

said board is authorized and shall have the power to enter into an agreement or agreements with the city of Seattle and the county of King, Washington, to pay to said city ((a sum not exceeding sixty thousand dollars per annum)) and said county such sums as shall be mutually agreed upon for governmental services rendered to ((the)) said university tract, as defined in RCW 28B.20.390 ((7 in connection with the leasing thereof)) which sums shall not exceed the amounts that would be received pursuant to limitations imposed by RCW 84.52.050 by the said city of Seattle and county of King respectively from real and personal property taxes paid on the university tract or any leaseholds thereon if such taxes could lawfully be levied; and any such sums so agreed upon shall be paid from the proceeds and other income from said tract as an item of expense of operation and upkeep thereof: PROVIDED, That in the event that it is determined by a court of final jurisdiction that the provisions of chapter 43, Laws of 1971 first ex. sess., insofar as they affect taxes due and payable in 1972 and 1973 by any lessee of the university tract, are held unconstitutional, the sums paid pursuant to this 1972 amendatory act in such years shall be refunded in accordance with the provisions of chapter 84.69 RCW; and any provision of RCW 28B.20.392 in conflict herewith is superseded.

Passed the House February 7, 1972.

Passed the Senate February 19, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 108

[Engrossed House Bill No. 143]

RIGHTS OF MARRIED PERSONS

AN ACT Relating to the rights of married persons; amending section 5, page 131, Laws of 1854 as last amended by section 6, Code of 1881 and RCW 4.08.030; amending section 492, page 219, Laws of 1854 as last amended by section 7, Code of 1881 and RCW 4.08.040; amending section 2409, Code of 1881 and RCW 26.16.030; amending section 2410, Code of 1881 and RCW 26.16.040; amending section 2413, Code of 1881 and RCW 26.16.140; amending section 2402, Code of 1881 and RCW 26.16.190; amending section 2, chapter 32, Laws of 1909 and RCW 49.48.100; and repealing section 2404, Code of 1881 and RCW 26.16.130.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 5, page 131, Laws of 1854 as last amended

by section 6, Code of 1881 and RCW 4.08.030 are each amended to read as follows:

((When a married woman is a party her husband must be joined with her, except:

{1} When the action concerns her separate property, or her right or claim to the homestead property, she may sue alone.

{2} When the action is between herself and her husband, she may sue or be sued alone.

{3} When she is living separate and apart from her husband, she may sue or be sued alone.)

Either husband or wife may sue on behalf of the community: PROVIDED, That

{1} When the action is for personal injuries, the spouse having sustained personal injuries is a necessary party;

{2} When the action is for compensation for services rendered, the spouse having rendered the services is a necessary party.

Sec. 2. Section 492, page 219, Laws of 1854 as last amended by section 7, Code of 1881 and RCW 4.08.040 are each amended to read as follows:

Husband and wife may join in all causes of action arising from injuries to the person or character of either or both of them, or from injuries to the property of either or both of them, or arising out of any contract in favor of either or both of them.

If a husband and wife be sued together, ((the wife)) either or both spouses may defend ((for her own right)), and if ((the husband)) one spouse neglects to defend, ((she)) the other spouse may defend for ((his right)) the nonacting spouse also. And ((she)) each spouse may defend in all cases in which he or she is interested, whether ((she)) that spouse is sued with ((her husband)) the other spouse or not.

Sec. 3. Section 2409, Code of 1881 and RCW 26.16.030 are each amended to read as follows:

Property not acquired or owned, as prescribed in RCW 26.16.010 and 26.16.020, acquired after marriage by either husband or wife or both, is community property. ((The husband shall have the management and control of community personal property, with a like power of disposition as he has of his separate personal property, except he shall not devise by will more than one-half thereof.)) Either spouse, acting alone, may manage and control community property, with a like power of disposition as the acting spouse has over his or her separate property, except:

{1} Neither spouse shall devise or bequeath by will more than one-half of the community property.

{2} Neither spouse shall give community property without the express or implied consent of the other.

(3) Neither spouse shall sell, convey, or encumber the community real property without the other spouse joining in the execution of the deed or other instrument by which the real estate is sold, conveyed, or encumbered, and such deed or other instrument must be acknowledged by both spouses.

(4) Neither spouse shall purchase or contract to purchase community real property without the other spouse joining in the transaction of purchase or in the execution of the contract to purchase.

(5) Neither spouse shall create a security interest other than a purchase money security interest as defined in RCW 62A.9-107 in, or sell, community household goods, furnishings, or appliances unless the other spouse joins in executing the security agreement or bill of sale, if any.

(6) Neither spouse shall acquire, purchase, sell, convey, or encumber the assets, including real estate, or the good will of a business where both spouses participate in its management without the consent of the other: PROVIDED, That where only one spouse participates in such management the participating spouse may, in the ordinary course of such business, acquire, purchase, sell, convey or encumber the assets, including real estate, or the good will of the business without the consent of the nonparticipating spouse.

Sec. 4. Section 2410, Code of 1881 and RCW 26.16.040 are each amended to read as follows:

((The husband has the management and control of the community real property, but he shall not sell, convey or encumber, the community real estate, unless the wife join with him in executing the deed or other instrument of conveyance by which the real estate is sold, conveyed or encumbered, and such deed or other instrument of conveyance must be acknowledged by him and his wife: PROVIDED, HOWEVER, That all such)) Community real estate shall be subject to the liens of mechanics and others for labor and materials furnished in erecting structures and improvements thereon as provided by law in other cases, to liens of judgments recovered for community debts, and to sale on execution issued thereon.

Sec. 5. Section 2413, Code of 1881 and RCW 26.16.140 are each amended to read as follows:

((The earnings and accumulations of the wife and of her minor children living with her, or in her custody while she is living separate from her husband, are the separate property of the wife.)) When a husband and wife are living separate and apart, their respective earnings and accumulations shall be the separate property of each. The earnings and accumulations of minor children shall be the separate property of the spouse who has their custody or, if no custody award has been made, then the separate property of the spouse

with whom said children are living.

Sec. 6. Section 2402, Code of 1881 and RCW 26.16.190 are each amended to read as follows:

For all injuries committed by a married ((woman)) person, ((damages may be recovered from her alone, and her husband shall not be responsible therefor;)) there shall be no recovery against the separate property of the other spouse except in cases where ((he would be jointly responsible with her)) there would be joint responsibility if the marriage did not exist.

Sec. 7. Section 2, chapter 32, Laws of 1909 and RCW 49.48.100 are each amended to read as follows:

No assignment of, or order for, wages to be earned in the future shall be valid, when made by a married ((man)) person, unless the written consent of ((his wife)) the other spouse to the making of such assignment or order is attached thereto.

NEW SECTION. Sec. 8. Section 2404, Code of 1881 and RCW 26.16.130 are each hereby repealed.

Passed the House February 19, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 109

[Engrossed House Bill No. 147]

LEGAL AID

AN ACT Relating to legal aid; adding a new section to chapter 2.50 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 2.50 RCW a new section to read as follows:

The provisions of this chapter are not exclusive. Nothing in this chapter shall be construed as placing a limitation on the establishment of alternative methods or systems for providing legal aid. Counties are hereby authorized to expend county funds for the establishment of such methods or systems of providing legal aid as shall be deemed in the public interest by the county legislative body.