

Payments upon vouchers.

SEC. 5. Payments to prisoners, or their families, as in this act provided, shall be upon vouchers approved by the director of business control.

Conflicting acts repealed.

SEC. 6. All acts or parts of acts in conflict herewith are hereby repealed.

Passed the House March 3, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 306.

[H. B. 364.]

COAL MINING CODE.

AN ACT relating to and regulating the operation of coal mines, prescribing the qualifications and duties and fixing the salaries of certain officers, prescribing the qualifications and duties of certain employes in coal mines, amending Sections 2, 3, 4, 6, 7, 10, 12, 15, 16 and repealing Section 17 of Chapter 36 of the Laws of 1917, amending said Chapter 36 of the Laws of 1917 by adding thereto new sections to be known as Sections 222, 223, 224, 225, 226, 227 and 228, repealing Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 28, 29, 30, 31, 32 and 33 of Chapter 130 of the Laws of 1919, and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

Statute amended.

SECTION 1. That section 2 of chapter 36 of the Laws of 1917, page 112 (section 8637 of Remington's Compiled Statutes; section 3829 of Pierce's Code), be amended to read as follows:

Division of mining safety personnel.

Section 2. There shall be in the department of labor and industries a division to be known as the "division of mining safety", which shall consist of the state mining board, the chief state mine inspector, such deputy state mine inspectors, not to exceed two, and such clerical assistants as may be necessary to carry on the work of the division. The director of labor and industries shall have the power:

Powers of director of labor and industries.

(1) To appoint the chief state mine inspector, who shall have charge and supervision of the division of mining safety, and who shall have the qualifications provided by law for the office of chief state mine inspector;

Appoint
chief state
mine
inspector.

(2) To appoint the state mining board, the members of which shall have the qualifications provided by law.

Appoint
state mining
board.

The chief state mine inspector, with the approval of the director of labor and industries, shall have the power to appoint deputy state mine inspectors, who shall have the qualifications provided by law, and to appoint and employ such clerical assistants as may be necessary to carry on the work of mining safety.

Deputy state
mine inspec-
tors and
other em-
ployees.

SEC. 2. That section 3, of chapter 36, of the Laws of 1917, pages 112-113, (section 8638 of Remington's Compiled Statutes; section 3830 of Pierce's Code) be amended to read as follows:

Statute
amended.

Section 3. The director of labor and industries shall appoint a state mining board to pass upon the qualifications of applicants for the positions of chief state mine inspector and of deputy state mine inspector. This board shall consist of one practical coal miner, one mine manager or superintendent, and one practical coal mining engineer, actively engaged in the practice of his profession. All members of the aforesaid board shall be citizens of the United States and of the State of Washington, and shall have had at least three years' practical experience in or about the coal mines of this state.

State mining
board.

Personnel.

Shall be
citizens and
have mining
experience.

The appointments of the state mining board heretofore made under this act, shall expire on April 1, 1929, and a new board shall be appointed by the director of labor and industries on that date, and every four years thereafter. Nothing in this act shall be construed to prevent the reappointment

Term
of office.

of any member of the board for any number of consecutive terms.

Removal.

Any member may be removed by the director of labor and industries at any time for cause. Each vacancy on the board shall be filled by the director of labor and industries within two months after the occurrence of such vacancy.

Filling
vacancy.

Oath
prescribed.

The state mining board provided for in this act shall take the following oath of office before some person duly authorized to administer an oath:

“We do solemnly swear (or affirm) that we are citizens of the United States and of the State of Washington and that we will perform the duties devolving on us to the best of our ability, and that in giving or refusing certificates of competency as mine inspector of the State of Washington, mine foreman, assistant mine foreman or fire boss, we will be governed entirely by the evidence of fitness of the applicant, as defined in the state mining laws; that we will certify all whom we may find qualified, and who shall have passed the required examination, according to the law, to the best of our knowledge and judgment.”

Per diem
and
expenses.

The state mining board shall receive ten dollars (\$10.00) per diem, and their actual and necessary traveling expenses for the time actually engaged in the performance of the duties imposed upon them in this act. Such compensation and expenses to be paid out of the general fund of the state in the manner provided by law. The expenses for stenographic work and printing of the board shall be paid in like manner.

Stenographic
work and
printing.

Office
supplies.

The chief state mine inspector shall furnish, from his office maintenance fund, such blanks, blank books, stationery and similar supplies as are needed by the board.

SEC. 3. That section 4, of chapter 36, of the Laws of 1917, pages 113-115, (section 8639 of Remington's Compiled Statutes; section 3831 of Pierce's Code) be amended to read as follows:

Statute amended.

Section 4. It shall be the duty of the state mining board to examine into the qualifications of all applicants for appointment to the positions of chief state mine inspector, or deputy state mine inspector, of the State of Washington, by conducting a thorough examination as to the knowledge of laws applying to mines in the State of Washington, on mine working, ventilation, gases, machinery, first aid and mine rescue work, educational standards for coal mines and coal mining, and actual experience in underground mining and to acquaint themselves with the person, character, habits and general worthiness of each applicant. The general examination shall be in writing, and the manuscripts and other papers of all applicants, together with the tally sheets solution of each question as given by the board, shall be filed with the secretary of state as public documents, but such applicants shall undergo an oral examination pertaining to explosive gases, safety lamps, mine fires, mine rescue appliances, educational standards for coal mines and coal mining, and general mining subjects, including the laws of the state applying to coal mines. The board shall confine the examination of applicants to questions as designated in this act. All candidates shall be allowed the use of such text books as the board may deem proper during the examination. No person shall be certified as competent whose average per cent shall be less than seventy-five (75), and certificates shall show what per cent the applicant has obtained, and such certificates shall be valid only when signed by the board. The board shall, immediately after the examination, furnish to each person who came before it to be examined, a copy of all questions, whether oral or

Examination for inspectors.

Scope of examination.

Grades.

written, which were given at the examination, each question to be marked: "Solved right"; "Imperfect;" or "Wrong," as the case may be.

Certificate of competency.

Each candidate shall receive a certificate of competency if he makes an average of seventy-five (75) per cent on the examination credits to be given as follows:

- Practical experience, worthiness and general fitness 40 points
- Written examination 40 points
- Oral examination 20 points

Names of certificate holders filed.

The board shall file with the director of labor and industries and with the chief state mine inspector names of all persons given certificates of competency as mine inspectors; *Provided*, That any one who has satisfactorily served as state coal mine inspector in the State of Washington, for one full term of four years, upon making written application to the board setting forth these facts, shall be certified to the director of labor and industries and chief state mine inspector as properly qualified for appointment.

Who certified without examination.

Statute amended.

SEC. 4. That section 6 of chapter 36 of the Laws of 1917, pages 115-116, (section 8641 of Remington's Compiled Statutes; section 3833 of Pierce's Code) be amended to read as follows:

When examinations held.

Section 6. At such times as may be appointed by the director of labor and industries, the state mining board shall conduct examinations at the state capital. Each examination shall be thoroughly advertised by sending notices to the management of each coal mine, to be posted at the mine at least thirty (30) days before such examination.

Notices.

Appointment of chief mine inspector.

The director of labor and industries shall appoint as chief state mine inspector a man who has been given a certificate of competency by the state mining board, or who has otherwise qualified for the position, under the provisions of this act. The chief state mine inspector shall hold his office for

four (4) years, and be at all times subject to removal from office by the director of labor and industries for neglect of duty or for malfeasance in the discharge of his duties. Term.

The chief state mine inspector with the approval of the director of labor and industries shall appoint as deputy state mine inspectors men who are citizens of the United States and of the State of Washington, and who have had five (5) years' practical experience in and about the mines of the United States and three (3) years' practical experience in and about the mines in the State of Washington, and that have mine inspector's certificates of competency given by the board of examiners, or the state mining board after an examination as provided for in this act. Each deputy state mine inspector shall hold office subject to removal by the chief state mine inspector for cause. Appointment of deputy mine inspectors.

The persons who, at the time this act goes into effect, are acting as inspector, or deputy inspector, of mines shall continue to act in the same manner as if they had been appointed under this act and until the term for which they were appointed has expired. Term.

Nothing in this act shall be construed as preventing the reappointment of any mine inspector or of any deputy mine inspector who has qualified for these positions under the provisions of this act. Present inspectors to hold over.

SEC. 5. That section 7 of chapter 36 of the Laws of 1917, pages 116-117, as amended by section 1 of chapter 201 of the Laws of 1919, pages 703-704, (section 8642 of Remington's Compiled Statutes; section 3834 of Pierce's Code) be amended to read as follows: May reappoint inspectors.

Section 7. The salary of chief state mine inspector shall be four thousand two hundred dollars (\$4,200.00) per annum, and the salary of each deputy Statute amended.

inspector shall be four thousand two hundred dollars (\$4,200.00) per annum, and the salary of each deputy Salaries and expenses of chief and deputy inspectors.

state mine inspector shall be such sum as shall be fixed by the director of labor and industries, not to exceed three thousand six hundred dollars (\$3,600.00) per annum. The chief inspector and his deputies shall be allowed their necessary expenses for office maintenance, stenographic services, and for equipment and instruments, as well as for actual and necessary traveling expenses while in the performance of their duties, under the provisions of this act. The state auditor is hereby authorized and directed to draw his warrant on the state treasurer in favor of the chief state mine inspector and his deputies for the amounts due them for their salaries monthly, and also for their expenses, upon proper vouchers, to be paid out of any moneys in the state treasury appropriated for that purpose.

To devote
whole time
to duties.

The chief state mine inspector and his deputies shall devote their entire time to the duties of their respective offices; they shall have no financial interest, direct or indirect, in any mine under the supervision of the division of mining safety.

Oath.

The chief state mine inspector and his deputies shall, before entering upon the discharge of their duties, each take an oath to discharge their duties impartially and with fidelity and to the best of their knowledge and ability.

Duty to
enforce act.

It shall be the duty of the chief state mine inspector and his deputies to enforce the provisions of this act, for the regulation of mines, and the educational standards for coal mines and coal mining, unless enforcement is otherwise especially provided for.

Statute
amended.

SEC. 6. That section 10 of chapter 36 of the Laws of 1917, page 120, (section 8645 of Remington's Compiled Statutes; section 3837 of Pierce's Code) be amended to read as follows:

Section 10. It shall be the duty of the chief state mine inspector to transmit an annual report of the

division of mining safety for the previous calendar year to the director of labor and industries, on or before the first day of March in each year.

Annual reports.

It shall be the duty of the director of labor and industries to see that the report of the division of mining safety is placed in the hands of the state printer for publication and that at least two thousand copies thereof be printed, before the first day of April of each year.

Printing reports.

SEC. 7. That section 11 of chapter 36 of the Laws of 1917, page 120, (section 8646 of Remington's Compiled Statutes; section 3838 of Pierce's Code) is hereby repealed.

Statute repealed.

SEC. 8. That section 12 of chapter 36 of the Laws of 1917, page 120, (section 8647 of Remington's Compiled Statutes; section 3839 of Pierce's Code) be amended to read as follows:

Statute amended.

Section 12. The state mining board with the addition of the chief state mine inspector, shall conduct the examination of applicants for first and second class certificates, and issue the same under the provisions of this act.

Examination for first and second class certificates.

SEC. 9. That section 15 of chapter 36 of the Laws of 1917, pages 121-122, (section 8650 of Remington's Compiled Statutes; section 3842 of Pierce's Code) be amended to read as follows:

Statute amended.

Section 15. Examinations for first class certificates shall cover the following subjects: Laws applying to mines in the State of Washington; methods of mine working and ventilation; mine fires; mine rescue work and appliances; first aid to the injured and actual experience in underground mining; methods of timbering, bratticing and blasting and educational standards for coal mines and coal mining. The general examination shall be in writing, and the manuscripts and other papers of all applicants, together with the tally sheets and the

Scope of examination for first class certificate.

solution of each question as given by the examining board, shall be filed with the mine inspector as public documents. The papers may be destroyed one year from date of examination. In addition to the written examination, the applicants shall undergo an oral examination pertaining to explosive gases, safety lamps, first aid to the injured, mine rescue appliances and general mining subjects. All candidates shall be allowed the use of such text books as the board may deem proper during the examination.

Certificate of competency.

Each candidate shall receive a certificate of competency if he makes an average of seventy-five (75) per cent on the examination, credits to be given as follows:

Practical experience, worthiness and general fitness	40 points
Oral examination	40 points
Written examination	20 points

Statute amended.

SEC. 10. That section 16 of chapter 36 of the Laws of 1917, page 122, (section 8651 of Remington's Compiled Statutes; section 3843 of Pierce's Code) be amended to read as follows:

What covered in examination for second class certificate.

Section 16. Examinations for second class certificates shall cover the following subjects: The sections of the law of the State of Washington applying to the duties of men with second class certificates; mine ventilation and similar subjects; questions in regard to mine rescue work and appliances; first aid to the injured; methods of timbering, bratticing, and blasting and educational standards for coal mines and coal mining.

The general examination shall be in writing and the manuscripts and other papers of all applicants, together with the tally sheets and the solution of each question as given by the examining board shall be filed with the mine inspector as public documents. These papers may be destroyed one year from date of examination.

In addition to the written examination the applicant shall undergo an oral examination. The examination shall include the use and care of safety lamps; work in timbering; bratticing, charging and firing blasts; work in first aid to the injured, and, wherever possible, in the use of mine rescue apparatus, and other work which men with second grade certificates may be called upon to do in pursuance of their duties. An average percentage of seventy-five (75) on the whole examination shall be required for qualification. Credits to be given as follows:

Grade required.

Practical experience, worthiness and general fitness	50 points
Oral examination	30 points
Written examination	20 points

SEC. 11. That section 17 of chapter 36 of the Laws of 1917, pages 122-123, (section 8652 of Remington's Compiled Statutes; section 3844 of Pierce's Code) is hereby repealed.

Statute repealed.

SEC. 12. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 222, to read as follows:

Sec. 222, ch. 36, L. 1917.

Section 222. In every mine a general safety committee shall be selected, composed of the mine superintendent or manager of mines, one man selected by the employes or any association of employes in or around said mine, and a third member selected by these two.

General safety committee: personnel.

The general safety committee shall elect one of the members to act as chairman and one to act as secretary. The duties of the chairman shall be to preside at all meetings of the general safety committee, enforce its rules and regulations and see that its business is conducted in a prompt and business-like manner. The secretary shall keep an accurate written record of the proceedings of all meetings, conduct its correspondence and post notices of reg-

Chairman, secretary.

Duties.

ular and special meetings and other matters pertaining to safety.

Investigation of accidents.
Inspection of mines.
Reports and recommendations.

The duties of the general safety committee shall be to investigate all serious and fatal accidents; make bi-monthly examination of the mine, their findings and recommendations to be made in writing, one copy to be sent to the chief state mine inspector. They shall co-ordinate with the management in the work of supervision of bulletin board service, and the outline and conduct of safety educational activities, arrange the programs for all safety meetings, pass on all safety controversial matters referred to them by sub-safety committees. They shall meet with all other safety committees as often as possible, but not less often than once each month, and discuss safety measures, violations of safety rules and practices, and take up any other safety subject that will tend to eliminate accidents and pass on all safety suggestions referred to them by any employer or employe.

Meetings, etc.

Should there be any disagreement among the members of the general safety committee relating to any safety matter brought or referred to them for disposition, either side may appeal to the chief state mine inspector, who shall in this case pass on controversial safety matters. His decision will be final and binding on both parties.

Controversial safety matters.

The written records of the general safety committee shall be open for inspection at all times by the chief state mine inspector, or his deputies or any state official connected with accident or safety work.

Records open to inspection.

SEC. 13. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 223, to read as follows:

Sec. 223, ch. 36, L. 1917.

Section 223. At mines employing more than twenty-five men there shall be a sub-safety committee at each level or entry, consisting of a mine fore-

Sub-safety committee.

man, assistant mine foreman, or fireboss, and one employe selected by the men working on such level or entry.

The members of this committee shall have had six months' experience in this mine or at mines where similar conditions exist. Workmen serving on safety committee may be changed every two months.

Qualifications of members.

Where workman finds dangerous conditions that he cannot correct himself, he shall report it to the official in charge of that section of the mine. If the condition is not corrected in a reasonable time he shall then call the other member of the safety committee to make an investigation. If the sub-safety committee shall fail to agree they shall report to the general safety committee.

Duties.

All level or entry safety committees shall attend and report at all meetings of the general safety committee.

The workmen's representative on the sub-safety committee shall not visit or inspect any part of the mine except when accompanied by the other member of the sub-safety committee. If for any reason either member of the committee fails to act on any complaint it shall be referred to the general safety committee. At all mines employing less than twenty-five men the general safety committee shall have general supervision over all safety matters.

SEC. 14. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 224, to read as follows:

Sec. 224,
ch. 36,
L. 1917.

Section 224. At each mine employing more than twenty-five men there shall be an outside committee consisting of the outside foreman, master mechanic and two employes selected by the men working on the outside. Workmen serving on outside safety committee may be changed every two months.

Outside committee.

Duties.

Where workman finds dangerous or unsafe conditions that he cannot correct himself, he shall report it to the outside foreman. If the condition is not corrected in a reasonable time, he shall report it to one of the workmen's representatives on the safety committee, who shall then call the other members of the safety committee to make an investigation. If the outside safety committee shall fail to agree they shall report it to the general safety committee. The workmen's representatives shall not visit or inspect any part of the outside workings except when accompanied by the outside foreman or master mechanic. If for any reason any member of the committee fails to act upon any complaint called to his attention, it shall be referred to the general safety committees. It shall be understood that all safety committees shall confine themselves to safety measures and accident prevention alone, the sole purpose of their organization being to preserve the life and limb of workmen in and around the mines.

Objective
of safety
committees.

Sec. 225,
ch. 36,
L. 1917.

SEC. 15 That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 225, to read as follows:

Safety
bulletin
board
service.

Section 225. It shall be the duty of the mine operators of each mine to establish and maintain a safety bulletin board service, to provide at least one standard bulletin board located in such place as to attract the attention of the greatest number of mine employes, and to post upon such board, all bulletins and such other matters as will be valuable in the educational development of the prevention of accidents.

Number of
bulletin
boards.

The number of bulletin boards required and the frequency of displaying new bulletins, or shifting bulletins from board to board, shall be determined by the operator or by the operator and the chief state mine inspector, or by the chief state mine inspector.

Whenever a lesson of value to the mine is determined as the result of an investigation of an accident occurring within such mine, which will be of value in preventing the recurrence of future accidents of similar nature, the same can be given the greatest accident prevention value by being made the subject of a typewritten or other form of bulletin descriptive of the accident, giving the cause of, and recommendations covering measures adopted to prevent accidents of like or similar nature or cause.

Illustration of educational value of board.

The safety bulletin board shall be open to the services of bulletins on mine safety measures only; to the mine safety committee, the state mining board, chief state mine inspector and the employer's report of accidents occurring at the mine during the previous calendar month.

Bulletin board use limited.

SEC. 16. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 226, to read as follows:

Sec. 226, ch. 36, L. 1917.

Section 226. At all mines using the gangway and counter system, a rule shall be enforced to compel the loaders to keep the coal in the chutes above the bulkhead, thereby preventing a short circuit of the air that may create a dangerous condition in some of the working places further inside.

Loaders to keep coal in chutes above bulkhead.

Adequate signs approved by the chief state mine inspector shall be placed at intervals on the gangway calling attention to the foregoing danger.

To post warning signs.

SEC. 17. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 227, to read as follows:

Sec. 227, ch. 36, L. 1917.

Section 227. Whenever any workman in or about any mine shall observe any violation of the safety rules and regulations governing the mine, or unsafe conditions or unsafe practice, it shall be his duty to report the same to a member of the safety committee.

Workmen to report violations of safety rules.

Sec. 228,
ch. 36,
L. 1917.

SEC. 18. That chapter 36 of the Laws of 1917 be amended by adding thereto a new section to be known as section 228, to read as follows:

Development
of first aid
education.

Section 228. There shall be developed at each mine a requirement of first aid education that will result in the practical and intensive education in first aid administration of a minimum of ten per cent of the employment of said mine.

Record of
employees
completing
course.

The operating company shall keep a record of all employes who have completed the course of required training in first aid, and a complete copy of such record shall be furnished the chief state mine inspector.

Employees
to report
and receive
first aid
treatment
for all
injuries.

All employes shall be educated to report and receive first aid treatment of all injuries, no matter how trivial they shall be. This rule is made to obviate frequent infections that develop from wounds that are trivial in character. This first aid treatment of wounds of trivial character shall be in the hands of a trained first aid man, if more convenient than the mine surgeon, but the first aid attendant shall promptly refer any accident to the mine surgeon when he deems it of sufficiently severe character.

Statutes
repealed.

SEC. 19. That sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 28, 29, 30, 31, 32 and 33, of chapter 130 of the Laws of 1919, pages 313-316 and 319-320, (sections 7735-7745 and 7754-7759 of Remington's Compiled Statutes; sections 3515-9 to 3515-19 and 3515-28 to 3515-33 of Pierce's Code) are hereby repealed.

Pamphlet
copies of
laws to be
published.

SEC. 20. For the purpose of printing and distributing to coal mine operators and employes, and other persons interested, pamphlet copies of the laws relating to and regulating the operation of coal mines, chapter 36 of the Laws of 1917, as heretofore amended, and as amended by this act, there is

hereby appropriated from the general fund in the state treasury, the sum of fifteen hundred dollars, or so much thereof as may be necessary.

Appropriation.

Passed the House March 4, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 15, 1927.

CHAPTER 307.

[H. B. 362.]

EMPLOYEES SICKNESS, ACCIDENT OR DEATH FUND— LIENS AGAINST.

AN ACT relating to moneys collected by employers from employes for necessary services contingent upon sickness, accident or death, declaring the same to be trust funds, creating liens in favor of persons furnishing such service and providing for the filing and foreclosure thereof.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. All moneys collected by any employer from his or its employes for furnishing, either directly, or through contract, or arrangement with a hospital association, corporation, firm or individual, of medicine, medical or surgical treatment, nursing, hospital service, ambulance service, dental service, burial service, or any or all of the above enumerated services, or any other necessary service, contingent upon sickness, accident or death, are hereby declared to be a trust fund for the purposes for which the same are collected.

Collections by employer for medical aid to or payment to beneficiary of employes'.

Trust fund.

SEC. 2. In case any employer collecting moneys from his employes for any or all of the purposes specified in the preceding section, shall enter into a contract or arrangement with any hospital association, corporation, firm or individual, to furnish any such service to its employes, the association, corporation, firm or individual contracting to furnish

Contracting hospital or surgeon has prior lien upon fund for services.