

the appropriate policy and fiscal committees of the house of representatives and the senate.

NEW SECTION. Sec. 3. If any provision of this 1977 amendatory 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.

Passed the House June 1, 1977.

Passed the Senate May 27, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

CHAPTER 202

[House Bill No. 46]

WORKMEN'S COMPENSATION PAYMENTS—ADJUSTMENTS

AN ACT Relating to adjustment of workmen's compensation payments; amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.073; amending section 2, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.075; and prescribing an effective date.

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

Section 1. Section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 19, Laws of 1975-'76 2nd ex. sess. and RCW 51.32.073 are each amended to read as follows:

Each employer shall retain from the earnings of each workman that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund: **PROVIDED**, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments from the supplemental pension fund prescribed in this title and for the amount of any increase payable under the provisions of RCW 51.32.075, as now or hereafter amended, and shall be no more than necessary to make such payments on a current basis.

Sec. 2. Section 2, chapter 286, Laws of 1975 1st ex. sess. and RCW 51.32.075 are each amended to read as follows:

Effective July 1 of each year, the compensation or death benefits payable pursuant to the provisions of this chapter, for temporary total disability, permanent total disability or death arising out of injuries or occupational diseases shall be adjusted as follows:

(1) For those whose right to compensation was established on or after July 1, 1971, and before July 1, 1975, an initial adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and

the numerator of which shall be the maximum amount of compensation payable ~~((in the fiscal year ending June 30, 1975))~~ on the effective date of this act. ~~((After the initial adjustment has been made, subsequent adjustments shall be made in the same manner as provided in RCW 51.32.075, provided that the base upon which such subsequent adjustments are made shall be the amount of compensation determined after the initial adjustment:))~~

(2) For those whose right to compensation was established on or after July 1, 1975, and before July 1, 1977, an initial adjustment shall be determined by multiplying the amount of compensation to which they are entitled by a fraction, the denominator of which shall be the maximum amount of compensation payable for the fiscal year in which such person's right to compensation was established, and the numerator of which shall be the maximum amount of compensation payable on the effective date of this act.

Passed the House June 3, 1977.

Passed the Senate May 28, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.

CHAPTER 203

[House Bill No. 208]

ACTIONS ON CONTRACTS OR LEASES—ATTORNEY'S FEES AND COSTS

AN ACT Relating to attorney's fees and costs; and adding a new section to chapter 4.84 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.84 RCW a new section to read as follows:

In any action on a contract or lease entered into after the effective date of this act, where such contract or lease specifically provides that attorney's fees and costs, which are incurred to enforce the provisions of such contract or lease, shall be awarded to one of the parties, the prevailing party, whether he is the party specified in the contract or lease or not, shall be entitled to reasonable attorney's fees in addition to costs and necessary disbursements.

Attorney's fees provided for by this section shall not be subject to waiver by the parties to any contract or lease which is entered into after the effective date of this section. Any provision in any such contract or lease which provides for a waiver of attorney's fees is void.

As used in this section "prevailing party" means the party in whose favor final judgment is rendered.

Passed the House March 11, 1977.

Passed the Senate June 2, 1977.

Approved by the Governor June 10, 1977.

Filed in Office of Secretary of State June 10, 1977.