STATE OF WASHINGTON
OFFICE OF GOVERNOR JAY INSLEE

PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 and 20-56, et seq.

20-56.8
Governor's Office – Tribal Fuel Tax Refund Restrictions

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has caused a global economic slowdown and an economic downturn resulting in significant reductions in business activities and affecting the sources of revenue of Indian tribes with reservations located in Washington State; and

WHEREAS, acting pursuant to authority granted by RCW 82.38.310(1), current and prior governors have entered into agreements with Indian tribes relating to refunds by the state of a percentage of fuel taxes collected by tribes and remitted to the state; and

WHEREAS, pursuant to RCW 82.38.310(3)(b), agreements between the governor and tribes related to fuel tax refunds are required to contain, and do contain, provisions restricting tribes' use of fuel tax refunds to highway- and transportation-related purposes; and

WHEREAS, tribes have informed the Governor's Office that such provisions are preventing, hindering, and delaying tribes' ability to use fuel tax refund money as tribes determine is most appropriate to respond to the COVID-19 pandemic, and have requested a waiver of provisions contained in agreements between the tribes and the Governor's Office restricting tribes' use of fuel tax refunds to specified transportation-related purposes; and

WHEREAS, to assist tribes' ability to use fuel tax refunds as each has determined is most effective to respond to the COVID-19 pandemic, I issued Proclamation 20-56 to waive or suspend statutory

requirements that agreements between tribes and the Governor's Office contain restrictions on tribes' use of fuel tax refunds and to waive or suspend any such contractual restrictions; and

WHEREAS, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., have been periodically extended by the leadership of the Washington State Senate and House of Representatives, and which I have acknowledged and similarly extended the waivers and suspensions of provisions in contracts in subsequent sequentially numbered proclamations; and

WHEREAS, on January 15, 2021, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-56, et seq., were extended by Senate Concurrent Resolution 8402 until the termination of the state of emergency pursuant to RCW 43.06.210, or until rescinded, whichever occurs first; and

WHEREAS, to fully extend Proclamations 20-56, et seq., it is also necessary for me to extend the waiver and suspension of contractual provisions as provided therein; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of the people and the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-56, et seq., is amended to (1) recognize the extension of statutory waivers and suspensions therein, by the Washington State Legislature until the termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first, and (2) similarly extend the waivers and suspensions of contractual provisions therein until termination of the COVID-19 State of Emergency or until rescinded, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic. I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by

competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 19th day of January, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State