

Evers administration lays out framework for emergency rule as gov knocks Republicans over 'confusion'

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Gov. Tony Evers' administration signaled its upcoming emergency rule to deal with COVID-19 will share some similarities with its previous order that was struck down by the state Supreme Court.

Meanwhile, Evers said after his meeting with the Legislature's top two Republicans Thursday that he believed Senate Majority Leader Scott Fitzgerald and Assembly Speaker Robin Vos were OK with the "confusion" he said the court's order caused.

Vos, though, said he trusts local officials to respond if there are flareups in their communities.

"I want to find areas where local governments have a gap in their ability to make sure their communities can respond to an outbreak of the epidemic," Vos said of what he's looking for in an emergency rule. "If there's something that local governments can't do, I'd certainly want to take a look and say, 'What is that?'"

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One day after the court struck down the extended stay-at-home order that DHS Secretary Andrea Palm had issued, the Evers administration released the framework for an emergency rule to deal with COVID-19.

Still, the gov told reporters on a conference call that the process would likely take two weeks to complete. He also continued to knock the conservative majority for its ruling, which left regulations on businesses and personal conduct to a patchwork of

local decisions. Evers also said Fitzgerald, R-Juneau, and Vos, R-Rochester, seemed unconcerned about what he described as “massive confusion.”

“I can’t imagine another state that is in this predicament where essentially mile by mile there may be different rules across all the state of Wisconsin,” Evers said.

Fitzgerald tweeted after the meeting, “@SpeakerVos and I had a good call with the governor this AM. Glad that we can finally engage in a back-and-forth discussion regarding the rules process, and look forward to continuing the dialogue.”

The framework for the proposed emergency rule outlined possible steps that generally matched efforts the Evers administration had already pursued.

That includes: limiting the number of persons in a confined space; social distancing requirements; limits on mass gatherings; and safeguards for businesses to protect employees and customers.

The scope statement laid out two objectives: boxing in COVID-19 to limit the spread to healthy Wisconsinites and reopening the economy without “creating undue risk of spreading the virus and thereby causing additional long-term economic disruptions.”

To achieve the second goal, the emergency rule may call for a phased approach with each one less restrictive on businesses and individuals, according to the scope statement.

Evers had previously implemented what his administration called the Badger Bounce Back plan with a three-phase approach to reopening the economy, but it was struck down as the state Supreme Court threw out the extended stay-at-home order issued by DHS Secretary Andrea Palm.

Similar to the earlier efforts, the scope statement said the reopening plan may be based on federal guidelines that recommend a three-phase approach.

The scope statement also noted the new rule may look at the approaches of other states.

Evers said specifics of the rule were still under discussion. The former state superintendent also said he hoped schools would be able to open this fall, but the state needed to have multiple backup plans.

“There are very few certainties in this world of COVID-19,” Evers said. “But this one is certain. The more people you put in a small space, the greater the chances are that you’re going to get the disease.”

Vos spoke with WisPolitics.com this afternoon before seeing the scope statement. He said it’s possible Republicans will object to the rule once it’s fully fleshed out and promulgated. He also pushed back on gov’s criticism of the chaos caused by the court ruling, saying the administration could’ve begun the rule process while the case was still before the court.

“This should’ve happened 10 weeks ago. We could’ve had rules or guidelines or whatever you want to call it in place,” Vos said.

Read the scope statement [here](#).