

CHAPTER 114.

[H. B. 558.]

ESTABLISHING A "QUARRIES ROTARY FUND."

AN ACT establishing a "Quarries Rotary Fund," providing for the appointment of a superintendent of quarries, providing for the completion and maintenance of the rock quarries of the state, making an appropriation therefor, and amending sections 5910, 5911, 5912, 5913 and 5914, Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to the acquisition of rock quarries and the maintenance thereof.

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

SECTION 1. Sections 5910, 5911, 5912, 5913 and 5914 of Remington & Ballinger's Annotated Codes and Statutes, are hereby amended to read as follows:

Section 5910. Whenever under the provisions of this chapter any site and quarry is produced the state highway commissioner shall take possession thereof, and may forthwith erect and construct at and upon the same such stockades, buildings and structures as may 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 may likewise purchase and install therein such suitable and proper rock-crushing plants, machinery, appliances and tools, and with such capacity as in the judgment of the highway commissioner may be necessary and adequate to keep continuously employed and occupied such force of convicts as may from time to time be worked therein.

[Amending
§ 5910,
Rem.-Bal.]

Keep continuously employed.

Section 5911. It shall be the duty of the state highway commissioner to keep and employ in the several quarry sites so established and equipped as aforesaid, under charge of the superintendent of the penitentiary, and with his permission and that of the state board of control, in charge of such other persons in the employ of the state as the board of control shall direct, a sufficient number of able-bodied convicts when available to keep and maintain said plant therein installed in continuous operation to its full ca-

[Amending
§ 5911,
Rem.-Bal.]

Transfer of convicts.

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

Section 5912. All convicts maintained at said quarry sites shall, when physically able and so long as there is a demand for the output of 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 the construction or maintenance of state roads or state aid roads: *Provided, however,* That so much of said materials 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 not less than 10% above estimated 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 such counties, cities and 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 proportion as in his judgment may seem fair and equitable: *Provided, further,* That all materials used by the state highway commissioner on any state road shall be paid for out of the appropriation, apportionment or fund for the construction or improvement of the particular road upon which it is used, and all material sold to the state highway commissioner or to any county, city, town or other municipality, shall be at not less than 10% above the estimated cost of production at the place of delivery: *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 highway commissioner at such prices, not less than the cost

[Amending
§ 5912,
Rem.-Bal.]

Disposing
of crushed
rock.

Paid from
specified
road fund.

of production, as said commissioner 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 highway commissioner 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 commissioner may deem necessary or proper.

Prior right
of purchase.

Section 5914. For the purpose of purchasing and installing crushing machinery, appliances, tools and cars, and for completing the plants at Selah, Dixie and Marshall rock quarry plants heretofore acquired by the state, and maintenance of the same there is hereby appropriated the sum of one hundred thousand and dollars (\$100,000.) or so much thereof as may be necessary, out of the state highway fund. All warrants drawn against this fund shall be paid in the same manner as the state's general fund warrants are paid. Any and all unexpended portions not necessary for the completion of such rock quarry plants are hereby authorized to be used for the purpose of maintaining and operating the machinery, quarries and plants at the three places mentioned until such time as the proceeds from the sale of products of such quarries shall be sufficient for the operation thereof. And all such funds so used shall be repaid to the respective funds from which used whenever the state highway commissioner shall deem sufficient funds have been received from the sale of the products of such quarries over and above the amount required for the operation of such plants. All moneys received from the sale of the products of such quarries shall be paid into the state treasury and shall be kept in a fund to be known as the "Quarries Rotary Fund," and there is hereby appropriated from such fund for the purpose of maintaining such rock quarries and all the necessary expenses in connection therewith, including the repayment as above provided, and the cost and expense of transporting to and from, keeping and guarding the convicts working therein for which no other appropria-

[Amending
§ 5914,
Rem.-Bal.]

Appropriating
\$100,000.00.

Receipts
kept in
quarries
rotary fund.

Overdraft
prohibited.

tion is made by law to be expended on the order of the state highway commissioner, all sums paid into such Quarries Rotary Fund: *Provided, however,* No warrant shall be issued against the appropriation herein made in excess of the amount remaining in such fund at the time of the issuance of the warrant. To secure the efficient, economical and satisfactory administration and maintenance of the several rock quarries under the jurisdiction of the state highway commissioner, the state highway commissioner is hereby authorized to appoint a superintendent of quarries, who shall have and exercise such powers and perform such duties in connection with the various rock quarries of the state as shall be from time to time prescribed by the state highway commissioner. He shall be appointed by the state highway commissioner, and hold office for such time as the commissioner shall determine and be removable at the pleasure of the commissioner. He shall devote his entire time and attention to the custody, control, care, management, superintendence and maintenance of the various rock quarries of the state. He shall receive an annual salary of not more than two thousand dollars, (\$2,000.00) and his necessary traveling expenses, to be paid out of the Quarries Rotary Fund herein established, and in case there is insufficient in that fund he shall be paid out of the state highway fund. He shall be subject at all times to the jurisdiction, control and direction of the highway commissioner, and shall appoint such assistants with such compensation as shall be determined by the state highway commissioner.

Superintendent of
quarries.

Salary.

Passed by the House March 4, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 13, 1911.