CERTIFICATION OF ENROLLMENT

SENATE BILL 5863

Chapter 208, Laws of 2026

69th Legislature
2026 Regular Session

HISTORICAL RECORDS—PRESERVATION AND INSPECTION

EFFECTIVE DATE: June 11, 2026

Passed by the Senate March 9, 2026
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House February 28, 2026
Yeas 94 Nays 0

LAURIE JINKINS

Speaker of the House of Representatives

Approved March 24, 2026 2:19 PM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5863** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 25, 2026

Secretary of State
State of Washington

SENATE BILL 5863

AS AMENDED BY THE HOUSE

Passed Legislature - 2026 Regular Session

State of Washington 69th Legislature 2026 Regular Session

By Senators Kauffman, Wagoner, Nobles, Riccelli, Saldaña, Shewmake, Trudeau, and Valdez

Prefiled 12/10/25. Read first time 01/12/26. Referred to Committee on State Government, Tribal Affairs & Elections.

AN ACT Relating to the preservation and inspection of state historical records; amending RCW 40.14.030; and amending 2024 c 134 s 2 (uncodified).

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

Sec. 1. 2024 c 134 s 2 (uncodified) is amended to read as follows:

(1) The division of archives and records management, working 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of archaeology and historic preservation, shall create a preservation plan to organize, catalogue, and store the historical documents and artifacts identified at Lakeland Village, a state-operated facility. Historical documents and artifacts may include but are not limited to medical records, letters, images, films, and artifacts of past residents with intellectual or developmental disabilities at Lakeland Village.

(2) The preservation plan shall:

(a) Identify all the records and artifacts that are available and at risk of destruction;

(b) Assess the condition of the records and artifacts and level of preservation required, including but not limited to the age of the

record, the material used, and environmental conditions in which the items have been stored;

(c) Outline the steps that will be taken to preserve the records and artifacts. This includes how the records will be stored, where they will be stored, how they will be handled and transported, and how they will be restored if they are in danger of falling into disrepair, dysfunction, or destruction. The plan must also include how the records will be catalogued, digitized, and transferred to archival microfilm for long-term access; and

(d) 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.

(3) The plan described in this section must also include future plans for public access for historical and educational purposes.

(4) The division of archives and records management and the department of social and health services shall work together in storing and retaining the records described in this act, from Lakeland Village. ((~~No records shall be destroyed until the preservation plan is completed and the work is funded during fiscal year 2026~~)) Records shall be retained through 2030.

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

Sec. 2. RCW 40.14.030 and 2011 c 336 s 817 are each amended to read as follows:

(1) All public records, not required in the current operation of the office where they are made or kept, and all records of every agency, commission, committee, or any other activity of state government which may be abolished or discontinued, shall be transferred to the state archives so that the valuable historical records of the state may be centralized, made more widely available, and insured permanent preservation: PROVIDED, That this section shall have no application to public records approved for destruction under the subsequent provisions of this chapter.

When so transferred, copies of the public records concerned shall be made and certified by the archivist, which certification shall have the same force and effect as though made by the officer originally in charge of them. Fees may be charged to cover the cost of reproduction. In turning over the archives of his or her office, the officer in charge thereof, or his or her successor, thereby loses

none of his or her rights of access to them, without charge, whenever necessary.

(2)(a) Records that are confidential, privileged, or exempt from public disclosure under state or federal law while in the possession of the originating agency, commission, board, committee, or other entity of state or local government retain their confidential, privileged, or exempt status after transfer to the state archives unless the archivist, with the concurrence of the originating jurisdiction, determines that the records must be made accessible to the public according to proper and reasonable rules adopted by the secretary of state((~~, in which case the records may be open to inspection and available for copying after the expiration of seventy-five years from creation of the record. If the originating jurisdiction is no longer in existence, the archivist shall make the determination of availability according to such rules. If, while in the possession of the originating agency, commission, board, committee, or other entity, any record is determined to be confidential, privileged, or exempt from public disclosure under state or federal law for a period of less than seventy-five years, then the record, with the concurrence of the originating jurisdiction, must be made accessible to the public upon the expiration of the shorter period of time according to proper and reasonable rules adopted by the secretary of state~~)). After the expiration of 75 years from creation of the record, any restricted record that is transferred to archives under this chapter is open to inspection and available for copying.

(b) Nothing in this subsection (2) overrides or diminishes confidentiality protections under chapter 42.56, 70.02, or 71.05 RCW, the federal health insurance portability and accountability act, or other applicable law, regardless of the age of the record.

Passed by the Senate March 9, 2026.
Passed by the House February 28, 2026.
Approved by the Governor March 24, 2026.
Filed in Office of Secretary of State March 25, 2026.

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