

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 West Wilson Street  
Madison, Wisconsin 53703-3233

Dear Mr. Poulson:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING  
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapter Comm 34

RELATING TO: Amusement Rides

AGENCY UNIT RESPONSIBLE: Safety and Buildings Division

PUBLIC HEARING REQUIRED:  YES  NO

CONTACT PERSON: Jim Quast TITLE: Program Manager

TELEPHONE: (608) 266-9292 EMAIL: jim.quast@wisconsin.gov

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Revisor of Statutes, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Mary P. Burke  
Secretary

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02(1) and 101.17 Stats., the Department of Commerce will hold a public hearing on proposed rules under chapter Comm 34 relating to amusement rides.

The public hearing will be held as follows:

**Date and Time:**

Monday, October 15, 2007  
1:00 p.m.

**Location:**

Conference Room 3B  
Thompson Commerce Center  
201 W. Washington Avenue  
Madison

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until October 25, 2007, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Jim Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at [jim.quast@wisconsin.gov](mailto:jim.quast@wisconsin.gov).

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at [www.commerce.wi.gov/SB/](http://www.commerce.wi.gov/SB/). Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at [roberta.ward@wisconsin.gov](mailto:roberta.ward@wisconsin.gov), or at telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at [carol.dunn@wisconsin.gov](mailto:carol.dunn@wisconsin.gov).



State of Wisconsin \ Department of Commerce

# HEARING DRAFT of PROPOSED RULES

**Rule No.:** Ch. Comm 34

**Relating to:** Amusement Rides

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# INITIAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

RULE NO.: Chapter Comm 34

RELATING TO: Amusement Rides

1. Types of small businesses that will be affected by the rules.

The rules will affect amusement ride owners and operators.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

Under the proposed rules amusement ride owners and operators will need to keep in place liability insurance will operating in the state.

3. Types of professional skills necessary for compliance with the rules.

There are no new types of professional skills necessary for compliance with the rules.

4. Rules have a significant economic impact on small businesses.

No

Rules not submitted to Small Business Regulatory Review Board

Yes

Rules submitted to Small Business Regulatory Review Board

# NOTICE of ENVIRONMENTAL ANALYSIS

## Department of Commerce

Rule No.: Chapter Comm 34

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Relating to: Amusement Rides

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Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

**FISCAL ESTIMATE WORKSHEET**  
 Detailed Estimate of Annual Fiscal Effect  
 DOA-2047(R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
 Ch. Comm 34

Amendment No.

**Subject**

Amusement rides

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

None

<b>II. Annualized Costs:</b>	<b>Annualized Fiscal impact on</b>	
<b>State funds from:</b>		
	\$ 0 <b>Increased Costs</b>	\$ -0
<b>Decreased Costs</b>		
<b>A. State Costs By Category</b>		
State Operations - Salaries and Fringes	( 0 FTE)	(- 0 FTE)
(FTE Position Changes)		-
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations	\$ 0	\$ -0
<b>TOTAL State Costs By Category</b>		
<b>B. State Costs By Source of Funds</b>	\$ <b>Increased Costs</b>	\$ -
<b>Decreased Costs</b>		
GPR		-
FED	0	-0
PRO/PRS		-
SEG/SEG-S		
<b>III. State Revenues- Complete this only when proposal will increase or decrease</b>	\$ <b>Increased Rev.</b>	\$ -
<b>Decreased Rev.</b>		
state revenues (e.g., tax increase, decrease in license fee, etc.)		-
GPR Taxes		-
GPR Earned	0	-0
FED		-
PRO/PRS	\$ 0	\$ -0
SEG/SEG-S		
<b>TOTAL State Revenues</b>		

**NET ANNUALIZED FISCAL IMPACT**

0

0

STATE  
LOCAL

0

**NET CHANGE IN COSTS**

\$ \_\_\_\_\_

**NET CHANGE IN REVENUES**

\$ \_\_\_\_\_

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Agency/Prepared by: (Name & Phone No.)

Commerce/ James Quast, 266-9292

Authorized Signature/Telephone No.

Date

**FISCAL ESTIMATE**  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Ch. Comm 34

Amendment No. if Applicable

**Subject**

Amusement rides

**Fiscal Effect**

**State:**  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation  
or affects a sum sufficient appropriation

Increase Existing Appropriation  
 Decrease Existing Appropriation  
 Create New Appropriation

Increase Existing Revenues  
 Decrease Existing Revenues

Increase Costs - May be Possible to Absorb  
Within Agency's Budget  Yes  No

Decrease Costs

**Local:**  No local government costs

1.  Increase Costs  
 Permissive  Mandatory

3.  Increase Revenues  
 Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities

2.  Decrease Costs  
 Permissive  Mandatory

4.  Decrease Revenues  
 Permissive  Mandatory

Counties  Others \_\_\_\_\_

School Districts  WTCS Districts

**Fund Sources Affected**

GPR  FED  PRO  PRS  SEG  SEG-S

Affected Ch. 20 Appropriations

**Assumptions Used in Arriving at Fiscal Estimate**

The proposed rules make permanent emergency rules that clarify the minimum type of attachment or connection of harnessed passengers that are necessary for certain types of amusement rides. The enforcement of the proposed rule will be incorporated into the periodic inspections of department staff. Carabiners which are utilized to make this type of attachment or connection cost between \$15 to \$25.

The proposed rules would also require amusement ride owners and operators to obtain and keep in place liability insurance while operating in the state. The cost of the amusement ride insurance is dependent upon several variables including the size of the operation and the type of rides. An insurance source indicated that the cost for a million dollar policy could range between \$30,000 and \$100,000 annually. However, it is unknown how many of these owners and operators already are covered by insurance either voluntarily or to satisfy contractual obligations or other state regulations.

**Long-Range Fiscal Implications**

No long-range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)  
Commerce/ James Quast, 266-9292

Authorized Signature/Telephone No.

Date

October 4, 2007

**Department of Commerce Submits  
Amusement Ride Administrative Rule to the  
Small Business Regulatory Review Board**



*In revising the Department of Commerce's administrative rule for the amusement ride program, the department has made the determination that there may be a significant economic impact to small business. As required in Wis. Stats. 227.14(2g), the department has submitted this rule to the Small Business Regulatory Review Board.*

The Small Business Regulatory Review Board (SBRRB) serves as a voice for small businesses when they have concerns about the economic impact of a state administrative rule on their business. The SBRRB has the statutory authority to review an agency's administrative rulemaking compliance when considering the impact of a rule on small business.

The proposed revisions to the amusement ride rule include the requirement that amusement ride owners must acquire and maintain liability insurance in order to operate an amusement ride in Wisconsin. The rule also includes provisions related to safety field attachments or connections for amusement rides where passengers donning harnesses are elevated. The entirety of these rule revisions are included in the Notice of Public Hearing announcement found at:

<https://apps4.dhfs.state.wi.us/admrules/public/Rmo?nRmold=2905>

Comments will be received by the SBRRB about the economic impact of the proposed rule through **October 25, 2007**. Comments should be sent to the attention of the Department of Commerce's Small Business Ombudsman, PO Box 7970, Madison, WI 53707 or sent electronically to [carol.dunn@wi.gov](mailto:carol.dunn@wi.gov). For questions regarding this notification please contact Carol Dunn at 608-267-0297.