

CHAPTER 29
[Engrossed Senate Bill No. 40]
COURT RECORDS--
DESTRUCTION

AN ACT Relating to civil procedure; amending section 36.23.065, chapter 4, Laws of 1963 and RCW 36.23.065.

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

Section 1. Section 36.23.065, chapter 4, Laws of 1963 and RCW 36.23.065 are each amended to read as follows:

Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, if all of the following conditions exist:

(1) ((Ten)) Seven years have elapsed since the filing of any paper in the action or proceeding and the records of the county clerk do not show that the action or proceeding is pending on appeal in any court.

(2) The county clerk maintains for the use of the public a photographic film, microphotographic, photostatic or similar reproduction of each document, record, instrument, book, paper, deposition, or transcript so destroyed: PROVIDED, That all receipts and cancelled checks filed by a personal representative pursuant to RCW 11.76.100 and complying with condition (1) above, may be removed from the file by order of the court and destroyed the same as an exhibit pursuant to RCW 36.23.070.

(3) At the time of the taking of said photographic film, microphotographic, photostatic or similar reproduction, the county clerk or other person under whose direction and control the same was taken, attached thereto, or to the sealed container in which the same was placed and has been kept, or incorporated in said photographic film, microphotographic, photostatic or similar reproduction, a certification that the copy is a correct copy of the original, or of a specified part thereof, as the case may be, the date on which taken, and the fact it was taken under his direction and control. The certificate must be under the official seal of the certifying officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court.

(4) The county clerk promptly seals and stores at least one original negative of each such photographic film, microphotographic, photostatic or similar reproduction in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction.

Passed the Senate February 16, 1971.

Passed the House March 8, 1971.

Approved by the Governor March 22, 1971.

Filed in Office of Secretary of State March 22, 1971.

CHAPTER 30

[Engrossed Senate Bill No. 79]

RETIREMENT OF JUDGES

AN ACT Relating to the retirement of judges; amending section 1, chapter 229, Laws of 1937 as amended by section 1, chapter 221, Laws of 1943 and RCW 2.12.010; amending section 1, chapter 286, Laws of 1961 and RCW 2.12.012; amending section 2, chapter 286, Laws of 1961 and RCW 2.12.015; amending section 2, chapter 229, Laws of 1937 and RCW 2.12.020; amending section 3, chapter 229, Laws of 1937 as last amended by section 3, chapter 286, Laws of 1961 and RCW 2.12.030; amending section 6, chapter 229, Laws of 1937 as last amended by section 2, chapter 243, Laws of 1957 and RCW 2.12.060; and adding a new section to chapter 2.12 RCW.

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

Section 1. Section 1, chapter 229, Laws of 1937 as amended by section 1, chapter 221, Laws of 1943 and RCW 2.12.010 are each amended to read as follows:

Any judge of the supreme ~~court~~, ~~court of appeals~~, or superior court of the state of Washington who heretofore and/or hereafter shall have served as a judge of ((either or both of)) any such courts for eighteen years in the aggregate or who shall have served ten years in the aggregate and shall have attained the age of seventy years of more may, during or at the expiration of his term of office, in accordance with the provisions of this chapter, be retired and receive the retirement pay herein provided for. In computing such term of service, there shall be counted the time spent by such judge in active service in the armed forces of the United States of America, under leave of absence from his judicial duties as provided for under chapter 201, Laws of 1941 [chapter 73.16 RCW]: PROVIDED, HOWEVER, That in computing such credit for such service in the armed forces of the United States of America no allowance shall be made for