

2009 DRAFTING REQUEST

Bill

Received: 10/26/2009

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Christine Sinicki (608) 266-8588

By/Representing: Zeke Dasho

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Buildings/Safety - lic and reg

Extra Copies:

Submit via email: YES

Requester's email: Rep.Sinicki@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Certification of ironworkers

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 11/11/2009	nmatzke 11/20/2009		_____			State
/1			rschluet 11/20/2009	_____	cduerst 11/20/2009		State
/2	rkite 12/11/2009	nmatzke 12/11/2009	mduchek 12/11/2009	_____	mbarman 12/11/2009		State
/3	rkite	nmatzke	jfrantze	_____	cduerst	cduerst	

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	12/14/2009	12/14/2009	12/14/2009	_____	12/14/2009	01/19/2010	

FE Sent For: "1/3" @ mtr. 1/20/10

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		1/3 nwn 12/14		JG 12/14			

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11/11 ph/g

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FE Sent For:

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Kite, Robin

From: Dasho, Ezekiel
Sent: Monday, October 26, 2009 9:31 AM
To: Kite, Robin
Attachments: 2001 LRB 1905-2 (2).pdf

Dear Robin,

Rep. Sinicki would like to have this drafted for this session. I understand the provisions relating to the licensure of crane operators survived the budget process that year, so in this draft we want to focus on iron workers.

(The scratch marks aren't mine, but I think they get the gist across :-)

Please don't hesitate to contact me if you have any questions.

Sincerely,

Zeke Dasho

Rep. Sinicki's

6-8588


2001 BILL

1 AN ACT to amend 101.02 (15) (a), 101.02 (20) (a) and 101.02 (21) (a); and to
2 create 101.19 (1) (lg) and (lr), ~~101.22~~, 101.25 and 101.255 of the statutes;
3 relating to: certification of certain crane operators and ironworkers,
4 maximum and minimum numbers of certain individuals performing ironwork
5 at construction sites, granting rule-making authority, and providing penalties.

Analysis by the Legislative Reference Bureau

With certain exceptions, under current law, the department of commerce (department) establishes and enforces occupational safety standards that apply to places of public employment in this state and the federal occupational safety and health administration (OSHA) establishes and enforces occupational safety standards that apply to places of nonpublic employment in this state. Currently, certain standards promulgated by the department and by OSHA apply to construction sites and other locations where ~~cranes are operated or ironwork is performed~~. Although these standards establish training requirements for certain ~~crane operators and ironworkers~~, the standards do not specifically require ~~crane operators or ironworkers~~ to be certified or licensed.

This bill establishes programs, administered by the department, for the regulation and certification of ~~crane operators~~ and ironworkers. These programs are subject to the department receiving all necessary approvals from the federal secretary of labor. The major provisions of these programs are as follows:

BILL***Crane operators***

With certain exceptions, the bill requires any individual in this state who operates a crane with a lifting capacity of ten tons or more to hold a valid crane operator certificate. The crane operator certificate must be issued by a certification program that is approved by the department. The bill also prohibits an employer, contractor, or subcontractor from allowing certain individuals to perform work in violation of the certification requirement.

The bill requires the department, by rule, to establish and administer a program for approving crane operator certification programs. With certain limited exceptions, in order to obtain department approval, a certification program must: 1) require an applicant to satisfactorily complete a written examination regarding safe crane operation; 2) require an applicant to meet physical standards necessary for safe crane operation, consistent with any national standard that the department determines is appropriate; 3) require an applicant to complete a practical examination regarding safe crane operation; 4) be consistent with any applicable certification requirements established by OSHA and, to the extent feasible, the National Commission for the Certification of Crane Operators; and 5) issue a crane operator certificate that has a term of five years.

Ironworkers

With certain exceptions, the bill requires any individual who performs work in this state as an ironworker to hold a master ironworker or journeyman ironworker certificate obtained from the department. Under the bill, an ironworker generally includes any individual who positions and secures reinforcing rods or cables during on-site construction of buildings or bridges; raises, places, or unites girders, columns, and other structural steel members; installs prefabricated, ornamental metalwork or erects precast girders during on-site construction of bridges. The bill requires a master ironworker or journeyman ironworker to perform work consistent with department rules. In addition, the bill prohibits an employer, contractor, or subcontractor from allowing certain individuals to perform ironwork without a required ironworker certificate or in violation of department rules.

Under the bill, the department must administer a program for certification of master ironworkers and journeymen ironworkers. The bill establishes minimum criteria that an individual must satisfy in order to be certified as a master ironworker or journeyman ironworker. The bill also includes a grandfather provision that establishes separate criteria for an individual who applies for certification within one year after the bill takes effect.

Unless the grandfather provision applies, in order to be certified as a master ironworker, an individual must: 1) satisfactorily complete a written examination, unless the individual applies for recertification and satisfies specific work experience and training requirements; and 2) hold a valid journeyman ironworker certificate for at least one year before the date of application, unless the individual has successfully completed an approved ironworker apprenticeship program.

Similar requirements apply to an individual who applies for a journeyman ironworker certificate, except that the individual is not required to hold a valid journeyman ironworker certificate before the date of application. Rather, the

BILL

individual must successfully complete an approved ironworker apprenticeship program or safely complete 8,000 hours of work in the ironworking trade. In addition, upon applying for recertification as a journeyman ironworker, the individual need only have completed one-half as many hours of training as a master ironworker in order to be exempt from the written examination requirement.

The bill requires the department to promulgate rules relating to ironwork. These rules must specify, among other things, the tasks that master ironworkers and journeymen ironworkers are permitted to perform. In addition, these rules must establish ironworker ratios, specifying a minimum number of master ironworkers that are required to provide work at a construction site and a maximum number of apprentice ironworkers and individuals training as ironworkers that are permitted to provide work at a construction site.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 101.02 (15) (a) of the statutes is amended to read:

2 101.02 (15) (a) The department has such supervision of every employment,
3 place of employment and public building in this state as is necessary adequately to
4 enforce and administer all laws and all lawful orders requiring such employment,
5 place of employment or public building to be safe, and requiring the protection of the
6 life, health, safety and welfare of every employe in such employment or place of
7 employment and every frequenter of such place of employment, and the safety of the
8 public or tenants in any such public building. ~~This~~ Except for the purposes of
9 ~~enforcing and administering ss. 101.22, 101.25, and 101.255, this paragraph does not~~
10 apply to occupational safety and health issues covered by standards established and
11 enforced by the federal occupational safety and health administration.

12 SECTION 2. 101.02 (20) (a) of the statutes is amended to read:

13 101.02 (20) (a) For purposes of this subsection, "license" means a license,
14 permit or certificate of certification or registration issued by the department under

BILL

1 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
2 101.178 (2) or (3) (a), 101.25 (3), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82
3 (2), 101.87, 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15,
4 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

5 **SECTION 3.** 101.02 (21) (a) of the statutes is amended to read:

6 101.02 (21) (a) In this subsection, "license" means a license, permit or
7 certificate of certification or registration issued by the department under s. 101.09
8 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178
9 (2) or (3) (a), 101.25 (3), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,
10 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16,
11 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

12 **SECTION 4.** 101.19 (1) (ig) and (ir) of the statutes are created to read:

13 ~~X~~ 101.19 (1) (ig) Authorizing crane operator certification programs under s.
14 101.22 (2).

15 (ir) Certifying master ironworkers and journeymen ironworkers under s.
16 101.25 (3).

17 **SECTION 5.** 101.22 of the statutes is created to read: Delete

18 **101.22 Crane operators. (1) DEFINITION.** In this section, "crane" means a
19 power-operated hoisting machine that is used in construction, demolition, or
20 excavation work, that has a power-operated winch and load line, and that has a
21 power-operated boom that moves laterally by the rotation of the machine on a
22 carrier. "Crane" does not include a forklift, a digger derrick truck, a bucket truck,
23 or a machine with a movable bridge carrying a movable or fixed hoisting mechanism
24 and traveling on an overhead, fixed, runway structure.

BILL

1 (2) CERTIFICATION. (a) *Certification required.* Except as provided in sub. (5),
2 no individual may operate a crane with a lifting capacity of 10 tons or more in this
3 state without a valid crane operator certificate, received from a crane operator
4 certification program authorized by the department under sub. (3).

5 (b) *Employer liability.* No employer may permit an employee to perform work
6 in violation of par. (a).

7 (c) *Contractor and subcontractor liability.* No person who is under a contract
8 to construct an improvement to land may permit an agent of the person, or an
9 independent contractor under contract with the person, to perform work on the
10 improvement in violation of par. (a).

11 (3) CERTIFICATION PROGRAMS. (a) *Generally.* Except as provided in sub. (4), the
12 department shall administer a program under which the department authorizes
13 crane operator certification programs to grant certificates that satisfy sub. (2) (a).

14 (b) *Required components of certification programs.* The department may
15 authorize a crane operator certification program only if all of the following are
16 satisfied:

17 1. The program requires an individual who is applying for a certificate to
18 satisfactorily complete a written examination regarding safe crane operation.

19 2. The program requires an individual who is applying for a certificate to meet
20 physical standards necessary for safe crane operation, consistent with any national
21 standard that the department determines is appropriate.

22 3. The program requires an individual who is applying for a certificate to
23 satisfactorily complete a practical examination regarding safe crane operation,
24 unless the individual is applying for recertification and provides sufficient evidence

BILL

1 that the individual has safely completed at least 1,000 hours of crane operation
2 during the 5-year period before the date of the application for recertification.

3 4. The program is consistent with any applicable certification and
4 recertification requirements established by the federal occupational safety and
5 health administration and, to the extent feasible, the National Commission for the
6 Certification of Crane Operators.

7 5. The program issues a crane operator certificate that has a term of 5 years.

8 (c) *Rules.* The department shall promulgate rules to administer the program
9 established under par. (a).

10 (d) *List.* The department shall maintain a list of crane operator certification
11 programs authorized by the department.

12 (4) **FEDERAL APPROVAL.** The department shall submit to the federal secretary
13 of labor a plan for the certification of crane operators under this section, if required
14 to do so under 29 USC 667 (b), and shall request the federal secretary of labor to
15 approve the plan. The plan submitted by the department shall be consistent with
16 all of the provisions of this section. If no approval is required under 29 USC 667 (b)
17 or if an approval that is consistent with all of the provisions of this section is granted
18 and in effect, the department shall implement the program under this section. If
19 approval is required under 29 USC 667 (b), the department may not implement the
20 program under this section unless an approval that is consistent with all of the
21 provisions of this section is granted and in effect.

22 (5) **EXCEPTIONS.** (a) *Lack of federal approval.* Subsection (2) (a) does not apply
23 if approval of the department's plan for the certification of crane operators is required
24 under 29 USC 667 (b) but is not granted and in effect.

25 (b) *Other exceptions.* Subsection (2) (a) does not apply to any of the following:

BILL

1 1. An individual who is receiving training as a crane operator, if the individual
2 is under the direct supervision of a crane operator who holds a valid crane operator
3 certificate, received from a crane operator certification program authorized by the
4 department under sub. (3).

5 2. An individual who is a member of a uniformed service, as defined in s. 6.22
6 (1) (c), or who is a member of the U.S. merchant marine, if the individual is
7 performing work for the uniformed service of which the individual is a member or for
8 the U.S. merchant marine, respectively.

9 3. An individual who is operating a crane for personal use on a premises that
10 is owned or leased by the individual.

11 4. An individual who is operating a crane in an attempt to remedy an
12 emergency.

13 5. An individual who is an employee of a public utility, as defined in s. 196.01
14 (5), a telecommunications carrier, as defined in s. 196.01 (8m), a commercial mobile
15 radio service provider, as defined in s. 196.01 (2g), or an alternative
16 telecommunications utility under s. 196.01 (1d) (f), and who is operating a crane
17 within the scope of his or her employment.

18 (6) PENALTIES. Any person who violates sub. (2) may be fined not more than
19 \$500 or imprisoned for not more than 3 months or both.

20 **SECTION 6. 101.25 of the statutes is created to read:**

21 **101.25 Master and journeymen ironworkers. (1) DEFINITION.** In this
22 section, "ironworker" means an individual who does any of the following:

23 (a) Raises, places, or unites girders, columns, and other structural steel
24 members.

BILL

1 (b) Positions and secures reinforcing rods or post tensioning cables during
2 on-site construction of buildings or bridges.

3 (c) Installs prefabricated, ornamental metalwork.

4 (d) Erects precast girders during on-site construction of bridges.

5 (2) CERTIFICATION. (a) *Certificate required.* Except as provided in sub. (5), no
6 individual may perform work as an ironworker in this state without a master
7 ironworker or journeyman ironworker certificate obtained from the department.
8 Except as provided in sub. (5), an individual with a master ironworker or journeyman
9 ironworker certificate shall perform work as an ironworker consistent with the rules
10 promulgated under sub. (3) (d).

11 (b) *Employer liability.* No employer may permit an employee to perform work
12 in violation of par. (a).

13 (c) *Contractor and subcontractor liability.* No person who is under a contract
14 to construct an improvement to land may permit an agent of the person, or an
15 independent contractor under contract with the person, to perform work on the
16 improvement in violation of par. (a).

17 (3) ADMINISTRATION. (a) *Master ironworkers.* Except as provided in sub. (4),
18 the department shall administer a program for the certification of master
19 ironworkers. The department may certify an individual as a master ironworker only
20 if all of the following apply:

21 1. The individual satisfactorily completes a written examination regarding
22 ironworking, unless the individual applies for recertification and provides sufficient
23 evidence that the individual has safely completed at least 5,000 hours of work as a
24 master ironworker or journeyman ironworker during the 5-year period before the
25 date of the application for recertification and has successfully completed at least 30

BILL

1 hours of training approved by the department during the 5-year period before the
2 date of the application for recertification.

3 2. The individual holds a valid journeyman ironworker certificate for at least
4 one year before the date of the individual's application for certification as a master
5 ironworker, unless the individual has successfully completed an ironworker
6 apprenticeship program that is approved by the department of commerce and the
7 department of workforce development.

8 (b) *Journeyman Ironworkers.* Except as provided in sub. (4), the department
9 shall administer a program for the certification of journeymen ironworkers. The
10 department may certify an individual as a journeyman ironworker only if all of the
11 following apply:

12 1. The individual satisfactorily completes a written examination regarding
13 ironworking, unless the individual applies for recertification and provides sufficient
14 evidence that the individual has safely completed at least 5,000 hours of work as a
15 journeyman ironworker during the 5-year period before the date of the application
16 for recertification and has successfully completed at least 15 hours of training
17 approved by the department during the 5-year period before the date of the
18 application for recertification.

19 2. The individual successfully completes an ironworker apprenticeship
20 program that is approved by the department of commerce and the department of
21 workforce development, or safely completes at least 8,000 hours of work in the
22 ironworking trade, before the date of the individual's application for certification as
23 a journeyman ironworker.

24 (c) *Term.* A master ironworker certificate or journeyman ironworker certificate
25 issued by the department has a term of 5 years.

BILL

1 (d) *Rules.* The department shall promulgate rules to administer the program
2 established under this subsection. The rules shall specify the tasks related to
3 ironworking that an individual certified as a master ironworker may perform and
4 that an individual certified as a journeyman ironworker may perform. To the extent
5 feasible, the rules shall be consistent with national standards applicable to
6 ironworkers. The department of commerce shall promulgate any rules with regard
7 to approved ironworker apprenticeship programs in consultation with the
8 department of workforce development.

9 (4) **FEDERAL APPROVAL.** The department shall submit to the federal secretary
10 of labor a plan for the certification of ironworkers under this section, if required to
11 do so under 29 USC 667 (b), and shall request the federal secretary of labor to approve
12 the plan. The plan submitted by the department shall be consistent with all of the
13 provisions of this section. If no approval is required under 29 USC 667 (b) or if an
14 approval that is consistent with all of the provisions of this section is granted and in
15 effect, the department shall implement the program under this section. If approval
16 is required under 29 USC 667 (b), the department may not implement the program
17 under this section unless an approval that is consistent with all of the provisions of
18 this section is granted and in effect.

19 (5) **EXCEPTIONS.** (a) *Lack of federal approval.* Subsection (2) (a) does not apply
20 if approval of the department's plan for the certification of ironworkers is required
21 under 29 USC 667 (b) but is not granted and in effect.

22 (b) *Other exceptions.* Subsection (2) (a) does not apply to any of the following:

23 1. An individual who is receiving training as an ironworker, if the individual
24 is under the direct supervision of an ironworker who holds a valid master ironworker
25 certificate received from the department.

BILL

- 1 2. An individual who is enrolled in and performing tasks that are within the
- 2 scope of an ironworker apprenticeship program that is approved by the department
- 3 of commerce and by the department of workforce development.
- 4 3. An individual who is a member of a uniformed service, as defined in s. 6.22
- 5 (1) (c), or who is a member of the U.S. merchant marine, if the individual is
- 6 performing work for the uniformed service of which the individual is a member or for
- 7 the U.S. merchant marine, respectively.
- 8 4. An individual who is performing ironwork on a premises that is owned or
- 9 leased by the individual.
- 10 5. An individual who is performing ironwork in an attempt to remedy an
- 11 emergency.
- 12 6. An individual who is positioning and securing reinforcing rods during the
- 13 construction of a road, sidewalk, or parking lot. Under this subdivision, the
- 14 construction of a bridge is not the construction of a road.
- 15 7. An individual who is performing ironwork within the scope of his or her
- 16 employment, if the individual is employed to do primarily any of the following:
- 17 a. Install, assemble, construct, or repair electrical work.
- 18 b. Install, adjust, repair, or dismantle fire protection and fire control systems.
- 19 c. ~~Install, assemble, construct, or repair electrical work.~~
- 20 ~~Install, assemble, construct, or repair electrical work.~~
- 21 d. Erect, install, or repair transmission poles, fabricated metal transmission
- 22 towers, outdoor substations, switch racks, or similar electrical structures, electric
- 23 cables, and related auxiliary equipment for high-voltage transmission and
- 24 distribution power lines that are used to conduct energy between generating
- 25 stations, substations, and consumers.

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1 e. Install, repair, alter, or recondition gas distribution pipeline.

2 f. Install or repair residential potable water lines, gravity waste disposal
3 systems inside curb or fence lines, plumbing fixtures, and plumbing appliances such
4 as dishwashers and water heaters.

5 g. Lay out, assemble, install, or maintain pipe systems, pipe supports, and
6 related hydraulic and pneumatic equipment for steam, hot water, heating, cooling,
7 lubricating, or industrial production and processing systems.

8 (6) **PENALTIES.** Any person who violates sub. (2) may be fined not more than
9 \$500 or imprisoned for not more than 3 months or both.

10 **SECTION 7.** 101.255 of the statutes is created to read:

11 **101.255 Ironworker ratios. (1) DEFINITIONS.** In this section:

12 (a) "Apprentice ironworker" means an individual who is enrolled in an
13 ironworker apprenticeship program that is approved by the department of commerce
14 and by the department of workforce development.

15 (b) "Master ironworker" means an individual who is certified as a master
16 ironworker by the department of commerce under s. 101.25.

17 (2) **RULES.** Except as provided in sub. (3), the department shall promulgate
18 rules specifying a minimum number of master ironworkers that are required to
19 provide work at a construction site, and a maximum number of apprentice
20 ironworkers and individuals training as ironworkers that are permitted to provide
21 work at a construction site, in order to provide for the safety of individuals at the
22 construction site. The department may vary the minimum and maximum numbers
23 established under the rules based upon the type of work being performed at the
24 construction site.

BILL

1 (3) FEDERAL APPROVAL. The department shall submit to the federal secretary
2 of labor a plan for enforcing the minimum and maximum numbers established under
3 sub. (2), if required to do so under 29 USC 667 (b), and shall request the federal
4 secretary of labor to approve the plan. The plan submitted by the department shall
5 be consistent with all of the provisions of sub. (2). If no approval is required under
6 29 USC 667 (b) or if an approval that is consistent with all of the provisions of sub.
7 (2) is granted and in effect, the department shall promulgate and enforce the rules
8 required under sub. (2). If approval is required under 29 USC 667 (b), the
9 department may not promulgate or enforce the rules required under sub. (2) unless
10 an approval that is consistent with all of the provisions of sub. (2) is granted and in
11 effect.

12 — SECTION 8. Nonstatutory provisions. — *This has to be reworked*

13 (1) FEDERAL APPROVAL OF ~~CRANE OPERATOR~~ AND IRONWORKER PROGRAMS. No later
14 than the first day of the 3rd month beginning after the effective date of this
15 subsection, the department of commerce shall submit to the federal secretary of labor
16 the plans required under sections 101.22 (4), 101.25 (4), and 101.255 (3) of the
17 statutes, as created by this act, if required to do so under 29 USC 667 (b).

18 (2) SUBMISSION OF PROPOSED RULES. No later than the first day of the 9th month
19 beginning after the effective date of this subsection, the department of commerce
20 shall submit in proposed form the rules governing ~~certified crane operator programs~~
21 ~~under section 101.22 (3) of the statutes, as created by this act;~~ master ironworkers,
22 journeymen ironworkers, ironworker apprentices, and individuals training as
23 ironworkers under sections 101.25 (3) and 101.255 (2) of the statutes, as created by
24 this act; and the fees permitted under section 101.19 (1) (lg) and (lr) of the statutes,

BILL

1 as created by this act, to the legislative council staff under section 227.15 (1) of the
2 statutes.

3 (3) GRANDFATHER PROVISION; CERTIFICATION OF CERTAIN MASTER IRONWORKERS.
4 Except as provided in section 101.02 (20) (b) and (21) (b) of the statutes and
5 notwithstanding section 101.25 (3) (a) of the statutes, as created by this act, if
6 approval of the department of commerce's plan to certify ironworkers under section
7 101.25 (4) of the statutes, as created by this act, is not required under 29 USC 667
8 (b) or if an approval that is consistent with all of the provisions of section 101.25 of
9 the statutes, as created by this act, is granted and in effect, the department shall
10 certify as a master ironworker any individual who applies for a master ironworker
11 certification within one year after the effective date of this subsection and who
12 provides the department with sufficient evidence that the individual safely
13 completed at least 15,000 hours of work in the ironworking trade during the 15-year
14 period before the date of the application for certification.

15 (4) GRANDFATHER PROVISION; CERTIFICATION OF CERTAIN JOURNEYMEN
16 IRONWORKERS. Except as provided in section 101.02 (20) (b) and (21) (b) of the statutes
17 and notwithstanding section 101.25 (3) (b) of the statutes, as created by this act, if
18 approval of the department of commerce's plan to certify ironworkers under section
19 101.25 (4) of the statutes, as created by this act, is not required under 29 USC 667
20 (b) or if an approval that is consistent with all of the provisions of section 101.25 of
21 the statutes, as created by this act, is granted and in effect, the department shall
22 certify as a journeyman ironworker any individual who applies for a journeyman
23 ironworker certification within one year after the effective date of this subsection
24 and who provides the department with sufficient evidence of any of the following:

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1 (a) That the individual, before the date of the application for certification,
2 successfully completed an apprenticeship program for ironworking that is approved
3 by the department of workforce development.

4 (b) That the individual safely completed at least 8,000 hours of work in the
5 ironworking trade during the 8-year period before the date of the application for
6 certification.

~~Remove ↓~~
7 (5) ~~SHORT-TERM CRANE OPERATOR CERTIFICATES PENDING PRACTICAL EXAMINATION.~~
8 Notwithstanding section 101.22 (3) (b) 5. of the statutes and except as otherwise
9 provided in this subsection, the department of commerce may authorize a crane
10 operator certification program only if a crane operator certificate issued by the
11 program before the first day of the 12th month beginning after the effective date of
12 this subsection has a term that expires on the first day of the 12th month beginning
13 after the effective date of this subsection. This subsection does not apply to a crane
14 operator certificate issued to an individual who satisfactorily completes a practical
15 examination regarding safe crane operation that is approved by the department of
16 commerce.

17 **SECTION 9. Initial applicability.** *Keep*

18 (1) EFFECT ON COLLECTIVE BARGAINING AGREEMENTS. The treatment of sections
19 101.22, 101.25, and 101.255 of the statutes first applies to employees who are
20 affected by a collective bargaining agreement that contains provisions inconsistent
21 with that treatment on the day on which the collective bargaining agreement expires
22 or is extended, modified, or renewed, whichever occurs first.

~~Renale~~
23 (2) PRACTICAL EXAMINATION OF CRANE OPERATORS. Notwithstanding section
24 101.22 (3) (b) (intro.) of the statutes, the treatment of section 101.22 (3) (b) 3. of the
25 statutes first applies to a crane operator certification program that issues a crane

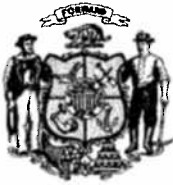
BILL

1 operator certificate on the first day of the 12th month beginning after the effective
2 date of this subsection.

3 **SECTION 10. Effective dates.** This act takes effect on the first day of the 12th
4 month beginning after publication, except as follows:

5 (1) FEDERAL APPROVAL AND PROPOSED RULES. SECTION 8 (1) and (2) of this act takes
6 effect on the day after publication.

7 (END)



Wanted 11/20
State of Wisconsin
2001 - 2002 LEGISLATURE

Rm not run
-3748/1
LRB-1905/3
RJM:jld:rs
RNK: nwn

2009
2001 BILL

D-Note

In
11/11

SA09 ✓
07 ✓
05 ✓
03 ✓
01 ✓
X-ref ✓

Regen.

1 AN ACT *to amend* 101.02 (15) (a), 101.02 (20) (a) and 101.02 (21) (a); and *to*
2 *create* 101.19 (1) (ig) and (ir), 101.22, 101.25 and 101.255 of the statutes;
3 **relating to:** certification of certain crane operators and ironworkers,
4 maximum and minimum numbers of certain individuals performing ironwork
5 at construction sites, granting rule-making authority, and providing penalties.

Analysis by the Legislative Reference Bureau *but*

With certain exceptions, under current law, the department of commerce (department) establishes and enforces occupational safety standards that apply to places of public employment in this state and the federal occupational safety and health administration (OSHA) establishes and enforces occupational safety standards that apply to places of nonpublic employment in this state. Currently, certain standards promulgated by the department and by OSHA apply to construction sites and other locations where cranes are operated on ironwork is performed. Although these standards establish training requirements for certain crane operators and ironworkers, the standards do not specifically require crane operators of ironworkers to be certified or licensed.

This bill establishes programs, administered by the department, for the regulation and certification of crane operators and ironworkers. These programs are subject to the department receiving all necessary approvals from the federal secretary of labor. The major provisions of these programs are as follows:

BILL***Crane operators***

With certain exceptions, the bill requires any individual in this state who operates a crane with a lifting capacity of ten tons or more to hold a valid crane operator certificate. The crane operator certificate must be issued by a certification program that is approved by the department. The bill also prohibits an employer, contractor, or subcontractor from allowing certain individuals to perform work in violation of the certification requirement.

The bill requires the department, by rule, to establish and administer a program for approving crane operator certification programs. With certain limited exceptions, in order to obtain department approval, a certification program must: 1) require an applicant to satisfactorily complete a written examination regarding safe crane operation; 2) require an applicant to meet physical standards necessary for safe crane operation, consistent with any national standard that the department determines is appropriate; 3) require an applicant to complete a practical examination regarding safe crane operation; 4) be consistent with any applicable certification requirements established by OSHA and, to the extent feasible, the National Commission for the Certification of Crane Operators; and 5) issue a crane operator certificate that has a term of five years.

Ironworkers

With certain exceptions, the bill requires any individual who performs work in this state as an ironworker to hold a master ironworker or journeyman ironworker certificate obtained from the department. Under the bill, an ironworker generally *means* includes any individual who positions and secures reinforcing rods or cables during on-site construction of buildings or bridges; raises, places, or unites girders, columns, and other structural steel members; installs prefabricated, ornamental metalwork or erects precast girders during on-site construction of bridges. The bill requires a master ironworker or journeyman ironworker to perform work consistent with department rules. In addition, the bill prohibits an employer, contractor, or subcontractor from allowing certain individuals to perform ironwork without a required ironworker certificate or in violation of department rules.

journeyman Under the bill, the department must administer a program for certification of master ironworkers and (journeymen) ironworkers. The bill establishes minimum criteria that an individual must satisfy in order to be certified as a master ironworker or journeyman ironworker. The bill also includes a grandfather provision that establishes separate criteria for an individual who applies for certification within one year after the bill takes effect.

Unless the grandfather provision applies, in order to be certified as a master ironworker, an individual must: 1) satisfactorily complete a written examination, unless the individual applies for recertification and satisfies specific work experience and training requirements; and 2) hold a valid journeyman ironworker certificate for at least one year before the date of application, unless the individual has successfully completed an approved ironworker apprenticeship program.

Similar requirements apply to an individual who applies for a journeyman ironworker certificate, except that the individual is not required to hold a valid journeyman ironworker certificate before the date of application. Rather, the

BILL

individual must successfully complete an approved ironworker apprenticeship program or safely complete 8,000 hours of work in the ironworking trade. In addition, upon applying for recertification as a journeyman ironworker, the individual need only have completed one-half as many hours of training as a master ironworker in order to be exempt from the written examination requirement.

The bill requires the department to promulgate rules relating to ironwork. These rules must specify, among other things, the tasks that master ironworkers and ~~journeymen~~ ^{journeyman} ironworkers are permitted to perform. In addition, these rules must establish ironworker ratios, specifying a minimum number of master ironworkers that are required to provide work at a construction site and a maximum number of apprentice ironworkers and individuals training as ironworkers that are permitted to provide work at a construction site.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

~~SECTION 1. 101.02 (15) (a) of the statutes is amended to read:~~

~~101.02 (15) (a) The department has such supervision of every employment, place of employment and public building in this state as is necessary adequately to enforce and administer all laws and all lawful orders requiring such employment, place of employment or public building to be safe, and requiring the protection of the life, health, safety and welfare of every employe in such employment or place of employment and every frequenter of such place of employment, and the safety of the public or tenants in any such public building. This Except for the purposes of enforcing and administering ss. 101.22, 101.25, and 101.255, this paragraph does not apply to occupational safety and health issues covered by standards established and enforced by the federal occupational safety and health administration.~~

~~SECTION 2. 101.02 (20) (a) of the statutes is amended to read:~~

~~101.02 (20) (a) For purposes of this subsection, "license" means a license, permit or certificate of certification or registration issued by the department under~~

BILL

1 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
 2 101.178 (2) or (3) (a), ~~101.25 (3)~~, 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82
 3 (2), 101.87, 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15,
 4 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

5 **SECTION 3.** 101.02 (21) (a) of the statutes is amended to read:

6 101.02 (21) (a) In this subsection, "license" means a license, permit or
 7 certificate of certification or registration issued by the department under s. 101.09
 8 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178
 9 (2) or (3) (a), ~~101.25 (3)~~, 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,
 10 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16,
 11 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

12 **SECTION 4.** ~~101.19 (1) (ig) and (ir) of the statutes are created to read:~~

13 ~~101.19 (1) (ig) Authorizing crane operator certification programs under s.~~
 14 ~~101.22 (2).~~

15 ~~(ir) (1) Certifying master ironworkers and journeymen ironworkers under s.~~
 16 ~~101.25 (3).~~

17 **SECTION 5.** ~~101.22 of the statutes is created to read:~~

18 **101.22 Crane operators. (1) DEFINITION.** In this section, "crane" means a
 19 power-operated hoisting machine that is used in construction, demolition, or
 20 excavation work, that has a power-operated winch and load line, and that has a
 21 power-operated boom that moves laterally by the rotation of the machine on a
 22 carrier. "Crane" does not include a forklift, a digger derrick truck, a bucket truck,
 23 or a machine with a movable bridge carrying a movable or fixed hoisting mechanism
 24 and traveling on an overhead, fixed, runway structure.

BILL

1 **(2) CERTIFICATION.** (a) *Certification required.* Except as provided in sub. (5),
2 no individual may operate a crane with a lifting capacity of 10 tons or more in this
3 state without a valid crane operator certificate, received from a crane operator
4 certification program authorized by the department under sub. (3).

5 (b) *Employer liability.* No employer may permit an employee to perform work
6 in violation of par. (a).

7 (c) *Contractor and subcontractor liability.* No person who is under a contract
8 to construct an improvement to land may permit an agent of the person, or an
9 independent contractor under contract with the person, to perform work on the
10 improvement in violation of par. (a).

11 **(3) CERTIFICATION PROGRAMS.** (a) *Generally.* Except as provided in sub. (4), the
12 department shall administer a program under which the department authorizes
13 crane operator certification programs to grant certificates that satisfy sub. (2) (a).

14 (b) *Required components of certification programs.* The department may
15 authorize a crane operator certification program only if all of the following are
16 satisfied:

17 1. The program requires an individual who is applying for a certificate to
18 satisfactorily complete a written examination regarding safe crane operation.

19 2. The program requires an individual who is applying for a certificate to meet
20 physical standards necessary for safe crane operation, consistent with any national
21 standard that the department determines is appropriate.

22 3. The program requires an individual who is applying for a certificate to
23 satisfactorily complete a practical examination regarding safe crane operation,
24 unless the individual is applying for recertification and provides sufficient evidence

BILL**SECTION 5**

1 that the individual has safely completed at least 1,000 hours of crane operation
2 during the 5-year period before the date of the application for recertification.

3 4. The program is consistent with any applicable certification and
4 recertification requirements established by the federal occupational safety and
5 health administration and, to the extent feasible, the National Commission for the
6 Certification of Crane Operators.

7 5. The program issues a crane operator certificate that has a term of 5 years.

8 (c) *Rules.* The department shall promulgate rules to administer the program
9 established under par (a).

10 (d) *List.* The department shall maintain a list of crane operator certification
11 programs authorized by the department.

12 **(4) FEDERAL APPROVAL.** The department shall submit to the federal secretary
13 of labor a plan for the certification of crane operators under this section, if required
14 to do so under 29 USC 667 (b), and shall request the federal secretary of labor to
15 approve the plan. The plan submitted by the department shall be consistent with
16 all of the provisions of this section. If no approval is required under 29 USC 667 (b)
17 or if an approval that is consistent with all of the provisions of this section is granted
18 and in effect, the department shall implement the program under this section. If
19 approval is required under 29 USC 667 (b), the department may not implement the
20 program under this section unless an approval that is consistent with all of the
21 provisions of this section is granted and in effect.

22 **(5) EXCEPTIONS.** (a) *Lack of federal approval.* Subsection (2) (a) does not apply
23 if approval of the department's plan for the certification of crane operators is required
24 under 29 USC 667 (b) but is not granted and in effect.

25 (b) *Other exceptions.* Subsection (2) (a) does not apply to any of the following:

BILL

1 1. An individual who is receiving training as a crane operator, if the individual
2 is under the direct supervision of a crane operator who holds a valid crane operator
3 certificate, received from a crane operator certification program authorized by the
4 department under sub. (3).

5 2. An individual who is a member of a uniformed service, as defined in s. 6.22
6 (1) (c), or who is a member of the U.S. merchant marine, if the individual is
7 performing work for the uniformed service of which the individual is a member or for
8 the U.S. merchant marine, respectively.

9 3. An individual who is operating a crane for personal use on a premises that
10 is owned or leased by the individual.

11 4. An individual who is operating a crane in an attempt to remedy an
12 emergency.

13 5. An individual who is an employee of a public utility, as defined in s. 196.01
14 (5), a telecommunications carrier, as defined in s. 196.01 (8m), a commercial mobile
15 radio service provider, as defined in s. 196.01 (2g), or an alternative
16 telecommunications utility under s. 196.01 (1d) (f), and who is operating a crane
17 within the scope of his or her employment.

18 **(6) PENALTIES.** Any person who violates sub. (2) may be fined not more than
19 \$500 or imprisoned for not more than 3 months or both.

insert
7-19

20 **SECTION 6.** 101.25 of the statutes is created to read:

21 **101.25 Master and journeymen ironworkers.** ^{e journeyman} **(1) DEFINITION.** In this
22 section, "ironworker" means an individual who does any of the following:

23 (a) Raises, places, or unites girders, columns, and other structural steel
24 members.

BILL

1 (b) Positions and secures reinforcing rods or post tensioning cables during
2 on-site construction of buildings or bridges.✓

3 (c) Installs prefabricated, ornamental metalwork.✓

4 (d) Erects precast girders during on-site construction of bridges.✓

5 **(2) CERTIFICATION.** (a) *Certificate required.* Except as provided in sub. (5), no
6 individual may perform work as an ironworker in this state without a master
7 ironworker or journeyman ironworker certificate obtained from the department.✓
8 Except as provided in sub. (5), an individual with a master ironworker or journeyman
9 ironworker certificate shall perform work as an ironworker consistent with the rules
10 promulgated under sub. (3) (d).✓

11 (b) *Employer liability.* No employer may permit an employee to perform work
12 in violation of par. (a).✓

13 (c) *Contractor and subcontractor liability.* No person who is under a contract
14 to construct an improvement to land may permit an agent of the person, or an
15 independent contractor under contract with the person, to perform work on the
16 improvement in violation of par. (a).✓

17 **(3) ADMINISTRATION.** (a) *Master ironworkers.* Except as provided in sub. (4),
18 the department shall administer a program for the certification of master
19 ironworkers. The department may certify an individual as a master ironworker only
20 if all of the following apply:

21 1. The individual satisfactorily completes a written examination regarding
22 ironworking, unless the individual applies for recertification and provides sufficient
23 evidence that the individual has safely completed at least 5,000 hours of work as a
24 master ironworker or journeyman ironworker during the 5-year period before the
25 date of the application for recertification and has successfully completed at least 30

BILL

1 hours of training approved by the department during the 5-year period before the
2 date of the application for recertification. ✓

3 2. The individual holds a valid journeyman ironworker certificate for at least
4 one year before the date of the individual's application for certification as a master
5 ironworker, unless the individual has successfully completed an ironworker
6 apprenticeship program that is approved by the department of commerce and the
7 department of workforce development. ✓

8 (b) Journeyman ironworkers. Except as provided in sub. (4), the department
9 shall administer a program for the certification of journeyman ironworkers. ✓ The
10 department may certify an individual as a journeyman ironworker only if all of the
11 following apply:

12 1. The individual satisfactorily completes a written examination regarding
13 ironworking, unless the individual applies for recertification and provides sufficient
14 evidence that the individual has safely completed at least 5,000 hours of work as a
15 journeyman ironworker during the 5-year period before the date of the application
16 for recertification and has successfully completed at least 15 hours of training
17 approved by the department during the 5-year period before the date of the
18 application for recertification. ✓

19 2. The individual successfully completes an ironworker apprenticeship
20 program that is approved by the department of commerce and the department of
21 workforce development, or safely completes at least 8,000 hours of work in the
22 ironworking trade, before the date of the individual's application for certification as
23 a journeyman ironworker. ✓

24 (c) *Term.* A master ironworker certificate or journeyman ironworker certificate
25 issued by the department ~~has~~ shall be valid for a term of 5 years. ✓

BILL

1 (d) *Rules.* The department shall promulgate rules to administer the program
2 established under this subsection. The rules shall specify the tasks related to
3 ironworking that an individual certified as a master ironworker may perform and
4 that an individual certified as a journeyman ironworker may perform. To the extent
5 feasible, the rules shall be consistent with national standards applicable to
6 ironworkers. The department of commerce shall promulgate any rules with regard
7 to approved ironworker apprenticeship programs in consultation with the
8 department of workforce development.

9 (4) FEDERAL APPROVAL. The department shall submit to the federal secretary
10 of labor a plan for the certification of ironworkers under this section, if required to
11 do so under 29 USC 667 (b), and shall request the federal secretary of labor to approve
12 the plan. The plan submitted by the department shall be consistent with all of the
13 provisions of this section. If no approval is required under 29 USC 667 (b) or if an
14 approval that is consistent with all of the provisions of this section is granted and in
15 effect, the department shall implement the program under this section. If approval
16 is required under 29 USC 667 (b), the department may not implement the program
17 under this section unless an approval that is consistent with all of the provisions of
18 this section is granted and in effect.

19 (5) EXCEPTIONS. (a) *Lack of federal approval.* Subsection (2) (a) does not apply
20 if approval of the department's plan for the certification of ironworkers is required
21 under 29 USC 667 (b) but is not granted and in effect.

22 (b) *Other exceptions.* Subsection (2) (a) does not apply to any of the following:

23 1. An individual who is receiving training as an ironworker, if the individual
24 is under the direct supervision of an ironworker who holds a valid master ironworker
25 certificate received from the department.

BILL

1 2. An individual who is enrolled in and performing tasks that are within the
2 scope of an ironworker apprenticeship program that is approved by the department
3 of commerce and by the department of workforce development. ✓

4 3. An individual who is a member of a uniformed service, as defined in s. 6.22
5 (1) (c), or who is a member of the U.S. merchant marine, if the individual is
6 performing work for the uniformed service of which the individual is a member or for
7 the U.S. merchant marine, respectively. ✓

8 4. An individual who is performing ironwork on a premises that is owned or
9 leased by the individual. ✓

10 5. An individual who is performing ironwork in an attempt to remedy an
11 emergency. ✓

12 6. An individual who is positioning and securing reinforcing rods during the
13 construction of a road, sidewalk, or parking lot. ✓ Under this subdivision, ✓ the
14 construction of a bridge is not the construction of a road. ✓

15 7. An individual who is performing ironwork within the scope of his or her
16 employment, if the individual is employed to do primarily any of the following:

17 a. Install, assemble, construct, or repair electrical work. ✓

18 b. Install, adjust, repair, or dismantle fire protection and fire control systems. ✓

19 c. Erect, install, or repair transmission poles, fabricated metal transmission
20 towers, outdoor substations, switch racks, or similar electrical structures, electric
21 cables, and related auxiliary equipment for high-voltage transmission and
22 distribution power lines that are used to conduct energy between generating
23 stations, substations, and consumers. ✓

24 d. Install, repair, alter, or recondition gas distribution pipeline. ✓

BILL**SECTION 6**

1 e. Install or repair residential potable water lines, gravity waste disposal
2 systems inside curb or fence lines, plumbing fixtures, and plumbing appliances such
3 as dishwashers and water heaters.✓

4 f. Lay out, assemble, install, or maintain pipe systems, pipe supports, and
5 related hydraulic and pneumatic equipment for steam, hot water, heating, cooling,
6 lubricating, or industrial production and processing systems.✓

7 (6) PENALTIES. Any person who violates sub. (2)✓ may be fined not more than
8 \$500 or imprisoned for not more than 3 months or both.✓

9 **SECTION 7.** 101.255[^] of the statutes is created to read:

10 **101.255 Ironworker ratios.** (1) DEFINITIONS. In this section:

11 (a) “Apprentice ironworker” means an individual who is enrolled in an
12 ironworker apprenticeship program✓ that is approved by the department of commerce
13 and by the department of workforce development.✓

14 (b) “Master ironworker” means an individual who is certified as a master
15 ironworker by the department of commerce under s. 101.25.✓

16 (2) RULES. Except as provided in sub. (3)✓, the department shall promulgate
17 rules specifying a minimum number of master ironworkers that are required to
18 provide work at a construction site, and a maximum number of apprentice
19 ironworkers and individuals training as ironworkers that are permitted to provide
20 work at a construction site, in order to provide for the safety of individuals at the
21 construction site. The department may vary the minimum and maximum numbers
22 established under the rules based upon the type of work being performed at the
23 construction site.✓

24 (3) FEDERAL APPROVAL. The department shall submit to the federal secretary
25 of labor a plan✓ for enforcing the minimum and maximum numbers established under

BILL

1 sub. (2), if required to do so under 29 USC 667 (b), and shall request the federal
 2 secretary of labor to approve the plan. The plan submitted by the department shall
 3 be consistent with all of the provisions of sub. (2). If no approval is required under
 4 29 USC 667 (b) or if an approval ~~that is consistent with all of the provisions of sub.~~
 5 ~~(2)~~ is granted and in effect, the department shall promulgate and enforce the rules
 6 required under sub. (2). If approval is required under 29 USC 667 (b), the
 7 department may not promulgate or enforce the rules required under sub. (2) unless
 8 an approval ~~that is consistent with all of the provisions of sub. (2)~~ is granted and in
 9 effect.

create A.R. A
SECTION 8. Nonstatutory provisions.

create A.R. B

11 (1) FEDERAL APPROVAL OF ~~CRANE OPERATOR AND IRONWORKER PROGRAMS~~. No later
 12 than the first day of the 3rd month beginning after the effective date of this
 13 subsection, the department of commerce shall submit to the federal secretary of labor
 14 the plans required under sections ~~101.22 (4)~~ 101.25 (4) and 101.255 (3) of the
 15 statutes, as created by this act, if required to do so under 29 USC 667 (b).

create A.R. C

16 (2) SUBMISSION OF PROPOSED RULES. No later than the first day of the 9th month
 17 beginning after the effective date of this subsection, the department of commerce
 18 shall submit in proposed form the rules governing certified crane operator programs
 19 ~~under section 101.22 (3) of the statutes, as created by this act; master ironworkers,~~
 20 ~~journeymen ironworkers, ironworker apprentices, and individuals training as~~
 21 ~~ironworkers~~ *required* under sections 101.25 (3) and 101.255 (2) of the statutes, as created by
 22 this act; and the fees permitted under section 101.19 (1) ~~(g) and (i)~~ *(In)* of the statutes,
 23 as created by this act, to the legislative council staff under section 227.15 (1) of the
 24 statutes.

(n)

BILL

1 (3) GRANDFATHER PROVISION; CERTIFICATION OF CERTAIN MASTER IRONWORKERS. ✓

2 Except as provided in section 101.02 (20) (b) ✓ and (21) (b) ✓ of the statutes and
3 notwithstanding section 101.25 (3) (a) ✓ of the statutes, as created by this act, if

4 approval of the department of commerce's plan to certify ironworkers under section
5 101.25 (4) ✓ of the statutes, as created by this act, is not required under 29 USC 667

6 (b) or if ^{such} an approval ~~that is consistent with all of the provisions of section 101.25 of~~

7 ~~the statutes, as created by this act~~ is granted and in effect, the department shall

8 certify as a master ironworker any individual who applies for a master ironworker

9 certification within one year after the effective date of this subsection ✓ and who

10 provides the department with sufficient evidence that the individual safely

11 completed at least 15,000 hours of work in the ironworking trade during the 15-year

12 period before the date of the application for certification. ✓

13 (4) GRANDFATHER PROVISION; CERTIFICATION OF CERTAIN ^{CS} JOURNEYMAN JOURNEYMEN ✓

14 IRONWORKERS. ✓ Except as provided in section 101.02 (20) (b) ✓ and (21) (b) ✓ of the statutes

15 and notwithstanding section 101.25 (3) (b) ✓ of the statutes, as created by this act, if

16 approval of the department of commerce's plan to certify ironworkers under section

17 101.25 (4) ✓ of the statutes, as created by this act, is not required under 29 USC 667

18 (b) or if ^{such} an approval ~~that is consistent with all of the provisions of section 101.25 of~~

19 ~~the statutes, as created by this act~~ is granted and in effect, the department shall

20 certify as a journeyman ironworker any individual who applies for a journeyman

21 ironworker certification within one year after the effective date of this subsection ✓

22 and who provides the department with sufficient evidence of any of the following:

23 (a) That the individual, before the date of the application for certification,

24 successfully completed an apprenticeship program for ironworking that is approved

25 by the department of workforce development. ✓

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1 (b) That the individual safely completed at least 8,000 hours of work in the
2 ironworking trade during the 8-year period before the date of the application for
3 certification. ✓

4 (5) ~~SHORT-TERM CRANE OPERATOR CERTIFICATES PENDING PRACTICAL EXAMINATION.~~
5 ~~Notwithstanding section 101.22 (3) (b) 5. of the statutes and except as otherwise~~
6 ~~provided in this subsection, the department of commerce may authorize a crane~~
7 ~~operator certification program only if a crane operator certificate issued by the~~
8 ~~program before the first day of the 12th month beginning after the effective date of~~
9 ~~this subsection has a term that expires on the first day of the 12th month beginning~~
10 ~~after the effective date of this subsection. This subsection does not apply to a crane~~
11 ~~operator certificate issued to an individual who satisfactorily completes a practical~~
12 ~~examination regarding safe crane operation that is approved by the department of~~
13 ~~commerce.~~

SECTION 9. Initial applicability.

14
15 (1) ~~EFFECT ON COLLECTIVE BARGAINING AGREEMENTS.~~ The treatment of sections
16 101.22, 101.25, and 101.255 of the statutes first applies to employees who are
17 affected by a collective bargaining agreement that contains provisions inconsistent
18 with that treatment on the day on which the collective bargaining agreement expires
19 or is extended, modified, or renewed, whichever occurs first.

20 (2) ~~PRACTICAL EXAMINATION OF CRANE OPERATORS.~~ Notwithstanding section
21 101.22 (3) (b) (intro.) of the statutes, the treatment of section 101.22 (3) (b) 3. of the
22 statutes first applies to a crane operator certification program that issues a crane
23 operator certificate on the first day of the 12th month beginning after the effective
24 date of this subsection.

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3748/lins.
RNK:.....

INSERT 7-19

1 ~~✓~~ **SECTION 1.** 101.02 (20) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
2 is amended to read:

3 101.02 (20) (a) For purposes of this subsection, “license” means a license,
4 permit, or certificate of certification or registration issued by the department under
5 ss. 101.09 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), 101.147, 101.15 (2) (e),
6 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.25 (3)~~✓~~, 101.63 (2) or (2m),
7 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
8 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165,
9 145.17, 145.175, 145.18, or 167.10 (6m)~~✓~~.

History: 2009 a. 28.

10 ~~✓~~ **SECTION 2.** 101.02 (21) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
11 is amended to read:

12 101.02 (21) (a) In this subsection, “license” means a license, permit, or
13 certificate of certification or registration issued by the department under s. 101.09
14 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g),
15 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.25 (3)~~✓~~, 101.63 (2), 101.653, 101.73
16 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1)
17 to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18,
18 or 167.10 (6m)~~✓~~.

History: 2009 a. 28.

19 ~~✓~~ **SECTION 3.** 101.19 (1) (n) of the statutes is created to read:

20 101.19 (1) (n) Certifying master ironworkers and journeymen ironworkers
21 under s. 101.25 (3)~~✓~~.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3748/1dn
RNK:nwn:jf

November 20, 2009

As requested, this is a redraft of 2001 LRB-1905 as it relates to ironworkers. You asked for a redraft of the /2 version of that draft. Because that version was subsequently redrafted as a /3, I used the /3 version as the basis for this session's redraft. If this is not consistent with your intent, please let me know.

Also, please note that the 2001 version of the draft included an initial applicability provision that concerned the application of the provisions of the draft to employees covered by a collective bargaining agreement. I did not include that provision in this version of the draft because I was unable to determine what issue that provision was intended to address. If you have more information about that provision and would like it to be included in the draft, please let me know and I will redraft accordingly.

Please feel free to contact me if you have any questions with regard to this draft.

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