Section 4. Extension of authority. Any 5 existing authority of the department of commerce to make 6 rules on the subject of the provisions of this act is 7 extended to the provisions of this act.

8 <u>NEW SECTION.</u> Section 5. Effective date. This act is
9 effective July 1, 1987.

-End-

-4-

1

2

3 4 5

6 7

8 9

10 11

12

13

14

15

16 17

18

19 20

21

22

SENATE BILL NO. 78	1	(5) "Passenger tranway" means a device used to
INTRODUCED BY HAFFEY	2	transport passengers by means of any of the following:
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION	3	(a) two-car aerial passenger tramway, a device used to
	4	transport passengers in two open or enclosed cars attached
A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER REGULATION	5	to and suspended from a moving wire rope or attached to a
OF PASSENGER TRAMWAYS FROM THE DEPARTMENT OF ADMINISTRATION	6	moving wire rope and supported on a standing wire rope or
TO THE DEPARTMENT OF COMMERCE; AMENDING SECTIONS 23-2-702,	7	similar devices;
23-2-715, AND 23-2-734, MCA; AND PROVIDING AN EFFECTIVE	6	(b) multicar aerial passenger tramway, a device used
DATE."	9	to transport passengers in several open or enclosed cars or
	10	carrying device attached to and suspended from a moving wire
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	rope or attached to a moving wire rope and supported on a
Section 1. Section 23-2-702, MCA, is amended to read:	12	standing wire rope or similar devices;
*23-2-702. Definitions. As used in this part, the	13	(c) skimobile, a device in which a passenger car
following definitions apply:	14	running on steel or wooden tracks is attached to and pulled
(1) "Area" means the area, terrain, or ski slopes	15	by a steel cable or similar devices;
served by a passenger tramway.	16	(d) chair lift, a type of transportation on which
(2) "Department" means the department of	17	passengers are carried on chairs suspended in the air and
administration commerce provided for in Title-27-chapter-157	18	attached to a moving cable, chain, or link belt supported by
part-10 <u>2-15-1801</u> .	19	trestles or towers with one or more spans or similar
(3) "Industry" means the passenger tramway business	20	devices;
activities of all those persons in the state who own,	21	(e) a J-bar, T-bar, or platterpull, so-called, and
manage, or direct the operation of passenger tramways.	22	similar types of devices or means of transportation which
(4) "Operator" means a person, including any political	23	pull skiers riding on skis by means of an attachment to a

or more spans;

24

25

(4) "Operator" means a person, including any political 23 24 subdivision or instrumentality thereof, who owns, manages, 25 or directs the operation of a passenger tramway.



main overhead cable supported by trestles or towers with one

-2-

SB 78

(f) rope tow, a type of transportation which pulls the
 skier, riding on skis as the skier grasps the rope or wire
 rope manually, or similar devices."

Section 2. Section 23-2-715, MCA, is amended to read: 4 "23-2-715. Assessment on passenger tramway receipts. 5 6 (1) The department of-administration is hereby authorized to 7 impose an assessment of 1/4 of 1% on the gross receipts of all passenger tramways operated in the state of Montana. A 8 minimum of \$100 shall be collected annually from the owner 9 10 of a passenger tramway facility. The assessment shall be calculated upon gross receipts received during the period 11 12 July 1 of any year to July 1 of the following year. The assessments shall be collected by the department of revenue 13 and remitted to the state special revenue fund by December 14 15 31 of each year.

16 (2) All proceeds of the gross receipts assessment and
17 the fees collected under 23-2-714 shall be used only to
18 support the duties of the department set forth in this
19 part."

Section 3. Section 23-2-734, MCA, is amended to read:
"23-2-734. Duties of operator with respect to
passenger tramways. A ski area operator shall construct,
operate, maintain, and repair any passenger tramway in
accordance with the rules of the department of
administration. However, nothing in this section relieves

an operator from the duty of taking whatever other actions
 are necessary to properly construct, operate, maintain, and
 repair a passenger tramway."

4 <u>NEW SECTION.</u> Section 4. Extension of authority. Any 5 existing authority of the department of commerce to make 6 rules on the subject of the provisions of this act is 7 extended to the provisions of this act.

8 <u>NEW SECTION.</u> Section 5. Effective date. This act is
9 effective July 1, 1987.

-End-

-3-

-