

EXPLANATORY NOTE: RCW 47.56.620, which was enacted to appropriate money to study the feasibility of constructing a Naches Pass tunnel, has no present effect or vitality. Therefore, it has been decodified.

Passed the Senate January 21, 1985.

Passed the House March 25, 1985.

Approved by the Governor April 2, 1985.

Filed in Office of Secretary of State April 2, 1985.

CHAPTER 8

[Senate Bill No. 3074]

TRUST ACT—PARTNERSHIPS—TECHNICAL CORRECTIONS

AN ACT Relating to partnerships; making technical corrections to the Washington Trust Act of 1984; reenacting and amending RCW 25.04.150; reenacting RCW 25.04.020; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. The purpose of this act is to make technical corrections to chapter 149, Laws of 1984, and to ensure that the changes made in that chapter meet the constitutional requirements of Article II, section 19 of the state Constitution.

Sec. 2. Section 25.04.020, chapter 15, Laws of 1955 as amended by section 171, chapter 149, Laws of 1984 and RCW 25.04.020 are each reenacted to read as follows:

In this chapter:

"Court" includes every court and judge having jurisdiction in the case;

"Business" includes every trade, occupation, or profession;

"Person" includes individuals, trustees and personal representatives, partnerships, corporations, and other associations;

"Bankrupt" includes bankrupt under the federal bankruptcy act or insolvent under any state insolvent act;

"Conveyance" includes every assignment, lease, mortgage, or encumbrance;

"Real property" includes land and any interest or estate in land.

Sec. 3. Section 25.04.150, chapter 15, Laws of 1955 as amended by section 172, chapter 149, Laws of 1984 and RCW 25.04.150 are each reenacted and amended to read as follows:

All partners are liable:

(1) Jointly and severally for everything chargeable to the partnership under RCW 25.04.130 and 25.04.140; and

(2) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract;

(3) Except that ((the liability of a trustee or personal representative acting as a partner is limited as provided in RCW 11.98.110(2))):

(a) In no event shall a trustee or personal representative (a fiduciary) acting as a partner have personal liability except as provided in RCW 11.98.110 (2) and (4);

(b) Any such liability under these subsections shall be satisfied first from the partnership assets and second from the trust or estate; and

(c) If a fiduciary is liable, the fiduciary is entitled to indemnification first from the partnership assets and second from the trust or estate.

NEW SECTION. Sec. 4. 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.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 23, 1985.

Passed the House March 25, 1985.

Approved by the Governor April 2, 1985.

Filed in Office of Secretary of State April 2, 1985.

CHAPTER 9

[Senate Bill No. 3075]

TRUST ACT—DECLARATORY JUDGMENTS—TECHNICAL CORRECTIONS

AN ACT Relating to declaratory judgments; making technical corrections to the Washington Trust Act of 1984; reenacting RCW 7.24.050; repealing RCW 7.24.040; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. The purpose of this act is to make technical corrections to chapter 149, Laws of 1984, and to ensure that the changes made in that chapter meet the constitutional requirements of Article II, section 19 of the state Constitution.

Sec. 2. Section 5, chapter 113, Laws of 1935 as amended by section 3, chapter 149, Laws of 1984 and RCW 7.24.050 are each reenacted to read as follows:

The enumeration in RCW 7.24.020 and 7.24.030 does not limit or restrict the exercise of the general powers conferred in RCW 7.24.010, in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

NEW SECTION. Sec. 3. Section 4, chapter 113, Laws of 1935 and RCW 7.24.040 are each repealed.