

1 MUSIC ENTERTAINMENT PYROTECHNICS TASK FORCE MEETING

2 October 20, 2010

3 10:00 o'clock a.m.

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9 The report of the proceedings had in the
10 meeting of the above-entitled cause, taken before
11 MARY JO D'AVOLA, a Certified Shorthand Reporter and
12 Notary Public in and for the County of Kane and State
13 of Illinois, at 9511 West Harrison Street,
14 Des Plaines, Illinois on October 20th, 2010, at the
15 hour of approximately 10:00 o'clock a.m.

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1 PRESENT:

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3 TASK FORCE

4 MR. DANIEL T. MCMULLIN, Chairman

MR. MARK J. GREGA, Member

5 MR. BRIAN PANTHER, Member

MR. KENT KAY, Member

6 MR. DANIEL RIORDAN, Member

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OFFICE OF THE STATE FIRE MARSHAL

8 MR. JOSEPH AUGUST

9

ALSO PRESENT:

10 MR. WILLIAM BARNES, Acting General Counsel

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1 CHAIRMAN MCMULLIN: We will call the meeting to
2 order at 10:06. We know who everyone is.

3 MR. BARNES: Well, why don't we have everyone
4 just introduce themselves on the record.

5 CHAIRMAN MCMULLIN: Dan McMullin, Office of the
6 State Fire Marshal, Chairman of the Task Force.

7 MR. BARNES: I'm Bill Barnes with the OSFM, not
8 on the Task Force.

9 MR. REARDON: Dan Reardon, Tinley Park Fire
10 Prevention, member of the Task Force.

11 MR. GREGA: Mark Grega, Strictly FX, member of
12 the Task Force.

13 MR. PANTHER: Brian Panther, Hi-Tech FX, member
14 of the Task Force.

15 MR. KAY: Kent Kay and I'm a pyrotechnic operator
16 with Hi-Tech FX.

17 MR. MUZZY: Taylor Muzzy, M-U-Z-Z-Y, member of
18 the public.

19 CHAIRMAN MCMULLIN: Okay. The old business, the
20 minutes of the meeting were corrupted. They just got
21 them in the office today. I'll e-mail them out
22 tomorrow. We will try to get these minutes out as
23 quick as we can also. Anyone have a problem with
24 that at all?

1 MR. GREGA: No.

2 MR. BARNES: So we'll approve the minutes -- the
3 backlog of minutes at the next meeting.

4 CHAIRMAN MCMULLIN: Now, we will go to review the
5 insurance coverage information. I'll turn the floor
6 over to Bill.

7 MR. BARNES: Yeah, I'm just going to recap what
8 we learned and what we discussed at the last meeting.
9 I recall we had John Stringer come in as a quote,
10 unquote insurance expert to sort of explain the ins
11 and outs of the coverage -- issues related to the
12 insurance coverage required by the Act and the
13 related Rule.

14 We are in agreement that the pyro
15 distributors and the production companies have
16 certain insurance coverage requirements on product
17 liability, workman's compensation and general
18 liability.

19 And I think the point of -- not contention
20 but the point of issue, the reason why we're here, is
21 to look at how the insurance requirements of the Rule
22 and Act impact the people involved with the
23 production companies and the distribution companies,
24 namely the lead operators and more importantly the

1 assistants.

2 We are going to talk a little bit later, I
3 think, for some proposed changes about the definition
4 of assistant. But right now it's defined as someone
5 who is employed as an employee of the licensed
6 pyrotechnic distributor or the licensed production
7 company.

8 And as we discussed at the last meeting, the
9 term employee is pretty key in that it triggers the
10 coverage of workman's compensation by the employer.
11 It also covers the quote, unquote employee by the
12 employer's general liability and product liability
13 insurance policies.

14 One -- Another component that came up at the
15 last meeting and I believe was a driving force for
16 the creation of this Task Force was the involvement
17 of union employees at various music venues in setting
18 up pyrotechnic displays at indoor musical shows.

19 And something that I learned -- I'm sort of
20 new to this role but it was probably evident to you
21 all, the Members of the Board or the Task Force, is
22 that union employees who work on a -- at a musical
23 venue for a show are actually employees of the house,
24 of the venue itself. I did not realize that the

1 stagehand union was sort of like a clearing house or
2 a referral agency.

3 So in the context of the insurance
4 discussion that we had, it became evident that
5 stagehand union employees who were assigned to a
6 specific show regardless of their role, whether it be
7 rigging or wiring and shooting pyrotechnics, would be
8 deemed an employee of the arena or the house; that
9 is, they would also be covered by the insurance of
10 the house, their workman's compensation policy and
11 their general product liability policies.

12 Now, that also raises questions of
13 violations of the Act and the rules by stagehand
14 employees coming in and doing this. Because under
15 the Act and the Rule, you have to be an assistant or
16 you have to be a lead operator to be doing that.

17 And the question is how does a stagehand
18 union employee become an assistant. From the
19 discussions of the last meeting, it appears that
20 there are two routes.

21 The first route is that the house, the
22 venue, set itself up as a production company or
23 distributor -- a pyrotechnic distributor, acquire the
24 necessary insurance required by the Act and the Rule

1 and then it will -- it can cover the actions of the
2 stagehand union employees who come in to do pyro
3 work.

4 The other venue as articulated by
5 Mr. Panther is to -- is for the stagehand union
6 employees to take the route of any individual who
7 wants to become a pyrotechnic assistant and work his
8 or her way up through the ranks to become a lead
9 operator and possibly a production company; that is,
10 the stagehand union individual can approach a
11 production company or a pyro distributor -- excuse
12 me -- and become an assistant to that production
13 company or pyro distributor.

14 He would then become an employee of the
15 distributor covered by the insurance carried by the
16 distributor and achieve the necessary training
17 necessary to become a lead operator and matriculate
18 up through the system.

19 Members of the public -- myself, if I wanted
20 to get involved in the pyrotechnics industry and
21 light things off and blow things up, that's the same
22 route that I have to take. I have to approach
23 someone who would employ me as an assistant, take a
24 leap of faith as to my abilities and my interest and

1 my willingness to pursue the process and become an
2 employee of the pyrotechnics distributor.

3 So as we left it last week, there was some
4 questions about definition of employee. I know one
5 of the things that Mr. McMullin wants to raise are
6 tweaks to the definition of assistant to clarify that
7 assistant's role, not only with regard to his or her
8 employer's insurance but also just in the general
9 scheme of the statute and the Act. And Dan has
10 another change that he wants to discuss. But we'll
11 get to that point a little bit later.

12 But I will open it to the board members to
13 chime in on my regurgitation of what went on at the
14 last meeting. You know, correct the record if I
15 flubbed up anything. I think that's a good starting
16 point from there. I don't want to rehash everything
17 we did last week. It was a long meeting. It was an
18 informative meeting. So let's build upon what we all
19 learned and move forward.

20 MR. KAY: Dan, you want to just go ahead with
21 your line of thought?

22 CHAIRMAN MCMULLIN: Well, that's under new
23 business, the definitions.

24 MR. KAY: Okay. I'll leave that then for new

1 business. It's tough without the notes to rehash.
2 But I do think that your basic direction is correct
3 and we should just plow forward here.

4 MR. BARNES: Okay.

5 MR. KAY: Do we need a motion to do that?

6 MR. BARNES: To do what?

7 MR. KAY: To just move forward into the new --

8 MR. BARNES: We can do that.

9 MR. MUZZY: If it's open to public comment at
10 this point, I want to get this put on. Certainly
11 without trying to be combative about it, I think the
12 record from last week certainly speaks for itself.
13 And to that extent, it says what it says.

14 I'd also add the discussion wasn't only
15 about union labor. It also translated to the cover
16 license scenario where you have road artists and road
17 crews coming in.

18 So to that extent the current statutory
19 scheme is not working correctly. It needs to be
20 changed in the larger context, not just union labor.
21 I believe it applies to both. That being said I
22 think we can move forward.

23 MR. PANTHER: Is that an appropriate topic right
24 now because I had some more things to address with

1 respect to the road show?

2 CHAIRMAN MCMULLIN: That's fine.

3 MR. PANTHER: One of the things that I started
4 looking at after the discussions that we had last
5 meeting was kind of getting into the meat and
6 potatoes of the regulation and what really is -- how
7 the situation plays out in a cover license where you
8 have a road crew that comes in with a touring show.

9 Obviously the operators that are coming in
10 on those shows are all employees of a pyrotechnics
11 vendor somewhere in the United States. They have
12 licensing elsewhere but they're retaining the
13 services of an Illinois licensed pyrotechnic operator
14 and distributor.

15 And the Act and the Rule does say as part of
16 the condition of that that the individual has to be
17 covered by Illinois Worker's Compensation insurance.
18 And I think one of the areas that is gray in the way
19 that the existing statutes are written is these
20 touring companies come in and they have proof of
21 worker's compensation but it's worker's compensation
22 from another state. And is that going to be a
23 problem for somebody? I mean, knock on wood we
24 haven't had an issue yet where that's come into play

1 that I know of.

2 However, if it ever did become an issue and
3 someone was injured on a show, God forbid, the way
4 that the statute is currently written and the way
5 that it appears the practice is currently happening,
6 the road companies have their own work comp policy.
7 They hire the local cover license to come in and
8 cover them and everything moves forward. But yet
9 that outside vendor doesn't really have compensation
10 insurance that is State of Illinois policy.

11 So I think that's something that needs to be
12 either clarified or maybe we recommend to the
13 legislature that language is introduced to say that
14 there should be proof of that. I'm not saying that
15 necessarily they should have to get an Illinois
16 policy. But they should definitely have proof that
17 they have worker's compensation. I don't know.

18 MR. AUGUST: They should be required to get
19 Illinois policy. The reason for it is because
20 there's a lot of case law where people have been
21 hurt. If they get hurt in Illinois, Illinois
22 Worker's Comp is going to take the lead on it.

23 They've had case law where they come and
24 they've had insurance from Georgia and they end up

1 suing here in the state. So we are paying for it.
2 So Illinois is paying for it without the proper
3 insurance.

4 MR. BARNES: The idea is it's the individual who
5 is injured has the option to bring a suit -- I mean,
6 if he gets hurt in Illinois and he's from Georgia, he
7 can bring a suit in Georgia under the Georgia statute
8 or he can sue here in Illinois.

9 MR. AUGUST: We pay a lot more than other states
10 in workman comp. It should be required to have the
11 requisite insurance which is Illinois Workman Comp.

12 MR. PANTHER: This is a systemic problem in this
13 industry and I can tell you we have been aggressively
14 working for the last five years to try to find an
15 insurance coverage carrier that will cover you in all
16 50 states of this Union. It is next to impossible to
17 get that done.

18 And, you know, with the minimums that you
19 have -- If I'm a pyrotechnic distributor and I'm
20 trying to go to California, I have to get a separate
21 policy there. You know, I currently do a work comp
22 audit in 14 different states and it's a nightmare.
23 And the insurance regulations make it very difficult
24 for a touring company to be compliant with every

1 single state statute.

2 In fact we even have to tell certain people
3 that want to come and work for us, I'm sorry, I can't
4 hire you because you live in a state and you're only
5 one guy and I can't afford to add you onto my work
6 comp policy. I just can't hire you because of that.

7 So I think it's a systemic problem in the
8 industry that needs to be figured out because I think
9 there is a gap there.

10 CHAIRMAN MCMULLIN: Well, all the paperwork that
11 we get states they have workman's comp.

12 MR. BARNES: Illinois or just general?

13 CHAIRMAN MCMULLIN: Just general. I can find out
14 if they do get Illinois comp -- Workman's Comp. I
15 mean, I can do that pretty easy. But no one is doing
16 a pyrotechnic show legally in Illinois without
17 workman's comp insurance.

18 MR. BARNES: Illinois or --

19 CHAIRMAN MCMULLIN: Workman's comp, period. But
20 I mean, I can find out, you know, when these tours
21 come in if they do purchase the Illinois Workman's
22 Comp.

23 MR. BARNES: How onerous of a task is it?

24 MR. PANTHER: It takes several weeks to get

1 through the process. And some states have extremely
2 high minimum premiums especially in our industry.
3 Most of the time we're placed in a high-risk group or
4 amusement groups. It's one of the highest
5 classifications. Some states like Louisiana and
6 Florida, we pay 95 to 98 percent of the wages paid in
7 work comp.

8 MR. BARNES: But I think the issue here is
9 Illinois. I mean, I wonder how onerous it is to come
10 into Illinois to purchase pursuant to the Act.

11 MR. KAY: This gets us back again to one of our
12 original impulse for the meeting cycle per se is how
13 do we streamline our regulatory landscape to make
14 doing business in the State of Illinois easy.

15 Now, obviously we have liability issues that
16 need to be covered. But as Brian points out, if you
17 have a two-week lag time to get workman's comp in the
18 State of Illinois, you are placing the burden then on
19 the touring vendor.

20 MR. BARNES: But absent the effort to obtain
21 Illinois Workman's Compensation, you're also putting
22 additional liability on whoever is issuing the cover
23 license. Sort of like a double edged sword.

24 MR. PANTHER: You can't really expect the local

1 vendor to employ all these out of state people.
2 That's going to become a nightmare trying bring on
3 people from all over the United States. It's going
4 to put us in, you know, huge problems with work comp
5 carriers.

6 MR. KAY: If we take the point of view of the
7 company that is contemplating doing business in the
8 State of Illinois and their own already established
9 workman's compensation policy that has been trailing
10 them around the country, boom, they're in Illinois
11 and all of a sudden nothing works anymore and I have
12 to go and get a fresh policy in Illinois, which is
13 essentially what I hear the room saying. Again, that
14 doesn't help the business model of welcome to
15 Illinois, let's do business.

16 CHAIRMAN MCMULLIN: But if they make a claim in
17 Illinois against the Illinois Workman's Compensation,
18 no one is paying for it.

19 MR. KAY: I agree. It's a gray area.

20 CHAIRMAN MCMULLIN: You know.

21 MR. PANTHER: I'm not familiar with the insurance
22 regulations. But there's no way that your own policy
23 can subrogate that back to --

24 MR. AUGUST: Statutory is pretty clear. I guess

1 the question for the attorneys are -- is can they
2 waive it.

3 MR. PANTHER: That's what my question is.

4 MR. AUGUST: Traveling companies coming in from
5 out of state, the employees can sign a waiver that
6 they will not go after Illinois in case of injury and
7 will that suffice?

8 MR. PANTHER: I think it's something worth
9 looking into. I can't speak for Mark but I can tell
10 for myself if we are forced to employ a lot of out of
11 state people, we will just say we are not going to
12 say this anymore.

13 MR. GREGA: I mean, that's where this is going.

14 MR. PANTHER: We are just going to say sorry,
15 road shows aren't going to be able to do pyrotechnics
16 in the State of Illinois. For that matter, I mean,
17 the way the statute is written, the touring folks
18 that are working on the stage crew or the lighting
19 crew, they don't have work comp in the state either.
20 If one of them falls off the stage, they're in the
21 same boat.

22 MR. BARNES: Right.

23 MR. PANTHER: It's not just pyrotechnics.

24 CHAIRMAN MCMULLIN: Right.

1 MR. PANTHER: So I think it might be worth while
2 for counsel to look at what the statutory insurance
3 requirements are. I mean, if there's a waiver or
4 some type of a thing that can be done, I think that's
5 something that needs to be addressed because that's
6 always been an area that I've been concerned about,
7 you know, when I sign my name on the line and agree
8 to do a cover license is who's primary on this and
9 who's secondary.

10 CHAIRMAN MCMULLIN: All right. We will check
11 into that.

12 MR. PANTHER: Then I've also, kind of on the same
13 lines, noticed that there seems to be a bit of a
14 discrepancy in various parts of the state about the
15 cover licensing situation.

16 As I understand the Rule and the Act to
17 read, the production company or the pyrotechnic
18 distributor who is providing the cover license should
19 be the person that's pulling the permit and should be
20 the one that has the permit for the display and your
21 insurance is on the display.

22 Now, the other touring companies coming in
23 and 99 percent of the time they're giving you a
24 certificate of insurance and they're listing you as

1 additionally insured. Their insurance is going to be
2 primary on it because it's their technicians, their
3 operation.

4 But we have run into a few situations that I
5 know of that we've had shows that came in that
6 already had a permit for their show. And they were
7 calling us for as a cover license. And I'm like how
8 did you get your permit because you don't have a
9 distributor's license.

10 So that kind of raised a red flag to me.
11 It's like, well, all we need is your operator. I was
12 like well, wait a minute. You can't provide the
13 service in the state as a pyrotechnic distributor
14 without having a distributor's license or a
15 production company license.

16 So you need something more than an operator
17 here. You need the whole thing. And how do you get
18 a permit if --

19 CHAIRMAN MCMULLIN: The permit is from the local
20 jurisdiction.

21 MR. PANTHER: Right. But the local jurisdiction
22 either didn't know or was not wise to the
23 requirements of the Act and, you know, had been
24 giving people that were doing cover licenses for

1 them. And I'm like how do they do that without being
2 tied to somebody. That was my question about that.
3 It's like where is the insurance there because there
4 doesn't seem to be, you know, a tract that way. I
5 think that's another concern that we need to look at.

6 I'm just thinking that the language in the
7 Act and the Rule is very, very vague with respect to
8 this. And it's one of those things that we've run
9 into various places all over the country. I'm sure
10 you have too.

11 It's just something that the industry has
12 adapted to doing as a courtesy because we expect the
13 same kind of courtesy when we go into their
14 jurisdiction.

15 CHAIRMAN MCMULLIN: Later if you can give me a
16 list of where this has transpired, which
17 jurisdictions, and I'll handle that problem.

18 MR. BARNES: I'm not dismissing the gravity of
19 the situation raised but it might be just a matter of
20 education again. Maybe people just need to know.
21 Local jurisdictions where these venues exist need to
22 know before you issue a permit, you know, there's
23 certain steps that need to be taken.

24 MR. PANTHER: Yep. That's the only major concern

1 that I really had with respect to insurance coverages
2 is how the work comp thing works because the statute
3 clearly says that you have to have an Illinois
4 Workman's Compensation policy in place.

5 MR. KAY: And, again, I maintain that enforcement
6 of that regulation ultimately is going to have a
7 negative effect on business coming to Illinois unless
8 we can streamline considerably acquiring Illinois
9 Workman's Comp because that's the way business works.
10 They come to town. This is one city among many. One
11 state among many.

12 And I have had vendors say well, gee, if
13 it's going to be this way, we don't have to come back
14 to Illinois. Well, indeed they don't. And this was
15 our concern with the film business. And now we are
16 butting up against an issue I think that has an
17 impact on the people that bring us business.

18 MR. BARNES: Well, we'll look at it.

19 CHAIRMAN MCMULLIN: Yeah, we'll see why it's
20 written that way, what the explanation is.

21 MR. BARNES: I don't know if we'll be able to
22 streamline the whole worker's compensation scheme but
23 we may be able to add language in that makes it
24 streamlined on our end.

1 CHAIRMAN MCMULLIN: Anything else on insurance
2 questions?

3 MR. KAY: Well, one leads to another. The
4 definition -- the various tiers of the system.

5 CHAIRMAN MCMULLIN: We will get to that. All
6 right. We're done with old business. Everyone
7 agree?

8 MR. GREGA: Yes.

9 CHAIRMAN MCMULLIN: Now to new business. All
10 right. The changes -- The first problem that I saw
11 is on assistant. In our rules the way it is now
12 assistant means an on-site individual who is at least
13 18 years of age and who under the supervision of the
14 lead operator assists with the safety, setup and
15 discharge of a pyrotechnic display.

16 We really don't have that in the Act. So we
17 want to clarify what assistant is and put it in the
18 Act. What I came up for assistant is means an
19 employee of a pyrotechnic distributor or pyrotechnic
20 production company who is at least 18 years of age
21 who is covered by his/her employer's workman's
22 compensation, product liability and general liability
23 policies pursuant to Illinois Compiled Statute 277-35
24 and who under the supervision of a lead operator

1 assists with the safety, setup and discharge of a
2 pyrotechnic display.

3 MR. KAY: Dan, how do you feel about the --
4 inserting in that language that -- vis-a-vis the
5 required form or do you want to keep that under
6 registration?

7 CHAIRMAN MCMULLIN: Yeah, keep that under
8 registration.

9 MR. KAY: Okay. All right.

10 CHAIRMAN MCMULLIN: Any questions about
11 assistant?

12 MR. PANTHER: I think that's a very accurate
13 description for the definitions.

14 MR. GREGA: Can you repeat it again?

15 CHAIRMAN MCMULLIN: Means an employee of a
16 pyrotechnic distributor or a pyrotechnic production
17 company who is at least 18 years of age who is
18 covered by his/her employer's workman's compensation,
19 product liability and general liability policies
20 pursuant to the Illinois Compiled Statute 277-35 and
21 who under the supervision of the lead operator
22 assists with the safety, setup and discharge of a
23 pyrotechnic display.

24 MR. KAY: Now, this gets me back again to there

1 seems to be from the operator's point of view that
2 there are two tiers.

3 CHAIRMAN MCMULLIN: I'm getting to that.

4 MR. KAY: You're getting to that. Then I stand
5 by. Go ahead, Dan.

6 CHAIRMAN MCMULLIN: The other one would be --

7 MR. BARNES: Let's finish.

8 CHAIRMAN MCMULLIN: Yeah. Is everyone in
9 agreement with this?

10 MR. PANTHER: I agree.

11 MR. KAY: Essentially the word employee, if I'm
12 not mistaken, Brian, is referred to in federal regs
13 as employee/possessor.

14 MR. PANTHER: That's only with respect to ATF.

15 MR. GREGA: This is just --

16 MR. KAY: Gotcha.

17 MR. PANTHER: The whole idea here is we don't
18 like the idea of a volunteer.

19 CHAIRMAN MCMULLIN: Correct.

20 MR. PANTHER: Somebody has to be providing
21 insurance coverage.

22 CHAIRMAN MCMULLIN: He addresses the insurance.
23 Yes, Taylor.

24 MR. MUZZY: Maybe I need the whole picture before

1 I kind of jump in. I don't know where the rest of
2 this is going.

3 CHAIRMAN MCMULLIN: Okay. The second tier, as
4 you would say, is an event employee means an employee
5 who works under the supervision --

6 MR. BARNES: No, no, an individual.

7 CHAIRMAN MCMULLIN: Means an individual.

8 MR. BARNES: Okay. Well, you said employee.

9 CHAIRMAN MCMULLIN: Oh, okay. Means an
10 individual who works under the supervision of the
11 display operator who assists with the safety, setup
12 and discharge of a pyrotechnic display but does not
13 handle the pyrotechnic material.

14 MR. GREGA: Discharge at no point has any
15 stagehand I know of has discharged pyro on a show.

16 CHAIRMAN MCMULLIN: It's just like a general,
17 Mark, that he's -- that's what he's there for. He's
18 not actually discharging because that's --

19 MR. GREGA: But it says discharge.

20 MR. BARNES: No.

21 CHAIRMAN MCMULLIN: Safety, setup. He's an event
22 employee. He can't touch the material.

23 MR. BARNES: Well, it does say discharge with the
24 safety and setup.

1 MR. GREGA: Safety and setup.

2 CHAIRMAN MCMULLIN: So you don't want discharge?

3 MR. GREGA: I mean, discharge means that you're
4 actually --

5 MR. PANTHER: That would be more of a spotter.

6 CHAIRMAN MCMULLIN: Yeah, it's more of a safety.
7 We can strike discharge off of it. That's not a
8 problem.

9 MR. RIORDAN: Can you read it one more time?

10 CHAIRMAN MCMULLIN: Event employee means an
11 individual who works under the supervision of the
12 display operator and who assists with the safety,
13 setup and discharge of a pyrotechnic display but does
14 not handle the pyrotechnic material.

15 MR. KAY: Now, Dan, I could apply this in terms
16 of training, correct? This would apply to somebody
17 maybe that I would bring in, a beginner from Local 2
18 that I want to evaluate his behavior around
19 pyrotechnics; listening skills, observational skills,
20 interest in the paperwork so that I could observe
21 them on-site.

22 MR. GREGA: This is when you're speaking as an
23 employee of Hi-Tech, not as an Union 2 stagehand
24 right now? Because you're kind of jumping between

1 the two and it seems that they kind of get merged
2 into one. But truly there is a separation when you
3 are working as a stagehand or as an operator for
4 Hi-Tech that you are and have two totally different
5 responsibilities.

6 So when you're talking about the listening
7 skills of someone, you're talking about you in the
8 position of being the operator of a show for Hi-Tech
9 and you are training employees potentially of
10 Hi-Tech. You're not talking about stagehands when
11 you are wearing your other hat, which is as a
12 stagehand.

13 MR. KAY: Okay.

14 MR. GREGA: Sometimes you have two hats on and
15 it's hard to tell which hat you are --

16 MR. KAY: I realize that and I'm trying to define
17 how I go about the training process as well as the
18 administration process. It seems to me that we are
19 saying that the event employee still needs the
20 workman's compensation and the insurance coverage.
21 Is that what we're saying?

22 CHAIRMAN MCMULLIN: No, because they're not
23 dealing with product.

24 MR. PANTHER: They're not dealing with the

1 product itself.

2 CHAIRMAN MCMULLIN: They're running cables --

3 MR. GREGA: Assisting with safety and setup.

4 MR. BARNES: Which is why I think the word
5 discharge in there is certainly misleading. To the
6 extent that he's spotting, that's more of a safety
7 issue.

8 MR. GREGA: Yes.

9 MR. PANTHER: Yeah, I would say that.

10 MR. BARNES: Discharge to me sounds like he's
11 pushing the button.

12 MR. PANTHER: Do not want that happening there.

13 MR. BARNES: So I would strike the word
14 discharge.

15 MR. GREGA: So there's two completely different
16 things here. As an employee of the pyrotechnic
17 distributor, you are actually the operator or you are
18 an event employee providing safety and setup.

19 MR. KAY: Now, so let me expand this then in
20 terms of venues where your company would be bringing
21 a huge show, a WWE type show, and you would need
22 union labor to assist you with cryogenics,
23 (inaudible), you know, XLR. And then they would be
24 an event employee, which is what --

1 MR. GREGA: Yes.

2 CHAIRMAN MCMULLIN: Yes, yes, yes.

3 MR. KAY: Then we are on the same page there.

4 MR. RIORDAN: We are going to remove discharge
5 from the safety, setup and --

6 CHAIRMAN MCMULLIN: Yes.

7 MR. RIORDAN: In the role of safety and setup.
8 But then we go down does not handle pyrotechnic
9 material. Can we say handle or discharge pyrotechnic
10 material? Would that -- Shouldn't discharge just be
11 moved down to there as an event employee?

12 CHAIRMAN MCMULLIN: I just say we strike it
13 altogether because no one should be pushing the
14 button unless they have the proper insurance.

15 MR. KAY: Indeed.

16 CHAIRMAN MCMULLIN: You know.

17 MR. RIORDAN: That I understand. But if I don't
18 put it in there, then it's telling me that -- it's
19 not saying that I can't. Don't get me wrong. I'm
20 just trying to cover everything here.

21 CHAIRMAN MCMULLIN: Right. Understandable, Dan.

22 MR. GREGA: That would just define it better I
23 suppose.

24 MR. PANTHER: Then I guess what do they consider

1 handling? Is the operator saying push this rack of
2 product over there, is that considered handling?

3 CHAIRMAN MCMULLIN: Yes.

4 MR. PANTHER: So no carrying of trays, that kind
5 of stuff?

6 CHAIRMAN MCMULLIN: Correct.

7 MR. GREGA: I think that was from -- especially
8 from the Arie Crown people. The woman who was here
9 last week or whenever it was basically had stated
10 that her concern was if one of her employees moved a
11 box and if something happened to that box, they
12 didn't want that responsibility.

13 So, I mean, certainly you understand how
14 product gets into the building. It's FedEx'd, UPS
15 drops it off and it goes somewhere. It should be in
16 a magazine. But then it is brought to the operators.
17 So at that point it's pyrotechnic operator, lead
18 operator --

19 MR. BARNES: Assistant.

20 MR. GREGA: -- assistants who touch it. And that
21 way we've eliminated that liability that the
22 buildings are all concerned about which is if
23 anything happens, they do not want any responsibility
24 or liability.

1 I mean, that's just the realization
2 especially for a show like a WWE where there is an
3 enormous amount of product and they do rely on having
4 more people than they have on their staff in order to
5 be able to do those shows that they will have to
6 bring more of their own employees in so that they can
7 handle the product so that there isn't the exposure
8 for the event personnel.

9 MR. PANTHER: I think this is a great definition
10 to be adding, something to be clarified in the
11 regulations.

12 MR. RIORDAN: Event employee can handle any
13 equipment process that has to deal with the actual
14 pyrotechnic material with the exception of the
15 pyrotechnic material or the device that's going to
16 discharge the pyrotechnic material, right?

17 MR. PANTHER: Right.

18 CHAIRMAN MCMULLIN: To expand a little, at the
19 end of the show, the show is done. Brian looks.
20 These boards are all dead. It's not pyrotechnic
21 material anymore. I can say -- or Brian can say,
22 Kent, strip this board. But it has to be checked
23 first so there's no live product on there. I think
24 that's kind of a common sense thing among companies.

1 MR. PANTHER: Well, what about the situation of
2 you're coming in, you're loading it, you're setting
3 up accumulators and getting hoses run and everything
4 like that, that might be something where it would be
5 nice to have some additional help from the staff.

6 But then does there need to be a definition
7 point when the system becomes tested or charged with
8 fuel, at that point nobody else can handle it or do
9 we just say nobody else can handle it, period? I
10 mean, what's your feeling about that, Mark.

11 MR. GREGA: I mean, I think you have a valid
12 point in there about once it's charged. Certainly we
13 are not dealing with pyro now. Now we are talking
14 about 160 and we are talking about propane. So when
15 we talk about propane, it's a completely different
16 regulatory kind of condition. But at the same time,
17 there is liability.

18 MR. PANTHER: To the same liability vein.

19 MR. GREGA: So if we open it up to that as well,
20 I think when we are talking about an accumulator that
21 isn't charged and we are moving into place, if it is
22 a flame device that has not been charged, it's a
23 piece of equipment. Assume it is charged, obviously
24 it's going to become propane.

1 MR. KAY: This addresses the -- Let's take the
2 Korn flaming sign or Ozzy's flaming cross, one would
3 have to interface with riggers. And this seems to
4 allow that until such point that it's charged.

5 MR. GREGA: Yeah, exactly because it's just this
6 until it becomes charged.

7 MR. KAY: Until it's enabled and changed.

8 MR. RIORDAN: When they're brought all
9 together --

10 MR. GREGA: Certainly there can be a
11 definition --

12 CHAIRMAN MCMULLIN: Technically --

13 MR. GREGA: -- added to it that states when it
14 becomes this, armed, charged, show ready, then it
15 becomes something that obviously there's a liability.
16 So at that point no one else can touch it except
17 for --

18 CHAIRMAN MCMULLIN: Under the Task Force, it
19 doesn't mention flame effects at all.

20 MR. PANTHER: But I know that's going to come up.

21 CHAIRMAN MCMULLIN: But we are looking at
22 pyrotechnic displays. If a gentleman has a pyro
23 license, that doesn't mean he can do flames. Flames
24 are a total different license. So let's not get off

1 on -- I understand what you're saying.

2 MR. MUZZY: If I could, the definition of
3 pyrotechnic display includes flame effects. I think
4 that's within the scope of the Task Force. So I
5 think that's okay.

6 CHAIRMAN MCMULLIN: But it's a total different
7 license than we are talking about.

8 MR. PANTHER: It is.

9 MR. MUZZY: But as far as something that's
10 properly considered by the Task Force, I think it
11 makes sense. How would you set this up when you're
12 only dealing with pyro, not dealing with the total
13 scope of the things that are actually happening
14 practically? I think legally it's within the scope
15 of the Task Force.

16 MR. PANTHER: Is that something that technically
17 has to fall within the Act that's done by the
18 legislature or can that be adopted by administrative
19 rule with the USFM?

20 CHAIRMAN MCMULLIN: That I don't know. We will
21 have to ask Bill.

22 MR. PANTHER: I think with some things the
23 legislature may not understand the nuances of it.
24 It's hard enough to explain it all here. And we

1 don't want them to misinterpret something and create
2 another problem. If that definition can be included
3 in our recommendations, that might be helpful.

4 MR. GREGA: I think just the show ready or, you
5 know, some sort of way of saying that in a definition
6 that we can add to this it is now charged, it is now
7 ready for show, it is now potentially dangerous at
8 that point. There can certainly be a definition that
9 can translate from pyro to flames that would mean the
10 same thing that we can already insert into this.

11 MR. KAY: Well, the fact is the liability profile
12 is the same. They're open flame effects.

13 MR. GREGA: Yes.

14 CHAIRMAN MCMULLIN: So we want to put in there
15 armed?

16 MR. GREGA: Something that's talking about --
17 when we talk about safety, setup, strike but does not
18 include handling and pyrotechnic materials. I think
19 the handling -- there's probably one word that we
20 need to find that handling means this, that when it
21 is a live piece of product, when it is a charged
22 propane line. I mean, maybe something that's not
23 necessarily propane specific but something that
24 defines what handling is.

1 CHAIRMAN MCMULLIN: Okay. Dan, on the discharge,
2 you wanted that in on the event employee?

3 MR. RIORDAN: That may -- I thought it was -- it
4 should be included.

5 CHAIRMAN MCMULLIN: Okay. So how do you want us
6 to put that in there? Everyone in agreement on that?

7 MR. PANTHER: I think I would be in agreement
8 with that as long as we can clearly define what we
9 have been talking about as far as when the handling
10 is appropriate and at what point in time the handling
11 becomes inappropriate --

12 MR. GREGA: Exactly.

13 MR. PANTHER: -- for an unlicensed person.

14 CHAIRMAN MCMULLIN: Once it's show ready -- armed
15 and show ready.

16 MR. PANTHER: Or any time live pyrotechnic
17 product is introduced to --

18 MR. GREGA: Live product being introduced is
19 certainly a definition of handling. So just to kind
20 of define how a show works, there's certain amount of
21 hours of work that are done before any product is
22 introduced, which is the setup, the cables being run,
23 com lines being run, you know, hardware that's being
24 placed on a truss.

1 But at no point do we -- or is product
2 introduced until X amount of time, whether it's after
3 a fire inspection, whether it's when the band leaves
4 the stage and there's finally some time when it's
5 quiet.

6 So at that point would be when this would
7 basically come into play, that this is when we mean
8 it cannot be handled. And I think that even when
9 we're talking about loading, obviously means live
10 product. So loading should probably be added into
11 handling.

12 MR. PANTHER: Include in your definition --

13 MR. GREGA: Handling needs to be in effect.

14 MR. PANTHER: But continue to say handling live
15 pyrotechnic product or charged fuel lines. That
16 might be a simple way to just wrap it all up.

17 MR. RIORDAN: When fuel, your product and your
18 ignition source are together.

19 CHAIRMAN MCMULLIN: All right. Brian, does not
20 handle live pyrotechnic material.

21 MR. PANTHER: Could you read the whole thing
22 again, that definition of event employee?

23 CHAIRMAN MCMULLIN: Means an individual who works
24 under the supervision of the display operator and who

1 assists with the safety, setup -- and we struck
2 discharge out of there.

3 MR. GREGA: Right. Is there a strike in there?
4 Not strike as in -- but strike as in after everything
5 is completed.

6 CHAIRMAN MCMULLIN: Safety, setup and removal?

7 MR. PANTHER: That's probably a better term.
8 It's more publicly understood.

9 CHAIRMAN MCMULLIN: Of a pyrotechnic display but
10 does not handle live pyrotechnic material --

11 MR. PANTHER: Or charged fuel lines.

12 CHAIRMAN MCMULLIN: Or charged flame effects.

13 MR. PANTHER: Flame effect devices or charged
14 flame effect equipment because that is inclusive of
15 accumulators, hoses, burners, everything.

16 MR. GREGA: Right, because before that it's just
17 a vessel until it's charged.

18 MR. PANTHER: I think that then doesn't require a
19 separate definition for handling. I think that wraps
20 it all up.

21 CHAIRMAN MCMULLIN: Okay. Is everyone is in
22 agreement now?

23 MR. GREGA: Sounds much better.

24 CHAIRMAN MCMULLIN: On the definitions -- both

1 definitions?

2 MR. GREGA: Of assistant and employee?

3 CHAIRMAN MCMULLIN: Yeah.

4 MR. MUZZY: I have a comment on the first half.
5 Second half sounds fine to me. There's still the
6 requirement that in the first part of the definition
7 that the assistant be an employee of the distributor
8 or the production company. And I think that's the
9 same problem that we have right now where the road
10 crews come in, as I understand it, you have the cover
11 license and the road crews actually fire the product
12 because they know the timing of the show and the
13 other people don't. It would be dangerous for
14 someone else to fire the product. Those individuals
15 are not employees of the distributors.

16 CHAIRMAN MCMULLIN: They're assistants.

17 MR. MUZZY: But you just defined assistant as
18 employee of the distributor.

19 MR. PANTHER: That's where it goes back to our
20 concern too, of that line are you going to require
21 the local distributor to hire all the personnel for
22 the road show.

23 CHAIRMAN MCMULLIN: Mark, correct me if I'm
24 wrong, they're assistants under your company.

1 MR. GREGA: But by definition here an employee.
2 They're certainly not an employee.

3 CHAIRMAN MCMULLIN: Right.

4 MR. GREGA: This opens up the entire thing to the
5 idea of a cover license. I mean, it's -- the way to
6 alleviate this as well is merely to say there can't
7 be cover licenses. If you're going to come into the
8 state and do a show, then you get a license.

9 MR. MUZZY: Or like we talked about last time,
10 like Maureen explained the reason the employment
11 relationship requirement is in place is because you
12 want the worker's comp and you want the liability
13 insurance. So why not say that instead of saying
14 employment requirement?

15 If you don't care where the workman's comp
16 insurance or the liability insurance comes from, then
17 just say the person who is an assistant shall be
18 covered by worker's comp insurance, whether that's
19 Illinois or otherwise like we discussed earlier, and
20 liability insurance coverage.

21 MR. GREGA: Because the cover license is
22 obviously the gray area because it is a company
23 that's coming and doing a show that doesn't have
24 their license so they hire someone with their

1 license. It's a courtesy. It's something that the
2 companies do back and forth in our industry.

3 However, I mean, I agree. We don't have to
4 say an employee. If we are talking about the company
5 that's coming in -- XYZ company that's coming in to
6 do a show has their worker's comp for their
7 employees. They have their product liability and the
8 have their general liability. They merely don't have
9 a license in this state.

10 So I mean the assistant part saying that
11 it's an employee of the, you know, pyrotechnic
12 distributor, assistant -- I mean, there probably just
13 needs to be a separate section that deals with
14 touring.

15 CHAIRMAN MCMULLIN: Yeah.

16 MR. GREGA: Because this really is about someone
17 who is doing a show that is doing a show here. And
18 we are talking about the touring thing, you're
19 also -- as we all brought up a little while ago,
20 certainly the lighting company that is out of
21 Pennsylvania probably doesn't have Illinois Workman's
22 Comp insurance.

23 However, they're here. They're doing a
24 show. Are they specifically covered by Illinois

1 Workman's Comp unless they have a policy? No. But
2 you are talking about an industry -- and as we are
3 saying that we certainly want to make it easy for
4 companies to do business here. It's huge.

5 MR. PANTHER: Tens of thousands of touring
6 employees around the country.

7 MR. GREGA: So is there a need to have a
8 specific, you know, definition or something that is
9 for touring because touring is different. You are
10 talking about -- as you said, it's not necessarily an
11 employee because it's an employee of another company
12 that's coming in who is covered by their insurance,
13 who is covered by all of their general liability but
14 it's not specifically the Illinois licensed person.

15 MR. MUZZY: It seems to me rather than have to
16 break out a whole new scheme of a touring situation,
17 why not just say what it needs to say which is you
18 have insurance in place.

19 MR. BARNES: But what about --

20 MR. AUGUST: It's not that simple. The statute
21 provides the assistant is employed by a licensed
22 production company has to carry liability insurance
23 and Illinois Workman's Compensation insurance. It's
24 not just that we can modify rules.

1 MR. MUZZY: Why not amend the Act to say what you
2 just said, what it needs to say? If that's what the
3 employment relationship is, that's what you meant to
4 say but instead you said must be an employee, then
5 why not just say you need the insurance.

6 MR. AUGUST: We didn't create this Act
7 unfortunately. It was something that was handed to
8 us as well a while back. It's been a battle since
9 2003. We had very little to say about this at this
10 point in time. We can always modify it. But I think
11 that is something we will need to check and find out
12 what the legislature meant with respect to the
13 insurance issues.

14 That was a major thing that Maureen spoke of
15 last time was the fact that the liability insurance
16 from out of state and people get hurt here -- it
17 doesn't matter where you come from. If you come from
18 Georgia, you're performing a job and they're suing
19 us, Illinois is the one getting stuck paying the
20 workman comp insurance in most cases because it pays
21 better than other states. That's the big issue why
22 it came down. They wanted Illinois Workman Comp.

23 MR. MUZZY: That's fine. If that's what the
24 requirement needs to be, then that's what it needs to

1 be. But I don't see the need to perpetuate this
2 employment requirement when what you're really
3 wanting is this insurance coverage. Then the Task
4 Force is tasked with recommending changes to the
5 entire Act. Why not make that recommended change?

6 MR. AUGUST: I'm not sure it's that simple. The
7 reason I say that is if you're employed by XYZ
8 company with workman's compensation insurance, you
9 are performing something for another company, whose
10 compensation is going to be stuck with it?

11 MR. MUZZY: Depends on who you're working for.

12 MR. BARNES: I think a lot more than that. There
13 are a lot of issues involved. It's a gray area as to
14 who's going to get stuck with it. If we can
15 establish an employee relationship -- We are talking
16 about streamlining here -- it streamlines things.

17 Now, if means -- sounds to me that this
18 touring company and the cover license is a big issue.
19 And we have to consider the concerns of the people
20 that are involved in this industry. And they don't
21 want to get stuck with liability that they're not
22 intending to assume. Maybe we do have to -- Maybe we
23 recommend to the legislature that we have a
24 special -- you know, an additional component to this

1 action or the rules --

2 MR. GREGA: Because when you're talking about a
3 standard show -- And this was our objective here was
4 looking at the music industry. Music industry
5 because of its nuisances, it does seem it might need
6 its own license, its own definitions because it is a
7 very gray relationship.

8 MR. PANTHER: I agree. I think not only --

9 MR. GREGA: Because when we are talking about a
10 standard show, XYZ company is hired to come in and do
11 a show at the United Center, that show is a one off.
12 There are certain pyrotechnic companies -- all of
13 their employees, they provide the show. Once the
14 show is done, it's over.

15 So for that amount of time there is a
16 pyrotechnic distributor, the pyrotechnic operator and
17 the assistants who are employees. That is what this
18 is defining. It's when we are talking about music
19 and we are talking about the touring industry, it is
20 different.

21 MR. PANTHER: And I think as part of that Act, it
22 can address not only the insurance -- or the work
23 comp issue but it can also clearly state in there in
24 a cover license situation who has to apply for the

1 permit. Because right now I'm seeing it in real life
2 that it's not being done that way. I read the Act to
3 say that you have to be an Illinois distributor to do
4 that service.

5 When people come to you already with permits
6 in hand and you ask how did you get your permit;
7 well, we just are hiring the cover license person;
8 well, who's the distributor? And there is no
9 distributor at that point. That's where I think
10 having that definition could be very helpful.

11 CHAIRMAN MCMULLIN: That's a problem at the local
12 jurisdiction.

13 MR. KAY: Yes.

14 CHAIRMAN MCMULLIN: You know, we have given
15 numerous classes, four that I know of, where the
16 local jurisdictions come and we have explained the
17 process to them. I mean, we will give another class
18 and invite all these fire marshals or whoever handles
19 it in that town again to clarify that. You know,
20 that's not a problem. That's just a training issue.

21 MR. PANTHER: It's easier for us to do it too.
22 If we had the statute in existence. It's very easy
23 for me to say to somebody who calls me up and says
24 we'd like to have you as a cover license, to be able

1 to say here's a document I'm sending you; this is
2 what the regulations say; we will pull the permit; we
3 need your advance packet; it needs to be submitted in
4 adequate advanced time; and you need to list us as
5 additionally insured.

6 Spell out what needs to happen. Of course I
7 think there is the work comp part of it. That's a
8 whole separate issue that needs to be addressed
9 because the statute clearly states that is a
10 requirement right now. So --

11 MR. GREGA: It's only dealing with touring.

12 MR. PANTHER: It only happens in touring.
13 Nothing else creates a situation where this is a
14 problem.

15 MR. GREGA: So, I mean, we can certainly all of
16 us show the process. I mean, we can all outline how
17 this process works from the initial phone call to
18 what happens at the show. And then be able to look
19 at that and probably be able to make definitions, be
20 able to change the display report so it reflects who
21 actually is doing what. And make it so that tours
22 are not outside of our rules but contained within
23 them. So that it is not black and white but it's
24 much more gray -- Excuse me -- much more black and

1 white.

2 MR. PANTHER: Hopefully other states will follow
3 suit.

4 MR. GREGA: This is inherent as far as everywhere
5 in the United States. Same thing in Europe. We do
6 shows in Europe. We hire local companies who have
7 licenses because I can't get a license in Germany and
8 Sweden and Denmark and Copenhagen. I've got enough
9 trying to get all the licenses in the United States.

10 MR. KAY: So if I could describe this -- let's
11 use the air show model just because of the
12 demographics. There's a lot of people that showed up
13 at that air show at Scott Air Force Base that had a
14 DNR license that were being compensated one way or
15 another by the Tora, Tora, Tora company under their
16 extensive liability coverage.

17 I signed them up as assistants as per
18 statute, which is what I did under these definitions
19 as event employees. Now, if I am offering training
20 to a Local 2 stagehand to have experience with those
21 types of explosives and that type of a show, that
22 individual is being compensated by Hi-Tech which
23 ratifies my workman's compensation and insurance
24 situation. That is also an assistant.

1 MR. GREGA: But at that Tora, Tora show, were you
2 working as a Local 2 stagehand or were you working as
3 an employee of Hi-Tech?

4 MR. PANTHER: You're working as an employee.

5 MR. KAY: I was working as an employee. Again,
6 I'm trying to cover for Local 2 stagehands to get
7 trained and to get in the system legally.

8 MR. GREGA: In that sense they would be working
9 with --

10 MR. PANTHER: They would have to be employees if
11 they wanted to handle product. Now, if you wanted
12 to -- in your model if you wanted to evaluate
13 somebody as you were talking about before, they may
14 be able to work as an event employee on the house's
15 payroll. But they're not going to be allowed to
16 handle any pyrotechnic product, fire device. If they
17 want to go to that level, if you want to elevate the
18 training to that level, they have to make the step
19 then and become an employee in order to function in
20 that role.

21 MR. KAY: Okay. All right.

22 MR. MUZZY: Will there be any sort of credit
23 given for performing the setup?

24 CHAIRMAN MCMULLIN: Event employee, no.

1 MR. MUZZY: So they can't get display credits for
2 that?

3 CHAIRMAN MCMULLIN: No.

4 MR. PANTHER: I would say it's probably not
5 really appropriate. If you're not actually handling
6 something or doing hands-on work with product -- I
7 mean, you're going to gain some experience. But, I
8 mean, the whole notion of ten displays, I mean, it's
9 an arbitrary number that's picked out there. We all
10 know that ten displays does not a pyrotechnic
11 operator make.

12 MR. GREGA: Sometimes when you're talking about
13 someone who works for an outdoor company, they may
14 very well -- this was the problem that we dealt with.
15 They may only do one show a year. So that person who
16 does one show a year did it safely but only did one
17 show. So when you start to say well, that one show,
18 you know, you did it. You were trained. You fired
19 the show successfully and without incident. How are
20 you going to get ten more?

21 So, I mean, ten was a number that we picked
22 so at least there was some sort of a knowledge that
23 you had at least ten shows. Certainly, yeah, I would
24 like it to be 25 or 50 or 100 shows. But then

1 there's the -- now are you making it incredibly
2 difficult for anyone to get a license especially that
3 person who does one show a year?

4 MR. PANTHER: Or did 300 performances of one
5 show.

6 MR. GREGA: Right. Which is how we in the
7 initial part of this gave those people credit for the
8 fact that at the Bull's, they do the same show over
9 and over again. It's the same show and it's 41
10 times. So, yeah, you have experience in doing that
11 specific show. So you should be able to continue
12 doing that specific show. But that show certainly
13 doesn't give you the experience to say that you could
14 go walk into another show and be able to conduct it,
15 set it up and operate it safely especially if it's a
16 theme park where it's --

17 CHAIRMAN MCMULLIN: The same thing.

18 MR. GREGA: -- you walk in every day and place
19 this here. You don't know why. This is where you
20 put it. And then it gets plugged in. You push this
21 button and this is what happens.

22 MR. KAY: So there is no circumstance where an
23 event employee could get log credit towards his
24 license?

1 CHAIRMAN MCMULLIN: No.

2 MR. KAY: This is merely facilitating labor
3 support but it does not include credits toward
4 licensure?

5 CHAIRMAN MCMULLIN: Correct.

6 MR. KAY: Okay.

7 MR. RIORDAN: But is he going to require a
8 license just like an assistant?

9 CHAIRMAN MCMULLIN: No, because he's not touching
10 product.

11 MR. RIORDAN: So there isn't going to be any fire
12 marshal licensing for that person?

13 CHAIRMAN MCMULLIN: No.

14 MR. KAY: Would I fill out the assistant --
15 registered assistant and send that through the loop?

16 CHAIRMAN MCMULLIN: No.

17 MR. PANTHER: Not unless they were actually an
18 employee --

19 MR. KAY: Of the company.

20 CHAIRMAN MCMULLIN: It all ties back to the
21 company.

22 MR. KAY: Here we are like a bump on a record.
23 We are back again to the road operator who is
24 actually pulling the trigger.

1 MR. GREGA: Yes.

2 MR. KAY: Am I filling out assistant registration
3 for Hi-Tech when he's not an employee of Hi-Tech?

4 MR. PANTHER: That's where my problem comes.
5 Right now we are currently registering these folks as
6 assistants in our best effort to comply with the Act.
7 However, they are not statutory employees of our
8 company. They wouldn't be employees of Mark's
9 company. Nor do we want to have to hire these people
10 for one day.

11 CHAIRMAN MCMULLIN: Right. When we get the
12 display report; Kent Kay, lead operator; Brian
13 Panther, licence holder. It's all laid out there.
14 The assistants are whoever did assistant work.

15 MR. KAY: So in other words, your event employee
16 would arrive on your display report?

17 CHAIRMAN MCMULLIN: No.

18 MR. KAY: Not even there?

19 CHAIRMAN MCMULLIN: No, because they're not
20 touching --

21 MR. KAY: Because they're not touching product.

22 CHAIRMAN MCMULLIN: We are not going to give them
23 credit for something they haven't done.

24 MR. KAY: Copy that. All right.

1 MR. GREGA: But certainly on the show that you
2 are the pyrotechnic operator or an assistant of
3 someone who is actually operating the show, you
4 certainly get credit.

5 MR. KAY: Okay.

6 MR. RIORDAN: Or an event employee. You can be
7 an employee of the house that on a given show is
8 assigned to work with the pyrotechnic distributor to
9 set everything up. So it could be anybody assigned
10 on that day?

11 CHAIRMAN MCMULLIN: Yes.

12 MR. RIORDAN: So they have no special training.
13 There's no requirement for --

14 CHAIRMAN MCMULLIN: No, they're running cables,
15 moving cryo units, whatever. But they're not wiring
16 the product or handling the product.

17 MR. MUZZY: How do you propose to get around the
18 employment requirement that's in the statute for your
19 road people? You're going to create some new scheme
20 just for the road shows? In the mean time, how do
21 you get around that requirement?

22 MR. BARNES: Nothing is going to happen
23 immediately.

24 MR. MUZZY: I mean, that's the proposal is to

1 create a new scheme?

2 MR. GREGA: Yes.

3 MR. PANTHER: I think it needs to be done because
4 right now it's just kind of hanging out there. At
5 least if there's a section that's devoted to this
6 topic, it's very clear that there was definite
7 thought put into how it should be administered and
8 making sure that everybody is covered.

9 MR. GREGA: We are looking at the real life.
10 This is what's happening so it should addressed
11 within the rules.

12 MR. PANTHER: We are not going to as a committee
13 be able to change what the rest of the country does.
14 It's something we are going to have to address in the
15 state.

16 MR. BARNES: Yeah, and to the extent that the
17 Task Force is able to agree on a definition for
18 assistant, if the with path we do go down is to
19 create a different scheme for the cover license --

20 MR. GREGA: In some situations the assistants --
21 this definition is correct and true.

22 MR. BARNES: Right, but in the non-cover license
23 situation. So I think that definition would later be
24 modified to say except as -- or reference the road

1 show provisions. You know, to carve out an exception
2 for that in the instance that a cover license has
3 been applied for blah, blah, blah, blah. Did you get
4 that, the blah, blah?

5 MR. GREGA: I mean, are we all thinking that this
6 is an avenue that we want to go down because
7 obviously for us these meetings -- there's two weeks
8 in between and our deadline is approaching rather
9 quickly. So I mean, there's going to need to be
10 something. If we are going to talk about this, we
11 should probably start to talk about it now. Start to
12 think of this is the process and these are the --

13 MR. BARNES: Components.

14 MR. GREGA: -- provisions that needs to be in it.
15 How many more meetings do we have left?

16 MR. PANTHER: I think we are scheduled for two.

17 CHAIRMAN MCMULLIN: Three.

18 MR. BARNES: Three.

19 MR. PANTHER: I think if we proceed with that
20 idea, obviously we have to wait back for legal
21 counsel's opinion on the insurance, the work comp
22 statute and why it was codified the way that it was.

23 MR. BARNES: But we can also proceed with
24 identifying the components --

1 MR. GREGA: Yes.

2 MR. BARNES: -- to the cover license
3 requirements. You know, what is it that you see as
4 the steps that need to be taken, the issues that need
5 to be addressed? We can leave a place marker for
6 worker's compensation at the next meeting.

7 MR. KAY: Now, I have a situation -- and I'm
8 speaking mostly to theater and dance here.
9 Traditionally pyrotechnic operators come out of the
10 electronics department. And one of my trainees now
11 is an ETC certified electrician, Brady Jarvis,
12 happens to be registered with both Strictly and
13 Hi-Tech as an assistant.

14 Brady can come in as an event assistant and
15 assist in everything but handling the product.
16 However, when it comes to the point where I want to
17 get log entries for Brady -- now mind you, he's on
18 the job payroll. He's not on the Hi-Tech payroll.
19 How do I get him certified? Can I pay him a
20 trainee -- let's say, a trainee stipend on top of his
21 head of electric stipend through my company or
22 through Local 2 so that he is registered as an
23 employee so I can get his hands on the product and
24 get him certified to some day run that show?

1 MR. PANTHER: That's more of a business model or
2 business issue with the union. In order for him to
3 actually handle the product or fire the show, he
4 would have to be payrolled by the pyrotechnic
5 distributor to perform that function.

6 MR. KAY: It doesn't matter if he's payrolled
7 somewhere else you're saying?

8 MR. PANTHER: Right. For the purposes of the
9 Pyrotechnic Distributor and Licensing Act, you would
10 have to be an employee of the pyrotechnic
11 distributor.

12 MR. KAY: Yes.

13 CHAIRMAN MCMULLIN: Correct.

14 MR. PANTHER: In order to do that.

15 MR. KAY: Sure. In Brady's case he could be
16 working, fulfilling his responsibilities as head of
17 electronics through job free and I could hire him to
18 train him.

19 MR. PANTHER: Yeah, and what your agreement is
20 with the union hall --

21 CHAIRMAN MCMULLIN: As long as you have the
22 insurance.

23 MR. KAY: It seems to me that the employee
24 relationship ratifies the workman's comp and the

1 insurance.

2 MR. BARNES: That's the idea.

3 MR. PANTHER: That's the threshold.

4 MR. KAY: And no volunteer. I'm hearing that
5 loud and clear.

6 CHAIRMAN MCMULLIN: Right. Back to the
7 definitions. Do we agree on the definitions?

8 MR. BARNES: Why don't you read them again as
9 we've modified them just so we have the record and
10 then we will take a vote.

11 CHAIRMAN MCMULLIN: Well, assistant we didn't
12 modify at all.

13 MR. BARNES: Just read it for the record.

14 CHAIRMAN MCMULLIN: Assistant means an employee
15 of a pyrotechnic distributor or pyrotechnic
16 production company who is at least 18 years of age
17 who is covered by his/her employer's workman's
18 compensation, product liability and general liability
19 policies pursuant to the Illinois Compiled Statute
20 277-35 and who under the supervision of the lead
21 operator assists with the safety, setup and discharge
22 of a pyrotechnic display.

23 MR. MUZZY: I know I'm only a member of the
24 public but I certainly don't agree with that

1 definition for the reasons I stated before.

2 CHAIRMAN MCMULLIN: Do we want to vote on this?

3 MR. BARNES: Does anyone want to move?

4 MR. MUZZY: I thought the Task Force said
5 initially that you're going to discuss all and
6 consider all the issues as you move forward and then
7 vote at a later point.

8 MR. BARNES: I think --

9 MR. MUZZY: I think that was discussed at the
10 first meeting.

11 MR. BARNES: I think the idea is to create a
12 report that has the findings of the board and present
13 it to the Speaker's office. So to the extent that we
14 can come up with agreed points that will guide the
15 Speaker's office in modifying, if they so choose, I
16 think that's in our best interest.

17 MR. MUZZY: I don't think you were here at the
18 first meeting, Bill, to recall the discussion that
19 happened at that time but that was the discussion.

20 MR. BARNES: Thank you for pointing that out.
21 But I also read the minutes so I'm pretty up to speed
22 on what's going on here.

23 MR. PANTHER: What is your primary concern?
24 You're concerned about the word employee?

1 MR. MUZZY: You're voting on language that no one
2 is reading, that you're just reading out loud without
3 seeing it in writing. I mean, isn't the idea to
4 create the whole scheme, put it in writing and
5 then have everyone agree on it and --

6 CHAIRMAN MCMULLIN: I've got it in writing right
7 here. They can read it.

8 MR. KAY: Well, Dan, clearly in the second
9 section, we need to make some modifications.

10 CHAIRMAN MCMULLIN: Yeah.

11 MR. GREGA: Yeah, we remove the word discharge
12 and replace it with removal.

13 MR. PANTHER: Do we need to add removal to
14 assistant also? Right now it says safety, setup and
15 discharge. Maybe it should say safety, comma, setup,
16 comma, discharge, and removal.

17 MR. GREGA: Yeah.

18 CHAIRMAN MCMULLIN: Yeah, we can put that in.

19 MR. GREGA: Safety, setup, comma, discharge and
20 removal. And the second paragraph remove discharge
21 and replace it with removal.

22 MR. KAY: Taylor, you would like to defer a vote
23 on this until such time as you see all the language?

24 MR. MUZZY: I think that would be appropriate.

1 MR. KAY: You in turn can have that reviewed by
2 whatever parties you wish.

3 MR. MUZZY: And whoever else for that matter.

4 MR. BARNES: We have had an opportunity for the
5 public comment and discourse. If the Task Force
6 moves to vote on it, that's the Task Force -- that
7 its prerogative.

8 CHAIRMAN MCMULLIN: Then event employee means an
9 individual --

10 MR. BARNES: Let's start with the assistant.
11 Someone has to move to vote on it. If we don't want
12 to vote on it, we don't vote on it.

13 MR. GREGA: I move to vote on it.

14 CHAIRMAN MCMULLIN: Is there a second?

15 MR. RIORDAN: I'll second it.

16 CHAIRMAN MCMULLIN: Dan. All in favor say aye.

17 (A chorus of ayes.)

18 MR. PANTHER: I don't see a problem with it.

19 CHAIRMAN MCMULLIN: Anyone oppose?

20 MR. KAY: Well, we don't see the meeting -- we
21 don't see the meeting notes. We're revising this
22 now. I don't know. It just seems that we could --
23 if we had the wording in front of us, then we are
24 voting on something we know about. What -- Are we in

1 a hurry to do this now?

2 CHAIRMAN MCMULLIN: Well, we only have three more
3 meetings and I think we're in agreement for the most
4 part on this. That's why we put it out for a vote.

5 MR. KAY: Well, I'm only one in vote in dissent
6 and I will vote no realizing --

7 CHAIRMAN MCMULLIN: Four for it and one against.

8 Okay. Event employee means an individual
9 who works under the supervision of the display
10 operator and who assists with the safety, setup and
11 removal of a pyrotechnic display but does not handle
12 the pyrotechnic material or charged flame effect
13 equipment.

14 MR. BARNES: I thought it was live.

15 MR. PANTHER: I would say does not handle live
16 pyrotechnic material.

17 CHAIRMAN MCMULLIN: Okay. Live.

18 MS. YORK: Can I ask a question?

19 CHAIRMAN MCMULLIN: Yes, ma'am.

20 MS. YORK: I'll introduce myself. I know some of
21 the folks here. My name is Faith York. I'm the
22 director of production of Broadway in Chicago. So
23 I'm sort of here more of the venue side, like being
24 someone who is a presenter and having to figure

1 out -- I mean, the state and the local licenses and
2 the shows, how to make them be able to do what
3 they've been doing across the country.

4 I wasn't here last week so I apologize for
5 that. But I just have a quick question. So the
6 event employee, I guess what is the purpose of having
7 the definition of this person if they aren't getting
8 credits towards being able to be an operator? I
9 guess I just have a question of a little background
10 of what that person is because within the venue
11 itself at least as far as operating in the City of
12 Chicago, I mean, the Local 2 employees that we have
13 coming in they have a certain amount of training that
14 we expect that they have. They're covered under all
15 of our insurance and everything like that.

16 And then with the City of Chicago we are
17 required to have fire guards in the building of which
18 two of our Local 2 people are so at any given time
19 there's always someone that has that training sort of
20 overlaps with what this is.

21 So I'm just wondering -- what clearly there
22 was conversations that happened last week about
23 needing this but I'm just trying to figure out what
24 the point is.

1 CHAIRMAN MCMULLIN: It's defined so the union
2 knows or any employee knows what they can do and what
3 they can't do.

4 MR. PANTHER: I think the big situation is just
5 to make it very clear because if -- take the
6 situation where an event employee is working under
7 the supervision of an operator but they're not really
8 an employee of the distributor, if they were to
9 handle pyrotechnic product or position a device or
10 move something once it's been positioned and an
11 incident happened that caused an injury or property
12 damage after that, there was concern -- and the folks
13 at the Arie Crown Theater brought up a very valid
14 point. They didn't want the venue to have any
15 responsibility or liability with respect to who's
16 handing that. They just say nobody touches it unless
17 you are a pyrotechnic vendor. It just puts it in a
18 little bit clearer definition for the --

19 MS. YORK: Got it. Okay.

20 MR. PANTHER: -- venue to say your people can do
21 this and are not allowed to do this once live product
22 is introduced or gas is introduced.

23 MS. YORK: Great. Thank you.

24 MR. PANTHER: It's mainly a way to cover the

1 venue's butt, so to speak, in these types of
2 situations.

3 MS. YORK: Makes perfect sense.

4 MR. GREGA: As she stated, right now the Arie
5 Crown and the other components do not allow
6 pyrotechnic shows because of the fact they do not
7 want the liability because the stagehand labor is an
8 employee of their venue. So as they stated, it was
9 certainly just an overview that here's a situation
10 where the venue is not using pyrotechnics because of
11 the relationship.

12 MS. YORK: Yep.

13 MR. GREGA: So this was also a way to allow them
14 to be able to do it so that her labor force which is
15 under her liability insurance would be exempt since
16 her employees are not touching any product.

17 MS. YORK: Okay. Thank you.

18 CHAIRMAN MCMULLIN: Okay. Back to the
19 non-employee, the definition.

20 MR. GREGA: Does not handle live pyrotechnic
21 materials or --

22 CHAIRMAN MCMULLIN: Charged flame effect
23 equipment.

24 MR. BARNES: So why don't you read it again so

1 the record is clear.

2 CHAIRMAN MCMULLIN: Okay. Event employee means
3 an individual who works under the supervision of the
4 display operator and who assists with the safety,
5 setup, removal of a pyrotechnic display but does not
6 handle the live pyrotechnic material or charged flame
7 effect equipment.

8 MR. GREGA: Is the term display operator the
9 correct --

10 MR. PANTHER: I think pyrotechnic operator is the
11 correct term, isn't it?

12 MR. KAY: Display kind of leads us outdoors where
13 we don't want to go.

14 CHAIRMAN MCMULLIN: Okay.

15 MR. GREGA: Is it the lead pyrotechnic display --
16 or the lead pyrotechnic operator is the definition
17 inside of the rules?

18 MR. BARNES: I think it's lead operator. Isn't
19 that what it references?

20 CHAIRMAN MCMULLIN: Yes.

21 MR. MUZZY: The statute is lead pyrotechnic
22 operator.

23 CHAIRMAN MCMULLIN: So we can make it lead
24 pyrotechnic operator?

1 MR. GREGA: Uh-huh.

2 MR. PANTHER: Yeah.

3 CHAIRMAN MCMULLIN: All right. I'll read it one
4 more time. Event employee means an individual who
5 works under the supervision of the lead pyrotechnic
6 operator and assists with the safety, setup and
7 removal of a pyrotechnic display but does not handle
8 the live pyrotechnic material or charged flame effect
9 equipment.

10 MR. KAY: I am urging you, Dan, to be specific
11 for enforcement purposes about the unlawful nature of
12 handling pyrotechnic products as a volunteer, to make
13 that explicit that there is no circumstance where it
14 is lawful for anyone to handle pyrotechnic products
15 as an unpaid volunteer.

16 And, again, I'm speaking to your power to
17 enforce the statute because as we know, we have
18 problematical areas in -- strictly in public basic
19 commercial display where certain companies are
20 bringing uncle Ted and the nieces and nephews for
21 nothing and they're hanging out in the breeze.

22 MR. PANTHER: What about under 225 ILCS 227.10,
23 Section 10, license enforcement: No person may act
24 as a pyrotechnic distributor, production company or

1 lead pyrotechnic operator or advertise the use of the
2 title employing that person as a pyrotechnic
3 distributor.

4 What about just putting in there after
5 pyrotechnic operator, assistant? That catches it in
6 the definition then. That puts it within the scope
7 of enforcement.

8 CHAIRMAN MCMULLIN: Okay. We can do that.

9 MR. BARNES: That's a good idea.

10 MR. PANTHER: Section 10, license enforcement:
11 No person may act as a pyrotechnic distributor,
12 production company, lead pyrotechnic operator,
13 insert, assistant or advertise or use any title
14 implying the pyrotechnic distributor, so on and so
15 forth.

16 CHAIRMAN MCMULLIN: Okay.

17 MR. KAY: Essentially that's the same thing in
18 positive terms rather than stating it's a
19 prohibition.

20 CHAIRMAN MCMULLIN: Right. Back to the event
21 employee. Do we want to vote on that?

22 MR. GREGA: I'm in.

23 CHAIRMAN MCMULLIN: Grega moves. Is there a
24 second?

1 MR. PANTHER: I second that.

2 CHAIRMAN MCMULLIN: Panther. All in favor say
3 aye.

4 (A chorus of ayes.)

5 CHAIRMAN MCMULLIN: Anyone disagree?

6 MR. KAY: One dissent.

7 CHAIRMAN MCMULLIN: One dissent, Kay.

8 MR. PANTHER: Obviously we can come back and
9 revisit this if the new definitions cause a change.
10 But I think all we're agreeing on right now is we
11 like what we've got so far, let's move forward and we
12 can finalize it. We are going to be eventually
13 voting on our final recommendation to the legislature
14 as an entire package, correct?

15 MR. BARNES: Yes.

16 CHAIRMAN MCMULLIN: Okay. Is there any other
17 changes?

18 MR. GREGA: If we're talking about including the
19 local license cover, it's --

20 CHAIRMAN MCMULLIN: Well, before we get to that,
21 is there any other changes?

22 (No response.)

23 MR. MCMULLIN: Okay. Mark.

24 MR. GREGA: Just local license cover if we just

1 start to talk about how the process works so we all
2 understand it so we can start to look at possibly
3 doing some sort of licence -- not a license but just
4 technicians and display reports that reflect the
5 touring situation as opposed to a regular show that
6 is a one off that comes in. Everyone that's on that
7 show are employees of the pyrotechnic distributor.
8 This is obviously something that needs to be
9 discussed.

10 So I mean the permitting process as you
11 stated, Brian, that probably just needs to -- the
12 order of it is a touring company needs to contact a
13 licensed -- a pyrotechnic distributor first. They
14 need to supply -- So contact would be first before
15 permitting a pyrotechnic distributor; provide the
16 plans; setup; list of effects which is all back to
17 1126.

18 MR. PANTHER: Well, actually I think -- isn't
19 that packet of information defined in the Act?

20 MR. BARNES: Yeah.

21 MR. PANTHER: Pyrotechnic plan per section.

22 MR. GREGA: After that it would obviously be list
23 of operators.

24 MR. PANTHER: List of touring operators.

1 MR. GREGA: List of touring technicians. I
2 mean --

3 MR. PANTHER: Touring personnel, yeah.

4 MR. GREGA: You can call it personnel. I mean,
5 typically as far as -- it's a tech. Do we want to
6 call it what it's called or call it personnel? I
7 mean, typically in a credit on a tour program, it's
8 operator, technicians.

9 MR. PANTHER: Technicians, yeah.

10 MR. KAY: And correct me if I'm wrong, Mark, but
11 we're -- the road operator would turn up on the post
12 display, not on the assistant. You wouldn't enroll
13 him as an assistant in your pyrotechnic --

14 MR. GREGA: No, no, it would be a list that would
15 go with the packet that this is actually who is
16 conducting the show and these are the people that are
17 employees of the company that is conducting the show.

18 MR. KAY: But they show up in the display box --

19 MR. PANTHER: As road crew.

20 MR. KAY: Road crew.

21 MR. PANTHER: You would not have to register them
22 as assistants.

23 MR. GREGA: I think if we are going into
24 uncharted territory, I mean your office wants to

1 know --

2 CHAIRMAN MCMULLIN: Who's out there.

3 MR. GREGA: Who is doing the shows. But by
4 definition of assistant, we are saying it's an
5 employee of the distributor. So this would be
6 someone who is not an employee of the distributor but
7 who is an employee of the touring company.

8 MR. PANTHER: Touring company.

9 MR. KAY: Dan, you're telling me you would still
10 like to see the assistant registration because it
11 would have a driver's license, their address if we
12 needed to call them.

13 CHAIRMAN MCMULLIN: Once -- The JCAR rules were
14 approved, correct, Joe? The JCAR rules were any
15 performance now comes to our office. The tour
16 booklet comes to our office before it goes to the
17 local jurisdiction or at the same time. So we can
18 check and make sure everything is done as far as the
19 licensing.

20 MR. GREGA: So it would come from the tour. X
21 band contacts a local distributor. The local
22 distributor contacts your office, provides you with
23 the plan.

24 CHAIRMAN MCMULLIN: Yes.

1 MR. GREGA: Who is the road operator, who is the
2 road technicians and then who is the local license
3 cover.

4 CHAIRMAN MCMULLIN: And their insurance also.

5 MR. GREGA: And then their insurance and the
6 local license insurance.

7 MR. KAY: So again if they send you the picture
8 of their driver's license, then there's no need for
9 me to go through the assistant packet on the set?
10 That's what I'm asking.

11 MR. PANTHER: I think that's attractive from our
12 perspective. As long as you're getting the
13 information you need on the road operators and all
14 that stuff is usually in the show packets, it makes
15 logical sense to do it that way because it's going
16 through your office first.

17 CHAIRMAN MCMULLIN: And then Dan as the fire
18 department, when I send it to him, he knows I've
19 checked for the insurance, the local license and
20 everything.

21 MR. KAY: And that way Hi-Tech also is not
22 stacking up a list of assistants that we use once.

23 MR. PANTHER: Once, yeah.

24 MR. KAY: Many of them you never see again so --

1 CHAIRMAN MCMULLIN: Yeah.

2 MR. KAY: But you have their driver's license.

3 CHAIRMAN MCMULLIN: Yeah, I have all the
4 pertinent information.

5 MR. RIORDAN: And I just -- from my perspective
6 what Dan requires may not necessarily be -- I may
7 have something a little bit more restrictive in my
8 jurisdiction.

9 CHAIRMAN MCMULLIN: Right, just because I say
10 it's okay, doesn't mean it's okay in Tinley Park or
11 Springfield.

12 MR. RIORDAN: There may be additional information
13 that may named on the policies from the Village of
14 Tinley Park beyond the minimum of what we normally
15 have, the normal requirement. So I think Dan's
16 right. This isn't the end all. There could be
17 nuances.

18 MR. KAY: I'm just speaking to the state form for
19 assistant because again what -- the net result is we
20 wind up piling up names of assistants that show up on
21 the website that really are not Hi-Tech employees --

22 CHAIRMAN MCMULLIN: Correct.

23 MR. KAY: -- in any sense.

24 MR. PANTHER: So now do you want the packet to go

1 first to OSFM or do we send it parallel to you and
2 the local jurisdiction?

3 CHAIRMAN MCMULLIN: Parallel I would say.

4 MR. PANTHER: Because you don't want to be
5 responsible for making sure it gets to the local guy.

6 CHAIRMAN MCMULLIN: The local license will send
7 it to the local jurisdiction.

8 MR. PANTHER: So two copies need to be sent, one
9 to the Office of the State Fire Marshal and one to
10 the local AHJ.

11 MR. GREGA: On this plan there would have to
12 be -- if we just call them a tour operator or
13 operators, there needs to be a list of who is
14 actually the operator. And then underneath that
15 there would be the list of tour technicians. And
16 then two copies get sent to the Fire Marshal as well
17 as the authority having jurisdiction. And then
18 defining a tour operator.

19 What's the definition that we presently have
20 for lead pyrotechnic operator.

21 MR. BARNES: Individual with overall
22 responsibility for the safety, setup discharge and
23 supervision of a pyrotechnic display or pyrotechnic
24 service.

1 MR. GREGA: At the end there, pyrotechnic
2 service, is that defined?

3 MR. PANTHER: Yes.

4 MR. BARNES: Yeah.

5 MR. PANTHER: Detonation, ignition or
6 deflagration of display fireworks, special effects or
7 flame effects to produce a visual or audible effect.

8 MR. GREGA: So do we need to augment that or is
9 that definition for the tour operator still valid?

10 MR. BARNES: We don't have a definition for tour
11 operator.

12 MR. GREGA: That's what I'm saying. If we are
13 making basically a tour local license process, we are
14 going to need to define that person because that
15 person is truly the person who is detonating, is the
16 person who is overall in charge.

17 CHAIRMAN MCMULLIN: So we can make him the lead
18 operator, same definition.

19 MR. GREGA: Right.

20 MR. PANTHER: Call him the touring lead operator.

21 MR. GREGA: Would be the same definition as a
22 lead pyrotechnic operator just with a new
23 classification as touring.

24 CHAIRMAN MCMULLIN: A tour technician would be

1 the same as an assistant.

2 MR. GREGA: Yes, because that operator is an
3 employee --

4 MR. BARNES: Right.

5 MR. GREGA: -- of that company and the technician
6 is an employee --

7 MR. BARNES: Is an employee.

8 MR. GREGA: -- of that company.

9 MR. PANTHER: Is it necessary then since you're
10 saying the touring person, to define the touring
11 pyrotechnic provider/vendor or is that not needed?

12 CHAIRMAN MCMULLIN: Well, I think that would be
13 in there.

14 MR. PANTHER: Right now it's not currently
15 defined. You've got your pyrotechnic distributor
16 which is your Illinois license distributor. I think
17 you might have to have some type of language to say
18 the touring pyrotechnic vendor or service provider --
19 touring pyrotechnic company.

20 MR. GREGA: Oh, nice. Touring pyrotechnic, just
21 rolls off the tip of your tongue.

22 MR. BARNES: That's the touring company
23 essentially --

24 MR. PANTHER: The touring company.

1 MR. BARNES: -- who is seeking the license?

2 MR. GREGA: Who has the insurance for the show
3 that they are putting on.

4 MR. PANTHER: You could use that same definition
5 for touring lead pyrotechnic operator. And you could
6 just start it off means an individual, comma,
7 employed by the touring pyrotechnic company, comma,
8 and then the rest of the definition would be the
9 same. So it makes it very clear that that individual
10 is not employed by the local pyrotechnic distributor.

11 MR. GREGA: Then do you want -- Well, I mean,
12 part of the packet is going to have their insurance.
13 Is there anything else that needs to happen with that
14 company since in its pyrotechnic plan it will have
15 its insurance?

16 CHAIRMAN MCMULLIN: The stage, the devices and
17 all that.

18 MR. PANTHER: Yeah, because all that is currently
19 defined in the code.

20 MR. KAY: Yeah, product list, plan, right.

21 MR. GREGA: Then the duties of the lead -- the
22 Illinois lead special effects operator is to oversee
23 and to make sure that those rules are enforced.

24 MR. PANTHER: Yeah, maybe put that under the

1 definition of cover license.

2 MR. GREGA: There we go.

3 MR. PANTHER: Cover license and call it -- yeah,
4 a cover license operator or how do you call it or
5 just cover license?

6 CHAIRMAN MCMULLIN: Just cover license.

7 MR. PANTHER: Cover license is defined as a
8 pyrotechnic operator employed by an Illinois
9 pyrotechnic distributor or production company who is
10 responsible for the supervision of touring lead
11 pyrotechnic operators and touring technicians.

12 MR. KAY: Yeah, yeah. Has to say technicians
13 too.

14 MR. PANTHER: Do we need to further say and is
15 responsible for insuring compliance with Illinois
16 statute or does it just -- supervising, does that say
17 enough?

18 CHAIRMAN MCMULLIN: I think that says enough in
19 my opinion.

20 MR. PANTHER: I'm all for simplicity if that
21 covers it.

22 MR. GREGA: Supervising compliance.

23 CHAIRMAN MCMULLIN: Yeah.

24 MR. PANTHER: Yeah, I like that better.

1 MR. MCMULLIN: In compliance.

2 MR. PANTHER: Is responsible for supervising
3 safety and compliance of -- who is responsible for
4 supervising safety and compliance during the
5 production of pyrotechnic display or pyrotechnic
6 service. That follows the same language that's in
7 the code already.

8 MR. GREGA: Yep, uh-huh.

9 MR. MUZZY: I think I would suggest you may want
10 to keep that just aimed at your touring company and
11 not the production company. Production company is
12 already a defined term in the statute.

13 MR. PANTHER: Yeah, I don't think we'd ever see a
14 situation where a production company is doing music.

15 MR. GREGA: No, and at the same time the
16 production company by virtue of them being defined as
17 a production company is hiring people under their
18 insurance.

19 CHAIRMAN MCMULLIN: Yeah.

20 MR. PANTHER: Yeah, I think it would be better to
21 remove the reference to production company then.

22 MR. GREGA: Supervising the safety and compliance
23 during a pyrotechnic display or pyrotechnic service.

24 MR. PANTHER: Or supervising safety and

1 regulatory compliance during a pyrotechnic display or
2 pyrotechnic service.

3 CHAIRMAN MCMULLIN: When we get back to the
4 office, we'll draw up a draft and send it out. Okay.
5 Next, Mark. What's --

6 MR. GREGA: Well, then, you know, on-site these
7 definitions -- a touring lead operator is the person
8 who going to be -- who is in charge of the discharge.
9 The tour technicians are in charge of -- or following
10 his lead. Now, the cover license is there to make
11 sure that the -- supervising and safety and
12 compliance is covered so --

13 MR. BARNES: Is it cover license or cover
14 licenser?

15 MR. GREGA: Before it was just referenced as a
16 cover license. Then it was an individual who works
17 for a pyrotechnic distributor.

18 MR. KAY: The rubric is really an industry wide.
19 A cover license is cover license in any state.

20 MR. GREGA: Yes, yes. So I mean, in that sense
21 by creating these -- or at least this process then,
22 we're addressing specifically the music industry. So
23 that our -- at least our other rules that are in
24 place are dealing with a standard show, what it takes

1 to conduct a show in the State of Illinois.

2 Touring obviously is what we're here for.
3 And I think at least by starting this, I think it
4 gives us a little bit more definition of what's
5 actually happening. I mean, is there anything else
6 that we're forgetting in there.

7 MR. PANTHER: I think that pretty much covers it.

8 CHAIRMAN MCMULLIN: Yeah.

9 MR. PANTHER: The only real question area is the
10 work comp area.

11 CHAIRMAN MCMULLIN: Which I will work on and find
12 out.

13 MR. KAY: Again, I think that's -- for the
14 business climate, that's a profound question.
15 Because if we are going to require that -- again, I
16 know what I'm going to hear is I don't do this in any
17 other state. Well, you're in Illinois now. But do
18 we want to set up that form of situation?

19 CHAIRMAN MCMULLIN: I'm sure there's a reason why
20 we required Illinois Workman's Compensation. I mean,
21 that was before my time or I wasn't privy to why they
22 did that.

23 MR. GREGA: Has Joe left?

24 CHAIRMAN MCMULLIN: Yeah, Joe left. But I'll get

1 with Maureen and ask her why. But I believe one of
2 the reasons was because our workman's comp is so much
3 better than anyone else's. Faith, do you know
4 anything about that?

5 MS. YORK: Yeah, that's come up with us before
6 and because we are unique in that we're a stand-alone
7 company but then we're the owners of the buildings
8 and presenters. Insurance comes up with us a lot.
9 And worker's comp especially in the last couple of
10 years has become a big thing just for the insuring of
11 just our own employees doing -- even just being an
12 usher under us. Worker's comp has become a huge
13 liability and cost companies a lot.

14 And especially in the State of Illinois like
15 you say because it's -- if you are hurt in the State
16 of Illinois and are employed by an Illinois company,
17 you can reap a lot more benefits than you can in a
18 lot of other states.

19 So I'm just sure it's the way of protecting
20 themselves that if someone toured as a Disney
21 employee and their insurance is coming out of New
22 York state, that person can choose if they decide to
23 file, New York state I won't make as much money as if
24 I am working in Illinois and hurt in Illinois.

1 But, yeah, that's something from sort of the
2 building side of things that we hear about a lot.
3 That it is because it's -- Unfortunately for trying
4 to do business, if you are hurt by an Illinois
5 employer, you can make more money.

6 MR. PANTHER: It's a pipe dream to wish that
7 something would happen in the federal level for work
8 comp. It was one policy, you pay and it was good
9 everywhere in the country. It would certainly make
10 our audits a lot easier every year.

11 MS. YORK: But it is something we hear a lot.

12 CHAIRMAN MCMULLIN: I'll try to find out why we
13 specify Illinois Workman's Comp. You know, there's
14 got to be a reason if it's a law.

15 MR. BARNES: Yeah, why we didn't go with a waiver
16 route, which may be a possibility.

17 MR. GREGA: That goes into this then too with the
18 touring aspect. The local cover will have Illinois
19 Workman's Comp.

20 MR. PANTHER: By definition of being a
21 pyrotechnic distributor.

22 CHAIRMAN MCMULLIN: Yeah, so do we have to go
23 back and change -- if like Bill says it can be any
24 workman's comp. You know, but we won't know until we

1 find out --

2 MR. PANTHER: And/or a waiver situation.

3 CHAIRMAN MCMULLIN: Yeah.

4 MR. KAY: Well, yeah.

5 MR. PANTHER: That would be an ideal way I think
6 to accomplish it.

7 MR. BARNES: If it's legal.

8 CHAIRMAN MCMULLIN: Yeah, if it's legal. Okay.

9 Has anyone got anything else? Yes, Dan.

10 MR. RIORDAN: I just want to go back to the event
11 employee. If things move in a direction that that is
12 going to be a definition assigned for it, could be a
13 definition that we are going to use, is there a need
14 to ensure or call out to have some type of insurance
15 coverage, proof of insurance by that person?

16 And I only say that because an applicant
17 for -- has to provide they have a million dollars of
18 liability insurance. If I'm an event employee, which
19 could be an employee of the house, they are in the
20 process -- pyrotechnic process if you will but on a
21 lesser hazardous scale. I think I'm saying that
22 right.

23 Shouldn't they be providing proof of
24 insurance and should -- if they do, is that part of a

1 permit or is it just more of a concern for you guys
2 to make sure that this guy who is helping me set up
3 is properly insured?

4 CHAIRMAN MCMULLIN: I don't know if we would
5 really want to do that because they should have
6 insurance by who they're working for.

7 MR. RIORDAN: Right.

8 CHAIRMAN MCMULLIN: I don't think there's any
9 inherent risk in what they're doing any more than
10 climbing a truss.

11 MR. KAY: A rigger, exactly.

12 MR. PANTHER: There's a lot of other dangerous
13 jobs that happen on a stage.

14 CHAIRMAN MCMULLIN: I know what you're saying.

15 MS. YORK: As the employer, we like -- Broadway
16 in Chicago has to supply to Hi-Tech or when they're
17 using Strictly FX, we as the Disney Theatricals and
18 Broadway in Chicago had to show proof of insurance to
19 these guys saying that we were covering and list them
20 as being duly insured. So we have to provide that.

21 MR. RIORDAN: But you're like a production house
22 talking about a huge production. And if I took it
23 down to a local level at an auditorium local
24 jurisdiction, maybe a school district that did

1 something and they did something on -- where they
2 used an event employee. We want to make sure that
3 there's enough coverage. I just ask you guys because
4 it's going to affect you more than anybody else. So
5 I just --

6 MR. PANTHER: I think we're kind of betting that
7 already in our processes. There's people that we
8 have been called --

9 MR. RIORDAN: So it's a business thing?

10 CHAIRMAN MCMULLIN: Yeah.

11 MR. RIORDAN: Gotcha.

12 MR. PANTHER: There's definitely people that
13 we've been contacted to do things like this for that
14 after looking into it and investigating a little bit
15 say you know what, we are just not really comfortable
16 doing this in this venue or with this group of
17 individuals.

18 It's pretty easy. We can usually tell
19 within the first few minutes of a phone call whether
20 somebody is legitimate or not and whether it's
21 something you want to pursue. If they're not scared
22 away by the initial requirements, then we start
23 getting a little bit more in depth with them about
24 the requirements. I don't know.

1 MR. KAY: So you can perceive the pyrotechnic
2 event employee on the same footing as a rigger?

3 CHAIRMAN MCMULLIN: Yes.

4 MR. PANTHER: That's exactly what it is.

5 MR. KAY: High risk. Blah, blah, blah. They've
6 got to cover the riggers for fall. We would be under
7 that same house liability if you will.

8 MR. PANTHER: But the assistant is not triggered
9 until you want the individual to handle pyrotechnic
10 materials.

11 CHAIRMAN MCMULLIN: Product.

12 MR. PANTHER: And at that time they have to be an
13 employee and be payrolled by the pyrotechnic
14 distributor in order to have the coverage as required
15 by the Act.

16 CHAIRMAN MCMULLIN: Yes.

17 MR. RIORDAN: I'm good.

18 CHAIRMAN MCMULLIN: Is there anything else? All
19 right. Our next meeting is the 3rd of November here.
20 Hopefully -- I'm going to be on vacation next week.
21 Hopefully we can get something out, a rough draft of
22 these, Bill.

23 MR. BARNES: Sure.

24 CHAIRMAN MCMULLIN: So we are ready to go on the

1 3rd.

2 MR. PANTHER: I might have a scheduling problem
3 but I'll know more. I'll let you know.

4 CHAIRMAN MCMULLIN: Yeah.

5 MR. KAY: It doesn't seem to me we're too
6 terribly far off the mark. If we can get this draft
7 language formalized by the next meeting, I think we
8 stand -- we are certainly going to make the bell for
9 January 1st filing of the report.

10 CHAIRMAN MCMULLIN: Yeah.

11 MR. PANTHER: I would like to -- if possible get
12 this information -- this draft language out to us as
13 soon as possible because there's other non-Task Force
14 members that have interest in the thing that I've
15 been keeping informed about what's been going on.
16 And they may have some input to it too.

17 MR. KAY: Brian has been covering the fireworks
18 end and I've been maintaining contact with the studio
19 mechanics just to keep them appraised. I don't see
20 anything in what we are discussing that impacts them.
21 And I see the wisdom of only using the word
22 production company when referring to a film
23 production company. Not mixing and matching.

24 MR. GREGA: There's no intent at all to change

1 that. Certainly those individuals -- those changes
2 needed to happen so that those individuals could
3 work.

4 MR. PANTHER: If we can accomplish what we have
5 talked about here today as a company owner, it's
6 going to put me in a lot better fuzzy feeling about
7 the whole situation. It's just much more clearly
8 defined as to who's doing what and who's got
9 responsibility for what.

10 MR. KAY: And the Act is enforceable and the
11 language -- this volunteer issue is extremely
12 serious. And whatever gives you the warm fuzzies on
13 that, we need to get there because --

14 CHAIRMAN MCMULLIN: I believe we got it in there
15 somewhere about a volunteer is considered an
16 employee. I don't know exactly where. I remember
17 Maureen and I were talking about that.

18 MR. KAY: Okay.

19 CHAIRMAN MCMULLIN: Because we've had a couple
20 outdoor firework cases where they claimed a person
21 was a volunteer and was injured.

22 MR. KAY: Again, representing the training of
23 union operators, it gives me a defined word so that
24 we know where we stand and there's no gray area where

1 any company is going to be exposed to liability by
2 working with union labor or vice versa, that we are
3 all in compliance and understanding as we seek our
4 own licenses.

5 CHAIRMAN MCMULLIN: Okay. Anything else?

6 MR. GREGA: No.

7 CHAIRMAN MCMULLIN: Adjourn the meeting.

8 MR. BARNES: Do we have public comment?

9 CHAIRMAN MCMULLIN: George, Rob?

10 MEMBER OF THE PUBLIC: I have no knowledge of
11 this legislative process so you guys lost me about 20
12 minutes ago.

13 MR. GREGA: Should we bring him up to speed?

14 CHAIRMAN MCMULLIN: We will adjourn the meeting.
15 All in favor say aye.

16 (A chorus of ayes.)

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Mary Jo D'Avola, C.S.R., being first duly sworn on oath says that she is a Certified Shorthand Reporter in Kane County, Illinois, and that she reported in shorthand the proceedings had at the foregoing meeting in the above-entitled cause;

That the foregoing is a true, accurate and complete transcript of her shorthand notes so taken as aforesaid and contains all proceedings had at the said meeting.

Mary Jo D'Avola, C.S.R.
CSR No. 084-0044184

SUBSCRIBED AND SWORN to
before me this ____ day
of _____, A.D., _____.

Notary Public

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