

SEC. 8. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. Severability.

Passed the Senate April 4, 1965.

Passed the House April 3, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 111.

[Substitute Senate Bill No. 167.]

MUNICIPAL TRANSPORTATION—TAX SUBSIDIES.

AN ACT relating to public transportation systems; and authorizing municipal tax subsidies therefor.

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

SECTION 1. We, the legislature find that an increasing number of municipally owned, or leased, and operated transportation systems in the cities of the state of Washington, as in the nation, are finding it impossible, from the revenues derived from tolls, tariffs and fares, to maintain the financial solvency of such systems, and as a result thereof such municipalities have been forced to subsidize such systems to the detriment of other essential public services.

Municipal transportation systems. Legislative declaration—Public purpose.

All persons in a community benefit from a solvent and adequate public transportation system, either directly or indirectly, and the responsibility of financing the operation, maintenance, and capital needs of such systems is a community obligation and responsibility which should be shared by all.

Municipal
transportation systems.
Legislative
declaration—
Public
purpose.

We further find and declare that the maintenance and operation of an adequate public transportation system is an absolute necessity and is essential to the economic, industrial and cultural growth, development and prosperity of a municipality and of the state and nation, and to protect the health and welfare of the residents of such municipalities and the public in general.

We further find and declare that the appropriation of general funds and levying and collection of taxes by such municipalities as authorized in the succeeding sections of this act is necessary, and any funds so derived and expended are for a public purpose for which public funds may properly be used.

Definitions.

SEC. 2. The following terms, however used or referred to in this chapter, shall have the following meanings, unless a different meaning is required by the context:

(1) "Corporate authority" shall mean the council or other legislative body of a municipality.

(2) "Municipality" shall mean any incorporated city of the first class in the state.

(3) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, school district or political subdivision of the state, fraternal, benevolent, religious or charitable society, club or organization, and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity. The term "person" shall not be construed to include the United States nor the state of Washington.

SEC. 3. The corporate authorities of any municipality are authorized to appropriate general funds for the operation, maintenance, and capital needs of municipally owned or leased and municipally op-

erated public transportation systems subject to the right of referendum as provided by statute or charter.

SEC. 4. The corporate authorities of a municipality are authorized to adopt ordinances for the levy and collection of excise taxes and/or for the imposition of an additional tax for the act or privilege of engaging in business activities. Such business and occupation tax shall be imposed in such amounts as fixed and determined by the corporate authorities of the municipality and shall be measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be. The terms "business", "engaging in business", "gross proceeds of sales", and "gross income of the business" shall for the purpose of this act have the same meanings as defined and set forth in chapter 82.04 RCW or as said chapter may hereafter be amended.

Excise,
business and
occupation
tax to finance
system
authorized—
Limitation.

The excise taxes other than the business and occupation tax above provided for shall be levied and collected from all persons within the municipality who are served and billed for any one or more public utility services owned and operated by such municipality in such amounts as shall be fixed and determined by the corporate authorities of the municipality: *Provided*, That such excise tax shall not exceed one dollar per month for each housing unit. For the purposes of this section, the term "housing unit" shall mean a building or portion thereof designed for or used as the residence or living quarters of one or more persons living together, or of one family.

All taxes herein authorized shall be taxes other than a retail sales tax defined in chapter 82.08 RCW and a use tax defined in chapter 82.12 RCW, and the municipality shall appropriate and use the proceeds derived from all taxes authorized herein only

for the operation, maintenance and capital needs of its municipally owned or leased and municipally operated public transportation system.

Municipal transportation systems. Tax—Billing and collecting—Identification.

SEC. 5. The tax levied under the provisions of section 4 of this act shall be billed and collected at such times and in the manner fixed and determined by the corporate authorities in an ordinance levying the tax: *Provided*, That the tax shall be designated and identified as a tax to be used solely for the operation, maintenance, and capital needs of the municipally owned or leased and municipally operated public transit system.

Tax not income, earnings or revenue of system.

SEC. 6. No funds derived from any tax levied under the provisions of this act shall, for any purpose whatsoever, be classified as or constitute income, earnings, or revenue of the public transportation system for which the tax is levied nor of any other public utility owned or leased and operated by such municipality; nor shall such funds constitute or be classified as any part of the rate structure or rate charged for the public utility.

Leased system—Limitation on price if purchase contemplated.

SEC. 7. In the event the corporate authorities of any municipality during the term of a lease or any renewal thereof of a public transportation system desire to purchase the said system, the purchase price shall be no greater than the fair market value of the said system at the commencement of the lease.

Referendum on ordinances implementing act.

SEC. 8. Nothing contained in this act nor the provisions of any city charter shall prevent a referendum on any ordinance or action adopted or taken by any municipality under the provisions of this act.

Severability.

SEC. 9. If any provision of this act, or its application to any person or circumstance is held invalid,

the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Municipal
transportation
systems.

Passed the Senate March 29, 1965.

Passed the House March 24, 1965.

Approved by the Governor April 8, 1965.

CHAPTER 112.

[Senate Bill No. 8.]

VAGRANCY.

AN ACT relating to vagrancy; defining crimes and prescribing penalties; and amending section 436, chapter 249, Laws of 1909 and RCW 9.87.010.

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

SECTION 1. Section 436, chapter 249, Laws of 1909 and RCW 9.87.010 are each amended to read as follows:

RCW 9.87.010
amended.

Every—

Vagrancy.
Defined—
Penalty.

(1) Person who asks or receives any compensation, gratuity or reward for practicing fortunetelling, palmistry or clairvoyance; or,

(2) Person who keeps a place where lost or stolen property is concealed; or,

(3) Person practicing or soliciting prostitution or keeping a house of prostitution; or,

(4) Common drunkards found in any place where intoxicating liquors are sold or kept for sale, or in an intoxicated condition; or,

(5) Common gambler found in any place where gambling is conducted or where gambling paraphernalia or devices are kept; or,

(6) Healthy person who solicits alms; or,

(7) Lewd, disorderly or dissolute person; or,