

House BILL NO. 594

INTRODUCED BY

Timmons, Roney, Wiseman, Curran, Ash

BY REQUEST OF THE NATURAL RESOURCES AND COMMERCE SUBCOMMITTEE

McCann, Brady, Arnett, Curtis, ORR, Curran, Ash

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE BOARD OF PASSENGER TRAMWAY SAFETY; ELIMINATING THE FUNCTIONS AND DUTIES OF THE BOARD OF PASSENGER TRAMWAY SAFETY; AMENDING SECTIONS 23-2-702, 23-2-734, AND 50-60-104, MCA; REPEALING SECTIONS 2-15-1896, 23-2-701, 23-2-705, 23-2-711, 23-2-712, 23-2-713, 23-2-714, 23-2-715, 23-2-716, 23-2-717, 23-2-718, 23-2-721, 23-2-722, 23-2-723, 23-2-724, 23-2-725, AND 23-2-732, 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) "Board" means the board of passenger tramway safety provided for in 2-15-1896.

(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.

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

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

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

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

(c) skimobile, a device in which a passenger car running on steel or wooden tracks is attached to

1 and pulled by a steel cable or similar devices;

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

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

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

10 (2) "Ski area operator" or "operator" means a person, firm, or corporation and its agents and
11 employees having operational and administrative responsibility for ski trails and improvements.

12 (3) "Skier" means a person admitted to a ski area or using the ski trails, areas, and other
13 improvements within the ski area. The term does not include a person using an aerial passenger tramway.

14 (4) "Ski trails" means those areas designated by the ski area operator to be used by skiers for the
15 purpose of participating in the sport of skiing."

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17 **Section 2.** Section 23-2-734, MCA, is amended to read:

18 **"23-2-734. Duties of operator with respect to passenger tramways.** A ski area operator shall
19 construct, operate, maintain, and repair any passenger tramway ~~in accordance with the rules of the board.~~
20 ~~However, nothing in this section relieves an~~ An operator from has the duty of taking whatever ~~other~~
21 are necessary to properly construct, operate, maintain, and repair a passenger tramway."

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23 **Section 3.** Section 50-60-104, MCA, is amended to read:

24 **"50-60-104. Inspection fees.** The department shall establish a schedule of fees and may collect
25 fees for the inspection of plans and specifications and for the inspection of buildings, factory-built buildings,
26 recreational vehicles, ~~tramways,~~ or any other facility or structure."

27

28 **NEW SECTION. Section 4. Repealer.** Sections 2-15-1896, 23-2-701, 23-2-705, 23-2-711,
29 23-2-712, 23-2-713, 23-2-714, 23-2-715, 23-2-716, 23-2-717, 23-2-718, 23-2-721, 23-2-722, 23-2-723,
30 23-2-724, 23-2-725, and 23-2-732, MCA, are repealed.

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0594, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act eliminating the Board of Passenger Tramway Safety, eliminating the functions and duties of the board.

ASSUMPTIONS:

1. The appropriation for the Board of Passenger Tramway Safety in HB 2 has already been eliminated.
2. No further revenue will be received after June 30, 1997. The cash balance at the end of fiscal year 1997 will be \$15,536 if all projected revenue is collected and the full appropriation for fiscal year 1997 is expended.
3. Section 17-1-503(1), MCA, states "The balance remaining in each state special revenue fund account terminated pursuant to legislative review must be deposited in the general fund." In accordance with this statute, the Department of Commerce would transfer approximately \$15,500 to the general fund on or about July 1, 1997.

FISCAL IMPACT:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
<u>Net Impact on Fund Balance:</u>		
General Fund (01)	15,500	0

Dave Lewis 3-4-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Roger DeBruycker
ROGER DEBRUYCKER, PRIMARY SPONSOR DATE

Fiscal Note for HB0594, as introduced

HB 594

House BILL NO. 594

INTRODUCED BY

BY REQUEST OF THE NATURAL RESOURCES AND COMMERCE SUBCOMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE BOARD OF PASSENGER TRAMWAY SAFETY; ELIMINATING THE FUNCTIONS AND DUTIES OF THE BOARD OF PASSENGER TRAMWAY SAFETY; AMENDING SECTIONS 23-2-702, 23-2-734, AND 50-60-104, MCA; REPEALING SECTIONS 2-15-1896, 23-2-701, 23-2-705, 23-2-711, 23-2-712, 23-2-713, 23-2-714, 23-2-715, 23-2-716, 23-2-717, 23-2-718, 23-2-721, 23-2-722, 23-2-723, 23-2-724, 23-2-725, AND 23-2-732, 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) "Board" means the board of passenger tramway safety provided for in 2-15-1896.

(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.

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

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

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

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

(c) skimobile, a device in which a passenger car running on steel or wooden tracks is attached to

1 and pulled by a steel cable or similar devices;

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

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

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

10 (2) "Ski area operator" or "operator" means a person, firm, or corporation and its agents and
11 employees having operational and administrative responsibility for ski trails and improvements.

12 (3) "Skier" means a person admitted to a ski area or using the ski trails, areas, and other
13 improvements within the ski area. The term does not include a person using an aerial passenger tramway.

14 (4) "Ski trails" means those areas designated by the ski area operator to be used by skiers for the
15 purpose of participating in the sport of skiing."

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17 **Section 2.** Section 23-2-734, MCA, is amended to read:

18 **"23-2-734. Duties of operator with respect to passenger tramways.** A ski area operator shall
19 construct, operate, maintain, and repair any passenger tramway ~~in accordance with the rules of the board.~~
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23 **Section 3.** Section 50-60-104, MCA, is amended to read:

24 **"50-60-104. Inspection fees.** The department shall establish a schedule of fees and may collect
25 fees for the inspection of plans and specifications and for the inspection of buildings, factory-built buildings,
26 recreational vehicles, ~~tramways,~~ or any other facility or structure."

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28 **NEW SECTION. Section 4. Repealer.** Sections 2-15-1896, 23-2-701, 23-2-705, 23-2-711,
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30 23-2-724, 23-2-725, and 23-2-732, MCA, are repealed.

House BILL NO. 594

INTRODUCED BY *Tim Winters, Kereny, Wiseman, CRNOS, Josh*

BY REQUEST OF THE NATURAL RESOURCES AND COMMERCE SUBCOMMITTEE *Tucker*

McCom *Grady* *ARNOTT* *Curtise* *ORR* *Boleson* *Alvany*
A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE BOARD OF PASSENGER TRAMWAY SAFETY;

ELIMINATING THE FUNCTIONS AND DUTIES OF THE BOARD OF PASSENGER TRAMWAY SAFETY;
AMENDING SECTIONS 23-2-702, 23-2-734, AND 50-60-104, MCA; REPEALING SECTIONS 2-15-1896,
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30 23-2-724, 23-2-725, and 23-2-732, MCA, are repealed.

APPROVED BY COM ON FINANCE & CLAIMS

House BILL NO. 594

INTRODUCED BY Richard Koenig Wiseman ^{CRW03} Tash

BY REQUEST OF THE NATURAL RESOURCES AND COMMERCE SUBCOMMITTEE Tasha

McCam Randy ARNOTT Curfise ORR William Cherney

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE BOARD OF PASSENGER TRAMWAY SAFETY; ELIMINATING THE FUNCTIONS AND DUTIES OF THE BOARD OF PASSENGER TRAMWAY SAFETY; AMENDING SECTIONS 23-2-702, 23-2-734, AND 50-60-104, MCA; REPEALING SECTIONS 2-15-1896, 23-2-701, 23-2-705, 23-2-711, 23-2-712, 23-2-713, 23-2-714, 23-2-715, 23-2-716, 23-2-717, 23-2-718, 23-2-721, 23-2-722, 23-2-723, 23-2-724, 23-2-725, AND 23-2-732, MCA; AND PROVIDING AN EFFECTIVE DATE."

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HOUSE BILL NO. 594

INTRODUCED BY DEBRUYCKER, RANEY, WISEMAN, GRINDE, TASH, MCCANN, GRADY, ARNOTT,
 CURTISS, ORR, ANDERSON, KASTEN, DEVANEY
 BY REQUEST OF THE NATURAL RESOURCES AND COMMERCE SUBCOMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE BOARD OF PASSENGER TRAMWAY SAFETY;
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1 23-2-724, 23-2-725, and 23-2-732, MCA, are repealed.

2

3 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 1997.

4

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB594, reference bill

DESCRIPTION OF PROPOSED LEGISLATION:

An act eliminating the Board of Passenger Tramway Safety, eliminating the functions and duties of the board.

ASSUMPTIONS:

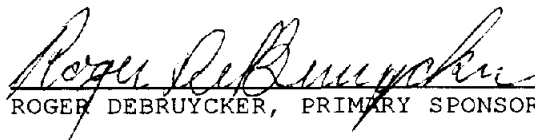
1. The appropriation for the Board of Passenger Tramway Safety in HB0002 has already been eliminated.
2. The cash balance as of March 31, 1997 was \$52,776. Additional expenditures projected for the remainder of fiscal year 1997 are \$1,000 and additional revenue projected for fiscal year 1997 from gross receipts taxes not yet paid for the ski season 1995/1996 is \$4,314, leaving a cash balance of \$56,090 that will be transferred over to the general fund.
3. Section 17-1-503 (1), MCA, states "The balance remaining in each state special revenue fund account terminated pursuant to legislative review must be deposited in the general fund." In accordance with this statute, the Department of Commerce would transfer approximately \$56,090 to the general fund on or about July 1, 1997.

Fiscal Impact:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
<u>Net Impact on Fund Balance:</u>		
General Fund (01)	56,090	56,090

 4-18-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


ROGER DEBRUYCKER, PRIMARY SPONSOR DATE

Fiscal Note for HB594, reference bill

HB 594- #2