

total current state school fund for the year as herein computed. This amount shall constitute the basis for the state levy for current use to be applied exclusively to the common schools. The fund provided by this section shall be known as the current state school fund.

Passed the House March 7, 1939.

Passed the Senate March 7, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 175.

[S. H. B. 192.]

MINE TO MARKET ROADS.

AN ACT relating to public highways; providing for the establishment, location, construction and maintenance of mine to market roads; defining the powers and duties of certain state officers; creating a mines to market road commission; providing for the use of state, county and other public funds; providing for an appropriation; and declaring an emergency.

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

Commission.

SECTION 1. For the purposes of this act the Director of Conservation and Development, Director of Highways, and the executive officer of the Washington State Planning Council, shall mean such officers as the same are now designated and exist, or such persons, officers, commissions, boards or otherwise as may succeed to their duties or to the duties of any thereof, and shall constitute the mines to market road commission. The Director of the Department of Conservation and Development shall be the chairman.

Mine to market road defined.

SEC. 2. For the purposes of this act a mine to market road shall be any public highway established, located and constructed to locations of min-

eral deposits and of existing or potential mineral development: *Provided*, That the standard of construction upon any such mine to market road shall be determined by the mine to market road commission.

SEC. 3. A written petition for the designation and establishment of a mine to market road may be presented to the commission by five or more citizens interested in the development of the mineral deposits which would be served by the proposed road. Such petition may be informal, but shall state fully the known facts pertaining to the occurrence of valuable mineral deposits in the area proposed to be served and the extent of explorations and development theretofore made and the approximate length, termini and route of the proposed road.

Petition for designation of road.

SEC. 4. No mine to market road shall be designated, established, located or constructed under this act unless and until the same shall have been petitioned for, as herein provided. The commission shall consider any petition so received and if, upon the basis of the information and statements contained in the petition and in the light of other available and pertinent facts and information, the project does not appear feasible, said commission may dismiss such petition without further or special investigations; but when said petition and other available data and information indicate probable feasibility the Director of Conservation and Development shall cause to be made an independent investigation as to the mineralization of the area to be served by the proposed road and as to the value of such mine to market road to the mining development of the state, and the Director of Highways shall cause to be made an independent investigation with respect to the nature and cost of construction of such mine to market road. The results of such independent investigations by the two directors shall be con-

Petition considered by commissioner.

sidered by the commission, and if the commission finds that the facts indicate that the proposed mine to market road is not feasible the petition shall be then dismissed; but when the commission finds that the investigations show feasibility and advisability the commission shall find and determine that said mine to market road is feasible and will be conducive to the development of the mineral resources of the state, and that the same shall be established, and eligible for construction whenever funds therefor are or may become available as hereinafter provided: *Provided*, That in thus establishing a mine to market road the commission may in its discretion, and in the interest of feasibility, deviate from the route described in the petition.

Director of
Highways
authorized
to construct.

SEC. 5. The Director of Highways is hereby empowered, authorized and directed to construct mine to market roads providing access to such mineral areas or centers of mining development as shall have been determined by the commission.

Counties to
match funds.

SEC. 6. Any funds appropriated under the provisions of this act for the establishment, location and construction of any mine to market road, shall be expended by the Director of Highways for such purposes only upon a matching basis and to such an extent only as the county through which such mine to market road, or any portion thereof, shall pass, shall contribute funds for the use of the Director of Highways for the establishment, location and construction thereof. Any contribution to be made by any county of the State of Washington for the purpose of matching funds appropriated by the State of Washington for the use of the Director of Highways in the establishment, location and construction of mine to market roads, shall be deposited in the motor vehicle fund by such county and set apart for the use of the Director of Highways for such purposes. In the event that any funds are

made available from the Federal government or from any department, division or agency thereof for the purpose of paying the cost of the establishment, location and construction of any mine to market road, such funds shall be received by the State Treasurer of the State of Washington and made available to the Director of Highways for such purpose: *Provided*, That the Director of Highways and all officers, departments, boards or commissions of the State of Washington shall have the power to receive and use such Federal funds in such manner as the Federal agency making such contribution shall provide. In the event that any private individual, firm, corporation or association may desire to make any contribution to aid in the cost of construction of any mine to market road, such contribution shall be made in lawful money of the United States by delivery to the State Treasurer and by him deposited to the credit of the motor vehicle fund of the State of Washington for the use of the Director of Highways to defray the cost of establishment, location and construction of the mine to market road, or that portion thereof for which such contribution was made. It is hereby declared to be the purpose of this section that without regard for the source from which funds may become available for the purpose of defraying the cost of establishment, location and construction of mine to market roads, the county through which such mine to market road, or any portion thereof, shall pass, shall provide the same proportion of funds toward the total cost thereof as shall be provided by the State of Washington.

Federal funds.

Private contributions.

County's proportionate share of total cost.

SEC. 7. Upon the completion of the construction of any mine to market road the Director of Highways shall certify to the Board of County Commissioners of the county in which such mine to market road, or any portion thereof, is located, that the

Completed mine to market road a county road.

same has been completed and such mine to market road, or portion thereof in each such county shall then become and thereafter be a county road of the county in which located, and shall thereafter be maintained, kept up, repaired and protected by such county in the same manner as all other county roads and from funds available for county road purposes in the county road fund.

Appropriation.

SEC. 8. There is hereby appropriated from the motor vehicle fund of the State of Washington the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary for the purposes of carrying out this act: *Provided*, That the Director of Highways shall not expend from this appropriation in excess of fifty thousand dollars (\$50,000) respectively for the fiscal years from April 1, 1939, to March 31, 1940, and from April 1, 1940, to March 31, 1941.

Effective immediately.

SEC. 9. That this act is necessary for the preservation of the peace, health and safety of this state and the support of the state government of the State of Washington and its existing institutions, and shall take effect immediately.

Passed the House February 25, 1939.

Passed the Senate March 6, 1939.

Approved by the Governor March 16, 1939.