



# WISCONSIN LEGISLATURE

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P.O. Box 7882 • Madison, WI 53707-7882

April 21, 2020

Secretary-Designee Andrea Palm  
Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

Secretary-Designee Palm,

Given the dangerous nature of COVID-19, it is imperative that the State responds swiftly and decisively to protect all Wisconsinites. The Legislature has granted the Governor and the Department of Health Services (DHS) certain powers to respond to an emergency like this. However, the authority to lockdown the entire state clearly does not belong to one branch of government, and certainly not to one individual or agency. These sorts of drastic actions cannot be made without the public's or Legislature's input. It is past time for you and the Governor to work with us to develop a plan that adheres to state law, ensures the safety of our citizens, and allows Wisconsin to begin functioning again.

Legislative leaders have *repeatedly* asked Governor Evers to work with them to develop a plan, but he refuses to give us a seat at the table. Just yesterday the Governor directed you to issue sweeping orders that will keep the State closed indefinitely without any input from the Legislature or the public. This new Order makes it clear that *you alone* will determine when and how businesses may reopen, at an unspecified time of your unilateral choosing. The path that you and the Governor have decreed is entirely inconsistent with the federal recommended guidelines, as well as the bipartisan actions that States as diverse as Colorado and Georgia are now taking, in order to begin opening up their States in a measured manner, consistent with federal guidelines and public safety.

We were left no choice but to file an original action in the State Supreme Court, asking the Court to order what Wisconsin law makes clear: the Legislature must have a seat at the table for these deeply consequential policy decisions. We are confident that, in response to this filing, the Court will soon order you to promulgate any generally applicable order relating to COVID-19 as an emergency rule, not a unilateral "order," as Wisconsin law unambiguously requires. In light of this likely, imminent litigation outcome and the obvious requirements of the laws of this State, *we urge you to begin that work with us **immediately** on such an emergency rule. Such*

*cooperative, immediate work is essential so that the emergency rule ultimately promulgated can be of the type and character that the Joint Committee on Administrative Rules can approve.*

In working together with us in drafting this emergency rule, we urge you to keep in mind that the State's response should be based on science and sound policy, not fear and unilateral decision making by one cabinet secretary. Wisconsinites, even in communities with *zero* COVID-19 cases, are facing skyrocketing unemployment while being forced to stay home. This drastic, one-size-fits-all approach is not sustainable. We demand that you and the Governor answer our calls to work together to safeguard public health while respecting the law and allowing our economy to reopen.

Sincerely,



Scott Fitzgerald  
Senate Majority Leader



Robin Vos  
Speaker of the Assembly