

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>12</b>
<b>NO:</b>	<b>0</b>

**MR. SPEAKER:**

*Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 273, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 2-5-34.7 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]:
- 5 **Chapter 34.7. Outdoor Stage Equipment Safety Committee**
- 6 **Sec. 1. As used in this chapter, "committee" refers to the**
- 7 **committee established under section 3 of this chapter.**
- 8 **Sec. 2. As used in this chapter, "outdoor stage equipment" has**
- 9 **the meaning set forth in IC 22-12-1-17.7.**
- 10 **Sec. 3. The outdoor stage safety committee is established.**
- 11 **Sec. 4. The committee shall study the issues related to the**
- 12 **regulation of outdoor stage equipment and recommend legislation**
- 13 **to the general assembly for the regulation of the use of outdoor**

1 stage equipment in Indiana to protect the safety of persons at an  
2 outdoor performance.

3 **Sec. 5. The committee consists of the following twelve (12)**  
4 **members:**

5 (1) Four (4) members of the senate appointed by the president  
6 pro tempore of the senate with advice from the minority  
7 leader of the senate. Not more than two (2) members  
8 appointed under this subdivision may be from the same  
9 political party.

10 (2) Four (4) members of the house of representatives  
11 appointed by the speaker of the house of representatives with  
12 advice from the minority leader of the house of  
13 representatives. Not more than two (2) members appointed  
14 under this subdivision may be from the same political party.

15 (3) The state fire marshal appointed under IC 22-14-2-2 or the  
16 fire marshal's designee.

17 (4) The executive director of the department of homeland  
18 security or the executive director's designee.

19 (5) The chairman of the fire prevention and building safety  
20 commission appointed under IC 22-12-2-5 or the chairman's  
21 designee.

22 (6) The commissioner of the department of labor appointed  
23 under IC 22-1-1-2 or the commissioner's designee.

24 **Sec. 6. The members of the committee serve at the pleasure of**  
25 **the appointing authority.**

26 **Sec. 7. The chairperson of the legislative council shall appoint**  
27 **the chairperson of the committee from among the members of the**  
28 **general assembly appointed to the committee. The chairperson of**  
29 **the committee serves at the pleasure of the appointing authority.**

30 **Sec. 8. (a) Each member of the committee who is not a state**  
31 **employee is entitled to the minimum salary per diem provided by**  
32 **IC 4-10-11-2.1(b). The member is also entitled to reimbursement**  
33 **for traveling expenses as provided under IC 4-13-1-4 and other**  
34 **expenses actually incurred in connection with the member's duties**  
35 **as provided in the state policies and procedures established by the**  
36 **Indiana department of administration and approved by the budget**  
37 **agency.**

38 (b) Each member of the committee who is a state employee is

1 entitled to reimbursement for traveling expenses as provided under  
 2 IC 4-13-1-4 and other expenses actually incurred in connection  
 3 with the member's duties as provided in the state policies and  
 4 procedures established by the Indiana department of  
 5 administration and approved by the budget agency.

6 (c) Each member of the committee who is a member of the  
 7 general assembly is entitled to receive the same per diem, mileage,  
 8 and travel allowances paid to legislative members of interim study  
 9 committees established by the legislative council. Per diem,  
 10 mileage, and travel allowances paid under this subsection shall be  
 11 paid from appropriations made to the legislative council or the  
 12 legislative services agency.

13 **Sec. 9. The committee shall operate under the policies governing**  
 14 **study committees adopted by the legislative council.**

15 **Sec. 10. The affirmative votes of a majority of the voting**  
 16 **members appointed to the committee are required for the**  
 17 **committee to take action on any measure, including final reports.**

18 **Sec. 11. The legislative services agency shall staff the committee.**

19 **Sec. 12. The department of labor, the occupational safety**  
 20 **standards commission, the fire prevention and building safety**  
 21 **commission, and the division of fire and building safety shall**  
 22 **cooperate with the commission as requested by the commission.**

23 **Sec. 13. The state fair commission shall submit to the committee,**  
 24 **in an electronic format under IC 5-14-6, as soon as practicable**  
 25 **after the information is received by the state fair commission or**  
 26 **another state official or agency, a copy of any final report and**  
 27 **associated appendices:**

28 (1) prepared under an agreement with Witt Associates or  
 29 Thornton Tomasetti, Inc.; and

30 (2) resulting from a study of the collapse of outdoor stage  
 31 equipment on the grounds of the state fair on August 13, 2011.

32 **Sec. 14. This chapter expires January 1, 2013.**

33 SECTION 2. IC 22-12-1-4 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) "Class 1  
 35 structure" means any part of the following:

36 (1) A building or structure that is intended to be or is occupied or  
 37 otherwise used in any part by any of the following:

38 (A) The public.

- 1 (B) Three (3) or more tenants.
- 2 (C) One (1) or more persons who act as the employees of
- 3 another.
- 4 (2) A site improvement affecting access by persons with physical
- 5 disabilities to a building or structure described in subdivision (1).
- 6 **(3) Outdoor stage equipment. This subdivision expires**
- 7 **January 1, 2014.**
- 8 ~~(3)~~ **(4)** Any class of buildings or structures that the commission
- 9 determines by rules to affect a building or structure described in
- 10 subdivision (1), except buildings or structures described in
- 11 subsections (c) through (f).
- 12 (b) Subsection (a)(1) includes a structure that contains three (3) or
- 13 more condominium units (as defined in IC 32-25-2-9) or other units
- 14 that:
- 15 (1) are intended to be or are used or leased by the owner of the
- 16 unit; and
- 17 (2) are not completely separated from each other by an
- 18 unimproved space.
- 19 (c) Subsection (a)(1) does not include a building or structure that:
- 20 (1) is intended to be or is used only for an agricultural purpose on
- 21 the land where it is located; and
- 22 (2) is not used for retail trade or is a stand used for retail sales of
- 23 farm produce for eight (8) or less consecutive months in a
- 24 calendar year.
- 25 (d) Subsection (a)(1) does not include a Class 2 structure.
- 26 (e) Subsection (a)(1) does not include a vehicular bridge.
- 27 (f) Subsection (a)(1) does not include a structure that is intended to
- 28 be or is occupied solely to provide periodic maintenance or repair of:
- 29 (1) the structure; or
- 30 (2) mechanical or electrical equipment located within and affixed
- 31 to the structure.
- 32 SECTION 3. IC 22-12-1-17.5 IS ADDED TO THE INDIANA
- 33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 34 [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. (a) "Outdoor**
- 35 **performance", as the term applies to outdoor stage equipment,**
- 36 **means:**
- 37 **(1) a movie or show;**
- 38 **(2) an exhibit;**

1           **(3) a concert;**  
 2           **(4) a performance of dance;**  
 3           **(5) a musical, dramatic, or comedy performance;**  
 4           **(6) a sporting or athletic match, exhibition, or contest; or**  
 5           **(7) another amusement or entertainment;**  
 6           **conducted outside another temporary or permanent Class 1**  
 7           **structure that provides reasonable protection from severe weather,**  
 8           **as determined under the rules adopted by the commission,**  
 9           **regardless of whether the location qualifies as a regulated place of**  
 10           **amusement or entertainment.**

11           **(b) This section expires January 1, 2014.**

12           SECTION 4. IC 22-12-1-17.7 IS ADDED TO THE INDIANA  
 13           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 14           [EFFECTIVE UPON PASSAGE]: **Sec. 17.7. (a) "Outdoor stage**  
 15           **equipment" means any temporary or permanent towers, booms,**  
 16           **ramps, platforms, overhead assemblies, or other structures,**  
 17           **including ancillary rigging, that are used or are intended to be used**  
 18           **in connection with an outdoor performance and that are not**  
 19           **otherwise attached or anchored to, or otherwise a part of, another**  
 20           **Class 1 structure.**

21           **(b) This section expires January 1, 2014.**

22           SECTION 5. IC 22-13-2-8.5 IS ADDED TO THE INDIANA CODE  
 23           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 24           UPON PASSAGE]: **Sec. 8.5. (a) The commission shall adopt rules**  
 25           **under IC 4-22-2 for outdoor stage equipment at outdoor**  
 26           **performances to protect the safety of persons at the outdoor**  
 27           **performances. The commission may:**

28           **(1) exempt small assemblies of outdoor stage equipment, as**  
 29           **defined by the commission, from some or all fees or other**  
 30           **requirements that otherwise would apply to outdoor stage**  
 31           **equipment under a rule adopted under this section or another**  
 32           **building law; or**

33           **(2) establish alternative procedures, fees, or other**  
 34           **requirements, or any combination, for small assemblies of**  
 35           **outdoor stage equipment, as defined by the commission.**

36           **(b) The commission may adopt temporary rules in the manner**  
 37           **provided for the adoption of emergency rules under IC 4-22-2-37.1**  
 38           **to carry out subsection (a), including temporary rules concerning**

1 a schedule of fees for design releases or inspections, or both. A  
2 temporary rule adopted under this subsection expires on the  
3 earliest of the following:

4 (1) The date specified in the temporary rule.

5 (2) The date another temporary rule adopted under this  
6 subsection or a rule adopted under IC 4-22-2 supersedes or  
7 repeals the previously adopted temporary rule.

8 (3) January 1, 2014.

9 (c) Subject to this section, a city, town, or county that regulated  
10 outdoor stage equipment before March 15, 2012, under an  
11 ordinance adopted before March 15, 2012, may, if the ordinance is  
12 in effect on March 15, 2012, continue to regulate outdoor stage  
13 equipment under the ordinance after March 14, 2012, in the same  
14 manner that the city, town, or county applied the ordinance before  
15 March 15, 2012. However, a statewide code of fire safety laws or  
16 building laws governing outdoor stage equipment that is adopted  
17 by the commission under this section after March 14, 2012, takes  
18 precedence over any part of a city, town, or county ordinance that  
19 is in conflict with the commission's adopted code. The ordinances  
20 to which this section applies include Chapter 536 of the Revised  
21 Code of the Consolidated City and County Indianapolis/Marion,  
22 Indiana Codified through Ordinance No. 36, 2011, passed August  
23 15, 2011. (Supp. No. 27). A city, town, or county to which this  
24 subsection applies need not be certified or approved under  
25 IC 22-15-3-1 or another law to continue to regulate outdoor stage  
26 equipment after March 14, 2012.

27 (d) This subsection applies to cities, towns, and counties  
28 described in subsection (c) and any other city, town, or county that,  
29 after March 14, 2012, adopts an ordinance governing outdoor stage  
30 equipment that is approved by the commission or a building law  
31 compliance officer. The city, town, or county shall require  
32 compliance with:

33 (1) the rules adopted under this section;

34 (2) orders issued under IC 22-13-2-11 that grant a variance to  
35 the rules adopted under this section;

36 (3) orders issued under IC 22-12-7 that apply the rules  
37 adopted under this section; and

38 (4) a written interpretation of the rules adopted under this

1           section binding on the unit under IC 22-13-5-3 or  
 2           IC 22-13-5-4;  
 3           on both private and public property located within the boundaries  
 4           of the city, town, or county, including, in the case of a consolidated  
 5           city, the state fairgrounds. This subsection does not limit the  
 6           authority of a unit (as defined in IC 36-1-2-23) under IC 36-7-2-9  
 7           to enforce building laws and orders and written interpretations  
 8           related to building laws.

9           **(e) This section expires January 1, 2014.**

10          SECTION 6. IC 22-15-3-8 IS ADDED TO THE INDIANA CODE  
 11          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 12          UPON PASSAGE]: **Sec. 8. (a) Outdoor stage equipment may be  
 13          used for an outdoor performance before the later of:**

14               **(1) July 1, 2012; or**

15               **(2) sixty (60) days after the date the commission adopts its  
 16               initial rules under IC 22-13-2-8.5(a) or IC 22-13-2-8.5(b);  
 17               without a design release (including a conditional design release)  
 18               issued under this chapter unless an ordinance of a city, town, or  
 19               county adopted before March 15, 2012, requires a design release in  
 20               the city, town, or county to which the ordinance applies before the  
 21               applicable date under subdivision (1) or (2).**

22               **(b) If a design release is not required before the applicable date  
 23               under subdivision (1) or (2), under an ordinance adopted before  
 24               March 15, 2012, by a city, town, or county, installation of outdoor  
 25               stage equipment may begin before the later of:**

26               **(1) July 1, 2012; or**

27               **(2) sixty (60) days after the date the commission adopts its  
 28               initial rules under IC 22-13-2-8.5(a) or IC 22-13-2-8.5(b);  
 29               without a design release (including a conditional design release)  
 30               issued under this chapter. However, the outdoor stage equipment  
 31               may not be used for an outdoor performance after June 30, 2012,  
 32               without a design release (including a conditional design release)**

- 1       **issued under this chapter.**
- 2       **(c) This section expires January 1, 2014.**
- 3       **SECTION 7. An emergency is declared for this act.**  
      (Reference is to SB 273 as reprinted January 27, 2012.)

**and when so amended that said bill do pass.**

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Representative Borders