

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 11-003

Rule No.: Chapter Comm 9

Relating to: Anchoring and Securing Movable Soccer Goals

Contact person for substantive questions:

Contact person for internal processing:

Name James Quast

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Title Program Manager

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Telephone Number (608) 266-9292

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1. Basis and purpose of the proposed rule.

The rules establish minimum standards for the anchoring or securing of movable soccer goals to limit injuries resulting from overturning.

2. How the proposed rule advances relevant statutory goals or purposes.

The promulgation of the rules fulfills the mandates of 2009 Wisconsin Act 390.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No changes to the rule analysis or fiscal estimate have occurred.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 11-003

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RELATING TO: Anchoring and Securing Movable Soccer Goals

Agency contact person for substantive questions.

Name: James Quast

Title: Program Manager

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Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

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3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 11-003

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Final regulatory flexibility analysis not required. (Statement of determination required.)

Pursuant to s. 227.19 (3m), Stats., the Department of Commerce has determined that the proposed rules under Chapter Comm 9 will not have a significant impact on a substantial number of small businesses. The proposed rules implement the mandates imposed by 2009 Wisconsin Act 390 regarding the anchoring or securing of movable soccer goals. The Department does not believe the rules will increase the effect on small businesses more than that imposed by the Act. The Department did not receive any comments by individuals indicating that they represented a small business.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

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COMMENTS ON LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Clearinghouse Rule No. 11-003

Rule No.: Chapter Comm 9

Relating to: Anchoring and Securing of Movable Soccer Goals

2. Form, Style and Placement in Administrative Code

- a. The ASTM standard F2056 indicates the risk posed by movable soccer goals is from tipping over or pulling over the goal; therefore the term “overturning” is preferred in that it covers both types of risks.
- c. The term “substantially” is subjective and its insertion without further definition or specification would not provide greater clarity as to intent or compliance.
- d. The gap in numbering is intentional to allow flexibility in further rule development.

4. Adequacy of References to Related Statutes, Rules and Forms

- a. It is unclear what purpose the suggested note would serve.
- b. The definition for “public land” has been revised.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. The Department uses the “SCOPE” to delineate or define the objects addressed under a code. The “APPLICATION” is used to delineate when or how the rules are applied. The suggested language fails to include existing movable soccer goals and use of the term “erected” does not accurately reflect the relocation of a goal.
- b. Even though it may be somewhat redundant the Department wants to make it clear that the relocation of existing goals is covered by these rules. The Department is not specifying various ways of securement; rather the rules acknowledge that certain methods will accomplish the object, but are not the only way.
- c. The intent is not to limit the methods for anchoring or securing of movable soccer goals to those described in “guidelines”. There may be many viable methods and products now in the future not described in the referenced “guidelines”, especially in light of that many existing movable soccer goals are “homemade”.
- d. See response under 2. a. The comment is unclear as to the issue concerning labels. The labels under the guidelines of ASTM F1938 are referenced as examples; the only specification under ASTM F2056 is that the labels be orange.
- e. The Department prefers that the rule be written as a “shall” mandate.