

# HOUSE BILL REPORT

## HB 2227

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### As Reported by House Committee On:

Environment

Appropriations Subcommittee on General Government & Information Technology

**Title:** An act relating to the safety of ski area conveyances.

**Brief Description:** Regarding the safety of ski area conveyances.

**Sponsors:** Representatives Fey, Magendanz, Senn, Tharinger and Fitzgibbon; by request of Parks and Recreation Commission.

### Brief History:

#### Committee Activity:

Environment: 1/17/14, 1/21/14 [DP];

Appropriations Subcommittee on General Government & Information Technology:  
2/6/14 [DP].

#### Brief Summary of Bill

- Requires that ski lift safety inspections by the State Parks and Recreation Commission take place prior to each use season.
- Requires that the State Parks and Recreation Commission develop a schedule prescribing ski lift plan review and inspection fees charged to lift owners or operators.
- Raises ski lift liability insurance requirements to \$1 million per occurrence for operators of surface or aerial ski lifts.

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### HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** Do pass. Signed by 10 members: Representatives Fitzgibbon, Chair; Senn, Vice Chair; Short, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Farrell, Fey, Harris, Kagi, Nealey and Tharinger.

**Minority Report:** Do not pass. Signed by 1 member: Representative Overstreet.

**Staff:** Jacob Lipson (786-7196).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

The State Parks and Recreation Commission (State Parks) manages a system of over 100 state parks, and has certain other responsibilities pertaining to recreational activities. One recreational responsibility of State Parks is to oversee the safety of ski lift facilities at ski areas. State Parks' ski lift safety oversight responsibilities include:

- approving the engineering design of new ski lifts prior to construction;
- certifying that newly installed ski lifts comply with approved construction plans and pass an inspection;
- employing, contracting, or borrowing a qualified engineer from another state department to inspect ski lifts; and
- prescribing a salary or other payments for ski lift inspection services.

Ski lift inspectors employed by State Parks must report any deficiencies to State Parks after inspection, and inspectors may condemn lifts that they deem an imminent danger.

Ski lift owners or operators must pay the lift inspection and plan review expenses of State Parks, or may instead directly pay the lift inspectors engaged by State Parks. The reimbursements required of ski lift owners and operators are limited to the actual costs of State Parks inspections and plan review. Operators of ski lifts in Washington must also have liability insurance exceeding \$100,000 per person for each accident, and at least \$200,000 per accident, except for certain surface lifts, whose liability insurance must exceed \$25,000 per person per accident and \$50,000 per accident.

Under state law, new or increased state fees must be approved by a majority vote in both houses of the Legislature, and trigger certain accountability procedures, including reporting via press release the results of an analysis of the fees' cost to taxpayers.

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## **Summary of Bill:**

In order to construct or install a ski lift, the project proponent must first submit plans and specifications to State Parks. These plans and specifications must be accompanied by a safety certification made by a qualified engineer. After installation, the owner or operator of a ski lift must also submit a qualified engineer's certification that the lift was installed in accordance with the State Parks-approved plans. State Parks must establish qualification standards for ski lift certification engineers, and must approve engineers before they are qualified to certify ski lifts. The requirement that State Parks prescribe a salary or contract payments for ski lift inspection services is eliminated.

Annual ski lift safety inspections must take place prior to each use season. Fees are charged to ski lift owners or operators to cover State Parks' inspection activities and reviews of ski lift plans and specifications. The option for ski lift owners or operators to directly pay the lift inspectors hired by State Parks is eliminated. State Parks is required to adopt by rule a fee schedule subject to the provisions in state law governing fee increases. The fee schedule

must vary based on the level of inspection service and plan review that is required of State Parks.

Ski lift liability insurance requirements for operators of all types of surface or aerial ski lifts are raised to \$1 million per occurrence.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Skiers who rely on ski lifts want to ensure that laws on ski lift inspections are up to date. Raising the minimum liability insurance that ski areas must carry is a practical step, because everyone knows that if something bad happens on a ski lift, it won't be a small accident. It is also sensible to require inspections before the beginning of the season in which the ski lift is used, and inspect before both summer and winter operations. This bill modernizes language. The administrative fee rate wouldn't be changed by this bill, but does bring the way in which these fees are charged into compliance with Initiative 601. Fees are based on the actual time the inspection engineer spends on an inspection, plus an administrative fee overhead. Fees charged to ski resorts usually only total about \$150,000 per year. The United States Forest Service sometimes accompanies State Parks inspections, and the agencies work cooperatively.

(Opposed) None.

**Persons Testifying:** Representative Fey, prime sponsor; Daniel Farber, Washington State Parks and Recreation Commission; and John Gifford, Pacific Northwest Ski Areas Association.

**Persons Signed In To Testify But Not Testifying:** None.

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**HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY**

**Majority Report:** Do pass. Signed by 5 members: Representatives Hudgins, Chair; Dunshee, S. Hunt, Jinkins and Springer.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Parker, Ranking Minority Member; Buys, Christian and Taylor.

**Staff:** Alex MacBain (786-7288).

**Summary of Recommendation of Committee On Appropriations Subcommittee on General Government & Information Technology Compared to Recommendation of Committee On Environment:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The program of ski inspections through State Parks has been very well managed. Ski resorts have worked with State Parks on the bill. The bill makes a series of technical changes to State Parks' only regulatory program. State Parks has hired out contract engineers for this program for decades.

(Opposed) None.

**Persons Testifying:** Daniel Farber, Washington State Parks and Recreation Commission; and John Gifford, Pacific Northwest Ski Areas Association.

**Persons Signed In To Testify But Not Testifying:** None.