



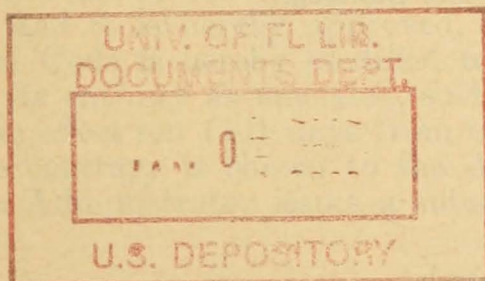
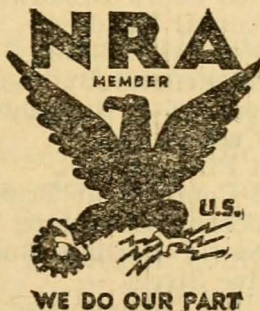
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

CRUSHED STONE, SAND AND
GRAVEL, AND SLAG
INDUSTRY

AS APPROVED ON AUGUST 24, 1934

UNITED STATES
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AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
CRUSHED STONE, SAND AND GRAVEL, AND SLAG
INDUSTRY

As Approved on August 24, 1934

ORDER

APPROVING AMENDMENT TO CODE OF FAIR COMPETITION FOR THE
CRUSHED STONE, SAND AND GRAVEL, AND SLAG INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Crushed Stone, Sand and Gravel, and Slag Industries, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report and do find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety as amended, such approval and such amendment to take effect ten (10) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

C. E. ADAMS,
Division Administrator.

WASHINGTON, D.C.,
August 24, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the amendment to the Code of Fair Competition for the Crushed Stone, Sand and Gravel, and Slag Industries as approved by you November 10, 1933. This amendment was submitted June 20, 1934 by the Code Authority for the Crushed Stone, Sand and Gravel, and Slag Industries, and a public hearing thereon was conducted July 17, 1934 in Washington, D.C.

The National Crushed Stone Association, Inc., The National Sand and Gravel Association, Inc., The National Slag Association, the National Association of Portable Stone, Sand and Gravel Producers, and the Associated General Contractors of America, Inc., either participated in the hearing or join with the Code Authority in sponsoring the amendment.

This amendment was proposed pursuant to Executive Order No. 6678 dated April 14, 1934 and to my Administrative Order No. X-36, dated May 26, 1934. The amendment has since been revised, with the assent of the Code Authority, in accordance with suggestions made by the Legal Division.

The primary purpose of the amendment is to govern the collection of contributions for Code maintenance by the Code Authority of the Crushed Stone, Sand and Gravel, and Slag Industries, and by various administrative committees set up under the Code. This purpose is carried out particularly in Amendment No. 8, which will make unnecessary the "registered producer" as created in the approved Code. The other nine amendments are intended to eliminate various references to "registered producers" and in other ways to make effective Amendment No. 8.

The Deputy Administrator in his final report to me on said amendment to said Code having found as herein set forth and on the basis of the proceedings in this matter:

I find that:

(a) The amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products

through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provision of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7, and sub-section (b) of Section 10 thereof.

(c) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment.

Respectfully,

HUGH S. JOHNSON,
Administrator.

AUGUST 24, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR CRUSHED STONE, SAND AND GRAVEL, AND SLAG INDUSTRY

AMENDMENT No. 1

Article II, Section 5 is amended by striking out subsection (d) thereof.

AMENDMENT No. 2

Article II, Section 9 is amended by striking out the word "registered" in the second line thereof.

AMENDMENT No. 3

Article VI, Section 4 is amended by striking out subsection (c) thereof and substituting therefor the following:

"Voting Eligibility.—Any member of the industries as defined in Article II hereof, or producers in other industries that with the approval of the President may from time to time be governed by the provisions of this Code, shall be entitled to participate in and share the benefits of the activities of the Code Authority and of other committees established herein and to participate in the selection of members thereof by complying with the requirements of this Code."

AMENDMENT No. 4

Article VI, Section 4 is amended by striking out the word "registered" in the first line of subsection (d) thereof.

AMENDMENT No. 5

Article VI, Section 4 is amended by striking out the word "registered" in the first line of subsection (e) thereof.

AMENDMENT No. 6

Article VI, Section 4 is amended by striking out the word "registered" in the first line of subsection (f) thereof.

AMENDMENT No. 7

Article VI, Section 5, Subsection (a) is amended by substituting a period for the comma following the word "collected" in the third line of paragraph (5), and striking out the remainder of the paragraph.

AMENDMENT No. 8

Article VI, Section 5, Subsection (a) is amended by adding the following thereto:

“(11) *Budget and Basis of Contribution*.—1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

“(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

“(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes; (2) itemized budgets of the estimated expenses of regional, state, district and division committees for the foregoing purposes; (3) an equitable basis of contribution upon which the funds necessary to support the budget of the Code Authority shall be contributed by all members of the Industries; and (4) equitable bases of contribution upon which the funds necessary to support the budgets of regional, state, district, and division committees may be contributed by all members of the Industries in such regions, states, districts, and divisions, respectively; all such bases of contribution shall be established by the Code Authority.

“(c) After such budget and bases of contribution have been approved by the Administrator, to determine and obtain equitable contribution as above set forth by all members of the Industries, and to that end, if necessary, to institute legal proceedings therefor in its own name.

“2. Each member of the Industries shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority and of other committees established under the Code, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the Industries complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contributions, shall be entitled to participate in the selection of members of the Code Authority and of other committees established under the Code, or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

“3. The Code Authority and any committee established under the Code shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.”

AMENDMENT No. 9

Article VI, Section 5 is amended by striking out the second paragraph of subsection (b) thereof and substituting therefor the following:

"The regional committee shall maintain the authoritative list of producers in each region who are complying with all provisions of the Code. The regional committee shall not continue the name of any producer on the list who has failed to pay his equitable contribution as determined by the Code Authority in accordance with the provisions of the Code."

AMENDMENT No. 10

Article VI, Section 7 is amended by striking out subsection (b) thereof and substituting therefor the following:

"*Producers.*—Each producer shall be entitled to one vote, except as otherwise provided in this Section; provided any such producer who within one year prior to the effective date has sold and shipped the products of any or all the industries governed by this Code may vote individually and separately as a member of any or all such industries."

AMENDMENT No. 11

Article VI, Section 7 is amended by striking out the word "registered" as it appears in the sixth, eleventh, fourteenth, and in the twenty-ninth lines of subsection (c) thereof, and by adding the following as the last sentence of this subsection: "Only those producers complying with the Code shall be eligible to vote."

AMENDMENT No. 12

Article VI, Section 7 is amended by adding the following as the last sentence of subsection (d) thereof: "Only those marketers complying with the Code shall be eligible to vote."

AMENDMENT No. 13

Article VI, Section 7 is amended by striking out the word "registered" in the fifth line of subsection (e) thereof and by adding the following as the last sentence of this subsection: "Only those producers complying with the Code shall be eligible to vote."

AMENDMENT No. 14

Article VI is amended by striking out Section 10.

AMENDMENT No. 15

Article VII, Section 5 is amended by striking out the word "registered" as it appears in the fifteenth, twenty-first, and in the twenty-third lines of subsection (a) thereof.

Approved Code No. 109—Amendment No. 1.
Registry No. 1037-1-01.