

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 273

AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-5-34.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 34.7. Outdoor Stage Equipment Safety Committee

Sec. 1. As used in this chapter, "committee" refers to the committee established under section 3 of this chapter.

Sec. 2. As used in this chapter, "outdoor stage equipment" has the meaning set forth in IC 22-12-1-17.7.

Sec. 3. The outdoor stage safety committee is established.

Sec. 4. The committee shall study the issues related to the regulation of outdoor stage equipment and recommend legislation to the general assembly for the regulation of the use of outdoor stage equipment in Indiana to protect the safety of persons at an outdoor performance.

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

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

(2) Four (4) members of the house of representatives



C
O
P
Y

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

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

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

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

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

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

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

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

(b) Each member of the committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

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

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



C
O
P
Y

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

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

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

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

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

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

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

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

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

(A) The public.

(B) Three (3) or more tenants.

(C) One (1) or more persons who act as the employees of another.

(2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).

(3) Outdoor stage equipment. This subdivision expires January 1, 2014.

(4) Any class of buildings or structures that the commission determines by rules to affect a building or structure described in subdivision (1), except buildings or structures described in subsections (c) through (f).

(b) Subsection (a)(1) includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that:

(1) are intended to be or are used or leased by the owner of the unit; and

(2) are not completely separated from each other by an unimproved space.

C
O
P
Y



- (c) Subsection (a)(1) does not include a building or structure that:
 - (1) is intended to be or is used only for an agricultural purpose on the land where it is located; and
 - (2) is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.
- (d) Subsection (a)(1) does not include a Class 2 structure.
- (e) Subsection (a)(1) does not include a vehicular bridge.
- (f) Subsection (a)(1) does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:
 - (1) the structure; or
 - (2) mechanical or electrical equipment located within and affixed to the structure.

SECTION 3. IC 22-12-1-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. (a) "Outdoor performance", as the term applies to outdoor stage equipment, means:**

- (1) a movie or show;**
- (2) an exhibit;**
- (3) a concert;**
- (4) a performance of dance;**
- (5) a musical, dramatic, or comedy performance;**
- (6) a sporting or athletic match, exhibition, or contest; or**
- (7) another amusement or entertainment;**

conducted outside another temporary or permanent Class 1 structure that provides reasonable protection from severe weather, as determined under the rules adopted by the commission, regardless of whether the location qualifies as a regulated place of amusement or entertainment.

(b) This section expires January 1, 2014.

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

(b) This section expires January 1, 2014.

SECTION 5. IC 22-13-2-8.5 IS ADDED TO THE INDIANA CODE

C
o
p
y



AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) The commission shall adopt rules under IC 4-22-2 for outdoor stage equipment at outdoor performances to protect the safety of persons at the outdoor performances. The commission may:**

- (1) exempt small assemblies of outdoor stage equipment, as defined by the commission, from some or all fees or other requirements that otherwise would apply to outdoor stage equipment under a rule adopted under this section or another building law; or**
- (2) establish alternative procedures, fees, or other requirements, or any combination, for small assemblies of outdoor stage equipment, as defined by the commission.**

(b) The commission may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to carry out subsection (a), including temporary rules concerning a schedule of fees for design releases or inspections, or both. A temporary rule adopted under this subsection expires on the earliest of the following:

- (1) The date specified in the temporary rule.**
- (2) The date another temporary rule adopted under this subsection or a rule adopted under IC 4-22-2 supersedes or repeals the previously adopted temporary rule.**
- (3) January 1, 2014.**

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



C
O
P
Y

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

- (1) the rules adopted under this section;
- (2) orders issued under IC 22-13-2-11 that grant a variance to the rules adopted under this section;
- (3) orders issued under IC 22-12-7 that apply the rules adopted under this section; and
- (4) a written interpretation of the rules adopted under this section binding on the unit under IC 22-13-5-3 or IC 22-13-5-4;

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

(e) This section expires January 1, 2014.

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

- (1) July 1, 2012; or
- (2) sixty (60) days after the date the commission adopts its initial rules under IC 22-13-2-8.5(a) or IC 22-13-2-8.5(b);

without a design release (including a conditional design release) issued under this chapter unless an ordinance of a city, town, or county adopted before March 15, 2012, requires a design release in the city, town, or county to which the ordinance applies before the applicable date under subdivision (1) or (2).

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

- (1) July 1, 2012; or
- (2) sixty (60) days after the date the commission adopts its initial rules under IC 22-13-2-8.5(a) or IC 22-13-2-8.5(b);

without a design release (including a conditional design release) issued under this chapter. However, the outdoor stage equipment

C
O
P
Y



may not be used for an outdoor performance after June 30, 2012, without a design release (including a conditional design release) issued under this chapter.

(c) This section expires January 1, 2014.

SECTION 7. An emergency is declared for this act.

C
o
p
y



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

C
O
P
Y

SEA 273 — Concur+

