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STATE OF ILLINOIS  
DEPARTMENT OF LABOR  
CARNIVAL AND AMUSEMENT RIDE INSPECTION DIVISION

PUBLIC HEARING

Hearing held on August 10, 2010 at the Illinois  
Department of Labor, One West Old State Capitol Plaza,  
Room 810, Springfield, Illinois, scheduled for the hour of  
10:00 A.M.

PRESENT:

MS. CATHERINE M. SHANNON,  
Director

Mr. Bert Rodriguez  
Assistant Director

Mr. Bill Sparks  
Ms. Patty Sullivan

Board Members

1 ALSO PRESENT:

2 Mr. Doug Rathbun, Manager

Mr. Matt Rohman, Inspector

3 Mr. Bill Szerletich, Inspector

Ms. Marcia Joiner, Administrative Assistant

4 Ms. Januari Smith, Public Information Officer

Appeared on behalf of the Department of Labor,

5

Mr. Carl Kimble

6 Mr. Ed Dame

Mr. Thaddeous J. Price

7 Mr. Edward L. Dame

Mr. Ed Meyer

8 Representative Jim G. Sacia

9

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1 (Hearing started  
2 at 10:00 A.M.)

3 ASSISTANT DIRECTOR RODRIGUEZ: Good morning,  
4 everybody. If I could get everybody's attention real  
5 quick here.

6 My name is Bert Rodriguez, Assistant Director of the  
7 Illinois Department of Labor. I want to welcome you to  
8 this morning's public hearing.

9 The purpose of this public hearing today is to  
10 receive comments on the proposed changes to Part 6000 of  
11 the Administrative Code for the Carnival and Amusement  
12 Ride Safety Act. Copies of these changes are available  
13 for your reference, if you don't have a copy already.

14 Today's proceedings, as you can see, are being  
15 recorded by a Court Reporter. We ask that everybody sign  
16 an attendance sheet -- I believe that it's up at the front  
17 table -- if they haven't already done so.

18 And if you desire to submit written comments, I would  
19 ask that you do so at this time and those will be read at  
20 a later point during the meeting today. With these  
21 written comments, would you please make sure that your  
22 name or your organization's name is reflected on the  
23 comments. I would appreciate that.

24 Before we get started I would like to just give you a

1 quick overview of what we are going to cover today. We  
2 are going to cover or discuss again the purpose of the  
3 hearing, we will have an introduction of the department  
4 members that are here today as well as the board members  
5 today that are present.

6 I will read the rule making itself. Again, we have  
7 copies, but I will just go through that briefly. It's a  
8 pretty short change so we can cover that pretty  
9 efficiently.

10 We will also cover why the rule making is coming up.  
11 We will cover the history as far as the board's review and  
12 consideration of the department's proposals.

13 I'll cover some ground rules for the hearing today.  
14 We just want to make sure that we capture the public  
15 comments and that we capture everybody's feedback. So we  
16 would like to just lay out some ground rules and make sure  
17 that everybody is heard and recognized appropriately.

18 And then we will actually hear the public comment  
19 after that.

20 And then we will discuss any next steps once we  
21 complete the hearing this morning.

22 Well, to begin, the purpose of the hearing again is  
23 that the Carnival and Amusement Ride Safety Act  
24 administrative rule making process requires that a public

1 hearing be held before any rule can be amended. And today  
2 we will be receiving public comment regarding the proposed  
3 rule making approved by the Carnival and Amusement Ride  
4 Safety Board to increase permit and inspection fees for  
5 rides and attractions covered under the Carnival and  
6 Amusement Ride Safety Act.

7 Before we proceed into the actual substance of the  
8 change, I would like to first introduce the members of the  
9 Department of Labor that are present today and the members  
10 of the Carnival and Amusement Ride Safety Board that are  
11 present today as well.

12 To my right is Director Catherine Shannon.

13 To my left is the Division Manager Doug Rathbun.

14 Marcia Joiner is across from me.

15 Bill Szerletich is at the far end of the table here.

16 We might be expecting one other inspector, but I  
17 don't see him present at this point.

18 And we, also, have a Public Information Officer for  
19 the state, Januari Smith in the corner over there.

20 From the board, we have Patty Sullivan.

21 And I don't believe that we have any other --

22 DIRECTOR SHANNON: Bill Sparks.

23 ASSISTANT DIRECTOR RODRIGUEZ: Oh, I'm sorry, Bill.

24 I didn't see you.

1 Bill Sparks.

2 Good morning.

3 MR. SPARKS: Morning.

4 ASSISTANT DIRECTOR RODRIGUEZ: And Bill.

5 And I think that that is it.

6 I would also like to recognize that Representative  
7 Jim Sacia is also present at today's board meeting.

8 REPRESENTATIVE SACIA: (Nods affirmatively.)

9 ASSISTANT DIRECTOR RODRIGUEZ: Let's cover the rule  
10 making now. And we do have an -- I think that we already  
11 have a few people that have indicated that they want to  
12 present oral testimony. And I will just read those names  
13 right now as well.

14 (At which time, an off the  
15 record discussion was held  
16 between Director Shannon and  
17 Assistant Director Rodriguez.)

18 ASSISTANT DIRECTOR RODRIGUEZ: Oh. I'm sorry. This  
19 (indicates) is the correct list. Those -- I'm sorry. Let  
20 me revise my comment.

21 The following people are also present at today's  
22 hearing. Carl Kimble. Ed Meyer from Ski Snowstar.  
23 Edward Dame. And Thaddeous J. Price.

24 Is there anybody else that I did not list this

1 morning?

2 (No response.)

3 ASSISTANT DIRECTOR RODRIGUEZ: And then there are  
4 also two individuals that have already completed witness  
5 forms. That would be Representative Jim Sacia and Ed  
6 Meyer from Ski Snowstar. Those are the only two witness  
7 forms that we have right now.

8 Okay. All right. Well, why don't we quickly review  
9 the rule making, the actual changes. And does anybody  
10 need a copy before we start looking at it?

11 (No response.)

12 ASSISTANT DIRECTOR RODRIGUEZ: Does everybody have a  
13 copy?

14 MS. SULLIVAN: I don't have mine.

15 ASSISTANT DIRECTOR RODRIGUEZ: It looks like  
16 everybody has a copy.

17 I'm going to first review the actual increases to the  
18 permit and inspection fees first. And then there are a  
19 couple of other changes that were required as a result of  
20 some of the new categories added to this section of the  
21 rules.

22 The first change is under the Permit Fees under  
23 Section 6000.50. Permit Inspection and Associated Fees is  
24 under 6000.50 a) 4). And we've just added ski lifts and

1 aerial tramways and struck rope tows. The fee is  
2 consistent there.

3 We have added 7, 8 and 9, Rope Tows, Coasters -  
4 Intermediate and Coasters - Large. The fees indicated for  
5 those -- the permit fees indicated for those rides are \$25  
6 for each of those rides.

7 Moving on to the next section, Inspection Fees under  
8 that same Section 6000.50. Kiddie rides are increased  
9 from \$25 to \$45 each.

10 Major Rides are increased from \$60 to \$105 each.

11 Amusement Attractions are increased from \$60 to \$105.

12 Ski lifts and Aerial Tramways -- that's been changed  
13 there and Rope Tows has been stricken from -- for the  
14 inspection fees that are going from \$60 to \$975 each.

15 Inflatable Amusement Ride Attractions are increasing  
16 from \$25 to \$45 each.

17 There are three new categories being added to  
18 inspection fees. They are Rope Tows which will be \$105  
19 each; Coasters - Intermediate at 475 each; and Coasters -  
20 large at \$975 each.

21 Okay. As a result of these changes, we've also  
22 defined what Coasters - Intermediate means. And the  
23 definition we have listed in Section 6000.10 of the  
24 definitions is that Coasters - Intermediate means any



1 coaster which is more than 25 feet, but less than 50 feet  
2 in height at the highest point of the track above grade.

3 We've also defined Coaster - Large. And that means  
4 any coaster which is 50 feet or more at the highest point  
5 of the track above grade.

6 Under major rides that definition has been modified.  
7 And that will now read as Major Rides are those amusement  
8 rides or attractions -- amusement attractions that are  
9 designed for more than 75 pounds per passenger unit -- and  
10 this is where the change begins -- and includes any  
11 coaster which is 25 feet or less at the highest point of  
12 the track above grade.

13 I believe that is the last change. So that covers  
14 the actual rule making. Again, everybody has a copy to  
15 refer to in more specific details or for further review  
16 later.

17 Before we go into how we will conduct the hearing and  
18 actually hear comment, we also wanted to provide those  
19 present today with a brief history as to how we are here  
20 today and how we are considering the increases to the  
21 permit inspection fees.

22 At our January 2010 board meeting, the department  
23 proposed three options for the board's consideration to  
24 increase the inspection fees under the act. And this was

1 to offset the significant difference between the revenues  
2 generated from the program and the operating expenses for  
3 the program.

4 In 2009, as an example, the carnival program took in  
5 only \$138,600 in fees and fines, but incurred  
6 approximately \$582,715 in -- in program expenses. The  
7 board is hopeful that an increase in the program revenues  
8 will permit the agency to enhance its enforcement  
9 resources and hire a new inspector for the southern region  
10 of the state. A position that's been vacant since the  
11 beginning of last year.

12 As compared to other states, our fees are still  
13 relatively low. At that January board meeting, the board  
14 also reviewed fees that are in place in other states from  
15 a bench marking perspective. So I just wanted to provide  
16 those present today with a little bit of history. And  
17 certainly we can discuss some of those aspects later  
18 during the comment period.

19 Before we begin the comment period, I would like to  
20 just lay out a few ground rules just to make sure that we  
21 can hear everybody and have the testimony recorded and in  
22 the transcript. I would ask that you hold questions or  
23 comments until you are recognized by me to provide  
24 testimony. If you would like to provide public comment,

1 you will be allowed three minutes and you must identify  
2 yourself for the Court Reporter.

3 If any board member chooses to make public comment,  
4 they are definitely allowed to do so. And anyone wishing  
5 to provide oral comments must complete a Witness  
6 Registration Form. I think that that's been completed.

7 And I believe that -- that those are the -- that  
8 those are the only rules that we wanted to lay out there.

9 We, also, as a part of this process, received some  
10 written comments from individuals that are not present  
11 today. So I would like to first read those. They are  
12 pretty brief. And I think that we can cover those and --  
13 and we can append those to the transcript as well, but I  
14 would just like to read those for everybody's benefit.

15 The first written comment that we received is from  
16 State Senator Mike Jacobs of the 36th District. And he  
17 wrote Doug Rathbun as of August the 6th of 2010.

18 I write to you today in strong opposition to the  
19 state inspection fee increases for Ski Lift and  
20 Aerial Tramways proposed by the Carnival and  
21 Amusement Safety Advisory Committee.  
22 Reasonable fee increases are quite often a necessary  
23 evil, especially in these financial times. Those  
24 impacted by the fee increases are usually not

1 thrilled, but are at least tolerant of an increase  
2 that is within reason. While the other proposed  
3 increases seem fair and reasonable, the increase for  
4 ski lifts and aerial tramways from \$60 to \$975  
5 defies the definition of reasonable.

6 This is a significant increase and will leave a  
7 business with two options, either absorb the cost or  
8 pass it on to their customers. It is unlikely that  
9 customers are going to be willing to pay 1,500  
10 percent more for their tickets than they did the  
11 previous year. Not only will the increase impose a  
12 hardship on the businesses affected, it also places  
13 them at a competitive disadvantage, as neighboring  
14 states have very nominal, if any, inspection fees.  
15 The potential for lost revenue should be a concern  
16 for all of us.

17 I would be interested in any information that  
18 explains the necessity for such a substantial  
19 increase and ask that the Department look for  
20 alternative solutions to this matter before placing  
21 such a large burden on our local businesses and  
22 consumers.

23 Sincerely, Mike Jacobs, State Senator, 36th District.

24 We, also, have a few other comments.

1           Okay. The next comment is from Michael J. Murphy,  
2 president of the Chestnut Mountain Resort, Limited  
3 Liability Corporation.

4           Doug, Thank you for taking the time this week to  
5 discuss the proposed rate changes for ski lift  
6 inspections and permits for the 2011 ski season.  
7 As you might expect, our organization is very  
8 concerned with the new rate proposals. It is my  
9 understanding from reading the minutes of the  
10 previous board meetings that your department has an  
11 extreme budget shortfall and that you are  
12 compensating by trying to increase revenues by  
13 targeting a certain group of your permits. I  
14 strongly disagree with this approach. It may seem  
15 easy to target the year round permits because of the  
16 perception that they have a larger revenue stream.  
17 While this may be true, it also means we are  
18 contributing more to the state through other taxes  
19 that go to a general fund which also works to  
20 subsidize the Department of Labor. I would encourage  
21 you and your board to find alternative means to solve  
22 your problem. One solution would be to do as other  
23 states do and accept third party inspections,  
24 effectively eliminating the state inspection. Each

1 year we undergo an inspection by our carrier who  
2 utilizes a professional engineer who works within  
3 the industry. By accepting this third party  
4 inspection, it would eliminate the cost of travel and  
5 time a State inspector could then use to do other  
6 amusement inspections. We would still, as an  
7 industry, pay the permit fees. I am attaching a  
8 spread sheet detailing the permit and inspection fees  
9 from surrounding and pertinent states. While these  
10 states may have different budget issues that allow  
11 lesser fees they are our competition. If we, as  
12 operators, have to increase our fees, we may be  
13 pushing our customers to neighboring states creating  
14 a larger problem for the state of Illinois due to  
15 decreased revenues. I appreciate you voicing  
16 our concerns at the public hearing on August 10th.  
17 Sincerely, Michael J. Murphy, President, Chestnut  
18 Mountain Resort, LLC.

19 And, as Michael mentioned in his letter, he does  
20 list -- he does have a brief table with amusement ride  
21 fees and inspections for Illinois, Iowa, Wisconsin,  
22 Missouri, Michigan, Colorado, Utah, Minnesota, Vermont and  
23 New York.

24 And I believe that those are the only two written

1 comments that we had marked.

2 MS. JOINER: (Indicates.)

3 ASSISTANT DIRECTOR RODRIGUEZ: Marcia?

4 MS. JOINER: Ski Snowstar.

5 DIRECTOR SHANNON: Mr. Meyer is here. Would you like  
6 us to read them or did you want to read them, Mr. Meyer?

7 MR. MEYER: I will read them or I guess you can read  
8 them. I guess I will read what I've got.

9 ASSISTANT DIRECTOR RODRIGUEZ: So again, just for the  
10 record, we did have a written comment by Ed Meyer from Ski  
11 Snowstar Winter Sports Park. He will be reading his  
12 comments during the oral testimony.

13 Those are the only written comments.

14 I would like to now begin with the oral testimony.  
15 And if we could start with Representative Sacia.

16 Representative Sacia, would you like to begin?

17 REPRESENTATIVE SACIA: Certainly. Thank you, Mr.  
18 Rodriguez.

19 Ladies and gentlemen, I am the State Representative  
20 for the 89th District which includes all or part of the  
21 five northwestern counties of Illinois. And obviously  
22 Chestnut Mountain, the largest ski area in Illinois which  
23 has over 90,000 visitors a year.

24 The increase from \$60 to \$975 -- the only adjective

1 that comes to mind is obscene. That is so over the top  
2 and so unacceptable. I would implore you -- implore you  
3 to reconsider that.

4 Mr. Murphy, in his letter to you, was very eloquent  
5 in his comments that third party inspectors are used in  
6 the vast majority of states now relieving the state of a  
7 tremendous obligation and putting it right where it  
8 belongs. And that's on the insurance carriers who  
9 actually are there on behalf of the insurance carrier or  
10 the inspector is there on their behalf.

11 It seems to me that if we are attempting to seek  
12 funding -- and I understand if you are taking in 138,000  
13 and your expenses are over \$500,000 that that is very  
14 significant. And -- and I recognize and I appreciate the  
15 work that you do and the need for inspections of not only  
16 ski lifts but of carnival rides.

17 I have not had any conversations with the folks at  
18 Gurnee, but when I see the tremendous increase or new fees  
19 for coasters -- Gurnee is hanging on -- and I think that  
20 we all recognize that it's by their fingernails -- trying  
21 to stay alive. I don't know how this is affecting them.

22 And that's not why I'm here. I'm here specifically  
23 to represent my constituents and one of our tremendous  
24 economic generators not only in Northwest Illinois but for



1 all of Illinois and that is Chestnut Mountain. This is a  
2 tremendous asset to the Galena, Illinois area and all of  
3 Northwest Illinois. People travel many, many miles as it  
4 is the largest ski area in Illinois. And we only have a  
5 total of four as you are well aware of.

6 I'm here to simply implore you to take a hard look at  
7 this. Give deep consideration to hiring third party  
8 inspectors. And please, please roll back this highly,  
9 highly invasive rate.

10 Thank you.

11 ASSISTANT DIRECTOR RODRIGUEZ: Thank you,  
12 Representative Sacia.

13 For the next oral testimony, Ed Meyer from Ski  
14 Snowstar. Would you like to present testimony at this  
15 time?

16 MR. MEYER: Okay. My name is Ed Meyer from Ski  
17 Snowstar up in Andalusia, Illinois.

18 I just want to share with you a couple of thoughts  
19 that I have regarding the proposed inspection fee  
20 increases in particular for the ski lifts. I truly feel  
21 that a 1,625 percent increase is inappropriate.  
22 Especially in the tough existing economic climate that we  
23 all are facing right now. Such fees will put us at a  
24 competitive disadvantage. If I were to pass along these

1 fees in the form of higher prices, I do risk losing  
2 customers to the neighboring states. And the bottom line  
3 is that it is a loss of revenue to me and it is also a  
4 loss of revenue to the State of Illinois.

5 First of all, I'm not sure -- in viewing what other  
6 states do, I'm not sure why the State of Illinois feels  
7 that it must put itself in a position to do ski lift  
8 inspections. Neighboring states do not put themselves in  
9 the role of inspecting ski lifts. They do -- they do,  
10 however, require that an independent third party engineer  
11 inspection be completed.

12 The positions that they are taking are threefold.

13 Number one, they avoid liability exposure on their  
14 part by not doing the inspections themselves.

15 Number two, the Department of Labor already has  
16 insurance requirements that encompass a required  
17 independent third party inspection by a certified lift  
18 engineer. These are truly high caliber inspections by a  
19 certified engineer. And they have a huge interest in  
20 being very thorough because it's -- they are the ones  
21 responsible in making sure that those lifts are safe and  
22 up to code for the insurance carrier.

23 We are also required to have a documented independent  
24 wire rope inspection annually. The state does not do that

1 inspection, but they do require the copy of the inspection  
2 report. Similar to what might be feasible for the lift  
3 inspections themselves.

4 And, thirdly, they are utilizing third party  
5 inspections just to save money on travel and staff.  
6 That's one of the considerations that the other states  
7 have taken. If funding inspectors is the issue perhaps  
8 now is a good time to get out of the lift inspection  
9 business and cutting the department's costs and travel and  
10 staffing and simply accept these valid third party  
11 inspections by requesting copies of their inspection  
12 reports would certainly be in order. And, thus, remove  
13 the Department of Labor from the liability exposure that  
14 an inspection entails.

15 If nothing else, perhaps a moratorium on this  
16 increase could be approved in order to do more research  
17 and check out these third party inspections and see if  
18 they are a feasible option for everybody.

19 One additional concern that I have is that you have  
20 provided a distinction between a rope tow and a ski lift,  
21 but there is no distinction made between an aerial ski  
22 lift and a surface carpet. The mechanics and risk  
23 exposure of a surface carpet are far less and should be  
24 classified as such.

1 I appreciate you taking the time to listen to me and  
2 I appreciate all of the efforts that you folks do and the  
3 time that you put in.

4 Thank you.

5 ASSISTANT DIRECTOR RODRIGUEZ: Thank you.

6 The next testimony we will hear from now is Patty  
7 Sullivan from the Eli Bridge Company. And, again, I  
8 mentioned that Patty is also a board member.

9 Patty.

10 MS. SULLIVAN: I would like to address a couple of  
11 items. And, yes, I am one of the ones responsible. And  
12 we looked at this very hard and very long. And although  
13 we are not suggesting that the -- the whole agency should  
14 be -- our budget should be supported just by the fees and  
15 inspection fees, we do desperately need to have the -- the  
16 additional inspector.

17 Our director has to go to the budget committee to try  
18 to get them to approve another inspector because we are  
19 running one short. And we have five inspectors with the  
20 State of Illinois. I mean that's very short to begin  
21 with. But having only four is putting a huge -- I guess a  
22 huge pressure on the ones who are left or sometimes it may  
23 force a carnival or a fair to open late because they can't  
24 get rides inspected.

1           Now -- and, as I said, we are not trying to suggest  
2           that the fees are intended to be -- or that the agency is  
3           intended to be self-supporting. It never was. It --  
4           that's not the point of it. However, I don't think that  
5           the board -- with regard to your suggestion of a third  
6           party, I don't think that the board can do anything to  
7           change what's already in the law about inspectors being  
8           required to inspect all of these rides and equipment.

9           So I don't think you know -- as far as a cost  
10          savings, I don't think that we even have the choice. And  
11          correct me if I'm wrong, but the law states that ski lifts  
12          are one of the things that the agency is required to  
13          inspect.

14          So that being said we were looking at the approximate  
15          amount of time it takes to inspect a ski lift as opposed  
16          to a kiddie ride or a major ride or a roller coaster. And  
17          we tried to apportion them so that it was approximately.  
18          And you know on any given date it's different you know?  
19          Depending on the wind or the heat or whatever, it may take  
20          a longer or a shorter amount of time. But we felt that it  
21          was approximately close for a ski lift to a large coaster.

22          Now I don't know. I'm not familiar with the term  
23          that you mentioned. Was that a ski bed?

24          MR. MEYER: It's a magic carpet. It's like a

1 conveyor. And it rides right along the surface of the  
2 ground. Which is substantially different than a chair  
3 lift.

4 MS. SULLIVAN: Well, then I think that we should  
5 definitely consider that as something different as well.  
6 I wasn't aware of that. It hadn't come up in our  
7 conversation. So you know, as a board member, I would  
8 certainly think that we would be willing to reconsider  
9 that. You know we weren't aware.

10 And -- and I agree if they are not having to go and  
11 climb towers to inspect things, then that's a whole  
12 different ball game then if you can do it on the ground.  
13 The risk is less. It shouldn't take as long. They don't  
14 have to put on a bunch of personal protective equipment.  
15 And I think that that's well worth reconsidering. It's --  
16 it's going to be hard. And we didn't intend to have  
17 something like that included in a regular lift. We just  
18 didn't know about that.

19 But I guess I'm just giving you the reasons why we  
20 did that because Director Shannon, you know, is trying to  
21 get another inspector for the state. And the inspectors  
22 up north will start getting pulled down to the central and  
23 south. And somewhere along the line, you know, somebody  
24 could get, you know, a late inspection or things like

1 that. And -- and they are working very hard to avoid that  
2 at this point.

3 But as far as the board goes, we were trying to look  
4 at fairness with respect to the amount of time that it  
5 takes to inspect. And keeping in mind that yes, in some  
6 of the roller coasters that come in may only be in the  
7 state for one spot for maybe ten days or 20 days, but  
8 still that inspection needs to take place.

9 Now do these other, you know, amusement rides still  
10 get third party inspected? Yes, most of them do. Most of  
11 the insurance companies that ensure those rides also send  
12 a third party inspector. An extra set of eyes is always a  
13 good thing. And we do appreciate the third party  
14 inspections. But right now the law indicates that this  
15 agency is -- is responsible for inspecting all of those --  
16 all of those -- all of that equipment.

17 So I guess that's my piece.

18 ASSISTANT DIRECTOR RODRIGUEZ: Thank you, Patty.

19 Director Shannon?

20 DIRECTOR SHANNON: And if I may just add, too, the  
21 provision that's in our statute is, for those that aren't  
22 familiar, under 430 ILCS 85/2-1 or 2 -- actually, it's  
23 Section 2-2. Under Definitions of Amusement Ride, it  
24 includes any ski lift, rope tow, or other device used to

1 transport snow skiers.

2 So by statute we are required to inspect ski lifts,  
3 rope tows and other devices used to transport snow skiers.  
4 And I think that, you know, we do have other -- there are  
5 other rides that require third party inspections or NDT  
6 reports.

7 And periodically -- and, Doug, I would appreciate it  
8 if you would chime in here. But we have had  
9 experiences -- I think that the legislature, you know, can  
10 certainly change it if they want us not to be inspecting  
11 ski lifts. But I think that there is a reason to have  
12 that -- to have a third party verifying that those checks  
13 are done.

14 And there are many rides that -- you know Six Flags  
15 Great America I believe has a whole crew, many more  
16 inspectors than we have for the entire state just for  
17 their amusement park. But I think that the legislature  
18 decided in 1985 that it was good for the state to oversee  
19 that to continue to make sure that the inspections were  
20 done and to have another set of eyes reviewing to make  
21 sure that all of the necessary paperwork was filed.

22 And I will say that we have had unusual problems  
23 where -- in the past, Carl Kimble was a past division  
24 manager and, Doug, is the current one -- where we have had



1 to alert a ski resort that what they had done didn't  
2 satisfy the requirements of the ride manual or of the  
3 statute or of the rules.

4 And so I do think, you know, the legislature could  
5 always decide to get us out of this business, but you know  
6 we -- I'm not sure that we agree that it's unnecessary.  
7 I -- I do appreciate and -- and I appreciate both of you  
8 taking the time to drive all of the way down here. And  
9 you know we will certainly take your comments into  
10 consideration regarding the amount of the increase.

11 But I think on the third party -- just to let you  
12 know -- I don't think that we can -- I think that our  
13 hands are tied with respect to that for now. And  
14 certainly Representative Sacia is in a position to do  
15 something about that if he so chooses. I'm not sure that  
16 we would be in support of that. Just being honest with  
17 you.

18 REPRESENTATIVE SACIA: But I will be honest with you,  
19 too. I will certainly introduce that.

20 DIRECTOR SHANNON: That's fair. That's your  
21 prerogative.

22 REPRESENTATIVE SACIA: Well, sure. It needs to be  
23 debated I think.

24 DIRECTOR SHANNON: And in terms of the other states,

1 we didn't obviously have time to verify that information  
2 about the other states, but you know we will certainly  
3 look into that.

4 We know that, for instance, Indiana regulates and  
5 they charge \$288 for chair lifts themselves.

6 So -- Doug, did you have anything to add to that in  
7 terms of our inspection?

8 MR. RATHBUN: No. I think that I would just like to  
9 reiterate that I think that we do provide a very valuable  
10 service.

11 The -- the third party inspectors -- I mean that's  
12 required by the ANSI test as well as the NDTs.

13 But just to reiterate what Catherine said, I think,  
14 Representative Sacia, if we were to present to you those  
15 issues which have come up that were not covered under a  
16 third party inspection that did apply to life safety --

17 REPRESENTATIVE SACIA: Sure.

18 MR. RATHBUN: -- you may not have the same opinion  
19 that you have now.

20 REPRESENTATIVE SACIA: Thank you. I appreciate that.

21 MR. MEYER: And, Doug, I did not want to indicate  
22 that you guys don't do a great job.

23 DIRECTOR SHANNON: He didn't take it that way.

24 MR. MEYER: My only concern is that I find it hard to

1 believe if we are placing a cost value on this -- if you  
2 come up to inspect my little area, it's hard to believe  
3 that there is a \$6,000 cost involved, but that's based  
4 upon what the cost of the inspection is.

5 DIRECTOR SHANNON: The other thing that I did want to  
6 clarify is -- and you know, Doug and Marcia, correct me if  
7 I'm wrong -- but I believe that -- that the magic carpets  
8 were considered to be rope tows.

9 MR. RATHBUN: Correct. They were not going to be  
10 treated as ski lifts as I understand it. We were more  
11 worried about the aerial lifts.

12 DIRECTOR SHANNON: We didn't see the magic carpet as  
13 being a chair lift.

14 MR. MEYER: Okay. I just didn't see anything about  
15 that.

16 DIRECTOR SHANNON: We don't -- we don't even have an  
17 aerial tramway in the State of Illinois do we?

18 MR. RATHBUN: No. Just chair lifts.

19 DIRECTOR SHANNON: And the only other comment that I  
20 wanted to make was that I just wanted to be clear that the  
21 department -- when we proposed -- in January, we proposed  
22 several options for the board's consideration. And -- and  
23 our options were, you know, right now it's \$85 for an  
24 adult ride and it's \$35 for a kiddie ride or an

1 inflatable. We only currently have two categories of  
2 fees. One is for the large adult rides and one is for the  
3 kiddie and inflatable attractions.

4 We had three options that we proposed. The first --  
5 the first option was \$300 for adult rides -- for the adult  
6 rides to go up to \$300 and that the kiddie and inflatable  
7 rides to go up to \$200. Which would have actually again  
8 given the Department of Labor a surplus in terms of fees  
9 charged versus what the costs are. It would have raised  
10 total revenue to \$590,500. And our costs are \$582,715.

11 Option 2 was \$200 for adult rides which would include  
12 ski lifts and \$100 for kiddie or inflatable rides which  
13 would have made up a large portion of that shortfall, but  
14 you know not all of it. It would have been about \$200,000  
15 short. But it would have raised \$349,500.

16 Then Option 3 was that all adult rides be \$150 which  
17 was not quite twice as much as current and that kiddie and  
18 inflatables would go up to \$75 from the current rate of  
19 \$35 which have would have raised \$262,125 which would  
20 still be about a \$300,000 shortfall still, but it would  
21 have helped to make up some of the shortfall that we were  
22 experiencing for this division's responsibility.

23 So when we brought those options before the board, as  
24 Patty described, the board was asking lots of questions

1 about, well, what's involved and maybe we should be, you  
2 know, charging higher fees for those that take up a little  
3 more time.

4 And I think part of the reason was because we saw  
5 that in some states they do charge based upon the amount  
6 of time that it takes an inspector like California does.  
7 I can't think immediately of the other states you know,  
8 but Bill did some research. I won't put him on the spot  
9 right now.

10 But I want to make sure that I am clear. We didn't  
11 go into this lightly. We actually had discussed it at  
12 three separate board meetings. One in January where we  
13 had a public meeting on Thursday night. We do it during  
14 the convention. Ski lifts may not attend that. But we do  
15 have a public meeting every year. And, at the board  
16 meeting in May, we had another board meeting to discuss  
17 the issue. And then we had another board meeting in June  
18 to discuss this issue. We have been discussing this and  
19 we have taken a lot into consideration.

20 And I will say that all of the comments that are  
21 provided today will be provided to each of the board  
22 members and will be considered by them as we proceed  
23 forward. So --

24 REPRESENTATIVE SACIA: Could I make another comment?

1 ASSISTANT DIRECTOR RODRIGUEZ: Yes, Representative  
2 Sacia.

3 REPRESENTATIVE SACIA: Director, with all due  
4 respect, I think at one point you said that you had to  
5 make a little bit of an increase. Well -- and those  
6 aren't your exact words, but this is not a little bit of  
7 an increase. This is over 1,600 percent on the ski lifts.  
8 This is a highly, highly invasive increase.

9 I know I'm speaking on Ed's behalf and I know that  
10 you said that, you know, maybe if it even had been 300 you  
11 wouldn't see either one of us here today. But \$975.  
12 That -- that is -- you know I'm thinking of the economic  
13 impact to Chestnut Mountain. And all of a sudden you will  
14 have to go from -- I don't know exactly what their ski  
15 lift fee is for a day, but for the sake of discussion  
16 let's say that it's 50 or \$60 and it's going to have to go  
17 significantly well beyond that.

18 And we all know that -- that individuals have the  
19 choice of going to Chestnut Mountain in Northwest Illinois  
20 or going to Madison, Wisconsin which is an area that has  
21 beautiful areas and Dubuque, Iowa. We are going to lose  
22 'em. And that is my absolute concern.

23 I respect the fact that you see that, you know, you  
24 are losing money at 60. I get that. And you need a

1 significant increase. But this will kill Illinois  
2 tourism. That's being dramatic. This will really stifle  
3 tourism to the ski areas in Illinois in my opinion.

4 And -- and I just would ask with all due respect if  
5 you could somehow reconsider these fees.

6 Thank you.

7 ASSISTANT DIRECTOR RODRIGUEZ: (Nods affirmatively.)

8 Thank you, Representative Sacia.

9 DIRECTOR SHANNON: And I just want to clarify that I  
10 did not mean to say that this increase was insignificant.  
11 And if I did, I would --

12 REPRESENTATIVE SACIA: You didn't say insignificant.

13 DIRECTOR SHANNON: If I did, what I meant was the  
14 options that we proposed back in January that I just went  
15 through that there was one that was \$150 and \$75 and it  
16 didn't make up the entire shortfall, but it was an  
17 increase that would have helped us cover some of that  
18 shortfall. So no, I didn't -- I would not say that it was  
19 a modest increase.

20 REPRESENTATIVE SACIA: Yes, ma'am.

21 ASSISTANT DIRECTOR RODRIGUEZ: Okay. Thank you,  
22 Representative.

23 Thank you, Director.

24 Are there other comments from those present today?

1 (No response.)

2 ASSISTANT DIRECTOR RODRIGUEZ: Okay. Well, on behalf  
3 of the department, we would like to thank you for your  
4 time and consideration today.

5 As the director mentioned, the board will be  
6 reviewing this transcript from today. Once we complete  
7 the process today a transcript will be prepared. The  
8 board will receive it and we will also post it on our web  
9 site for -- for the public to review what happened today.

10 The board's proposal will need to go through the rule  
11 making process as set forth in the Illinois Administrative  
12 Procedures Act. In order for these increases for the  
13 coming year to be effective, we will be proceeding with  
14 emergency rules as well. And those rules will become  
15 effective I believe once they are filed with the Secretary  
16 of State.

17 However, as -- again, I just want to reiterate as  
18 we've heard today and just the comments that have been  
19 mentioned that those will be taken into consideration  
20 before a proposal is finalized and submitted to JCAR.

21 To just give you a brief overview of the JCAR process  
22 itself, in addition to the publication of the proposal in  
23 the Illinois Register which allows for again another  
24 opportunity for written public comment, additional notice



1 is the given to JCAR. And JCAR is the Joint Committee on  
2 Administrative Rules. It's a committee made up of  
3 legislatures. It's a bipartisan committee.

4 And they will review the proposal. JCAR will review  
5 the board's proposal. And based on the comments that are  
6 submitted to the department during the -- to the  
7 department during this process, we will respond to those  
8 comments in writing. And those comments will be reviewed  
9 by JCAR as well. As well as our comments to those  
10 comments that happened during that period. That's called  
11 first notice.

12 During the second notice, we will then provide those  
13 public comments and responses to JCAR. And subsequent to  
14 that a hearing will be held by JCAR. At that hearing,  
15 public comment is not allowed. The only individuals who  
16 may testify at that hearing will be our department, state  
17 agency.

18 And after that process, we will -- we will either  
19 have a modified rule or an approved rule or it might be  
20 something where we have to take additional measures or  
21 make some modifications to the rule. But as I mentioned,  
22 we will be -- in order to make these effective in the  
23 coming year, 2012 --

24 DIRECTOR SHANNON: It's 11.

1 ASSISTANT DIRECTOR RODRIGUEZ: In 2011 -- excuse  
2 me -- we will not only file with the normal process with  
3 JCAR, but we will also be filing emergency rules so they  
4 can become effective

5 DIRECTOR SHANNON: And I want to make a comment.

6 I'm the chair of the Carnival and Amusement Safety  
7 Board. And I do have the prerogative of calling a board  
8 meeting. And I will be calling a board meeting to  
9 consider the comments that were presented today. We will  
10 be notifying the board members in trying to get a meeting  
11 set up in the coming months so that we can consider them.  
12 And it will be on our web site, the dates.

13 MR. MEYER: Do you have any guess on a time frame of  
14 this to maybe give me a heads up on what I need to do in  
15 my pricing structure? Do you have a feel for when you may  
16 have a decision on where we are headed? I know that it's  
17 kind of tough with all of the procedures that you've got  
18 to go through.

19 ASSISTANT DIRECTOR RODRIGUEZ: Catherine, would you  
20 mind addressing that?

21 DIRECTOR SHANNON: You know I will have to check with  
22 the board members in terms of their availability for a  
23 board meeting, but we -- we had originally hoped, you  
24 know, after testimony following today's hearing that we

1 could file our emergency rules and our proposed permanent  
2 rule with -- with the Joint Committee on Administrative  
3 Rules because in order for us to collect any of this money  
4 in this fiscal year they would need to be effective  
5 January the 1st of 2011. So that's why we are kind of on  
6 this abbreviated time line.

7 I would hope that -- you know it is in the middle of  
8 carnival season and we have operators that are on the  
9 board. I would hope that we could get a meeting scheduled  
10 sometime this month or sometime very close to Labor Day.  
11 I think that the board will see all of the comments  
12 provided. Whether they will change their mind in terms of  
13 this proposal or not, I can't say for sure. I'm only one  
14 vote. But we will have that discussion. And then  
15 following that -- so assuming that we have it some time  
16 around Labor Day, you know we should know something I  
17 would hope in the month of September as far as where we  
18 are headed with this.

19 Now in terms of what the Joint Committee on  
20 Administrative Rules may do, it's really hard to know.  
21 You know that would be something that we would -- after we  
22 had our board meeting say -- in a worst case scenario,  
23 let's say September -- what did we say, Marcia? September  
24 the 1st?

1 MS. JOINER: September the 15th is what we were  
2 hoping for.

3 DIRECTOR SHANNON: That we would file them with JCAR  
4 by September the 15th because we send out all of our  
5 packets to all of our operators November the 1st.

6 MS. JOINER: Right.

7 DIRECTOR SHANNON: And then we have to do some things  
8 housekeeping internally in terms of our program in terms  
9 of sending it out as far as how much each amusement owner,  
10 operator would have to pay based on the schedule of fees.  
11 So we do have to know something by September the 15th.  
12 That's our best guess.

13 MR. MEYER: That's good enough.

14 ASSISTANT DIRECTOR RODRIGUEZ: Are there any  
15 questions?

16 (No response.)

17 ASSISTANT DIRECTOR RODRIGUEZ: Our board meeting  
18 would be on our web site as well. So -- just to give you  
19 a sense of that.

20 REPRESENTATIVE SACIA: What is that web site?

21 ASSISTANT DIRECTOR RODRIGUEZ: We can write it down  
22 for you, Representative. I don't know it offhand. It's a  
23 little bit of a long one, but we will certainly get that  
24 to you.

1 REPRESENTATIVE SACIA: Okay.

2 DIRECTOR SHANNON: I have it on my business cards and  
3 I can give that to you.

4 REPRESENTATIVE SACIA: Wonderful.

5 ASSISTANT DIRECTOR RODRIGUEZ: Are there any other  
6 comments?

7 MS. SULLIVAN: (Indicates.)

8 ASSISTANT DIRECTOR RODRIGUEZ: Patty Sullivan?

9 MS. SULLIVAN: Yeah. I just wanted to let you know  
10 that none of this was intended to hurt any industry  
11 because the carnival industry and the park industry are --  
12 are having a very tough time as well. And here in  
13 Illinois they've had enough rain to, you know, wipe out  
14 most of the good weekends so far this year.

15 And -- and -- and it's going to hurt -- it's gonna'  
16 hurt everybody because that's a lot. You know even for  
17 the kiddie rides and major rides. Bill is a small to  
18 medium operator and you know we're more than doubling  
19 his -- you know what -- what he was thinking he would have  
20 to pay. Well, not more than doubling, but --

21 MR. SPARKS: More than doubling.

22 MS. SULLIVAN: Yeah. More than doubling.

23 MR. SPARKS: (Nods affirmatively.)

24 MS. SULLIVAN: Yeah. And it's -- it's just

1     unfortunate that -- that this state has the -- the  
2     economic situation that it does. I mean we're  
3     financially, you know, almost paralyzed in this state at  
4     the rate that we are spending money and not bringing it  
5     in.

6             And we just felt that we're -- our board is  
7     responsible for public safety. And no matter what that  
8     has to come first. And so we were trying to give  
9     Catherine a chance to try to get another inspector in when  
10    she's been frozen at this point. We were trying to give  
11    her, you know, something to take to the budget committee.  
12    And we felt that this was just going to have to happen.

13            And the carnival people were, you know, not thrilled  
14    about it. But you know even -- even Bill voted for the  
15    increase knowing it would hurt him personally as well. So  
16    it's just one of those tougher things trying to figure out  
17    how to decide what to charge each -- you know for each  
18    piece of equipment. It was a tough decision.

19            But in looking at trying to get an inspector, we did  
20    look at how much time does it take for them to do what  
21    they do with each ride. And I mean we struggled with it.  
22    We were -- we really struggled with it. It was not done  
23    lightly.

24            But we appreciate both of you coming here and hearing

1 your comments. And as a board member, you know, I  
2 appreciate hearing from you.

3 MR. MEYER: Thank you.

4 REPRESENTATIVE SACIA: Thank you.

5 DIRECTOR SHANNON: And that's the whole purpose of  
6 having a public hearing. So we are really glad that you  
7 are coming here. And that's why we have them. So your  
8 efforts are not in vane and it wasn't a wasted trip. And  
9 that's exactly why the legislature provided the public  
10 forum for any rule making change.

11 MR. SPARKS: If I can interject here?

12 ASSISTANT DIRECTOR RODRIGUEZ: Certainly.

13 MR. SPARKS: We tried to base these rates on -- we  
14 took the major rides to \$150 per ride --

15 MS. SULLIVAN: It's \$130.

16 MR. SPARKS: I'm making it worse.

17 MS. SULLIVAN: If you want to send in \$150, I'm sure  
18 they will take it.

19 MR. SPARKS: Now we've been told that there are hours  
20 and hours spent on ski lifts. So if you base it --

21 MS. SULLIVAN: And on coasters.

22 MR. SPARKS: If you base it on \$30 an hour, I don't  
23 have any idea how long it does take to inspect that type  
24 of equipment, but just the cost to the state when it takes

1 that much time to do the equipment, that's kind of what we  
2 based that on.

3 So we could probably learn more detailed information  
4 on just how long it does take the inspector to inspect the  
5 equipment.

6 DIRECTOR SHANNON: If I may just clarify the record,  
7 too --

8 MR. MEYER: Just as economic relief --

9 DIRECTOR SHANNON: -- we have already talked about  
10 the increase for ski lifts and large coasters.

11 MR. MEYER: Just as economic relief here, if you want  
12 to look at inspecting the chair lifts then -- Jim is  
13 probably not going to want to hear this -- we have shorter  
14 chair lifts. Chestnut has really long chair lifts.

15 REPRESENTATIVE SACIA: He is right. I didn't want to  
16 hear that.

17 MS. SULLIVAN: Should we make another type for short  
18 chair lifts versus long chair lifts?

19 DIRECTOR SHANNON: Yeah. I think that -- and you can  
20 comment, Doug, but it does require our inspectors to go up  
21 twice I believe.

22 MR. RATHBUN: They go out in the summer to test the  
23 tower basis and they go back out again in the winter for  
24 operations a lot closer to the time --



1 MR. MEYER: We don't have any towers.

2 MS. SULLIVAN: Well, realistically if there are fewer  
3 towers and fewer chairs, we might do something similar to  
4 what we did to -- to what we did with the coasters, the  
5 intermediate coasters and the tall coasters. I mean  
6 anything is up for grabs. We are looking at changing and  
7 trying to be -- because we were really trying to be fair.

8 REPRESENTATIVE SACIA: If I may, with all due  
9 respect -- and I understand where this is coming from.

10 MS. SULLIVAN: Uh-huh.

11 REPRESENTATIVE SACIA: But the bottom line of  
12 everything is economics. And when citizens are coming out  
13 of Chicago and going up I-90 and they can turn left on 20  
14 and go 80 miles to Galena or continue up the road to  
15 Portage, a more beautiful ski area in Wisconsin with a  
16 nominal fee.

17 MS. SULLIVAN: Surely nothing is more beautiful than  
18 Illinois.

19 REPRESENTATIVE SACIA: And go to Dubuque, Iowa just  
20 another 20 miles beyond Chestnut Mountain. And, again, I  
21 don't want to sound like I'm advocating only for Chestnut  
22 Mountain. I find this highly invasive to the ski industry  
23 as such. Which I think that we all agree that -- there is  
24 only four in this state -- they are economic drivers.

1           And tourism is one of the few things we still have a  
2 little bit of coming into this state. And to put the onus  
3 of that strong of an increase -- and, again, I respect an  
4 increase. I know that has to happen. And I'm sure Mike  
5 does as well. But if we are going to do it by the length  
6 of the tower or whatever, then Chestnut Mountain is going  
7 to be substantially higher than the other three.

8           But if you would consider in your deliberations the  
9 economic impact which will push these folks that visit our  
10 ski area to ones that they can get to in every bit of a  
11 similar amount of time as they can to Chestnut Mountain.  
12 And all of us in this room I assume have families and know  
13 the difference in costs. It's something that we all take  
14 into consideration today. So please don't put that  
15 company out of business. They are great for Northwest  
16 Illinois. And I know that you are not attempting that. I  
17 know that. But if you would take a hard look at the  
18 economic driver in itself, what we are doing to them --

19           MS. SULLIVAN: (Nods affirmatively.)

20           REPRESENTATIVE SACIA: -- is all that I ask.

21           ASSISTANT DIRECTOR RODRIGUEZ: Thank you,  
22 Representative.

23           Well, with that -- with no further comments then, as  
24 I mentioned, we will be proceeding with our next steps.



1 STATE OF ILLINOIS )  
 ) SS.  
 2 COUNTY OF SANGAMON )  
 3

4 I, CYNTHIA M. SMITH, do hereby certify that I am  
 5 a Certified Shorthand Reporter and Notary Public in and  
 6 for the County of Sangamon and State of Illinois, and that  
 7 I reported in shorthand the proceedings had in connection  
 8 with the above-entitled cause on August 10, 2010, and that  
 9 the foregoing is a true and accurate translation of my  
 10 shorthand notes so taken.

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Certified Shorthand Reporter  
 and Notary Public  
 CSR #084-003540

My commission expires:  
 June 27, 2014.

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<p><b>084-003540</b> 2:13</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>1st</b> 35:5,24 36:5  <b>1,500</b> 12:9  <b>1,600</b> 30:7  <b>1,625</b> 17:21  <b>1-800-280-3376</b>  2:11  <b>10</b> 1:8 44:8  <b>10th</b> 14:16  <b>10:00</b> 1:11 3:2  <b>11</b> 33:24  <b>11:00</b> 43:14  <b>138,000</b> 16:12  <b>15</b> 2:10  <b>15th</b> 36:1,4,11  <b>1985</b> 24:18</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2</b> 23:22 28:11  <b>2-2</b> 23:23  <b>20</b> 23:7 41:13,20  <b>2009</b> 10:4  <b>2010</b> 1:8 9:22 11:17  44:8  <b>2011</b> 13:6 34:1 35:5  <b>2012</b> 33:23  <b>2014</b> 44:21  <b>217</b> 2:11  <b>25</b> 9:1,11  <b>27</b> 44:21</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3</b> 28:16  <b>300</b> 30:10  <b>36th</b> 11:16 12:23</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>4</b> 7:24  <b>430</b> 23:22  <b>475</b> 8:19</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p><b>50</b> 9:1,4 30:16  <b>523-8244</b> 2:11</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6th</b> 11:17  <b>60</b> 30:24  <b>6000</b> 3:10  <b>6000.10</b> 8:23  <b>6000.50</b> 7:23,24 8:8  <b>67201</b> 2:10</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>7</b> 8:3</p>	<p><b>75</b> 9:9</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p><b>8</b> 8:3  <b>80</b> 41:14  <b>810</b> 1:10  <b>85/2-1</b> 23:22  <b>89th</b> 15:20</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p><b>9</b> 8:3  <b>90,000</b> 15:23</p>			
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