

**CARNIVAL-AMUSEMENT SAFETY BOARD**

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**TRANSCRIPT OF  
PROCEEDINGS**

August 31, 2010  
12:03 p.m.

**HINSDALE INTERNATIONAL INSURANCE AGENCY  
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before SHANNON J. SITTERLY



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CARNIVAL-AMUSEMENT SAFETY BOARD

TRANSCRIPT OF PROCEEDINGS had in the above-entitled matter on the 31st day of August, 2010, at 12:03 p.m.

PRESENT: MS. CATHERINE M. SHANNON, Chairman;  
MR. ANTHONY J. URBIK,  
MR. DANIEL S. KIRSCHNER,  
MS. PATTY SULLIVAN,  
MR. JAMES WRIGHT, JR.,  
MR. BERT RODRIGUEZ,  
MR. MICHAEL HAGGERTY,  
MS. SARA SCHERER,  
MR. DOUG RATHBUN.

ALSO PRESENT:

MS. ELIZABETH CRAIG.

REPORTED BY: SHANNON J. SITTERLY, CSR No. 84-4369.



1 MS. SHANNON: The Carnival-Amusement Safety  
2 Board Meeting will come to order.

3 Present today, I'm Catherine Shannon,  
4 the chair; Patty Sullivan --

5 MS. SULLIVAN: Finally.

6 MS. SHANNON: Dan Kirschner.

7 MR. KIRSCHNER: Here.

8 MS. SHANNON: Anthony Urbik.

9 MR. URBIK: Here.

10 MS. SHANNON: James Wright.

11 MR. WRIGHT: Here.

12 MS. SHANNON: The quorum is present. We also  
13 have with us Doug Rathbun, the carnival safety  
14 division manager; Michael Haggerty, our chief legal  
15 counsel; Sara Scherer, our legislative liaison, and  
16 Bert Rodriguez, our assistant director. We do have  
17 one guest.

18 What was your name again?

19 MS. CRAIG: Elizabeth Craig.

20 MS. SHANNON: Elizabeth Craig? She's here  
21 representing Margaret Vaughan.

22 Okay. Well, I think I -- I sent a draft  
23 agenda to all of you by E-mail. Are there any  
24 amendments or changes to -- additions to the



1 agenda?

2 MS. SULLIVAN: I would like to --

3 MS. SHANNON: Patty --

4 MS. SULLIVAN: I would like to -- well, not --  
5 I guess it's not an addition to the agenda as it's  
6 an addition to the --

7 MS. SHANNON: Just for the discussion?

8 MS. SULLIVAN: Yeah.

9 MS. SHANNON: Are there any changes or  
10 additions to the agenda? Seeing none --

11 MR. URBİK: Move to adapt.

12 MS. SULLIVAN: Second.

13 MS. SHANNON: All those in favor, say aye.

14 (Chorus of ayes.)

15 MS. SHANNON: Opposed nay. Okay.

16 The first item of business on the agenda  
17 is the approval of the June 29th board meeting  
18 minutes.

19 MS. SULLIVAN: And I actually read all those.  
20 I move to accept them as presented.

21 MS. SHANNON: Okay. Is there a second?

22 MR. KIRSCHNER: Second.

23 MS. SHANNON: All those in favor say aye.

24 (Chorus of ayes.)



1 MS. SHANNON: Opposed nay. Okay. The board  
2 meeting minutes for June 29th is approved.

3 So we have just a few items under  
4 "Unfinished Business." Patty was there, but for  
5 those of you that weren't, we did conduct our  
6 public hearing as required with Section 2-6 of the  
7 Carnival Amusement Ride Safety Act, and this was  
8 regarding the proposed rule change to implement the  
9 fee increases that were approved by the board at  
10 the June 29th meeting.

11 We had two representatives that  
12 attended. We had state representative Jim Sacia  
13 from the 89th House District, and Ed Meyer of Ski  
14 Snowstar who presented oral comments at the  
15 hearing.

16 Patty Sullivan and Bill Sparks were also  
17 at the hearing, and Patty also provided some  
18 comments. We also received written comments from  
19 state senator Mike Jacobs from the 36th District,  
20 which is the Rock Island area; Michael Murphey of  
21 Chestnut Mountain ski resort. Those were read into  
22 the record by Bert Rodriguez.

23 And then immediately following, in fact  
24 I think some of the comments even came in while we



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1 were having the meeting, state representative Pat  
2 Verschoore, 72nd District, also in the Rock Island  
3 area, Karen Haywood of Villa Olivia ski area and  
4 Gary Pendleton of Sky Fair also sent in comments.  
5 All of those were sent to you by E-mail.

6 Most of them were very brief, but all of  
7 the commentors were opposed to the proposed  
8 increase for ski lifts, aerial trams. Coasters  
9 were in that category, too, but nobody representing  
10 coasters provided any written comments. We did not  
11 hear from Six Flags.

12 MR. RATHBUN: Uh-uh.

13 MS. SHANNON: But we did hear some very strong  
14 opposition from representatives and senators.  
15 Representative Jim Sacia, as you may have read in  
16 the comments, called it obscene and invasive. And  
17 actually, I don't know if you noticed this, but he  
18 is suggesting, as is I think Ed Meyer, that maybe  
19 the Department of Labor ought to get out of the  
20 business of even inspecting ski lifts and tray  
21 lifts, and he has indicated that he will be  
22 proposing such legislation.

23 I indicated, as you may have seen in the  
24 board meeting, that we would be opposed to that,



1 because we do think it's a public safety issue,  
2 but, you know, I do think that's how strong the  
3 reaction was against the proposed increase for the  
4 ski lifts and large coasters.

5 So -- and Patty did a very good job of  
6 explaining the board's rationale for proposing that  
7 larger fee increase for coasters, ski lifts and  
8 aerial trams. But I did commit to holding a board  
9 meeting just so that the board could consider the  
10 comments that were provided, and the biggest thing  
11 that they argued was that, you know, it's a 1500 or  
12 1600 percent increase, depending on how you looked  
13 at it, and that it would be something that would  
14 make them less competitive with the neighboring  
15 states of Iowa, Wisconsin, some of the neighboring  
16 states, Indiana, that they -- I mean, it's a big --  
17 it's a big industry, at least in the Rock Island  
18 area. Where is -- Chestnut Mountain is the Galena  
19 area?

20 MR. RATHBUN: Galena.

21 MS. SHANNON: Yeah. That's where  
22 representative Sacia is from.

23 So I committed to doing that, and, you  
24 know, I am very concerned that in light of the



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1 comments that we have received, that we will have a  
2 hard time proceeding through the Joint Committee on  
3 Administrative Rules process. It's made up of 12  
4 legislators, six house members and six senate  
5 members, and I could see -- they don't often do  
6 this, but they have on occasion prohibited an  
7 agency from proceeding on the rule making.

8 It takes an extraordinary majority to do  
9 so, but I could see that happening, and so I just  
10 wanted the board to consider -- I'm not going to  
11 read through -- I'm going to assume everyone has  
12 read through the comments that were provided, but I  
13 just wanted to bring you all together today to see  
14 if, you know, we wanted to discuss any amendments  
15 to that.

16 And I did send around -- Marcia sent to  
17 all of you a proposal that we as the department put  
18 together, taking into consideration the comments  
19 that were raised by all of the commentators, and our  
20 rationale was just to make the intermediate  
21 coasters twice as high as the proposed -- the  
22 proposed fees for a regular amusement carnival ride  
23 or attraction, and then to make the large coasters  
24 ski lifts and aerial trams three times as high.



1           So you stay with the theory that it  
2 takes longer to inspect and therefore they should  
3 pay a little more, but maybe not as much as we  
4 originally had proposed. So I wanted to give the  
5 board an opportunity to discuss that and suggest  
6 something else.

7           MR. URBİK: Since I read it, and if I read it  
8 correctly, the only objection was from the ski  
9 operators.

10          MS. SHANNON: Correct.

11          MS. SULLIVAN: Correct.

12          MS. SHANNON: And the representatives on  
13 behalf of --

14          MR. URBİK: On behalf of the ski operators,  
15 but not the coaster folks.

16          MS. SHANNON: Correct.

17          MR. URBİK: How many actual ski lifts and  
18 aerial lifts do we have in the State of Illinois,  
19 the lifts themselves?

20          MR. RATHBUN: I want to say 10 to 12. I've  
21 been on the road, so I apologize I'm not more  
22 prepared. Galena has six. I think Andalusia has  
23 like five. I know Villa Olivia has only got one.  
24 And then you've got the Sky Fair.



1 MS. SHANNON: At the state fair?

2 MR. RATHBUN: At the state fair. So that's  
3 13.

4 MS. SULLIVAN: And what about Ski Snowstar,  
5 they have four?

6 MR. RATHBUN: That sounds about right, Patty,  
7 three or four.

8 MS. SHANNON: They have different --

9 MS. SULLIVAN: Sizes.

10 MS. SHANNON: -- sizes of lifts, but I don't  
11 remember if he indicated in his comments how many  
12 he had, but --

13 MS. SULLIVAN: Well, he had --

14 MS. SHANNON: It sounded like -- he said it  
15 was going to cost him 6,000, didn't he?

16 MS. SULLIVAN: Something like that. Well, he  
17 said his were much smaller than Chestnut, for  
18 instance, where he had three to four towers with, I  
19 think it was, 25 to 30 chairs total on each line;  
20 whereas, say, Chestnut Mountain may have 12 to 15  
21 towers, I think he said, and 120 chairs per lift.

22 And so I guess my thought after, you  
23 know, listening to that, if we're going to go with  
24 the same idea as the coasters, is perhaps put an



1 intermediate size ski lift or aerial tram and a  
2 large ski lift or aerial tram to kind of be  
3 even-handed about what we're -- how we're raising  
4 things.

5 MR. URBIK: But what if mine are wood and  
6 yours are steel and Mike's are aluminum, the  
7 towers? They're different. So thereby maybe the  
8 aluminum tower should have a different rate  
9 of permitting than the wood towers because the wood  
10 towers perhaps might be more susceptible to decay.  
11 I mean, where do we draw the line as far as how many  
12 classifications --

13 MS. SULLIVAN: Well, because the inspectors  
14 have to climb all the towers to inspect them, and  
15 that -- that presents a time issue of how long that  
16 it takes them and how much risk they are taking  
17 when they inspect, and if I'm climbing three  
18 towers, as opposed to 12 to 15 towers, it's not  
19 going to take nearly as long.

20 MR. URBIK: Unless your three towers are in  
21 much worse disrepair than my eight towers.

22 MS. SULLIVAN: You still have to climb every  
23 one and inspect every one.

24 MR. URBIK: I'm playing devil's advocate with



1 you, Patty, because if they're eight feet off the  
2 ground or they're 12 feet off the ground or they're  
3 37 feet off the ground, at what level -- what is  
4 our criteria for putting different quantities on  
5 different rides? That seems to be the same thing.  
6 That's my question.

7 MS. SULLIVAN: It goes back to what my thought  
8 was, it goes back to if it's going to take two or  
9 three times as long to inspect it. Also, the  
10 number of chairs has a big -- big stake in how long  
11 it takes to inspect, because if you're inspecting  
12 30 chairs as opposed to 150 chairs or 120 chairs,  
13 it's not going to take you nearly as long to  
14 inspect 30 as it is the 120.

15 MR. URBIK: Except that's not the argument  
16 that they're making. The argument they're making  
17 is the 1500 percent increase, which is obscene.

18 MS. SULLIVAN: Well, I'm not suggesting we  
19 stay with the dollar amount, but I'm suggesting  
20 that as we -- if we're going to scale down --  
21 because I think the Department of Labor suggested  
22 some -- a different fee schedule, and I felt like  
23 that might be appropriate also for the ski lifts --  
24 was it 269 and 369 or something --



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1 MS. SHANNON: Well, we -- the department had  
2 proposed that intermediate coasters be 260 and that  
3 large coasters, ski lifts and aerial trams be 390,  
4 which would be three times the 130.

5 MS. SULLIVAN: Right. So I felt like if the  
6 inspectors only had to spend, say, a half a day or  
7 one day inspecting a ski lift or, you know, a set  
8 of lifts, perhaps, and had to take two days to  
9 inspect longer lifts, then that seems like a  
10 reasonable thing to do to be comparable to the  
11 coasters.

12 MR. KIRSCHNER: Do we have a sense as to what  
13 the market rate is for the third-party inspectors  
14 in those states that allow third-party inspectors?

15 MS. SHANNON: How much they charge?

16 MR. KIRSCHNER: How much they charge.

17 MS. SHANNON: I got the impression that a lot  
18 of it was done by the insurance.

19 MR. RATHBUN: I wanted to ask, because we  
20 basically shut down the Sky Glider until -- which  
21 is the one at the state fair, until they had their  
22 third-party inspection.

23 Typically insurance inspectors make \$500  
24 a day. Now, when they brought this guy in, they



1 paid his airfare, they paid his -- well, he didn't  
2 stay in a hotel, but they would have paid his  
3 hotel. It was in excess of \$1,000, had he spent  
4 the night, or right at that.

5 MR. KIRSCHNER: In terms of what I read in the  
6 minutes, there seems to be this disconnect between  
7 what we're talking about and what they're talking  
8 about, because what we're talking about is the  
9 number of hours it takes for an inspector to go out  
10 there and do their job, and they keep coming back  
11 to how many poles it is on top of what the old rate  
12 was and now it's going to cost me x amount versus y  
13 amount, and they're really talking a revenue issue,  
14 but they didn't really put forth any numbers as to  
15 how this is really going to impact their business.

16 MR. RATHBUN: Well, to the best of my  
17 knowledge, Ed -- Catherine, do you remember, I  
18 think it was Ed -- no, it was Chestnut said they  
19 had 90,000 --

20 MS. SHANNON: Visitors.

21 MR. RATHBUN: -- patrons during the course of  
22 a year, and we figured it would be less than a  
23 dime --

24 MR. KIRSCHNER: That's what I'm saying, when



1 you amortize it over all the guests that they have  
2 over the course of a season, even in off-season, it  
3 doesn't seem to be that much of an impact, even if  
4 they pass the full amount on to the consumer.

5 MR. URBİK: I don't think anybody on the board  
6 believes the difference between the \$1,000  
7 inspection fee and the 230 inspection fee is going  
8 to put the ski industry out of business in the  
9 State of Illinois.

10 I mean, we're talking about three to  
11 \$10,000 industry-wide. So you're not talking a  
12 whole lot of money from a -- that standpoint.

13 Conversely, we're not talking about a  
14 hell of a lot of money for the inspectors either --

15 MS. SHANNON: And the political --

16 MR. URBİK: -- and the political fallout as a  
17 result of that as well.

18 MS. SHANNON: -- perception is that it's just  
19 an obscene increase.

20 MR. KIRSCHNER: What's obscene is how little  
21 has been paid over this period of time.

22 MS. SHANNON: Right.

23 MR. URBİK: I guess what we have to think  
24 about is what is truly our role here. Is our role



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1 one of true safety and to fund the operation to the  
2 point where we've got the proper personnel to do  
3 the inspections, and that causes increased revenue,  
4 even with the political fallout, because if we have  
5 to deal with the political fallout of not raising  
6 these fees to a level that funds another inspector  
7 and makes the rest of the carnival and amusement  
8 industry taxed for their operations, then maybe  
9 we're not fulfilling the role that we're supposed  
10 to be doing. I'm kind of on the edge. I mean, the  
11 revenue is not that much.

12 MS. SHANNON: Right.

13 MR. URBIK: You're only talking about \$10,000,  
14 but \$10,000 more baggage than --

15 MS. SHANNON: Well, and, you know, timing is  
16 of the essence, and we don't have time to get held  
17 up, quite frankly, because then we will not get  
18 these in place before the 2011 season, and then we  
19 are going to have a tough time getting an inspector  
20 on board for next summer or even this winter's  
21 carnival season, because we're already -- it's  
22 going to take us, you know, a month or two to get  
23 anybody on board. So we've already wasted this  
24 season.



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1 MS. SULLIVAN: And, if, in fact, you can get  
2 permission from the department of -- or the office  
3 of manageability to budge.

4 MS. SHANNON: And I think we can.

5 MS. SULLIVAN: If we get money in.

6 MS. SHANNON: Right. I mean, there is, as we  
7 all know, and no one's blaming the carnival  
8 industry, but there is a huge revenue gap for the  
9 state, and, you know -- and I think everyone  
10 acknowledged, even the representatives, every one  
11 of them acknowledged that they understood the need  
12 for an increase, and they didn't have any problem.

13 They said the increase for the regular  
14 rides and the inflatables, they thought was  
15 reasonable. It was just that this one was such --  
16 it's the percentages. And, you know, I know you  
17 can play around with percentages, but that's --  
18 that is the political fallout, and from a practical  
19 standpoint, I would like us to be in a position of  
20 getting another inspector on board as quickly as  
21 possible so that next season we have somebody who's  
22 read through the manuals and is trained and, you  
23 know, can get out there and do inspections.  
24 Because it's been tough. I mean, you know, Bill



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1 has --

2 MR. RATHBUN: Bill's ran, I've ran.

3 MS. SHANNON: You don't want worn out  
4 inspectors either, you know. Fortunately, we've  
5 made it through this season so far. Labor Day is  
6 just around the corner.

7 MR. URBIK: Would it make any sense then to  
8 take a stair-step approach, that our goal is to get  
9 the fees up to a level that is -- an appropriate  
10 level to charge for these inspectors, but we'll do  
11 it over a period of three or four years; thereby,  
12 the operators can adapt to this oppressive increase  
13 that is taking place; to go from 230 to 500 next  
14 year, to the following year, I guess, and then 750  
15 the year after that, so they know what the road map  
16 is and they can adjust their ticket pricing, they  
17 can adjust their cost control measures  
18 appropriately to absorb this additional \$10,000 of  
19 expense industry-wide that we're talking about?

20 MR. WRIGHT: Are these voices of opposition  
21 strong enough to derail the increase?

22 MS. SHANNON: I think so.

23 MR. RATHBUN: Yes, it appeared that way.

24 MS. SULLIVAN: Oh, I think Representative



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1 Sacia will go in there with fire and brimstone if  
2 there isn't a decrease, and I don't think JCAR will  
3 pass it if -- if he has anything to do with it at  
4 all, it will not pass.

5 MS. SHANNON: It's not hard to get the rest  
6 of -- it wouldn't be hard to get the rest of the  
7 general assembly, even if they don't have the  
8 facilities in their district, it wouldn't be tough  
9 to get them to be just as vocal in their  
10 opposition. They just haven't been made aware of  
11 it yet. It was on the news in -- in television  
12 news and --

13 MR. URBIK: It's effectively a tax increase --

14 MS. SHANNON: -- and in the newspapers.

15 MR. URBIK: -- and nobody wants to talk about  
16 tax increases in an election season.

17 MS. SHANNON: I mean, I think what you're  
18 saying has a lot of merit. I mean, part of me just  
19 wants to get something, you know, through as  
20 quickly as possible. I mean, we are prepared, you  
21 know, to go to JCAR with our proposed rules as soon  
22 as we have the board agreeing on what the level is,  
23 and, you know, and even that we're going to be  
24 cutting very, very close.



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1 MR. WRIGHT: Did he give any indication what  
2 number he would find suitable?

3 MS. SHANNON: Well, one thing he did say in  
4 the minutes was that he thought \$300 -- if we were  
5 talking -- I think his quote was, If we were  
6 talking about \$300, we wouldn't even be here, is  
7 what he said. So I got the impression that he  
8 thought \$300 would have been fine and he wouldn't  
9 even have driven down to Springfield if that was  
10 the amount that was being charged.

11 Now, you know -- so we -- that wasn't  
12 the reason that we came up with the 260 and the  
13 390. We were just -- we were trying to capture the  
14 board's sentiment that there ought to be some basis  
15 and we were trying to have some rational basis for  
16 charging, you know, so we just went with the base  
17 price of 130, and thought how much -- twice as much  
18 for intermediate coasters and three times as much  
19 for large coasters.

20 And it's not even capturing the fact  
21 that it's more than three times as long, but, you  
22 know, as I said before, we're talking about \$15,000  
23 at most that would be raised by having this obscene  
24 increase.



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1 I don't -- I certainly don't want to  
2 go -- I know Mike doesn't -- I don't think anybody,  
3 and I don't think any of you, want to go another  
4 carnival season with four inspectors. It's not --  
5 you know, I would argue -- I would argue five isn't  
6 enough, but -- I remember when I came here I  
7 thought, five inspectors for the entire state.  
8 Doug said the same thing. I mean, how many did you  
9 have in Tennessee?

10 MR. RATHBUN: I can tell you, I went to the  
11 state fair in Kentucky last week and there were  
12 nine inspectors there. And we had one and a half  
13 doing our state fair, because one of them had  
14 another appointment -- I can't remember, but it was  
15 where we were juggling two inspectors on each of  
16 the days prior to opening, and that's -- you know,  
17 that's just ridiculous.

18 I mean, that's -- well, we had Bill and  
19 I in DuQuoin because Matt had to do something else,  
20 had to go do another permit and deal with the  
21 electrocution issue, and so it was Bill and I doing  
22 35 rides.

23 MS. SHANNON: And there were, like, hundreds  
24 of thousands of people that went through the state



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1 fair. How many did they estimate?

2 MR. RATHBUN: I haven't heard this year. I  
3 want to say it was 350,000 typically, and then like  
4 150,000 for DuQuoin. Those were the numbers I just  
5 remember reading somewhere.

6 MS. SHANNON: I mean, we -- in order to  
7 proceed and get this accomplished in time for the  
8 January -- actually, we send out the renewals in  
9 October.

10 MR. RATHBUN: In November.

11 MS. SHANNON: November, plus we will be  
12 moving. We're moving our Springfield office  
13 October --

14 MS. SULLIVAN: To where?

15 MS. SHANNON: To Springfield, but to south  
16 Spring Street, but it's going to be kind of hectic,  
17 and Marcia is leading that effort. So we've got to  
18 make changes -- we've got to make changes to our  
19 ride's program. And it's all manual. I mean, we  
20 have a really antiquated system. So at this late  
21 date, we're going to be really pushing to get this  
22 accomplished if we are ready to go today.

23 MR. URBIK: What does the staff suggest?

24 MS. SHANNON: We suggest our proposal that we



1 mailed out, which is immediate coasters at 260,  
2 instead of the 500, and large coasters, ski lifts  
3 and aerial trams at 390, instead of the 1,000.

4 I -- we hadn't considered Patty's idea.  
5 I don't know, Doug, how easy it would be for the  
6 inspectors -- for us to know when we send out their  
7 renewal how much we charge them. I mean, how were  
8 you seeing that defined? Can you refresh the  
9 board's memory?

10 MS. SULLIVAN: I think I -- I think I  
11 suggested six or fewer towers per -- you know --  
12 because we're just talking one lift line at a time.  
13 Six or fewer towers per lift, with, I think it was,  
14 50 or fewer chairs for that lift. It would be --  
15 so it would be kind of a -- because lots of them  
16 have, like, three towers and 30 chairs. It's -- I  
17 mean, the small ones. And then the big ones have,  
18 as I said, 12 to 15 towers and like 120 chairs. So  
19 they have about three times as many towers and  
20 three times as many chairs for the large lifts.

21 So I was thinking that, you know, that  
22 we could make an intermediate area just as there's  
23 an intermediate and large with the coasters.

24 To be -- you know, to be fair, one --



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1 and I say again, we're not trying to totally fund  
2 the agency. The industry was never intended to  
3 fund the agency, but we need to give Catherine some  
4 room to go to the OMB and say, Look, we're raising  
5 fees, I need that extra -- that fifth inspector  
6 back, and we have to give her some ammunition.

7 MR. WRIGHT: If it was a thousand dollars, I  
8 would say that, but at 390, I would say it across  
9 the board. I wouldn't distinguish it.

10 MS. SHANNON: I personally just -- I think  
11 we're being -- we're complicating things.

12 MS. SULLIVAN: Okay. It was just --

13 MS. SHANNON: No, I mean, it was a -- I just  
14 worry that --

15 MS. SULLIVAN: It's an arbitrary number.

16 MS. SHANNON: Yeah.

17 MS. SULLIVAN: It is a problem, and I -- you  
18 know, I didn't know how else to make it sound --  
19 you know, make it, you know, look fair, and -- but  
20 if you think 360 for all -- all lifts.

21 MS. SHANNON: 390.

22 MS. SULLIVAN: 390 for all lifts.

23 MS. SHANNON: That would be our preference --

24 MR. RATHBUN: I don't think it's out of the



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1 question either. I mean, it's still two trips up  
2 there. It's still two inspections, whether it's --  
3 you know, I just -- I think it's such a small  
4 number of rides it's -- even Senator Sacia said he  
5 didn't think that was outrageous.

6 MS. SHANNON: 300 he didn't think. I think  
7 we'll have an easier time getting 390 through.

8 MS. SULLIVAN: Would you like a motion?

9 MS. SHANNON: I would love a motion.

10 MS. SULLIVAN: I would move that we change the  
11 intermediate coasters to 260, and the large  
12 coasters and the ski lifts to 390, and include the  
13 carpet conveyances and the tow ropes at the major  
14 ride level.

15 MS. SHANNON: And the ski lift would include  
16 the aerial tram.

17 MS. SULLIVAN: And aerial trams, yes.

18 MS. SHANNON: The 390.

19 MR. URBIK: I second that.

20 MS. SHANNON: Motion has been made and  
21 seconded. Any discussion? Questions?

22 MR. KIRSCHNER: One question. In changing the  
23 rule, do we put it back up for public comments?

24 MS. SHANNON: No, we've already had the



1 hearing. We think we've satisfied the  
2 requirements.

3 So the motion has been made and  
4 seconded. All those in favor.

5 (Chorus of ayes.)

6 MS. SHANNON: Opposed?

7 MR. WRIGHT: Opposed.

8 MS. SHANNON: You're opposed?

9 MR. WRIGHT: Uh-huh.

10 MS. SHANNON: Well, then -- should we go  
11 through the rule? There's four ayes -- I'm an  
12 aye -- four ayes and one nay. The motion carries.

13 So at this point, is there -- I'd like  
14 to pass out -- we just -- just in case we prepared  
15 some rules, and I'd like to pass them out to  
16 everybody.

17 So what this reflects would be what  
18 Patty's motion just covered and --

19 MS. SULLIVAN: Is there an extra for our  
20 guest?

21 MS. SHANNON: Yeah, there's extra.

22 There was a question that was brought up  
23 by, I think, Ed Meyer from Ski Snowstar.

24 MR. RATHBUN: Right.



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1 MS. SHANNON: Regarding the magic carpet. Not  
2 Aladdin's magic carpet. It's like a conveyor belt.  
3 It was always our intention that they would be  
4 covered as rope tows. So we've now in the fee  
5 section 6000.50, No. 7, we have added conveyors and  
6 surface lifts along with rope tows, which is what  
7 Patty's motion was.

8 So those would be 25 plus the 105, which  
9 would be 130. So they would be at the same level  
10 as other amusement rides and attractions.

11 MR. URBIK: Do we not have to include a  
12 definition of what they are?

13 MS. SHANNON: We did not include a definition  
14 of what they are.

15 MR. URBIK: Shouldn't we do that?

16 MR. RATHBUN: We've actually talked about  
17 that. The B-77, which basically sets the standard,  
18 is the standard for all rope tows and ski lifts,  
19 gives definition, and it's in the rules by  
20 reference, and so those people that are in that  
21 industry, they should have the B-77 and already  
22 know what the definition is.

23 MS. SHANNON: We did consider that. We don't  
24 have a definition of rope tow either in our rules.



1 MS. SULLIVAN: But it's -- you can kind of go  
2 to Webster's and find something like that, too, and  
3 normally you don't put a description in if you can  
4 find it in Webster's. So I would think that we  
5 wouldn't need to do that.

6 MR. URBİK: I don't think you would find the  
7 surface lifts in Webster's.

8 MS. SULLIVAN: Well, perhaps not, but --  
9 but --

10 MR. RATHBUN: It is in the B-77.

11 MS. SULLIVAN: -- it is in the B-77, and if  
12 that's the reference.

13 MR. RATHBUN: Even a chair lift is a misnomer,  
14 to the extent that it is an aerial lift fixed grip,  
15 aerial lift detachable grip, but --

16 MR. URBİK: T bar could be --

17 MR. RATHBUN: Well, those would be tows. T  
18 bars and J bars are different. They are not  
19 considered aerial lifts. And it's broken down in  
20 the B-77. Each chapter represents one type. The  
21 tows are one section, the aerial lifts are another,  
22 and that's why I say, those in the industry can  
23 break it down already, and it's broken down in the  
24 B-77 with definitions.



1 MS. SHANNON: Are we finished with that  
2 discussion?

3 MS. SULLIVAN: Uh-huh.

4 MS. SHANNON: Okay. So as you can see, the  
5 rope tows, conveyors and ski lifts will be at the  
6 130 level. The coasters intermediate would be 25  
7 plus 235, which is 260, and then the large coasters  
8 would be at 25 and 365, which is 390, and then in  
9 B, you have the ski lifts, aerial trams, 365 plus  
10 the 25, which is 390, and that was really the only  
11 changes that we made was just those amounts.

12 So if -- is there a motion to amend the  
13 proposed rule making to reflect the discussion and  
14 vote of the board today?

15 MS. SULLIVAN: So moved.

16 MS. SHANNON: Is there a second?

17 MR. KIRSCHNER: Seconded.

18 MS. SHANNON: Motion has been made and  
19 seconded. Any discussion, questions?

20 Seeing none, all those in favor say aye.

21 (Chorus of ayes.)

22 MS. SHANNON: Opposed say nay. Okay. Five  
23 voting in the affirmative. The motion carries.  
24 And so these will be the rules that we proceed to



1 JCAR with. Thank you.

2 Is there any other business to come  
3 before the board?

4 MR. URBIK: Yeah, I have a question. Our  
5 engineering position on the board has been vacant  
6 forever.

7 MS. SHANNON: Right.

8 MR. URBIK: Would it make sense to change that  
9 position to someone from the ski industry, because  
10 we do have representation from the amusement side  
11 and the carnival side, but we don't have anybody  
12 from the ski industry, and that's a valid point. I  
13 mean, if we're going to tax them, they should have  
14 some say in what we're doing.

15 MS. SHANNON: And it's my understanding that  
16 they did have representation in the past on this  
17 board. I would say that that would require a  
18 legislative change. We could pursue that, but I  
19 don't think we would succeed.

20 Speaker Madigan had a -- and that  
21 engineering lobbyist had -- we at one point had a  
22 proposed change to our act regarding the engineer  
23 requirement, and it was opposed, and the speaker  
24 wouldn't even move it out of the rules committee.



1 We could try it, but I don't know that it would  
2 succeed, and we have been --

3 MR. URBIK: That's fine. If they have  
4 interest in someone fulfilling the board in that  
5 capacity, I have no objection to that, as opposed  
6 to a vacant position on the board. And now we're  
7 hearing that we have no representation as ski  
8 folks. Perhaps we can modify that position to be  
9 engineering and/or ski slope people.

10 MS. SULLIVAN: I would rather -- I would not  
11 want to see the engineering position go away.

12 MR. URBIK: I would like to see it filled.

13 MS. SULLIVAN: As would I, because I know  
14 there have been applicants, and the governor's  
15 office is evidently -- is there anything you can do  
16 to go --

17 MR. URBIK: There have been applicants?

18 MS. SULLIVAN: Yes.

19 MS. SHANNON: Yes.

20 MS. SULLIVAN: There have been applicants.  
21 The governor's office just has not followed through  
22 with any of them.

23 MS. SHANNON: Unfortunately, there's a lot of  
24 vacancies on a number of boards' positions.





1 MS. SULLIVAN: And they're just not doing  
2 anything.

3 MS. SHANNON: Well, I mean --

4 MR. KIRSCHNER: They're doing other things.

5 MS. SHANNON: -- part of it they know we have  
6 seven members. So it may not be as high on their  
7 priority list --

8 MR. URBIK: Sometimes.

9 MS. SHANNON: -- but, yeah, we're supposed to.  
10 You know, we communicate with them regularly, and,  
11 you know, I will certainly raise that with the  
12 governor's office. I think that's a good point,  
13 and I will raise again the issue of the engineer  
14 and how critical it is that we get one, and that  
15 maybe they might want to consider somebody  
16 representing the ski lift industry or --

17 MR. URBIK: Or expanding the board by one.

18 MS. SULLIVAN: Or the next time -- has anybody  
19 applied from the ski industry?

20 MS. SHANNON: Actually, that's a good point.  
21 I don't know that they have. We would have to  
22 check that out.

23 MR. URBIK: There's no place for them right  
24 now.



1 MS. SHANNON: But you can apply online.

2 MS. SULLIVAN: But then every year or  
3 two years, part of the positions --

4 MS. SHANNON: We have expired terms right  
5 now --

6 MS. SULLIVAN: -- roll over.

7 MR. HAGGERTY: And one vacancy.

8 MS. SHANNON: And one vacancy, which is the  
9 professional engineer. So that can only be a  
10 professional engineer. But I will raise that with  
11 the governor's office, and so, you know, I guess,  
12 we have to clear our legislative proposals through  
13 the governor's office, and timing is good because  
14 they're right now working on that.

15 We could look at expanding the board by  
16 one. So, you know, and we'll bring it up again --  
17 you know, if we get approval, we'll raise it at the  
18 January meeting with Bill and bring you a copy of  
19 the legislative -- I don't know if it would change  
20 the quorum requirements. Sometimes when you have  
21 more board members, it's harder to get a quorum.  
22 It's the only downside.

23 MR. HAGGERTY: If we had nine board members,  
24 though, five would still be a majority of nine. So



1 there wouldn't be a need to change that  
2 legislatively.

3 MS. SHANNON: Okay. All right. We will work  
4 on that. Good suggestion.

5 Any other business? Does anybody want  
6 to have another board meeting before January? We  
7 have no plans, I'll let you know that.

8 MR. URBIK: Let's have one more public  
9 hearing.

10 MS. SULLIVAN: Well, then you have to come to  
11 it.

12 MS. SHANNON: So with that, in the interest of  
13 time, I would entertain a motion to adjourn.

14 MR. URBIK: So moved.

15 MR. KIRSCHNER: Second.

16 MS. SHANNON: All those in favor say aye.

17 (Chorus of ayes.)

18 MS. SHANNON: Opposed nay. Thank you. The  
19 board meeting is adjourned.

20 (WHICH WERE ALL THE PROCEEDINGS HAD  
21 IN THE ABOVE-ENTITLED CAUSE ON  
22 THIS DATE.)  
23  
24



1       STATE OF ILLINOIS    )  
 2                                    ) SS:  
 3       COUNTY OF COOK     )

4  
 5  
 6                    I, SHANNON J. SITTERLY, a Certified  
 7       Shorthand Reporter of the State of Illinois, CSR  
 8       No. 84-4369, do hereby certify that I reported in  
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 10      matter, and that the foregoing is a true, complete  
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 12      appears from my stenographic notes so taken and  
 13      transcribed under my personal direction.

14                IN WITNESS WHEREOF, I do hereunto set my hand  
 15      this 14th day of September 2010.

16  
 17  
 18                                    *Shannon J. Sitterly*

19  
 20  
 21                    SHANNON J. SITTERLY, CSR  
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23  
 24

