

paid for expenses, take vouchers therefor from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his duties.

Emergency. SEC. 34. An emergency exists and this act shall take effect immediately.

Passed by the Senate March 1, 1909.

Passed by the House March 6, 1909.

Approved March 20, 1909.

CHAPTER 226.

[H. B. 103.]

RELATING TO THE ACQUISITION AND PREPARATION OF ROAD MATERIAL.

AN ACT providing for a field examination of the state, with a view to ascertaining the existence and location of suitable road making materials, and for the acquisition by the state of quarries of such materials and the installation at such quarries of suitable rock crushing machinery and other conveniences for operating said quarries by convict labor or free labor and for the disposition of the output of such quarries, and making an appropriation therefor.

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

Survey
for road
materials.

SECTION 1. That the board of geological survey shall cause to be made, under the superintendence of the state geologist, a field examination and survey of the state for the purpose of ascertaining and determining the existence within the state of suitable road making materials; and shall likewise cause to be compiled and made a map or maps showing the locations and areas, as nearly as can be ascertained, of the various deposits of such material; and shall cause to be made suitable analyses and laboratory tests necessary to determine the relative merits or value for road building purposes of the various deposits so located. Upon final completion of said work, said board of geological survey shall file in the office of the state high-

Tests of
materials.

way commissioner a complete report of said examination and survey, including all maps, analyses, tests and any other data which said board may have compiled touching the same: *Provided, however,* That pending the completion and final report thereof, all information gained by said state geologist during the progress of said examination and work shall at all times be available to the state highway commissioner, and a partial report showing such deposits of road making materials as may in the meantime have been examined, together with such analyses and tests thereof as may in the meantime have been made, showing the relative value and merits of such materials for road making purposes, shall be furnished to said state highway commissioner by the 1st day of September, 1909.

Results
available to
Highway
Commis-
sioner.

SEC. 2. Upon receipt of said partial report, together with maps, data, etc., the state highway commissioner shall, if there be found to exist materials suitable and in quantities and places sufficient therefor, select four sites best adapted for the location and establishment of rock quarries and crushing plants for supplying materials suitable and proper for the construction of highways, and, if found practicable, two of which sites shall be selected west of the summit of the Cascade mountains and two east thereof.

Four sites
to be
selected.

SEC. 3. Said state highway commissioner shall report such selections or locations to the state board of control, whose duty it shall then become to acquire the said quarry sites so selected, together with sufficient area of land adjoining the same as may be necessary for the purpose of establishing and constructing thereon all such facilities, conveniences and plants as may be requisite, suitable and adequate to carry out the objects of this act. For this purpose said board of control is hereby authorized to accept on behalf of the state, any deed of gift or grant of any such site, or to purchase the same and accept deed of purchase thereof. In all cases where said board of control is unable to agree with the owners as to the reasonable and fair value of the premises sought, said board shall report such failure to the governor, who shall forthwith,

Board of
Control to
acquire
sites.

Sites
may be
condemned.

by order, direct proceedings to acquire the same by condemnation, to be instituted by the attorney general in the superior court of the county wherein such premises are located, which proceedings shall be instituted therein by the attorney general in the manner provided by law for the taking of private property for public use, and to that end it is hereby declared necessary for the public uses of the state to acquire or appropriate the premises described in the order of the governor, and said attorney general is hereby authorized to institute and maintain, in the name of the state, the proceedings so far as applicable provided for in section 5616 to section 5625 inclusive of Ballinger's Annotated Codes and Statutes of Washington, to the same extent and in like manner as if the legislature had by specific act declared it necessary for the public uses of the state to acquire or appropriate the same.

[§§ 1-2, ch.
74, L. '91;
§§ 5616-17
Bal.; §§ 5035-
36 Pierce.]

Board
to erect
buildings
for prisoners.

SEC. 4. Whenever, under the provisions of this act, any site and quarry is procured, said state board of control shall take possession thereof and shall forthwith erect and construct, at and upon the same, such stockades, buildings and structures as shall be necessary, suitable and adequate for the safe confinement and comfortable housing of such convicts as may from time to time be confined or worked therein, and shall likewise purchase and install therein such suitable and proper rock crushing plants, machinery and appliances and tools, and with such capacity as in the judgment of said board of control may be necessary and adequate to keep continuously employed and occupied such force of convicts as may from time to time be worked therein.

Machinery.

SEC. 5. It shall be the duty of the state board of control to keep and employ in the several quarry sites so established and equipped as aforesaid, under charge of the superintendent of the penitentiary, or such other persons in the employ of the state as the state board of control shall direct, a sufficient number of able-bodied convicts (should there be sufficient) to keep and maintain said plant therein installed in continuous operation to its

Convicts
to work
quarry.

full capacity, for which purpose said convicts may be transferred from the penitentiary at Walla Walla.

SEC. 6. All convicts maintained at said quarry sites shall, when physically able and so long as there is a demand for the output from such quarry, be kept and employed continuously (except Sundays and legal holidays) in the quarrying, crushing, preparation and handling of rock or other materials for roads or streets. All rock so crushed shall be, upon the request of the state highway commissioner, loaded upon the car or vessel and there delivered to said state highway commissioner, who shall use the same in construction or maintenance of state roads or state aid roads: *Provided, however,* That so much of said material as the state highway commissioner may not at any [time] require for use on state roads or state aid roads shall be by said highway commissioner disposed of at cost f. o. b. the car, scow or boat at the place of production, to counties, cities or towns within the state in the order of application therefor, excepting in cases where the demands of said counties, cities or towns may be in excess of the supply, in which case the state highway commissioner shall apportion, deliver and distribute such material among the several counties, cities and towns applying, in such proportions as in his judgment may seem fair and equitable: *Provided further,* That when the quantity of material on hand is in excess of the amount demanded by the state highway commissioner for use upon state roads or state aid roads, or for disposition to the counties, cities and towns as herein provided, then the same may be disposed of by the state board of control at such prices, not less than cost of production, as said board may deem most advantageous for the state, giving prior right of purchase to citizens of the State of Washington before applicants from another state: *And provided further,* That nothing in this act shall be so construed as to prohibit the state board of control from employing within said stockades or at said quarry sites, in the production of said material and in the operation of said quarry, such free labor as the board may deem necessary

Materials used on state roads.

Surplus may be sold to municipalities.

Private parties may purchase.

or proper. The proceeds of all material sold under the provisions of this act in excess of the cost of production f. o. b. the car or vessel shall be turned into the public highway fund of the state. The amount realized from all material sold to the extent of cost of production as above provided shall be paid into the general fund of the state.

Shipping
facilities.

SEC. 7. If, after the acquisition of the quarry sites and the installation of the crushing plants, machinery and appliances herein provided for, there be sufficient funds left of the appropriation in this act provided, it shall be the duty of the state board of control to acquire by purchase or otherwise, cars or scows sufficient in number, in their judgment most suitable and best adapted for the transportation of materials from the said quarries to the place where the same is to be used.

Appropriation for
survey,
\$5,000.

SEC. 8. For the purpose of making the field examination and report provided for in section 1 of this act, the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury not otherwise appropriated.

Appropriation for
sites and
equipment,
\$100,000.

For the purpose of acquiring such sites and purchasing and installing such crushing machinery, appliances, tools and cars herein mentioned, there is hereby appropriated the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, out of any funds in the treasury not otherwise appropriated. For the purpose of building and erecting the necessary stockades and buildings in this act provided for the purpose of confining and housing the convicts, there is hereby appropriated the sum of twenty-four thousand dollars (\$24,000) out of the general fund of the state. All warrants drawn upon said fund pursuant to the provisions of this act, including interest thereon, shall be paid in the same manner as the state's general fund warrants are paid.

Appropriation for
convict
camps,
\$24,000.

Passed by the House March 10, 1909.

Passed by the Senate March 11, 1909.

Approved March 17, 1909.