

# HOUSE BILL REPORT

## SB 5146

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**As Reported by House Committee On:**  
Rural Development, Agriculture & Natural Resources

**Title:** An act relating to authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds.

**Brief Description:** Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds.

**Sponsors:** Senator Van De Wege.

**Brief History:**

**Committee Activity:**

Rural Development, Agriculture & Natural Resources: 3/16/21, 3/19/21 [DP].

**Brief Summary of Bill**

- Provides that the Fish and Wildlife Commission may indemnify the United States and its agencies as a condition to secure federal funds for fish, shellfish, and wildlife projects.

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### HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 15 members: Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon, Klicker, Kloba, Kretz, Lekanoff, McEntire, Morgan, Orcutt, Ramos, Schmick and Springer.

**Staff:** Rebecca Lewis (786-7339).

**Background:**

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*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.*

The Fish and Wildlife Commission has authority to enter into agreements with a variety of entities, including the federal government or its agencies, regarding fish, shellfish, and wildlife-oriented recreation, as well as the propagation, protection, conservation, and control of fish, shellfish, and wildlife. Certain federal agencies may require indemnification language in their contracts. For example, the United States Army Corps of Engineers requires indemnification for damages arising from the design, construction, and operation of aquatic ecosystem restoration projects. Indemnity may be included as a clause in contracts in which the actions or mistakes of one party may result in the other party being liable for damages. In most contracts, an indemnification clause serves to compensate a party for harm or loss arising in connection with the other party's actions or failure to act.

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**Summary of Bill:**

The Fish and Wildlife Commission may indemnify the United States and its agencies as a condition to secure federal funds for fish, shellfish, and wildlife projects.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Congress authorized about \$300 million in federal funding for Puget Sound restoration projects, including the Duckabush project. The Army Corps of Engineers requires indemnification clauses in their contracts to enter into agreements to receive federal funding in every state. This would not mean that the Army Corps of Engineers would not pay for their own mistakes, and indemnification would not obligate the state to match federal funds. This bill is narrowly tailored to ensure federal funding may be secured for fish and wildlife projects.

(Opposed) None.

**Persons Testifying:** Tom McBride, Washington Department of Fish and Wildlife.

**Persons Signed In To Testify But Not Testifying:** None.