

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2013**

Bill Number: H.577 Name of Bill: Ski Tramways

Agency/ Dept: LABOR Author of Bill Review: ANNIE NOONAN

Date of Bill Review: 3/28/14

Status of Bill: (check one):

☐ Upon Introduction    ☐ As passed by 1<sup>st</sup> body    ☒ As passed by both bodies

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**Recommended Position:**

☒ Support    ☐ Oppose    ☐ Remain Neutral    ☐ Support with modifications identified in #8 below

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**Analysis of Bill**

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**1. Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*

(a) Allows VDOL Commissioner to authorize a payment plan from a ski area for their yearly Tramway Inspection Fee. Currently, the "fee due State" for tramways is November 15<sup>th</sup>.

(b) Increases the penalty to any ski area that attempts to or operates without an Inspection, from \$100 per day to \$5,000 per day.

(c) Establishes a \$50 per day penalty to any ski area that attempts to or operates without paying their Fee Due State, (unless they are on a payment plan).

**2. Is there a need for this bill?** *Please explain why or why not.*

(a) Currently, the "fee due State" for tramway inspections by VDOL Tramway Program is due on Nov 15 each year. Some ski areas have had difficulty making the payment on this date, usually because they are not yet operating and revenue streams are tight. While the current statute does not authorize the Commissioner to enter into payment plans, I have done so in order to assist the ski area AND ensure that payment is actually made, even if somewhat staggered/delayed. It has worked and has been welcomed by the ski areas that have had cash flow problems. This change will authorize those payment plans and the Commissioner's discretion/action.

(b) While there has not been a problem with illegal operation (i.e. operating without inspection), if that situation were to have occurred, these penalties would be a significant deterrent. The ski areas and the Vermont Ski Area Association supported this provision, as they do NOT want ski areas operating without inspection.

(c) This penalty is intended to ensure that ski areas who are not able to pay their fee-due-State enter into a payment plan, and not simply ignore their obligations under the law for the payment. VDOL pays our Tramway Inspection Staff from this fund, so when fees are not submitted, we don't have the money to pay our staff and, in the past, apparently had "borrowed" from Workers Comp, which is not appropriate.

**3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

We believe the payment system will keep a steady balance of fee revenue for the program and staff costs, see section 2 c above.

*Please return this bill review as a Microsoft Word document to [drusilla.roessle@state.vt.us](mailto:drusilla.roessle@state.vt.us)*

What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

4. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)  
**None.**

5. Other Stakeholders: **Ski Area owners and Vermont Ski Areas Association**

6.1 Who else is likely to support the proposal and why?

**Supported by stakeholders: Ski Areas really like the payment plan provisions, and they supported the increase in penalties for operating without inspection.**

6.2 Who else is likely to oppose the proposal and why?

**No opposition**

6. Rationale for recommendation: *Justify recommendation stated above.*

7. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

**Commissioner has reviewed this document: Annie Noonan, VDOL Commissioner Date: 3/28/14**