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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Labor, Elections, and Urban
Affairs (SC-LEUA)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

- Jerry Klubertanz — Operating Engineers
- Art Wate
- Michael Blank
- Terry Buck — Operating Engineers
- Dennis Reinke — Operating Engineers
- Tom Seiler — Operating Engineers
- Ken Olson — Operating Engineers
- Shaun McHugh — Operating Engineers
- Randy Ehley
- Steve Buffalo — Operating Engineers
- Andrew Gehl
- Sam Smith
- Dave Parking — Operating Engineers
- Dan Sobotta — Operating Engineers
- Dennis Batt — Operating Engineers
- Gene Konichek — Operating Engineers
- Christine Sinicki — Representative
- Rick Parrent — Operating Engineers
- Thomas McCormick — Operating Engineers
- Tom Liesener — Operating Engineers
- Robert Dei — Operating Engineers
- Pat Ervin — Laborers Union
- Thomas Fisher — Wisconsin Laborers District Council
- Pat Nelson — Operating Engineers
- Lyle Krause — Operating Engineers
- Randy Patrow — Operating Engineers
- Mark Gauf — Operating Engineers

Registrations Against

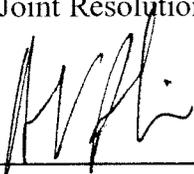
- Rodney Martin
- Brian Mitchell — AGC of Greater Milwaukee
- Mike Hess
- Thomas Walker — Wisconsin Transportation Builders Association
- Tom Howells — Wisconsin Motor Carriers Association

Registrations for Information Only

- None.

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.



Adam Plotkin
Committee Clerk



AGC of Wisconsin

S K I L L R E S P O N S I B I L I T Y I N T E G R I T Y

4814 East Broadway, Madison, WI 53716 • (608) 221-3821 • (608) 221-4446 FAX • www.agcwi.org

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Immel Construction

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Riley Construction Company

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Market & Johnson, Inc.

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Faith Technologies

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Ideal Builders Inc.

Steve Millmann
Hooper Corporation

Dennis Olson
Capitol Underground, Inc.

Mark Rudnicki
Stevens Construction Corp.

Reed Schmitt
Jos. Schmitt & Sons, Inc.

Rob Tortelli
Security Insurance Services, Inc.

Peter Vogel
Vogel Bros. Building Co.

Assembly Bill 928 and Senate Bill 665 Licensing of Crane and Heavy Equipment Workers Testimony of Jim Boullion, Director of Government Affairs April 2010

Thank you for the opportunity to testify today. The contractor members of the AGC of Wisconsin build the majority of the non-road related public construction projects for the State of Wisconsin, municipalities and schools, and this legislation would have a major impact on that work.

It is well documented that the construction industry in Wisconsin is faced with depression-like economics. Our industry is faced with 25%+ unemployment and many contractors are struggling to remain in business. The AGC is greatly concerned about the increased regulation facing our industry, an industry which is currently one of the most regulated industries in Wisconsin.

Construction safety is serious business. The AGC and our two safety professionals train hundreds of construction workers on an annual basis and in the past 3-5 years have trained over a 1,000 construction workers in the safe operation of cranes through the National Commission for the Certification of Crane Operators (NCCCO).

The AGC of Wisconsin is opposed to the Crane and Heavy Equipment Worker licensing legislation that is before you today. We are opposed to specifics within the bill and we are concerned with the expedited process in which the bill is before the Committee today.

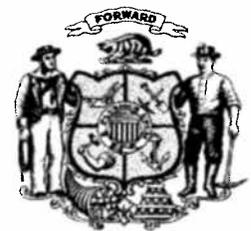
The AGC believes that the bill regulating cranes is unnecessary as Federal OSHA has spent several years analyzing the issue, and has a consensus based regulation going into effect in July of 2010. The regulation of heavy equipment is strongly opposed by our members who own and operate this equipment. There is no evidence of the need for further regulation of this equipment, and to the best of our knowledge Wisconsin will be the first state with such a regulation related to heavy equipment.

We will be glad to answer any questions you may have.

Thank you.



WISCONSIN STATE LEGISLATURE



Spencer Coggs



State Senator

Senate Bill 665
Senate Committee on Labor, Elections, and Urban Affairs
Thursday, April 8, 2010

Members,

Thank you for this hearing on Senate Bill (SB) 665. This bill would require a license to operate cranes and certain heavy equipment in the State of Wisconsin.

It would seem obvious that construction sites are one of the most dangerous work environments in the United States. The construction industry accounts for 6% of the workforce but sees 20% of the work related fatalities. Of 5700 fatalities in the United States in 2004, 1100 were due to heavy equipment accidents and 80 were crane related. This doesn't just involve construction workers, it also affects the public which is often in close proximity to the worksite.

Despite these obvious hazards, the federal Occupational Health and Safety Administration (OSHA) only regulates the safety of the equipment. Neither OSHA, nor the State of Wisconsin ensure that the operators are properly trained. 16 other states and 6 cities currently require crane and heavy equipment operators to be licensed.

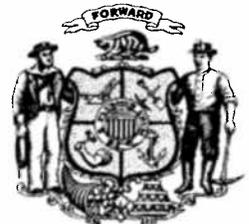
This bill creates both regular and apprenticeship licenses as well as a Crane and Heavy Equipment Council within the Department of Commerce. The heavy equipment license would be required to operate certain pieces of equipment that weigh at least 26,000 pounds and are used for construction. Crane operators must obtain a certificate from an accredited program. The Council would make additional recommendations to the Department of Commerce. Completion of an apprenticeship program, 10,000 hours of lifetime experience, or 2000 hours of experience over 5 years would be required to qualify for the license as well.

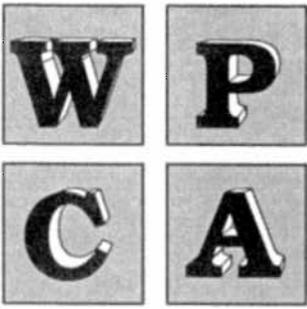
We are also in the process of working on an amendment to further clarify the types of heavy equipment that would be regulated under the bill. This will of course be presented to the committee for consideration prior to the vote.

Thank you for your consideration of Senate Bill 665.



WISCONSIN STATE LEGISLATURE





Wisconsin Precast Concrete Association

April 8, 2010

Senate Labor Committee
c/o Sen. Spencer Coggs
Room 123 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Committee Members,

We are writing in opposition to Senate Bill 655 to create a certification for crane and heavy equipment operators. The Wisconsin Precast Concrete Association is strongly opposed to the measure and asks that it be voted down.

Our business owners already face a myriad of rules and regulations pertaining to all aspects of the construction industry in Wisconsin. Just in 2009, the state implemented a new building contractor registry – another fee and license required by the state.

The bill's language is overly broad and affects all variety of cranes and equipment. Many cranes used by our members are mobile and are simply delivering product off a flatbed to a specified site. In addition, the requirements are redundant to existing OSHA and ANSI standards that contain extensive requirements regarding the safe operation of cranes.

This certification appears to benefit only trade unions of the construction industry. Such a fence-in approach to public policy limits training opportunities by unfairly favoring a particular private training provider.

The Wisconsin Precast Concrete Association has historically taken a proactive role working closely with the state and Department of Commerce to work through new regulations affecting our industry. But we are strongly opposed to Senate Bill ⁶⁵⁵ and its companion bill, Assembly Bill 928. Due to the severe downturn in the construction industry, this is perhaps the worst time in recent history for the state to be making new demands on business owners.

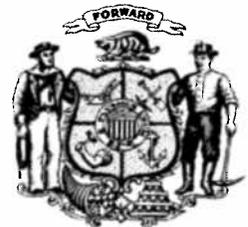
We would ask that you vote in opposition to Senate Bill ⁶⁵⁵.

Sincerely,


Ann Gryphan, Association Manager
Wisconsin Precast Concrete Association



WISCONSIN STATE LEGISLATURE



WIESER CONCRETE

2815 Riley Road * Portage, WI 53901

(608) 742-4464 * (800) 362-7220 * Fax (608) 742-3769

E-mail: markw@wieserconcrete.com * lorih@wieserconcrete.com Website: www.wieserconcrete.com

April 8, 2010

OPPOSITION TO SENATE BILL 665/ ASSEMBLY BILL 928

My name is Mark Wieser, I am owner and vice president of Wieser Concrete Products, Inc. We have over 120 employees and operate from 5 locations in Wisconsin. We are a manufacturer of precast concrete products and deliver and install several of the products we make including underground structures and temporary highway barrier.

I am speaking (writing) in extreme opposition to Senate Bill 665/Assembly Bill 928 for several reasons, here are some of them:

1. INCREASING REGULATION AND FEES TO DISCOURAGE WISCONSIN BUSINESSES

We definitely don't need any increase in taxes or regulations on the small businesses of Wisconsin. We already follow federally regulated OSHA guidelines for all of our equipment operators that includes safety training on our specific equipment. We pride ourselves on operating a safe and efficient business, we see no value in requiring another state run certification program that increases the costs to our business or any other small business in Wisconsin.

2. CRANE AND HEAVY EQUIPMENT COUNCIL

We are a merit shop and employ some of the best boom operators in the state. Why would a council be formed of only union operators and require union training and apprenticeship when they would not have any experience in the type of equipment that we operate. This legislation is drafted in a way that sounds like the unions need a way to require that all operators in the state need to become members. If our operators wanted to become members of a union, they would, yet they choose to work for a merit shop company for a reason. It is unfathomable that the state could force this type of action onto our employees.

3. COMMON BUSINESS SENSE

Anybody who owns a small business understands the liability issues that are out there in today's business climate. We have several pieces of equipment that cost in excess of \$250,000 and would never think about putting them in service without having trained operators running them. There is no way a state/union sponsored program could help us in training or provide better training to our operators.

We operate a safe and efficient business in Wisconsin and have since 1965. Wieser Concrete Products, Inc. is in extreme opposition to Senate Bill 665/Assembly Bill 928.

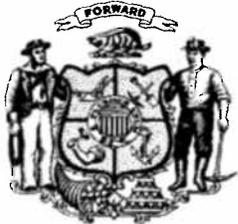
Thank you,

A handwritten signature in black ink, appearing to read 'Mark Wieser', with a long horizontal flourish extending to the right.

Mark Wieser, PE
Vice President



WISCONSIN STATE LEGISLATURE



TESTIMONY OF TERRANCE MCGOWAN
BUSINESS MANAGER IUOE LOCAL 139
IN SUPPORT OF SB-665

SENATE LABOR COMMITTEE
APRIL 8, 2010

Good morning Chairman Coggs and Committee members. My name is Terry McGowan, Business Manager of Operating Engineers Local 139. I am here with many of my members to show our support for SB-665.

Before I begin I want to thank you Chairman Coggs for holding this hearing and I want to thank you and Rep. Parisi and other members of the legislature that have cosponsored this bill.

We are calling this bill the Crane and Heavy Equipment Public Safety Act. It is designed to not only protect the public but also workers of all construction trades that work in the vicinity of cranes and heavy equipment.

Local 139 represents 9,000 members statewide.

Our members primarily work on road building and other large public projects like schools, stadiums, sewer and water systems and power plants.

SB-665 in its basic form is designed to make sure that the men and women of this state that are operating the large, complex, dangerous and costly equipment are properly trained and licensed by the state.

When we started to talk to some of you about the need for this legislation many of you were not aware and could not believe that there are no federal or state requirements or standards that must be met by someone before they jump on a piece of heavy equipment.

SB-665 will finally change that. Local 139 has been talking about crane legislation for over a decade, going back to the Big Blue accident at Miller Park in 1999.

One of the reasons no bill like this has moved before now has been due to concerns raised by other union trades. They feared that somehow this type of legislation might take work away from one trade and give it to another. I am pleased to tell you today that I believe we have worked out all our differences with the other potentially impacted trades.

The actual bill before you, SB-665, does not yet reflect all the changes we have negotiated with the other trades but they will soon be seen in an amendment.

As many of you know, jurisdiction matters are a sensitive subject among the skilled trades. We believe we have reached a consensus within our craft to which our fellow trades are acceptable.

You will probably hear today that the Laborers support this bill with those amendments. I understand that the Carpenters are neutral on the bill. The language IBEW suggested is included. I do not believe other trades are affected.

Although many of you thought that the workers in this trade needed to be trained and licensed already, some recent trends in the construction industry make this legislation all the more necessary today.

In the past many of those in our trade came off of Wisconsin's farms. These guys grew up operating big, dangerous equipment. They knew that if they made a mistake or caused an accident it was likely a family member they were injuring.

Today our members are not coming off the farms. There are simply not that many family farms left in the state to supply the construction industry. We are getting more and more workers from the cities and urban areas that have never been on a piece of heavy equipment before.

The other factor that is changing in our industry is the growth of night work. That is happening because more road work today is rebuilding existing roads and highways rather than building new ones out in farm fields or through forests.

This means that our workers are operating heavy equipment right next to speeding traffic. And to avoid the periods of time when traffic is greatest much work is being done at night. The rebuilding of the Zoo Interchange is a prime example of that. Most of the work was done at night when traffic was minimal but visibility for workers poor.

Thus our construction zones are much more dangerous for the motoring public and other construction workers than they use to be. Hence the need for better trained operators of cranes and other heavy equipment.

Another recent trend we are seeing in Wisconsin is the development of large wind farms. The erection of hundreds of new towers and their continuing maintenance require larger and larger cranes necessitating better trained crane operators.

Though we have worked with other unions to either get their support or at least to avoid their opposition you may still hear some grumbling from some others today.

Their arguments will probably go something like this: OSHA is about to promulgate new rules that will cover this so there is no need for the state to act. You might also hear that this will result in all non-union workers needing to go to the school operated by Local 139.

First for OSHA. It is true that OSHA is working on rules. However they will probably only apply to cranes and not all the other heavy equipment that SB-665 covers. They will not cover graders, scrapers, planers, milling machines, grinders, excavators, and shouldering machines like this legislation does. SB-665 covers all this equipment if the operator is working on a publicly funded project.

OSHA does plan to cover cranes but only if they are engaged in new construction. That means that cranes working on a remodeling or demolition project would not be covered.

You will recall that a large crane stood outside the West Washington entrance of the Capitol for several weeks assisting with some remodeling work. Well that crane operator would not need to meet any new OSHA requirements. But under SB-655 they would need to be trained and licensed.

So we think this state legislation is needed even if OSHA moves forward.

The other concern might be that this will require that non-union heavy equipment operators get their training at the union operated school. We certainly do operate a fine school in Coloma. We are proud of the training our members receive and proud of the job the school does. Our director recently received national recognition for the quality of the school

We like to think we have the best school in the state but there are certainly alternatives. Just outside of Sun Prairie is a private for profit school that offers training. We understand that AGC and ABC operate their own programs. Those all would be available to those not wanting to get their training at our school.

You will hear other concerns today expressed by some companies in the construction industry. We actually have a meeting planned with them tomorrow and it is our hope to reach a consensus with them as we have with the other labor unions.

One of their concerns is the makeup of the rule writing committee at the Department of Commerce that this bill creates. We are willing to move in their direction on that and other issues.

At least 16 other states now have a requirement that the operators of cranes be licensed by the state. At least one other state requires that the operators of heavy equipment be licensed and others are looking at it.

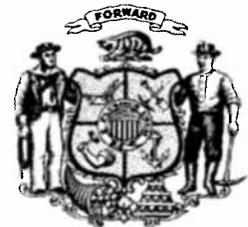
I hope you will support SB-665, the Crane and Heavy Equipment Public Safety Act.

With me is Robb Kahl, director of the Construction Business Group. He will provide you with some of the specific details of the legislation along with our training director Dan Sperberg and master crane instructor Doug Stegeman who is also a voting commissioner for the National Commission for the Certification of Crane Operators.

Thank you for your time.



WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR SPENCER COGGS
FROM: Russ Whitesel, Senior Staff Attorney
RE: Senate Substitute Amendment __ (LRBs0408/1) to 2009 Senate Bill 665
DATE: April 19, 2010

This memorandum describes the provisions of Senate Substitute Amendment __ (LRBs0408/1) ("substitute amendment") to 2009 Senate Bill 665, relating to licensing of individuals who use cranes and heavy equipment, granting rule-making authority, requiring the exercise of rule-making authority, and providing a penalty.

The Department of Commerce currently issues various licenses, permits, registrations, and other credentials to individuals engaged in the construction trades such as to, electricians and plumbers.

The substitute amendment requires the Department of Commerce to issue licenses for the operation of cranes and certain pieces of heavy equipment. The substitute amendment specifically defines a piece of "heavy equipment" to be a piece of equipment that weighs at least 26,000 pounds and that is used to do certain construction activities. The substitute amendment requires the department to promulgate a rule that contains an initial listing of specific types of heavy equipment for which a license is necessary.

The substitute amendment establishes a crane and heavy equipment council (council) which may make recommendations to the department on specific types of equipment that may be added to the list by rule. Certain types of cranes and specific pieces of heavy equipment are completely exempt from licensure regulation and may not be added to the list promulgated by the department.

The substitute amendment creates four different types of licenses: (1) a crane operator license; (2) a heavy equipment operator license; (3) an apprentice crane operator license; and (4) an apprentice heavy equipment operator license. For all these licenses, an individual must be at least 18 years old at the time the license is issued and may not have had any license or other permission to operate a crane or any piece of heavy equipment suspended or revoked by the department or by any other comparable licensing agency and must meet certain training and experience requirements. The substitute amendment sets forth those specific requirements for each license.

Under the substitute amendment, the crane operator and heavy equipment operator licenses are valid for five years and are renewable if an individual has operated cranes or regulated heavy equipment

for at least 1,000 hours during the period of license and has not had the license suspended or revoked and has not violated any law relating to the operation of cranes or heavy equipment.

In order to obtain an apprentice crane operator license or apprentice heavy equipment operator license, the individual must be enrolled in a training program recognized by the U.S. Department of Labor. These two apprenticeship licenses are valid for four years.

Under the substitute amendment, the licensing requirements apply only to *public works projects* where prevailing wage requirements apply. Under the current prevailing wage law, certain laborers, workers, mechanics, and truck drivers employed on a state or local project of public works must be paid at the rate paid for a majority of the hours worked and the person's trade or occupation in the county in which the project is located, as determined by the Department of Workforce Development.

The substitute amendment provides that if there are standards established by the Occupational Safety and Health Administration (OSHA) that apply to licensing operators of cranes or heavy equipment, the licensing requirements created in the substitute amendment may not be implemented unless the Department of Commerce receives federal approval.

The substitute amendment first applies to a proposal for a public works project that is submitted to a state agency or local governmental unit for approval on the effective date of the Act, which would be the day following publication of the legislation.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

RW:ty



LEVA Exec + Hearing

4/8/10

SB 605

EXEC

Kumbaya on SB172
no GOP, quick roll

HEARING

~~SB~~ Ronald Polacek

no one showed or registered

SB435

Kevin Kennedy

- has written testimony
- SC - ? on retaining records in financially feasible way
 - paper printout + ballots retained
 - problem is space on memory card
 - cost prohibitive to retain data electronically

John Washburn

- no written testimony, but a lot of supporting material
- takes some shots at Kevin + GAB
- impossible to check election complaints
- goes through his "sub" section by section
- central count tabulation
- concern with a personal challenge that he filed
- wants election records defined as open records

①

SB 435 cont.

- John Washburn cont.

- thinks vendors are lying
 - SC? on his "sub"
 - disputed vendors claims
- JL? on votes shd be open records
 - the totals shd be available
- SL? - alleging ballot box stuffing?
 - not that stuffing happened, just a records retention issue

- Shane Falk.

- ~~att~~ addresses Washburn's points
- 73% of state uses large optical scan machine
- cost prohibitive to remove + store
- still required to retain for 22 mos. after fed. election
- ballots only kept for 30 days.
- Assembly added amendment to address new equipment that utilizes flash drives
- keep 22 mo. retention under amendment if on new media
- Ch. 19 exempts products w/ code + other info that is proprietary + ensures security
- canvasses are retained for 10 years
- GAB tests voting equipment
 - SC? on flash drive amendment
 - AAI to AB 446 (?) explained
 - GAB supports

(2)

SB612Lena Taylor

- has written testimony
- SC? on "ban the box"
 - not trying to give leg up, just remove disadvantage
 - let credentials speak to qualification for interview
- ~~~~~

Chris Ahmety

- no written, brief remarks

Gordon Leech

- no written testimony, has some supporting documents
- testifying for IRR @ State Bar
- WI Employer Relations Assn.
- existence of ~~convicted~~ conviction record bad enough, regardless of what for
 - SC? on lack of employable skills
 - bill doesn't enlarge law

Hans Simpson

- convicted felon
- doesn't want to be burden on state, wants to add to tax cuts
- wants ability to tell story, can't do that without getting interview
- used to own & run a large international business

John Metcalf & Robert Schreiber

- John has written testimony
- gives brief background also
- Safe Place statute in WI law for current employees

SB 624 cont.

John McKeef + Robert Schweiker cont.

- Robert has no written remarks
- on opposite side from Gordon Leech
- WI already offers more protection than other states
- ~~~~~~~~~

David Pifer

- has written testimony
- ad lib a bit
- doesn't prevent asking at interview
- provides chance for redemption
- ~~current~~ system is discriminatory
- arguments against are red herrings
 - SC? - fair to applicant w/ pile system on phone
 - act of picking up phone is sign of selection

SB 624

John Lehman

- has written testimony
 - SC? - just expansion
 - yes

Bruce Lindsay

- reads written testimony, but passes out bullet points
- termed as a simple legislative fix

5B649

Hal Bergen, Andy Feldman, James Buchen

- all 3 have written testimony
- Buchen extemporaneous on no. changes to benefits or taxes
- Bergen reads part of written, skips rest
 - SL? on fund solvency
 - ARRA paid for most extensions by feds
 - \$1.376 owed to feds now, project owing \$1.76 by end of year
 - want interest forgiveness more than principal forgiveness
 - SL? - how much from employers in 2009
 - \$635m

5B645

SL

- has written testimony

Terry McGowan

- has written testimony, but no copies before testimony
 - SL? at meeting tomorrow
 - confident meeting will produce positive results

Robb Kahl

- highlights provisions of coming amendment
- mostly off the cuff remarks on reasons opposition is wrong
- won't lighten up on safety at meeting tomorrow
- might have remarks, hard to tell
- some things that won't be able to be addressed
- got unanimous endorsement from building trades this morning

5

SB665 cont.

Patrick Essie, Ann Grypham, Mark Wieser

- Pat
- weren't part of discussion, would have been nice
 - been around 10-12 years
 - will be at meeting tomorrow
 - didn't know bill was expanded to heavy equipment
- Mark
- has written testimony, but no copies
 - will add to increasing tax burden to business
 - union focused

- written testimony

- SC? on specialized equipment

- no benefit

- certification program isn't equipment specific

- SC? - is Wieser training certified?

- no

- IL? - exemption for boom equipment

- no

- IL? on Wieser training

- some formal training w/ annual updates

- informal training upfront

Todd Stair + Aaron Aasen

- wants invitation to meeting tomorrow

Jim Falbo + Ryan Harrison + John Mielke + Jim Boullion

- Jim Falbo does most talking

- hours of certification requirement hard to define

- 2 hours not enough time for meeting tomorrow

- definition of what an operator is

- training segment not defined enough

(6)

SBldoS cont.

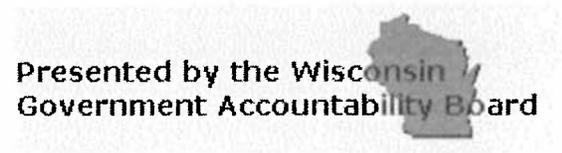
Rodney Martin - left

Don Sperber ~~gore~~ + Doug Steegemann

- ~~Doug~~ talked fast + low
- Tech colleges have training program
- Doug - good but unstructured + vague
- OSHA doesn't define construction well
- bill is limited to public works projects
- OSHA is minimum level of safety
- safety in hoisting industry + heavy equipment industry
- Canada has most stringent licensure in the world
- want WE higher than minimum level of safety
 - SC? on new OSHA standard
 - only applies to new construction
 - some necessary equipment left out of OSHA
- JL? - should safety training + apprenticeship be the same?
 - no, training should be uniform



- ▶ Home
- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Wednesday, April 07, 2010

2009-2010 legislative session
Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

Senate Bill 665

licensing of individuals using cranes and heavy equipment, requiring the exercise of rule-making authority, and providing a penalty.

<p>TEXT sponsors LRB analysis</p>	<p>STATUS committee actions and votes text of amendments</p>	<p>COST & HOURS of lobbying efforts directed at this proposal</p>
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Organization	Profile	Interests	These organizations have reported lobbying on this proposal:	Date Notified	Position	Comments
						Place pointer on icon to display comments, click icon to display prior comments
	●	●	Associated General Contractors of Wisconsin Inc	4/7/2010	↓	
	●	●	Operating Engineers Local #139	4/6/2010	↑	

Select a legislative proposal and click "go"

House	<input type="text" value="Assembly"/> <input checked="" type="text" value="Senate"/>	
Proposal Type	<input checked="" type="text" value="Bill"/> <input type="text" value="Joint Resolution"/> <input type="text" value="Resolution"/>	
Proposal Number	<input type="text" value="665"/>	(enter proposal number)
Legislative Session	<input type="text" value="2009 Regular Session"/>	
	<input type="button" value="Go"/>	

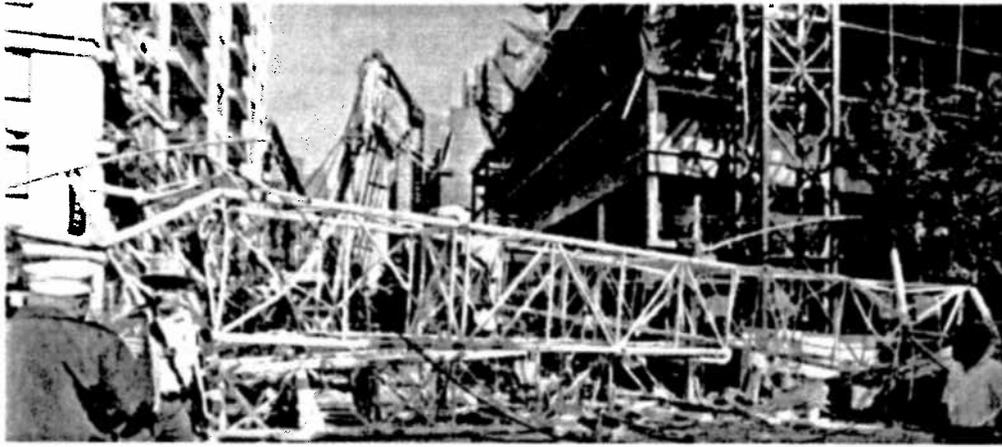


Crane and Heavy Equipment Public Safety Act

AB 928/SB 665

	Original Bill	Substitute Amendment
Advisory Council	3 labor representatives and 1 management representative	4 labor representatives and 4 management representative
Equipment Covered	30 pieces of Regulated Heavy Equipment	7 pieces of Regulated Heavy Equipment (26,000 lbs or more) <ol style="list-style-type: none"> 1. Graders 2. Scrapers 3. Planers 4. Milling machines 5. Grinders 6. Excavators 7. Shouldering machines
Exemptions to Crane and Heavy Equipment Licensure	Contained 5 specific exemptions to licensure	Contained 10 specific exemptions including delivery vehicles, service vehicles, manufacturing activities, specific concrete-related work, maintenance and repair activities.
Crane License Requirement	In order to get a Crane License the following was required, in addition to the national certification: <ol style="list-style-type: none"> 1. <u>1,000</u> hours of operating experience and completion of an apprentice program; or 2. <u>5,000</u> hours of operating experience in last 5 years; or 3. <u>7,500</u> hours of lifetime operating experience. 	In addition to national certification, the following is now required: <ol style="list-style-type: none"> 1. Complete an apprentice program; or 2. <u>1,000</u> hours of operating experience in 5 years; or 3. <u>5,000</u> hours of lifetime operating experience.
Heavy Equipment License Requirement	In order to get a Heavy Equipment License, the following was required: <ol style="list-style-type: none"> 1. <u>1,000</u> hours of operating experience, completion of an apprentice program, and a DWD exam; or 2. <u>5,000</u> hours of operating experience in last 5 years; or 3. <u>7,500</u> hours of lifetime operating experience 	The following is now required: <ol style="list-style-type: none"> 1. Complete an apprentice program; or 2. <u>1,000</u> hours of operating experience in 5 years; or 3. <u>5,000</u> hours of lifetime operating experience 4. No longer require a DWD exam
Renewal of License	<u>2,000</u> hours of operating experience over 5 years	<u>1,000</u> hours of operating experience over 5 years
Licensure Fees and Penalties	<ul style="list-style-type: none"> • License fees paid by employee • Penalties borne by employee 	<ul style="list-style-type: none"> • License fees paid by employee • Penalties borne by employee





CRANE and HEAVY EQUIPMENT PUBLIC SAFETY ACT AB 928/SB 665

-19 states and 6 cities currently have laws pertaining to the operation of cranes with at least 18 more states currently considering the issue.

-Cranes and other heavy equipment are very large creating a potential risk to all workers in and around the equipment as well as the public within close proximity to the construction site.

-More and more road and bridge construction is taking place during nighttime hours requiring the operators of cranes and heavy equipment navigate unknown terrain with little illumination.

-While construction work only employs about six percent of all U.S. workers, 20 percent of all work-related fatalities occur in the construction industry. In 2004, the Centers for Disease Control and Prevention reported more than 5,700 fatal work accidents; approximately 1,100 of them are due to heavy equipment and construction accidents. OSHA reports that 80 construction workers die in crane-related accidents alone each year.

-Millions of dollars in property damages and monetary losses are incurred each year due to untrained operators damaging or destroying overhead and underground utilities.

-The Bill is endorsed by the state AFL-CIO and garnered the unanimous endorsement of Milwaukee Building and Construction Trades Department.

-This Bill requires operators of crane and regulated heavy equipment used in the performance of public works projects involving construction, renovation, grading or demolition to obtain a crane or heavy equipment license. "Heavy Equipment" is defined as the following 7 pieces of equipment provided they are in excess of 26,000 pounds:

- Excavators
- Grinders
- Shouldering Machines
- Milling Machines
- Planers
- Graders
- Scrapers

-Some specific examples of exclusions from regulation include: forklift trucks, hoisting delivery vehicles, utility employees and contractors, non-construction activities (e.g. road or sewer maintenance or agriculture activities), service tow-trucks, water well drilling equipment and snow removal equipment.

-Private work is exempt and public building (non-road or underground infrastructure) construction projects are only subject to crane licensure requirements.

-In order to obtain a crane or heavy equipment license, an individual must, in addition to obtaining their crane certification from a nationally-accredited organization if applicable, show evidence of the following before the effective date of this law takes (two years after its passage):

- Completion of an apprenticeship program; or
- Verification of 1,000 hours of operating experience over proceeding 5 years; or
- Verification of 5,000 hours of operating experience over the operator's lifetime.

-Licenses are effective for 5 years and renewal requires 1,000 hours of operating experience during that time.

- Allows for apprentice operator licensure for both crane and heavy equipment operation and permits the Department of Commerce to establish fees for both apprentice and operator licenses.

-Creates a Crane and Heavy Equipment Council composed of equal representation from management and labor to advise Commerce on interpretation, modification and implementation of the law.

-Recognizes employers who are participants in apprenticeship training and encourages continuing education for operators.

-Allows for any and all certifications, training, apprenticeship, and education to be obtained from any approved provider which includes independent, union and open-shop affiliated entities.

-Violations of the statute allow for monetary penalties imposed on the operator (not the employer) and potentially subjects a licensee to denial, revocation or non-renewal of licensure.

-OSHA acknowledges that the current Crane Safety Standards (created circa 1971) are outdated. OSHA is currently reviewing the standards but a new rule would, if adopted, only address some crane activities (e.g. renovation and demolition work exempted by OSHA is covered by this law).

