

the provisions of this section which provides that any grants they receive under RCW 74.08 or RCW 74.12 shall be diminished by such percentage of the compensation received under this section as the department shall establish by rules and regulations.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall be added to chapter 74.08 RCW.

Passed the House April 13, 1973.

Passed the Senate April 11, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 52

[House Bill No. 422]

DEPARTMENT OF LABOR AND INDUSTRIES--

DIVISION NAME CHANGE,

DUTY TRANSFER

AN ACT Relating to the department of labor and industries, division of industrial safety and health; amending section 2, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.200; amending section 43.22.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 66, Laws of 1971 and RCW 43.22.010; amending section 43.22.040, chapter 8, Laws of 1965 and RCW 43.22.040; amending section 43.22.050, chapter 8, Laws of 1965 as amended by section 9, chapter 239, Laws of 1971 ex. sess. and RCW 43.22.050; amending section 43.22.200, chapter 8, Laws of 1965 and RCW 43.22.200; amending section 43.22.210, chapter 8, Laws of 1965 and RCW 43.22.210; amending section 8, chapter 131, Laws of 1937 and RCW 49.24.070; amending section 51.16.105, chapter 23, Laws of 1961 as amended by section 86, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.105; amending section 1, chapter 26, Laws of 1963 as amended by section 1, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.010; amending section 3, chapter 26, Laws of 1963 as last amended by section 1, chapter 66, Laws of 1971 and RCW 70.87.030; repealing section 43.22.120, chapter 8, Laws of 1965 and RCW 43.22.120; repealing section 43.22.130, chapter 8, Laws of 1965 and RCW 43.22.130; repealing section 43.22.140, chapter 8, Laws of 1965 and RCW 43.22.140; repealing section 43.22.150, chapter 8, Laws of 1965 and PCW 43.22.150; repealing section 43.22.160, chapter 8, Laws of 1965 and RCW 43.22.160; repealing section 43.22.170, chapter 8, Laws of 1965 and RCW 43.22.170; repealing section

43.22.190, chapter 8, Laws of 1965 and RCW 43.22.190; repealing section 43.22.250, chapter 8, Laws of 1965 and RCW 43.22.250; repealing section 43.22.320, chapter 8, Laws of 1965 and RCW 43.22.320; declaring an emergency; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 2, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.200 are each amended to read as follows:

As used in RCW 18.71.020, "physician's trained mobile intensive care paramedic" means a person who:

(1) has successfully completed an advanced first aid course equivalent to the advanced industrial first aid course prescribed by the division of industrial safety and health, department of labor and industries; and

(2) is trained by a licensed physician:

(a) to carry out all phases of cardio-pulmonary resuscitation;

(b) to administer drugs under written or oral authorization of a licensed physician; and

(c) to administer intravenous solutions under written or oral authorization of a licensed physician; and

(3) has been examined and certified as a physician's trained mobile intensive care paramedic by a county health officer or by the University of Washington's school of medicine or by their designated representatives.

Sec. 2. Section 43.22.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 66, Laws of 1971 and RCW 43.22.010 are each amended to read as follows:

The department of labor and industries shall be organized into ~~((six))~~ five divisions, to be known as, (1) the division of industrial insurance, (2) the division of industrial safety and health, (3) ~~((the division of mining safety, (4))~~ the division of industrial relations, ~~((5))~~ (4) the division of apprenticeship, and ~~((6))~~ (5) the division of building and construction safety inspection services, which last mentioned division shall have responsibility for electrical inspection, mobile home inspection, elevator inspection, except as otherwise provided in RCW 70.87.030, boiler inspection, and hotel inspection.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department.

Sec. 3. Section 43.22.040, chapter 8, Laws of 1965 and RCW 43.22.040 are each amended to read as follows:

The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial safety and health, who shall have charge and supervision of the division of industrial safety and health.

The supervisor of industrial safety and health, with the approval of the director, may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division.

Sec. 4. Section 43.22.050, chapter 8, Laws of 1965 as amended by section 9, chapter 239, Laws of 1971 ex. sess. and RCW 43.22.050 are each amended to read as follows:

The director of labor and industries, through the division of industrial safety and health, shall:

(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws and safety standards providing for the protection of employees in mills, factories, workshops, and in employments subject to the provisions of Title 51, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries: PROVIDED, HOWEVER, This section shall not apply to railroads;

(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities;

(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof.

Sec. 5. Section 43.22.200, chapter 8, Laws of 1965 and RCW 43.22.200 are each amended to read as follows:

The ((chief inspector)) supervisor of the division of industrial safety and health or his deputy shall enter, inspect, and examine any coal mine, and the workings and the machinery belonging thereto, at all reasonable times, either day or night, but not so as to impede the working of the mine. They shall make inquiry into the condition of the mine, workings, machinery, ventilation, drainage, method of lighting or using lights, and into all methods and things relating to the health and safety of persons employed in or about the

mine, and especially make inquiry whether or not the provisions of the coal mining code have been complied with. The management of each mine shall furnish the means necessary for such entry, inspection, examination, and exit.

Sec. 6. Section 43.22.210, chapter 8, Laws of 1965 and RCW 43.22.210 are each amended to read as follows:

(1) It shall be the duty of the ((said inspector)) supervisor of the division of industrial safety and health or his deputy to carefully examine each coal mine in operation in this state at least every four months, and as much oftener as is necessary, to see that every precaution is taken to insure the safety of all workmen who may be engaged in the mine. These inspections shall include at least two visits of the inspection force to every working place in every mine in the state during each calendar year. The ((mine inspector)) supervisor or his deputy shall make a record of each visit, noting the time and the material circumstances of the inspection, and shall keep each record on file in the office of the ((inspection)) department; and also post at the mine a notice of his inspection.

(2) If the management of any operating company shall refuse to permit the members of the ((inspection)) department to enter any mine, the ((inspector)) supervisor or his deputy shall file an affidavit setting forth such refusal, with the judge of the superior court of the county in which the mine is situated, and obtain an order from such judge commanding the management of the operating company to permit such examination and inspection, and to furnish the necessary facilities for the same, or in default thereof to be adjudged in contempt of court and punished accordingly.

(3) If the ((mine inspector)) supervisor or his deputy shall, after examination of any mine, or the works and machinery connected therewith, find the same to be worked contrary to the provisions of this act [1917 c 36], or unsafe for the workmen employed therein, ((said inspector)) the supervisor shall notify the management, stating what changes are necessary. If the trouble is not corrected within reasonable time, the ((inspector)) supervisor shall, through the ((prosecuting attorney of the county in which the mine is located)) attorney general, in the name of the state immediately apply to the superior court of the county in which the mine is located, or to a judge of said court in chambers, for a writ of injunction to enjoin the operation of all work in and about the said mine. Whereupon said court or judge shall at once proceed to hear and determine the case, and if the cause appears to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the workings of said mine until all cause of danger is removed; and the cost of such proceeding shall be borne by the operating company of the mine: PROVIDED, That if the said

court shall find the cause not sufficient, then the case shall be dismissed, and the costs will be borne by the ((county in which the mine is located)) state: PROVIDED, ALSO, That should ((any inspector)) the supervisor find during the inspection of a mine, or portion of a mine, such dangerous condition existing therein that in his opinion any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employee, ((said inspector)) the supervisor shall have the right to temporarily withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.

(4) Whenever he is notified of any loss of life in or about the mine, or whenever an explosion or other serious accident occurs, the ((inspector)) supervisor shall immediately go or send his deputy to the scene of the accident to investigate and to render every possible assistance.

(5) The ((mine inspector)) supervisor or his deputy shall make a record of the circumstances attending each accident investigated, which record shall be preserved in the files of the ((inspection)) department. To enable the ((mine inspector)) supervisor or his deputy to make such investigation and record, they shall have power to compel the attendance of witnesses and to administer oaths or affirmations to them. The costs of such investigations shall be paid by the ((county in which such accident has occurred, in the same manner as the costs of the coroner's inquests or investigations are paid)) state.

((6) During his absence from the state on official business, or at such times as he may be incapacitated by illness, or by other causes, the mine inspector shall have the authority to designate his deputy to act as mine inspector:

{7} Whenever a properly signed and executed petition is filed in the superior court, stating that the mine inspector, or his deputy, has neglected his duties, or is incompetent, or is guilty of malfeasance in office, it shall be the duty of said court to issue a citation in the name of the state to said inspector to appear (at not less than five days' notice) on a day fixed, before said court, and the court shall then proceed to inquire into and investigate the allegations of the petitioners. Such action shall be prosecuted by the county attorney:

{8} The above mentioned petition shall be signed by twenty residents of the state, reputable citizens who are employed in or about the mines, or who are engaged in the operations of mines. It shall be accompanied by the affidavits of two or more of the petitioners, and by a bond in the sum of five hundred dollars, running to the state:

{9} If the court finds that the said mine inspector or his

deputy is neglectful of his duties or is incompetent to perform the duties of his office; or that he is guilty of malfeasance in office; the court shall certify the same to the governor; who shall declare the office of said inspector vacant: This office shall then be filled in compliance with the provisions of this act [1947 c 36]:

{10} If the charges are not proved the costs of the investigation shall be imposed on the petitioners: If the charges are proved the costs of the investigation shall be paid by the county in which the charges are preferred:))

Sec. 7. Section 8, chapter 131, Laws of 1937 and RCW 49.24.070 are each amended to read as follows:

The director of labor and industries through and by means of the division of industrial safety and health shall have the power and it shall be his duty to enforce the provisions of RCW 49.24.010 through 49.24.070. Any authorized inspector or agent of the division of industrial safety and health may issue and serve upon the employer or person in charge of such work, an order requiring compliance with a special provision or specific provisions of RCW 49.24.010 through 49.24.070 and directing the discontinuance of any employment of persons in compressed air in connection with such work until such specific provision or provisions have been complied with by such employer to the satisfaction of the division of industrial safety and health.

Sec. 8. Section 51.16.105, chapter 23, Laws of 1961 as amended by section 86, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.105 are each amended to read as follows:

All expenses of the industrial safety and health division of the department pertaining to workmen's compensation shall be paid by the department and financed by premiums and by assessments collected from a self-insurer as provided in this title.

Sec. 9. Section 1, chapter 26, Laws of 1963 as amended by section 1, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.010 are each amended to read as follows:

For the purposes of this chapter, except where a different interpretation is required by the context:

(1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee or otherwise;

(2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator and moving walk, all as defined herein;

(3) "Existing installations" means all conveyances for which plans were completed and accepted by the owner, or the plans and specifications for which have been filed with and approved by the department of labor and industries before the effective date of this chapter and work on the erection of which was begun not more than

twelve months thereafter;

(4) "Elevator" means a hoisting or lowering machine equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors or landings of a building or structure;

(a) "Passenger elevator" means an elevator on which passengers are permitted to ride and may be used to carry freight or materials when the load carried does not exceed the capacity of the elevator;

(b) "Freight elevator" means an elevator used primarily for carrying freight and on which only the operator, the persons necessary for loading and unloading and such employees as may be approved by the department of labor and industries are permitted to ride;

(c) "Sidewalk elevator" means a freight elevator which operates between a sidewalk or other area exterior to the buildings and floor levels inside the building below such area, which has no landing opening into the building at its upper limit of travel and which is not used to carry automobiles;

(5) "Escalator" means a power driven, inclined, continuous stairway used for raising and lowering passengers;

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, whose total inside height, whether or not provided with fixed or removable shelves, does not exceed four feet, the capacity of which does not exceed five hundred pounds and is used exclusively for carrying materials;

(7) "Automobile parking elevator" means an elevator located in either a stationary or horizontally moving hoistway and used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power driven transfer device onto and off the elevator directly into parking spaces or cubicles in line with the elevator and where no persons are normally stationed on any level except the receiving level;

(8) "Moving walk" means a type of passenger carrying device on which passengers stand or walk and whose passenger carrying surface remains parallel to its direction of motion;

(9) "Belt manlift" means a device consisting of a power driven endless belt provided with steps or platforms and hand hold attached to it for the transportation of personnel from floor to floor;

(10) "Division" means the division of industrial safety and health of the department of labor and industries;

(11) "Supervisor" means the supervisor, of the division of industrial safety and health of the department of labor and

industries;

(12) "Inspector" means any safety or elevator inspector of the division including assistant and deputy inspectors, or the mechanical or elevator inspectors of the municipality having in effect an elevator ordinance as hereinafter set forth;

(13) "Permit" means a permit issued by the supervisor to construct, install or operate a conveyance.

(14) "One man capacity manlift" means a single passenger, hand powered counterweighted device, or electric powered device, which travels vertically in guides and serves two or more landings.

Sec. 10. Section 3, chapter 26, Laws of 1963 as last amended by section 1, chapter 66, Laws of 1971 and RCW 70.87.030 are each amended to read as follows:

The director of the department of labor and industries shall administer this chapter through the supervisor of the division of building and construction safety inspection services: PROVIDED, That, except for the new construction thereof, all handpowered elevators, belt manlifts, and one-man capacity manlifts installed in or on grain elevators shall be the responsibility of the division of industrial safety and health of the department of labor and industries. The supervisor shall promulgate and adopt such rules and regulations governing the mechanical and electrical operation, erection, installation, alterations, inspection, acceptance tests, and repair of conveyances as may be necessary and appropriate and shall also promulgate and adopt minimum standards governing existing installations: PROVIDED, That in the execution of this rule making power and prior to the promulgation and adoption of rules and regulations by the supervisor, he shall consider generally the rules and regulations for the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances, including the American Standard Safety Code for Elevators, Dumbwaiters and Escalators, and any amendatory or supplemental provisions thereto, and he shall be guided by the provisions thereof where pertinent and consistent with the purposes of this chapter. The director of the department of labor and industries by rule and regulation shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this chapter. Nothing in this chapter shall limit the authority of the division to prescribe or enforce general or special safety orders (~~in accordance with the provisions of chapter 49:46~~ ~~RCW~~) as provided by law.

NEW SECTION. Sec. 11. The following acts or parts of acts are each hereby repealed:

(1) Section 43.22.120, chapter 8, Laws of 1965 and RCW 43.22.120;

(2) Section 43.22.130, chapter 8, Laws of 1965 and RCW 43.22.130;

(3) Section 43.22.140, chapter 8, Laws of 1965 and RCW 43.22.140;

(4) Section 43.22.150, chapter 8, Laws of 1965 and RCW 43.22.150;

(5) Section 43.22.160, chapter 8, Laws of 1965 and RCW 43.22.160;

(6) Section 43.22.170, chapter 8, Laws of 1965 and RCW 43.22.170;

(7) Section 43.22.190, chapter 8, Laws of 1965 and RCW 43.22.190;

(8) Section 43.22.250, chapter 8, Laws of 1965 and RCW 43.22.250; and

(9) Section 43.22.320, chapter 8, Laws of 1965 and RCW 43.22.320.

NEW SECTION. Sec. 12. This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973.

Passed the House March 17, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 53

[House Bill No. 423]

ALIEN BANKS--REGULATION

AN ACT Relating to alien banks; amending section 30.40.020, chapter 33, Laws of 1955 as amended by section 6, chapter 136, Laws of 1969 and RCW 30.40.020; amending section 30.04.290, chapter 33, Laws of 1955 as amended by section 1, chapter 20, Laws of 1961 and RCW 30.04.290; adding a new chapter to Title 30 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The purpose of this chapter is to establish a legal and regulatory framework for operation by alien banks in the state of Washington that will:

(1) Create a financial climate which will benefit the economy of the state of Washington;