

SENATE BILL REPORT

SB 6125

As Reported by Senate Committee On:
State Government & Elections, January 30, 2024
Ways & Means, February 5, 2024

Title: An act relating to preserving records and artifacts regarding the historical treatment of people with intellectual and developmental disabilities in Washington state.

Brief Description: Preserving records and artifacts regarding the historical treatment of people with intellectual and developmental disabilities in Washington state.

Sponsors: Senators Kauffman, Frame, Wellman, Trudeau, Wilson, J., Conway, Kuderer, Lovick, Nguyen, Nobles, Saldaña, Valdez, Wagoner and Wilson, C..

Brief History:

Committee Activity: State Government & Elections: 1/23/24, 1/30/24 [DP-WM].
Ways & Means: 2/03/24, 2/05/24 [DPS].

Brief Summary of First Substitute Bill

- Directs the Division of Archives and Records Management to work with the University of Washington Institute on Human Development and Disability, the Department of Social and Health Services, and the Department of Archaeology and Historic Preservation to create a preservation plan to organize, catalogue, and store historical documents and artifacts identified at Lakeland Village.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Wilson, J., Ranking Member; Dozier, Fortunato, Hasegawa and Kuderer.

Staff: Greg Vogel (786-7413)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6125 be substituted therefor, and the substitute bill do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Amanda Cecil (786-7460)

Background: The Division of Archives and Records Management. The Office of the Secretary of State includes the Division of Archives and Records Management (State Archives), which is responsible for managing the retention, cataloging, and preservation of the public records inventory. The State Archives also operates regional offices that support state and local agencies with records management.

Institute on Human Development and Disability. The University of Washington Institute on Human Development and Disability provides an integrated interdisciplinary program in the field of developmental disabilities to advance basic and translational research and to enhance the capacity of communities to provide state-of-the-art comprehensive services.

Lakeland Village. Originally established in 1914 Lakeland Village is a state operated facility that provides training, education, and healthcare for individuals with intellectual and developmental disabilities.

Summary of Bill (First Substitute): Working with the University of Washington Institute on Human Development and Disability, the Department of Social and Health Services (DSHS), and the Department of Archaeology and Historic Preservation (DAHP), the State Archives must create a preservation plan to organize, catalogue, and store historical documents and artifacts identified at Lakeland Village.

Historical documents and artifacts may include but are not limited to medical records, letters, images, films, and artifacts of past residents with intellectual or development disabilities at Lakeland Village.

The preservation plan must:

- identify all records and artifacts that are available and at risk of destruction;
- assess the condition of the records and artifacts and level of preservation required;
- outline the steps that will be taken to preserve the records and artifacts; and
- include a timeline for the preservation work and an overall budget for the work.

The plan must be reported to the appropriate committees of the Legislature by September 1, 2025.

The preservation plan must also include future plans for public access for historical and education purposes.

The State Archives and DSHS must work together in storing and retaining the records. No records may be destroyed until the preservation plan is completed and the work is funded during fiscal year 2026.

Indirect costs to the University of Washington for this project are limited to 15 percent.

The act expires June 30, 2026.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (First Substitute):

- Directs the State Archives, working with the University of Washington, DSHS, and DAHP, to create a preservation plan to organize, catalogue, and store historical documents and artifacts identified at Lakeland Village, rather than a directive to organize, catalogue, and store historical documents and artifacts at Lakeland Village.
- Provides that the preservation plan detail how the records and artifacts will be catalogued and preserved to the extent allowable under federal and state privacy law.
- Directs the State Archives to work with DSHS and DAHP, rather than consult with the agencies, to create a preservation plan to organize, catalogue, and store the historical documents and artifacts identified at Lakeland Village.
- Specifies that the plan must also include how the records will be catalogued, digitized and transferred to archival microfilm for long term access.
- Removes the requirement that all records and artifacts undergo an initial historic review and documentation of materials.
- Requires the State Archives and DSHS to work together in storing and retaining the records and provides that no records may be destroyed until the preservation plan is completed and the work is funded during fiscal year 2026.
- Adds an expiration date for the act of June 30, 2026.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (State Government & Elections): PRO: This bill

was led by the developmental disabilities community. It is a community-driven approach that aims to safeguard historical documents and artifacts associated with the developmental disabilities community. It is important for us to maintain, digitize, and preserve these records. By maintaining them, we find a way to connect to the past and to understand their experiences. The artifacts likely include materials outside the definition of public records, including medical information about individual patients, and public access to the records will be guided by the Public Records Act and HIPAA. For Archives to keep the patient files permanently, almost an entire building would need to be created for storage. It would be good to coordinate this work with local groups.

Persons Testifying (State Government & Elections): PRO: Senator Claudia Kauffman, Prime Sponsor; Stacy Dym, The Arc of Washington State; Leslie Widing; Brian Hatfield, Office of Secretary of State; Carrie Davidson; Ashley Cowan D'Ambrosio; Monica Thomas; Ryan Grant; Heather Hirota, Office of Secretary of State.

Persons Signed In To Testify But Not Testifying (State Government & Elections): No one.

Staff Summary of Public Testimony on Original Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: These documents contain real stories about real people's lives who were hidden, but whose lives matter. It is critical that they be digitized but those costs should not be shifted to those with intellectual and developmental disabilities. The records can remain where they are while the research is being conducted.

OTHER: We are currently working on a proposed substitute that would allow us to be pro on this bill. First and foremost we want to make sure that none of the records are destroyed and that they are retained in a cost effective way over time.

Persons Testifying (Ways & Means): PRO: Stacy Dym, The Arc of Washington State.

OTHER: Brian Hatfield, Office of Secretary of State.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.